

Bill No. CS for SB's 1078 & 1438

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Klein moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 22, line 3, through		
15	page 45, line 26, delete those lines		
16			
17	and insert:		
18	Section 5. Paragraph (b) of subsection (19) of section		
19	380.06, Florida Statutes, 1998 Supplement, is amended to read:		
20	380.06 Developments of regional impact.--		
21	(19) SUBSTANTIAL DEVIATIONS.--		
22	(b) Any proposed change to a previously approved		
23	development of regional impact or development order condition		
24	which, either individually or cumulatively with other changes,		
25	exceeds any of the following criteria shall constitute a		
26	substantial deviation and shall cause the development to be		
27	subject to further development-of-regional-impact review		
28	without the necessity for a finding of same by the local		
29	government:		
30	1. An increase in the number of parking spaces at an		
31	attraction or recreational facility by 5 percent or 300		

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1 spaces, whichever is greater, or an increase in the number of
2 spectators that may be accommodated at such a facility by 5
3 percent or 1,000 spectators, whichever is greater.

4 2. A new runway, a new terminal facility, a 25-percent
5 lengthening of an existing runway, or a 25-percent increase in
6 the number of gates of an existing terminal, but only if the
7 increase adds at least three additional gates. However, if an
8 airport is located in two counties, a 10-percent lengthening
9 of an existing runway or a 20-percent increase in the number
10 of gates of an existing terminal is the applicable criteria.

11 3. An increase in the number of hospital beds by 5
12 percent or 60 beds, whichever is greater.

13 4. An increase in industrial development area by 5
14 percent or 32 acres, whichever is greater.

15 5. An increase in the average annual acreage mined by
16 5 percent or 10 acres, whichever is greater, or an increase in
17 the average daily water consumption by a mining operation by 5
18 percent or 300,000 gallons, whichever is greater. An increase
19 in the size of the mine by 5 percent or 750 acres, whichever
20 is less.

21 6. An increase in land area for office development by
22 5 percent or 6 acres, whichever is greater, or an increase of
23 gross floor area of office development by 5 percent or 60,000
24 gross square feet, whichever is greater.

25 7. An increase in the storage capacity for chemical or
26 petroleum storage facilities by 5 percent, 20,000 barrels, or
27 7 million pounds, whichever is greater.

28 8. An increase of development at a waterport of wet
29 storage for 20 watercraft, dry storage for 30 watercraft, or
30 wet/dry storage for 60 watercraft in an area identified in the
31 state marina siting plan as an appropriate site for additional

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1 waterport development or a 5-percent increase in watercraft
2 storage capacity, whichever is greater.

3 9. An increase in the number of dwelling units by 5
4 percent or 50 dwelling units, whichever is greater.

5 10. An increase in commercial development by 6 acres
6 of land area or by 50,000 square feet of gross floor area, or
7 of parking spaces provided for customers for 300 cars or a
8 5-percent increase of any of these, whichever is greater.

9 11. An increase in hotel or motel facility units by 5
10 percent or 75 units, whichever is greater.

11 12. An increase in a recreational vehicle park area by
12 5 percent or 100 vehicle spaces, whichever is less.

13 13. A decrease in the area set aside for open space of
14 5 percent or 20 acres, whichever is less.

15 14. A proposed increase to an approved multiuse
16 development of regional impact where the sum of the increases
17 of each land use as a percentage of the applicable substantial
18 deviation criteria is equal to or exceeds 100 percent. The
19 percentage of any decrease in the amount of open space shall
20 be treated as an increase for purposes of determining when 100
21 percent has been reached or exceeded.

22 15. A 15-percent increase in the number of external
23 vehicle trips generated by the development above that which
24 was projected during the original
25 development-of-regional-impact review.

26 16. Any change which would result in development of
27 any area which was specifically set aside in the application
28 for development approval or in the development order for
29 preservation or special protection of endangered or threatened
30 plants or animals designated as endangered, threatened, or
31 species of special concern and their habitat, primary dunes,

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1 or archaeological and historical sites designated as
2 significant by the Division of Historical Resources of the
3 Department of State. The further refinement of such areas by
4 survey shall be considered under sub-subparagraph (e)5.b.

5
6 The substantial deviation numerical standards in subparagraphs
7 4., 6., 10., 14., excluding residential uses, and 15., are
8 increased by 100 percent for a project certified under s.
9 403.973 which creates jobs and meets criteria established by
10 the Office of Tourism, Trade, and Economic Development as to
11 its impact on an area's economy, employment, and prevailing
12 wage and skill levels. The substantial deviation numerical
13 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
14 increased by 50 percent for a project located wholly within an
15 urban infill and redevelopment area designated on the
16 applicable adopted local comprehensive plan future land use
17 map and not located within the coastal high hazard area.

18 Section 6. Paragraph (b) of subsection (2) of section
19 163.3220, Florida Statutes, is amended to read:

20 163.3220 Short title; legislative intent.--

21 (2) The Legislature finds and declares that:

22 (b) Assurance to a developer that upon receipt of his
23 or her development permit or brownfield designation he or she
24 may proceed in accordance with existing laws and policies,
25 subject to the conditions of a development agreement,
26 strengthens the public planning process, encourages sound
27 capital improvement planning and financing, assists in
28 assuring there are adequate capital facilities for the
29 development, encourages private participation in comprehensive
30 planning, and reduces the economic costs of development.

31 Section 7. Present subsections (1) through (13) of

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1 section 163.3221, Florida Statutes, are renumbered as
2 subsections (2) through (14), respectively, and a new
3 subsection (1) is added to that section to read:

4 163.3221 Definitions.--As used in ss.
5 163.3220-163.3243:

6 (1) "Brownfield designation" means a resolution
7 adopted by a local government pursuant to the Brownfields
8 Redevelopment Act, ss. 376.77-376.85.

9 Section 8. Subsection (1) of section 163.375, Florida
10 Statutes, is amended to read:

11 163.375 Eminent domain.--

12 (1) Any county or municipality, or any community
13 redevelopment agency pursuant to specific approval of the
14 governing body of the county or municipality which established
15 the agency, as provided by any county or municipal ordinance
16 has the right to acquire by condemnation any interest in real
17 property, including a fee simple title thereto, which it deems
18 necessary for, or in connection with, community redevelopment
19 and related activities under this part. Any county or
20 municipality, or any community redevelopment agency pursuant
21 to specific approval by the governing body of the county or
22 municipality which established the agency, as provided by any
23 county or municipal ordinance may exercise the power of
24 eminent domain in the manner provided in chapters 73 and 74
25 and acts amendatory thereof or supplementary thereto, or it
26 may exercise the power of eminent domain in the manner now or
27 which may be hereafter provided by any other statutory
28 provision for the exercise of the power of eminent domain.
29 Property in unincorporated enclaves surrounded by the
30 boundaries of a community redevelopment area may be acquired
31 when it is determined necessary by the agency to accomplish

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1 the community redevelopment plan.Property already devoted to
2 a public use may be acquired in like manner. However, no real
3 property belonging to the United States, the state, or any
4 political subdivision of the state may be acquired without its
5 consent.

6 Section 9. Subsection (1) of section 165.041, Florida
7 Statutes, is amended to read:

8 165.041 Incorporation; merger.--

9 (1)(a) A charter for incorporation of a municipality,
10 except in case of a merger which is adopted as otherwise
11 provided in subsections (2) and (3), shall be adopted only by
12 a special act of the Legislature upon determination that the
13 standards herein provided have been met.

14 (b) To inform the Legislature on the feasibility of a
15 proposed incorporation of a municipality, a feasibility study
16 shall be completed and submitted to the Legislature 90 days
17 before the first day of the regular session of the Legislature
18 ~~in conjunction with a proposed special act~~ for the enactment
19 of the municipal charter. The ~~Such~~ feasibility study shall
20 contain the following:

21 1. The general location of territory subject to
22 boundary change and a map of the area which identifies the
23 proposed change.

24 2. The major reasons for proposing the boundary
25 change.

26 3. The following characteristics of the area:

27 a. A list of the current land use designations applied
28 to the subject area in the county comprehensive plan.

29 b. A list of the current county zoning designations
30 applied to the subject area.

31 c. A general statement of present land use

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1 characteristics of the area.

2 d. A description of development being proposed for the
3 territory, if any, and a statement of when actual development
4 is expected to begin, if known.

5 4. A list of all public agencies, such as local
6 governments, school districts, and special districts, whose
7 current boundary falls within the boundary of the territory
8 proposed for the change or reorganization.

9 5. A list of current services being provided within
10 the proposed incorporation area, including, but not limited
11 to, water, sewer, solid waste, transportation and public
12 works, law enforcement, police and fire rescue, zoning, street
13 lighting, parks and recreation, library and cultural
14 facilities, and the estimated costs for each current service.

15 6. A list of proposed services to be provided within
16 the proposed incorporation area, and the estimated cost of
17 such proposed services.

18 7. The names and addresses of three officers or
19 persons submitting the proposal.

20 8. Evidence of fiscal capacity and an organizational
21 plan as it relates to the area seeking incorporation that, at
22 a minimum, includes:

23 a. Existing tax bases, including ad valorem taxable
24 value, utility taxes, sales and use taxes, franchise taxes,
25 license and permit fees, charges for services, fines and
26 forfeitures, and other revenue sources, as appropriate.

27 b. A 5-year operational plan that, at a minimum,
28 includes proposed staffing, building acquisition and
29 construction, debt issuance, and budgets.

30 9.1- Data and analysis to support the conclusions that
31 incorporation is necessary and financially feasible, including

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1 population projections and population density calculations,
2 and an explanation concerning methodologies used for such
3 analysis.

4 ~~10.2-~~ Evaluation of the alternatives available to the
5 area to address its policy concerns.

6 ~~11.3-~~ Evidence that the proposed municipality meets
7 the requirements for incorporation pursuant to s. 165.061.

8 (c) In counties that have adopted a municipal overlay
9 for municipal incorporation pursuant to s. 163.3217, such
10 information shall be submitted to the Legislature in
11 conjunction with any proposed municipal incorporation in the
12 county. This information should be used to evaluate the
13 feasibility of a proposed municipal incorporation in the
14 geographic area.

15 Section 10. Section 171.0413, Florida Statutes, is
16 amended to read:

17 171.0413 Annexation procedures.--Any municipality may
18 annex contiguous, compact, unincorporated territory in the
19 following manner:

20 (1) An ordinance proposing to annex an area of
21 contiguous, compact, unincorporated territory shall be adopted
22 by the governing body of the annexing municipality pursuant to
23 the procedure for the adoption of a nonemergency ordinance
24 established by s. 166.041. Prior to the adoption of the
25 ordinance of annexation the local governing body shall hold at
26 least two advertised public hearings. The first public
27 hearing shall be on a weekday at least 7 days after the day
28 that the first advertisement is published. The second public
29 hearing shall be held on a weekday at least 5 days after the
30 day that the second advertisement is published. Each such
31 ordinance shall propose only one reasonably compact area to be

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1 annexed. However, prior to the ordinance of annexation
2 becoming effective, a referendum on annexation shall be held
3 as set out below, and, if approved by the referendum, the
4 ordinance shall become effective 10 days after the referendum
5 or as otherwise provided in the ordinance, but not more than 1
6 year following the date of the referendum.

7 (2) Following the final adoption of the ordinance of
8 annexation by the governing body of the annexing municipality,
9 the ordinance shall be submitted to a vote of the registered
10 electors of the area proposed to be annexed. The governing
11 body of the annexing municipality may also choose to submit
12 the ordinance of annexation to a separate vote of the
13 registered electors of the annexing municipality. ~~if the~~
14 ~~proposed ordinance would cause the total area annexed by a~~
15 ~~municipality pursuant to this section during any one calendar~~
16 ~~year period cumulatively to exceed more than 5 percent of the~~
17 ~~total land area of the municipality or cumulatively to exceed~~
18 ~~more than 5 percent of the municipal population, the ordinance~~
19 ~~shall be submitted to a separate vote of the registered~~
20 ~~electors of the annexing municipality and of the area proposed~~
21 ~~to be annexed.~~ The referendum on annexation shall be called
22 and conducted and the expense thereof paid by the governing
23 body of the annexing municipality.

24 (a) The referendum on annexation shall be held at the
25 next regularly scheduled election following the final adoption
26 of the ordinance of annexation by the governing body of the
27 annexing municipality or at a special election called for the
28 purpose of holding the referendum. However, the referendum,
29 whether held at a regularly scheduled election or at a special
30 election, shall not be held sooner than 30 days following the
31 final adoption of the ordinance by the governing body of the

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1 annexing municipality.

2 (b) The governing body of the annexing municipality
3 shall publish notice of the referendum on annexation at least
4 once each week for 2 consecutive weeks immediately preceding
5 the date of the referendum in a newspaper of general
6 circulation in the area in which the referendum is to be held.
7 The notice shall give the ordinance number, the time and
8 places for the referendum, and a brief, general description of
9 the area proposed to be annexed. The description shall
10 include a map clearly showing the area and a statement that
11 the complete legal description by metes and bounds and the
12 ordinance can be obtained from the office of the city clerk.

13 (c) On the day of the referendum on annexation there
14 shall be prominently displayed at each polling place a copy of
15 the ordinance of annexation and a description of the property
16 proposed to be annexed. The description shall be by metes and
17 bounds and shall include a map clearly showing such area.

18 (d) Ballots or mechanical voting devices used in the
19 referendum on annexation shall offer the choice "For
20 annexation of property described in ordinance number of
21 the City of" and "Against annexation of property
22 described in ordinance number of the City of" in
23 that order.

24 (e) If the referendum is held only in the area
25 proposed to be annexed and receives a majority vote, or if the
26 ordinance is submitted to a separate vote of the registered
27 electors of the annexing municipality and the area proposed to
28 be annexed and there is a separate majority vote for
29 annexation in the annexing municipality and in the area
30 proposed to be annexed, the ordinance of annexation shall
31 become effective on the effective date specified therein. If

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1 there is any majority vote against annexation, the ordinance
2 shall not become effective, and the area proposed to be
3 annexed shall not be the subject of an annexation ordinance by
4 the annexing municipality for a period of 2 years from the
5 date of the referendum on annexation.

6 (3) Any parcel of land which is owned by one
7 individual, corporation, or legal entity, or owned
8 collectively by one or more individuals, corporations, or
9 legal entities, proposed to be annexed under the provisions of
10 this act shall not be severed, separated, divided, or
11 partitioned by the provisions of said ordinance, but shall, if
12 intended to be annexed, or if annexed, under the provisions of
13 this act, be annexed in its entirety and as a whole. However,
14 nothing herein contained shall be construed as affecting the
15 validity or enforceability of any ordinance declaring an
16 intention to annex land under the existing law that has been
17 enacted by a municipality prior to July 1, 1975. The owner of
18 such property may waive the requirements of this subsection if
19 such owner does not desire all of the tract or parcel included
20 in said annexation.

21 (4) Except as otherwise provided in this law, the
22 annexation procedure as set forth in this section shall
23 constitute a uniform method for the adoption of an ordinance
24 of annexation by the governing body of any municipality in
25 this state, and all existing provisions of special laws which
26 establish municipal annexation procedures are repealed hereby;
27 except that any provision or provisions of special law or laws
28 which prohibit annexation of territory that is separated from
29 the annexing municipality by a body of water or watercourse
30 shall not be repealed.

31 (5) If more than 70 percent of the land in an area

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1 proposed to be annexed is owned by individuals, corporations,
2 or legal entities which are not registered electors of such
3 area, such area shall not be annexed unless the owners of more
4 than 50 percent of the land in such area consent to such
5 annexation. Such consent shall be obtained by the parties
6 proposing the annexation prior to the referendum to be held on
7 the annexation.

8 (6) Notwithstanding subsections (1) and (2), if the
9 area proposed to be annexed does not have any registered
10 electors on the date the ordinance is finally adopted, a vote
11 of electors of the area proposed to be annexed is not
12 required. In addition to the requirements of subsection (5),
13 the area may not be annexed unless the owners of more than 50
14 percent of the parcels of land in the area proposed to be
15 annexed consent to the annexation. If the governing body does
16 not choose to hold a referendum of the annexing municipality
17 ~~is not required as well~~ pursuant to subsection (2), then the
18 property owner consents required pursuant to subsection (5)
19 shall be obtained by the parties proposing the annexation
20 prior to the final adoption of the ordinance, and the
21 annexation ordinance shall be effective upon becoming a law or
22 as otherwise provided in the ordinance.

23 Section 11. Efficiency and accountability in local
24 government services.--

25 (1) The intent of this section is to provide and
26 encourage a process that will:

27 (a) Allow municipalities and counties to resolve
28 conflicts among local jurisdictions regarding the delivery and
29 financing of local services.

30 (b) Increase local government efficiency and
31 accountability.

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1 (c) Provide greater flexibility in the use of local
2 revenue sources for local governments involved in the process.

3 (2) Any county or combination of counties, and the
4 municipalities therein, may use the procedures provided by
5 this section to develop and adopt a plan to improve the
6 efficiency, accountability, and coordination of the delivery
7 of local government services. The development of such a plan
8 may be initiated by a resolution adopted by a majority vote of
9 the governing body of each of the counties involved, by
10 resolutions adopted by a majority vote of the governing bodies
11 of a majority of the municipalities within each county, or by
12 resolutions adopted by a majority vote of the governing bodies
13 of the municipality or combination of municipalities
14 representing a majority of the municipal population of each
15 county. The resolution shall specify the representatives of
16 the county and municipal governments, of any affected special
17 districts, and of any relevant local government agencies who
18 will be responsible for developing the plan. The resolution
19 must include a proposed timetable for development of the plan
20 and must specify the local government support and personnel
21 services that will be made available to the representatives
22 developing the plan.

23 (3) Upon adoption of a resolution or resolutions as
24 provided in subsection (2), the designated representatives
25 shall develop a plan for delivery of local government
26 services. The plan must:

27 (a) Designate the areawide and local government
28 services that are the subject of the plan.

29 (b) Describe the existing organization of such
30 services and the means of financing the services, and create a
31 reorganization of such services and the financing thereof that

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1 will meet the goals of this section.

2 (c) Designate the local agency that should be
3 responsible for the delivery of each service.

4 (d) Designate those services that should be delivered
5 regionally or countywide. No provision of the plan shall
6 operate to restrict the power of a municipality to finance and
7 deliver services in addition to, or at a higher level than,
8 the services designated for regional or countywide delivery
9 under this paragraph.

10 (e) Provide means to reduce the cost of providing
11 local services and enhance the accountability of service
12 providers.

13 (f) Include a multiyear capital outlay plan for
14 infrastructure.

15 (g) Specifically describe any expansion of municipal
16 boundaries that would further the goals of this section. Any
17 area proposed to be annexed must meet the standards for
18 annexation provided in chapter 171, Florida Statutes. The plan
19 shall not contain any provision for contraction of municipal
20 boundaries or elimination of any municipality.

21 (h) Provide specific procedures for modification or
22 termination of the plan.

23 (i) Specify the effective date of the plan.

24 (4)(a) A plan developed pursuant to this section must
25 conform to all comprehensive plans that have been found to be
26 in compliance under part II of chapter 163, Florida Statutes,
27 for the local governments participating in the plan.

28 (b) No provision of a plan developed pursuant to this
29 section shall restrict the authority of any state or regional
30 governmental agency to perform any duty required to be
31 performed by that agency by law.

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1 (5)(a) A plan developed pursuant to this section must
2 be approved by a majority vote of the governing body of each
3 county involved in the plan, and by a majority vote of the
4 governing bodies of a majority of municipalities in each
5 county, and by a majority vote of the governing bodies of the
6 municipality or municipalities that represent a majority of
7 the municipal population of each county.

8 (b) After approval by the county and municipal
9 governing bodies as required by paragraph (a), the plan shall
10 be submitted for referendum approval in a countywide election
11 in each county involved. The plan shall not take effect unless
12 approved by a majority of the electors of each county who vote
13 in the referendum, and also by a majority of the electors of
14 the municipalities that represent a majority of the municipal
15 population of each county who vote in the referendum. If
16 approved by the electors as required by this paragraph, the
17 plan shall take effect on the date specified in the plan.

18 (6) If a plan developed pursuant to this section
19 includes areas proposed for municipal annexation which meet
20 the standards for annexation provided in chapter 171, Florida
21 Statutes, such annexation shall take effect upon approval of
22 the plan as provided in this section, notwithstanding the
23 procedures for approval of municipal annexation specified in
24 chapter 171, Florida Statutes.

25 Section 12. Section 420.630, Florida Statutes, is
26 created to read:

27 420.630 Short title.--Sections 420.630-420.635 may be
28 cited as the "Urban Homesteading Act."

29 Section 13. Section 420.631, Florida Statutes, is
30 created to read:

31 420.631 Definitions.--As used in ss. 420.630-420.635,

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1 the term:

2 (1) "Authority" or "housing authority" means any of
3 the public corporations created under s. 421.04.

4 (2) "Community-based organization" or "nonprofit
5 organization" means a private corporation that is organized
6 under chapter 617 which assists in providing housing and
7 related services on a not-for-profit basis and that is
8 acceptable to federal, state, and local agencies and financial
9 institutions as a sponsor of low-income housing.

10 (3) "Department" means the Department of Community
11 Affairs.

12 (4) "Homestead agreement" means a written contract
13 between a housing authority or community-based organization
14 and a qualified buyer which contains the terms under which the
15 qualified buyer may acquire the single-family housing
16 property.

17 (5) "Nonprofit community organization" means an
18 organization that is exempt from taxation under s. 501(c)(3)
19 of the Internal Revenue Code of 1986, and that contracts with
20 a housing authority to administer an urban homesteading
21 program for single-family housing under ss. 420.630-420.635.

22 (6) "Office" means the Office of Urban Opportunity
23 within the Office of Tourism, Trade, and Economic Development.

24 (7) "Project" means a specific work or improvement,
25 including land, buildings, real and personal property, or any
26 interest therein, acquired, owned, constructed, reconstructed,
27 rehabilitated, or improved with the financial assistance of
28 the agency, including the construction of low-income and
29 moderate-income housing facilities and facilities incident or
30 appurtenant thereto, such as streets, sewers, utilities,
31 parks, site preparation, landscaping, and any other

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1 administrative, community, and recreational facilities that
2 the agency determines are necessary, convenient, or desirable
3 appurtenances.

4 (8) "Qualified buyer" means a person who meets the
5 criteria under s. 420.633.

6 (9) "Qualified loan rate" means an interest rate that
7 does not exceed the interest rate charged for home improvement
8 loans by the Federal Housing Administration under Title I of
9 the National Housing Act; chapter 847; 48 Stat. 1246; or 12
10 U.S.C. ss. 1702, 1703, 1705, and 1706b et seq.

11 Section 14. Section 420.632, Florida Statutes, is
12 created to read:

13 420.632 Authority to operate.--By resolution, subject
14 to federal and state law, and in consultation with the Office
15 of Urban Opportunity, a housing authority or a nonprofit
16 community organization appointed by the housing authority may
17 operate a program that makes foreclosed single-family housing
18 properties available to eligible buyers to purchase. This
19 urban homesteading program is intended to be one component of
20 a comprehensive urban-core redevelopment initiative known as
21 Front Porch Florida, implemented by the Office of Urban
22 Opportunity.

23 Section 15. Section 420.633, Florida Statutes, is
24 created to read:

25 420.633 Eligibility.--An applicant is eligible to
26 enter into a homestead agreement to acquire single-family
27 housing property as a qualified buyer under ss.
28 420.630-420.635, if:

29 (1) The applicant or his or her spouse is employed and
30 has been employed for the immediately preceding 12 months;

31 (2) The applicant or his or her spouse has not been

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1 convicted of a drug-related felony within the immediately
2 preceding 3 years;

3 (3) All school-age children of the applicant or his or
4 her spouse who will reside in the single-family housing
5 property attend school regularly; and

6 (4) The applicant and his or her spouse have incomes
7 below the median for the state, as determined by the United
8 States Department of Housing and Urban Development, for
9 families with the same number of family members as the
10 applicant and his or her spouse.

11 Section 16. Section 420.634, Florida Statutes, is
12 created to read:

13 420.634 Application process.--

14 (1) A qualified buyer may apply to the housing
15 authority or a nonprofit community organization appointed by
16 the housing authority to acquire the single-family housing
17 property. The application must be in a form and in a manner
18 provided by the housing authority or nonprofit community
19 organization appointed by the housing authority. If the
20 application is approved, the qualified buyer and housing
21 authority or nonprofit community organization appointed by the
22 housing authority shall enter into a homestead agreement for
23 the single-family housing property. The housing authority or
24 nonprofit community organization appointed by the housing
25 authority may add additional terms and conditions to the
26 homestead agreement.

27 (2) The housing authority or nonprofit community
28 organization appointed by the housing authority shall deed or
29 cause to be deeded the single-family housing property to the
30 qualified buyer for \$1 if the qualified buyer:

31 (a) Is in compliance with the terms of the homestead

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1 agreement for at least 5 years or has resided in the
2 single-family housing property before the housing authority or
3 nonprofit community organization appointed by the housing
4 authority adopts the urban homesteading program;

5 (b) Resides in that property for at least 5 years;

6 (c) Meets the criteria in the homestead agreement; and

7 (d) Has otherwise promptly met his or her financial
8 obligations with the housing commission.

9
10 However, if the housing authority has received federal funds
11 for which bonds or notes were issued and those bonds or notes
12 are outstanding for that housing project, the housing
13 authority shall deed the property to the qualified buyer only
14 upon payment of the pro rata share of the bonded debt on that
15 specific property by the qualified buyer. The housing
16 authority shall obtain the appropriate releases from the
17 holders of the bonds or notes.

18 Section 17. Section 420.635, Florida Statutes, is
19 created to read:

20 420.635 Loans to qualified buyers.--Contingent upon an
21 appropriation, the department, in consultation with the Office
22 of Urban Opportunity, shall provide loans to qualified buyers
23 who are required to pay the pro rata portion of the bonded
24 debt on the single-family housing. Loans provided under this
25 section shall be made at a rate of interest which may not
26 exceed the qualified loan rate. A buyer must maintain the
27 qualifications specified in s. 420.633 for the full term of
28 the loan. The loan agreement may contain additional terms and
29 conditions as determined by the department.

30 Section 18. The sum of \$5 million is appropriated from
31 the General Revenue Fund to the Florida Housing Finance

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1 Corporation for the purpose of funding the Urban Infill and
 2 Redevelopment Grant Program under section 162.2523, Florida
 3 Statutes.

4 Section 19. Subsection (1) of section 196.1975,
 5 Florida Statutes, is amended to read:

6 196.1975 Exemption for property used by nonprofit
 7 homes for the aged.--Nonprofit homes for the aged are exempt
 8 to the extent that they meet the following criteria:

9 (1) The applicant must be a corporation not for profit
 10 that has been exempt as of January 1 of the year for which
 11 exemption from ad valorem property taxes is requested from
 12 federal income taxation by having qualified as an exempt
 13 charitable organization under the provisions of s. 501(c)(3)
 14 of the Internal Revenue Code of 1954 or of the corresponding
 15 section of a subsequently enacted federal revenue act. A
 16 corporation will not be disqualified under this subsection if,
 17 for purposes of allocating tax credits, under s. 42(h)(5) of
 18 the Internal Revenue Code of 1986, by the Florida Housing
 19 Finance Agency as defined by s. 420.0004(4), the property is
 20 leased to or owned by a Florida limited partnership, the sole
 21 general partner of which is the nonprofit corporation, and the
 22 home for the aged was in existence or under construction on or
 23 before April 1, 1995.

24 Section 20. Section 196.1978, Florida Statutes, is
 25 created to read:

26 196.1978 Low-income housing property
 27 exemption.--Property used to provide housing pursuant to any
 28 state housing program authorized under chapter 42 or part IV
 29 of chapter 159 for persons defined under s. 420.0004 or s.
 30 159.603(f) which property is owned entirely by a nonprofit
 31 corporation which is qualified as charitable under s.

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1 501(c)(3) of the Internal Revenue Code and which complies with
 2 Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered
 3 property owned by an exempt entity and used for a charitable
 4 purpose, and such property shall be exempt from ad valorem
 5 taxation. All property identified in this section shall comply
 6 with the criteria for determination of nonprofit status to be
 7 applied by property appraisers on an annual basis as defined
 8 in s. 196.195.

9 Section 21. Subsection (2) of section 170.201, Florida
 10 Statutes, 1998 Supplement, is amended to read:

11 170.201 Special assessments.--

12 (2) Property owned or occupied by a religious
 13 institution and used as a place of worship or education; by a
 14 public or private elementary, middle, or high school; or by a
 15 governmentally financed, insured, or subsidized housing
 16 facility that is used primarily for persons who are elderly or
 17 disabled shall be exempt from any special assessment levied by
 18 a municipality to fund any service ~~emergency medical services~~
 19 if the municipality so desires. As used in this subsection,
 20 the term "religious institution" means any church, synagogue,
 21 or other established physical place for worship at which
 22 nonprofit religious services and activities are regularly
 23 conducted and carried on and the term "governmentally
 24 financed, insured, or subsidized housing facility" means a
 25 facility that is financed by a mortgage loan made or insured
 26 by the United States Department of Housing and Urban
 27 Development under s. 8, s. 202, s. 221(d)(3) or (4), s. 232,
 28 or s. 236 of the National Housing Act and is owned or operated
 29 by an entity that qualifies as an exempt charitable
 30 organization under s. 501(c)(3) of the Internal Revenue Code.

31 Section 22. Section 220.185, Florida Statutes, is

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1 created to read:

2 220.185 State housing tax credit.--

3 (1) LEGISLATIVE FINDINGS.--The Legislature finds that:

4 (a) There exist within the urban areas of the state
5 conditions of blight evidenced by extensive deterioration of
6 public and private facilities, abandonment of sound
7 structures, and high unemployment, and these conditions impede
8 the conservation and development of healthy, safe, and
9 economically viable communities.

10 (b) Deterioration of housing and industrial,
11 commercial, and public facilities contributes to the decline
12 of neighborhoods and communities and leads to the loss of
13 their historic character and the sense of community which this
14 inspires; reduces the value of property comprising the tax
15 base of local communities; discourages private investment; and
16 requires a disproportionate expenditure of public funds for
17 the social services, unemployment benefits, and police
18 protection required to combat the social and economic problems
19 found in urban communities.

20 (c) In order to ultimately restore social and economic
21 viability to urban areas, it is necessary to renovate or
22 construct new infrastructure and housing, including housing
23 specifically targeted for the elderly, and to specifically
24 provide mechanisms to attract and encourage private economic
25 activity.

26 (d) The various local governments and other
27 redevelopment organizations now undertaking physical
28 revitalization projects and new housing developments in urban
29 areas are limited by tightly constrained budgets and
30 inadequate resources.

31 (e) In order to significantly improve revitalization

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1 efforts by local governments and community development
2 organizations and to retain as much of the historic character
3 of our communities as possible, it is necessary to provide
4 additional resources, and the participation of private
5 enterprise in revitalization efforts is an effective means for
6 accomplishing that goal.

7 (2) POLICY AND PURPOSE.--It is the policy of this
8 state to encourage the participation of private corporations
9 in revitalization projects within urban areas. The purpose of
10 this section is to provide an incentive for such participation
11 by granting state corporate income tax credits to qualified
12 low-income housing projects, including housing specifically
13 designed for the elderly, and associated mixed-use projects.
14 The Legislature thus declares this a public purpose for which
15 public money may be borrowed, expended, loaned, and granted.

16 (3) DEFINITIONS.--As used in this section, the term:

17 (a) "Credit period" means the period of 5 years
18 beginning with the year the project is completed.

19 (b) "Eligible basis" means a project's adjusted basis
20 of the housing portion of the qualified project as of the
21 close of the first taxable year of the credit period.

22 (c) "Adjusted basis" means the owner's adjusted basis
23 in the project, calculated in a manner consistent with the
24 calculation of basis under the Internal Revenue Code, taking
25 into account the adjusted basis of property of a character
26 subject to the allowance for depreciation used in common areas
27 or provided as comparable amenities to the entire project.

28 (d) "Designated project" means a qualified project
29 designated pursuant to s. 420.5093 to receive the tax credit
30 under this section.

31 (e) "Qualified project" means a project located in an

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1 urban infill area, at least 50 percent of which, on a cost
2 basis, consists of a qualified low-income project within the
3 meaning of s. 42(g) of the Internal Revenue Code, including
4 such projects designed specifically for the elderly but
5 excluding any income restrictions imposed pursuant to s. 42(g)
6 of the Internal Revenue Code upon residents of the project
7 unless such restrictions are otherwise established by the
8 Florida Housing Finance Corporation pursuant to s. 420.5093,
9 and the remainder of which constitutes commercial or
10 single-family residential development consistent with and
11 serving to complement the qualified low-income project.

12 (f) "Urban infill area" means an area designated for
13 urban infill as defined by s. 163.3164 or as defined through a
14 statewide urban infill study solicited and approved by the
15 Board of Directors of the Florida Housing Finance Corporation.

16 (4) AUTHORIZATION TO GRANT STATE HOUSING TAX CREDITS;
17 LIMITATION.--

18 (a) There shall be allowed a credit of up to 9
19 percent, but no more than necessary to make the project
20 feasible, of the eligible basis of any designated project for
21 each year of the credit period against any tax due for a
22 taxable year under this chapter.

23 (b) The total amount of tax credit which may be
24 granted for all projects approved under this section is \$5
25 million annually, for each of 5 years.

26 (c) The tax credit shall be allocated among designated
27 projects by the Florida Housing Finance Corporation as
28 provided in s. 420.5093.

29 (d) Each designated project must comply with the
30 applicable provisions of s. 42 of the Internal Revenue Code
31 with respect to the multifamily residential rental housing

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1 element of the project, including specifically the provisions
2 of s. 42(h)(6).

3 (e) A tax credit shall be allocated to a designated
4 project and shall not be subject to transfer by the recipient
5 unless the transferee is also an owner of the designated
6 project.

7 Section 23. Section 420.5093, Florida Statutes, is
8 created to read:

9 420.5093 State Housing Tax Credit Program.--

10 (1) There is created the State Housing Tax Credit
11 Program for the purposes of stimulating creative private
12 sector initiatives to increase the supply of affordable
13 housing in urban areas, including specifically housing for the
14 elderly, and to provide associated commercial facilities
15 associated with such housing facilities.

16 (2) The Florida Housing Finance Corporation shall
17 determine those qualified projects which shall be considered
18 designated projects under s. 220.185 and eligible for the
19 corporate tax credit under that section. The corporation shall
20 establish procedures necessary for proper allocation and
21 distribution of state housing tax credits, including the
22 establishment of criteria for any single-family or commercial
23 component of a project, and may exercise all powers necessary
24 to administer the allocation of such credits. The board of
25 directors of the corporation shall administer the allocation
26 procedures and determine allocations on behalf of the
27 corporation. The corporation shall prepare an annual plan,
28 which must be approved by the Governor, containing general
29 guidelines for the allocation and distribution of credits to
30 designated projects.

31 (3) The corporation shall adopt allocation procedures

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1 that will ensure the maximum use of available tax credits in
2 order to encourage development of low-income housing and
3 associated mixed-use projects in urban areas, taking into
4 consideration the timeliness of the application, the location
5 of the proposed project, the relative need in the area of
6 revitalization and low-income housing and the availability of
7 such housing, the economic feasibility of the project, and the
8 ability of the applicant to proceed to completion of the
9 project in the calendar year for which the credit is sought.

10 (4)(a) A taxpayer who wishes to participate in the
11 State Housing Tax Credit Program must submit an application
12 for tax credit to the corporation. The application shall
13 identify the project and its location and include evidence
14 that the project is a qualified project as defined in s.
15 220.185. The corporation may request any information from an
16 applicant necessary to enable the corporation to make tax
17 credit allocations according to the guidelines set forth in
18 subsection (3).

19 (b) The corporation's approval of an applicant as a
20 designated project shall be in writing and shall include a
21 statement of the maximum credit allowable to the applicant. A
22 copy of this approval shall be transmitted to the executive
23 director of the Department of Revenue, who shall apply the tax
24 credit to the tax liability of the applicant.

25 (5) For purposes of implementing this program and
26 assessing the property for ad valorem taxation under s.
27 193.011, neither the tax credits nor financing generated by
28 tax credits shall be considered as income to the property, and
29 the rental income from rent-restricted units in a state
30 housing tax credit development shall be recognized by the
31 property appraiser.

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1 (6) The corporation is authorized to expend fees
2 received in conjunction with the allocation of state housing
3 tax credits only for the purpose of administration of the
4 program, including private legal services which relate to
5 interpretation of s. 42 of the Internal Revenue Code.

6 Section 24. Subsection (19) of section 420.503,
7 Florida Statutes, 1998 Supplement, is amended to read:

8 420.503 Definitions.--As used in this part, the term:
9 (19) "Housing for the elderly" means, for purposes of
10 s. 420.5087(3)(c)2., any nonprofit housing community that is
11 financed by a mortgage loan made or insured by the United
12 States Department of Housing and Urban Development under s.
13 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s.
14 236 of the National Housing Act, as amended, and that is
15 subject to income limitations established by the United States
16 Department of Housing and Urban Development, or any program
17 funded by the Rural Development Agency of the United States
18 Department of Agriculture and subject to income limitations
19 established by the United States Department of Agriculture. A
20 project which qualifies for an exemption under the Fair
21 Housing Act as housing for older persons as defined by s.
22 760.29(4) shall qualify as housing for the elderly for
23 purposes of s. 420.5087(3)(c)2. In addition, if the
24 corporation adopts a qualified allocation plan pursuant to s.
25 42(m)(1)(B) of the Internal Revenue Code or any other rules
26 that prioritize projects targeting the elderly for purposes of
27 allocating tax credits pursuant to s. 420.5099 or for purposes
28 of the HOME program under s. 420.5089, a project which
29 qualifies for an exemption under the Fair Housing Act as
30 housing for older persons as defined by s. 760.29(4) shall
31 qualify as a project targeted for the elderly, if the project

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1 satisfies the other requirements set forth in this part.

2 Section 25. Subsections (1) and (5) of section
3 420.5087, Florida Statutes, 1998 Supplement, are amended to
4 read:

5 420.5087 State Apartment Incentive Loan
6 Program.--There is hereby created the State Apartment
7 Incentive Loan Program for the purpose of providing first,
8 second, or other subordinated mortgage loans or loan
9 guarantees to sponsors, including for-profit, nonprofit, and
10 public entities, to provide housing affordable to
11 very-low-income persons.

12 (1) Program funds shall be distributed over successive
13 3-year periods in a manner that meets the need and demand for
14 very-low-income housing throughout the state. That need and
15 demand must be determined by using the most recent statewide
16 low-income rental housing market studies available at the
17 beginning of each 3-year period. However, at least 10 percent
18 of the program funds distributed during a 3-year period must
19 be allocated to each of the following categories of counties,
20 as determined by using the population statistics published in
21 the most recent edition of the Florida Statistical Abstract:

22 (a) Counties that have a population of more than
23 500,000 people;

24 (b) Counties that have a population between 100,000
25 and 500,000 people; and

26 (c) Counties that have a population of 100,000 or
27 less.

28

29 Any increase in funding required to reach the 10-percent
30 minimum shall be taken from the county category that has the
31 largest allocation. The corporation shall adopt rules which

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1 establish an equitable process for distributing any portion of
2 the 10 percent of program funds allocated to the county
3 categories specified in this subsection which remains
4 unallocated at the end of a 3-year period. Counties that have
5 a population of 100,000 or less shall be given preference
6 under these rules.

7 (5) The amount of the mortgage provided under this
8 program combined with any other mortgage in a superior
9 position shall be less than the value of the project without
10 the housing set-aside required by subsection (2). However, the
11 corporation may waive this requirement for projects in rural
12 areas or urban infill areas which have market rate rents that
13 are less than the allowable rents pursuant to applicable state
14 and federal guidelines. In no event shall the mortgage
15 provided under this program combined with any other mortgage
16 in a superior position exceed total project cost.

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18 (Redesignate subsequent sections.)

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20

21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 2, line 7, through
24 page 4, line 17, delete those lines

25
26 and insert:

27 amending s. 380.06, F.S., relating to
28 developments of regional impact; increasing
29 certain numerical standards for determining a
30 substantial deviation for projects located in
31 certain urban infill and redevelopment areas;

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1 through such plan; creating s. 420.630, F.S.;

2 creating the Urban Homesteading Act; creating

3 s. 420.631, F.S.; providing definitions;

4 creating s. 420.632, F.S.; authorizing housing

5 authorities or nonprofit community

6 organizations appointed by the housing

7 authority to operate a program to make

8 foreclosed single-family housing available to

9 purchase by certain qualified buyers; creating

10 s. 420.633, F.S.; providing eligibility

11 requirements for entering into a homestead

12 agreement to acquire such housing; creating s.

13 420.634, F.S.; providing an application

14 process; providing requirements for deeding the

15 property to the qualified buyer; creating s.

16 420.635, F.S.; providing for the Department of

17 Community Affairs to make loans to qualified

18 buyers, contingent upon an appropriation;

19 providing requirements for the loan agreement;

20 providing an appropriation; amending s.

21 195.1975, F.S.; amending criteria for exempting

22 property used by nonprofit homes for the aged

23 from ad valorem taxes; creating s. 196.1978,

24 F.S.; providing that property used to provide

25 housing for persons with incomes defined under

26 ch. 420, F.S., and owned by certain nonprofit

27 corporations, is exempt from ad valorem

28 taxation; providing for retroactive

29 application; amending s. 170.201, F.S.;

30 granting municipalities the option of exempting

31 certain nonprofit housing from special

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1 assessments from any service; creating ss.
2 220.185 and 420.5093, F.S.; creating the State
3 Housing Tax Credit Program; providing
4 legislative findings and policy; providing
5 definitions; providing for a credit against the
6 corporate income tax in an amount equal to a
7 percentage of the eligible basis of certain
8 housing projects; providing a limitation;
9 providing for allocation of credits and
10 administration by the Florida Housing Finance
11 Corporation; providing for an annual plan;
12 providing application procedures; providing
13 that neither tax credits nor financing
14 generated thereby shall be considered income
15 for ad valorem tax purposes; providing for
16 recognition of certain income by the property
17 appraiser; amending s. 420.503, F.S.; providing
18 that certain projects shall qualify as housing
19 for the elderly for purposes of certain loans
20 under the State Apartment Incentive Loan
21 Program, and shall qualify as a project
22 targeted for the elderly in connection with
23 allocation of low-income housing tax credits
24 and with the HOME program under certain
25 conditions; amending s. 420.5087, F.S.;
26 directing the Florida Housing Finance
27 Corporation to adopt rules for the equitable
28 distribution of certain unallocated funds under
29 the State Apartment Incentive Loan Program;
30 allowing the corporation to waive certain
31 limitations on the amount of a mortgage which

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1 may be provided under this program;
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