

By Senator McKay

26-1046A-00

See HB

1 A bill to be entitled
 2 An act relating to the Florida Statutes;
 3 repealing various statutory provisions that
 4 have become obsolete, have had their effect,
 5 have served their purpose, or have been
 6 impliedly repealed or superseded; repealing s.
 7 138.10, F.S., relating to exemption from
 8 required referendum to change the county seat
 9 for counties having constructed a new
 10 courthouse within 20 years; repealing s.
 11 142.18, F.S., relating to the duty of county
 12 commissioners to adopt forms required by a
 13 provision of law that has been repealed;
 14 repealing s. 252.935, F.S., relating to the
 15 purpose of the Florida Accidental Release
 16 Prevention and Risk Management Planning Act;
 17 repealing chapter 424, F.S., relating to
 18 regulation of limited dividend housing
 19 companies; amending ss. 20.18, 420.102,
 20 420.6015, 421.001, 422.001, and 423.001, F.S.;
 21 deleting cross-references and related
 22 definitions, to conform; providing an effective
 23 date.

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

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 27 Section 1. Section 138.10, Florida Statutes, is
 28 repealed.

29 Section 2. Section 142.18, Florida Statutes, is
 30 repealed.

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1 Section 3. Section 252.935, Florida Statutes, is
2 repealed.

3 Section 4. Sections 424.001, 424.01, 424.02, 424.03,
4 424.04, 424.05, 424.06, 424.07, 424.08, 424.09, 424.10,
5 424.11, 424.12, 424.13, 424.14, 424.15, 424.16, 424.17,
6 424.18, 424.19, 424.20, 424.21, and 424.22, Florida Statutes,
7 are repealed.

8 Section 5. Subsection (5) of section 20.18, Florida
9 Statutes, is amended to read:

10 20.18 Department of Community Affairs.--There is
11 created a Department of Community Affairs.

12 (5) The role of state government required by part I of
13 chapter 421 (Housing Authorities Law), chapter 422 (Housing
14 Cooperation Law), and chapter 423 (tax exemption of housing
15 authorities), ~~and chapter 424 (limited dividend housing~~
16 ~~companies)~~ is the responsibility of the Department of
17 Community Affairs; and the department is the agency of state
18 government responsible for the state's role in housing and
19 urban development.

20 Section 6. Section 420.102, Florida Statutes, is
21 amended to read:

22 420.102 Definitions.--As used in this part, the
23 following words and terms have the following meanings unless
24 the context indicates another or different meaning or intent:

25 (1) "Board of directors" means the board of directors
26 of the corporation created pursuant to this part.

27 (2) "Consortium" means two or more mortgagees who
28 jointly negotiate and agree to provide home equity conversion
29 plans to elderly homeowners, on agreed-upon terms and
30 conditions.

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1 (3) "Consumer housing cooperative" means a corporation
2 incorporated pursuant to the provisions of the Florida General
3 Corporation Law.

4 (4) "Corporation," as used in this part, means the
5 Florida Housing Development Corporation created pursuant to
6 this part.

7 (5) "Development costs" means the costs which have
8 been approved by the agency as appropriate expenditures,
9 including but not limited to:

10 (a) Legal, organizational, marketing, and
11 administrative expenses;

12 (b) Payment of fees for preliminary feasibility
13 studies and advances for planning, engineering, and
14 architectural work;

15 (c) Expenses for surveys as to need and market
16 analyses;

17 (d) Necessary application and other fees to federal
18 and other government agencies; and

19 (e) Such other expenses as the agency may deem
20 appropriate to effectuate the purposes of this chapter.

21 (6) "Financial institution" means any banking
22 corporation or trust company, savings and loan association,
23 insurance company, or related corporation, partnership,
24 foundation, or other institution engaged primarily in lending
25 or investing funds.

26 (7) "Home equity conversion mortgage" means a reverse
27 mortgage loan made to an elderly homeowner which is secured by
28 a lien on real property.

29 (8) "Lending institution" means a mortgage lender,
30 including any bank or trust company, savings bank, national
31 banking association, state or federal savings and loan

1 association, or building and loan association maintaining an
2 office in this state or any insurance company authorized to
3 transact business in this state or a corporation composed of
4 such institutions.

5 ~~(9) "Limited dividend housing association" means a~~
6 ~~limited dividend housing association, including general or~~
7 ~~limited partnerships, joint ventures, or trusts organized or~~
8 ~~qualified pursuant to the laws of this state.~~

9 ~~(10) "Limited dividend housing corporation" means a~~
10 ~~limited dividend housing corporation incorporated or qualified~~
11 ~~pursuant to the provisions of the State Housing Law.~~

12 (9)~~(11)~~ "Low-income or moderate-income persons" means
13 families and persons who cannot afford, as defined by federal
14 law, to pay the amounts at which private enterprise is
15 providing a substantial supply of decent, safe, and sanitary
16 housing and fall within income limitations set by the agency
17 in its rules.

18 (10)~~(12)~~ "Nonprofit housing corporation" means a
19 nonprofit housing corporation incorporated pursuant to the
20 provisions of Florida law relating to corporations not for
21 profit.

22 (11)~~(13)~~ "Project" means a specific work or
23 improvement, including land, buildings, improvements, real and
24 personal property, or any interest therein, acquired, owned,
25 constructed, reconstructed, rehabilitated, or improved with
26 the financial assistance of the agency, including the
27 construction of low-income and moderate-income housing
28 facilities and facilities incident or appurtenant thereto,
29 such as streets, sewers, utilities, parks, site preparation,
30 landscaping, and such other administrative, community, and

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1 recreational facilities as the agency determines to be
2 necessary, convenient, or desirable appurtenances.

3 (12)~~(14)~~ "Real property" means lands, structures,
4 franchises, and interests in land, including lands under water
5 and riparian rights, space and air rights, and any and all
6 other interests and rights usually included within such term.
7 Real property also means and includes any and all interests in
8 such property less than full title, such as easements,
9 incorporeal hereditaments, and every estate, interest, or
10 right, legal or equitable, including terms for years and liens
11 thereon by way of judgments, mortgages, or otherwise, and also
12 all claims for damages for such real estate.

13 (13)~~(15)~~ "Secured loan" means a loan secured by a
14 mortgage or a security interest in a project.

15 (14)~~(16)~~ "State" means the State of Florida.

16 (15)~~(17)~~ "Stockholder" means any financial institution
17 authorized to do business within this state which undertakes
18 to lend money to the corporation created pursuant to this
19 part, upon its call, and in accordance with the provisions of
20 this chapter.

21 ~~(18) "Surplus," as used in this chapter, shall not be~~
22 ~~deemed to include any increase in net worth of any limited~~
23 ~~dividend housing corporation or limited dividend housing~~
24 ~~association organized in accordance with the provisions of law~~
25 ~~by amortization or similar payments, or by reason of the sale~~
26 ~~or disposition of any assets of a limited dividend housing~~
27 ~~corporation or limited dividend housing association, to the~~
28 ~~extent such surplus can be attributed to any increase in~~
29 ~~market value of any real property or tangible personal~~
30 ~~property accruing during the period the assets were owned and~~
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1 ~~held by the limited dividend housing corporation or limited~~
2 ~~dividend housing association.~~

3 Section 7. Section 420.6015, Florida Statutes, is
4 amended to read:

5 420.6015 Legislative findings.--In addition to the
6 findings and declarations in ss. 420.0002, 420.502, 421.02,
7 422.02, and 423.01, ~~and 424.02~~, which are hereby reaffirmed,
8 the Legislature finds that:

9 (1) Decent, safe, and sanitary housing for persons of
10 very low income, low income, and moderate income are a
11 critical need in the state.

12 (2) New and rehabilitated housing must be provided at
13 a cost affordable to such persons in order to alleviate this
14 critical need.

15 (3) The private sector housing construction industry
16 primarily produces housing units for middle-income households
17 and upper-income households and often has limited experience
18 in housing development which provides quality housing for
19 low-income persons in economically declining or distressed
20 areas.

21 (4) Among other things, the high cost of project
22 financing tends to restrict the development of housing
23 affordable to very-low-income persons, low-income persons, and
24 moderate-income persons.

25 (5) For these reasons, private capital and existing
26 state housing programs do not provide an adequate remedy to
27 this situation.

28 (6) Special programs are needed to stimulate private
29 enterprise to build and rehabilitate housing in order to help
30 eradicate slum conditions and provide housing for

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1 very-low-income persons, low-income persons, and
2 moderate-income persons as a matter of public purpose.

3 (7) Public-private partnerships are an essential means
4 of bringing together resources to provide affordable housing.

5 (8) Through the Affordable Housing Catalyst Program
6 and other program and staff resources, the department shall
7 facilitate the mobilization of public and private resources to
8 provide affordable housing through its responsibilities in the
9 areas of housing, comprehensive planning, and community
10 assistance.

11 Section 8. Section 421.001, Florida Statutes, is
12 amended to read:

13 421.001 State role in housing and urban
14 development.--The role of state government required by part I
15 of chapter 421 (Housing Authorities Law), chapter 422 (Housing
16 Cooperation Law), and chapter 423 (Tax Exemption of Housing
17 Authorities), ~~and chapter 424 (Limited Dividend Housing~~
18 ~~Companies)~~ is the responsibility of the Department of
19 Community Affairs; and the department is the agency of state
20 government responsible for the state's role in housing and
21 urban development.

22 Section 9. Section 422.001, Florida Statutes, is
23 amended to read:

24 422.001 State role in housing and urban
25 development.--The role of state government required by part I
26 of chapter 421 (Housing Authorities Law), chapter 422 (Housing
27 Cooperation Law), and chapter 423 (Tax Exemption of Housing
28 Authorities), ~~and chapter 424 (Limited Dividend Housing~~
29 ~~Companies)~~ is the responsibility of the Department of
30 Community Affairs; and the department is the agency of state
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1 government responsible for the state's role in housing and
2 urban development.

3 Section 10. Section 423.001, Florida Statutes, is
4 amended to read:

5 423.001 State role in housing and urban
6 development.--The role of state government required by part I
7 of chapter 421 (Housing Authorities Law), chapter 422 (Housing
8 Cooperation Law), and chapter 423 (Tax Exemption of Housing
9 Authorities), ~~and chapter 424 (Limited Dividend Housing~~
10 ~~Companies)~~ is the responsibility of the Department of
11 Community Affairs; and the department is the agency of state
12 government responsible for the state's role in housing and
13 urban development.

14 Section 11. This act shall take effect upon becoming a
15 law.

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18 LEGISLATIVE SUMMARY

19 Repeals various statutory provisions that have become
20 obsolete, have had their effect, have served their
21 purpose, or have been impliedly repealed or superseded.
22 Repeals provisions relating to exemption from required
23 referendum to change the county seat for counties having
24 constructed a new courthouse within 20 years; the duty of
25 county commissioners to adopt forms required by a
26 provision of law that has been repealed; the purpose of
27 the Florida Accidental Release Prevention and Risk
28 Management Planning Act; and regulation of limited
29 dividend housing companies.
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