

By the Committee on Rules & Calendar and Representative
Sublette

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6 impliedly repealed or superseded; repealing s.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13 provision of law that has been repealed;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. 145.132, F.S., relating to the
15 repeal of local or special laws or general laws
16 of local application enacted prior to July 1,
17 1993, which relate to compensation of district
18 school board members; repealing s. 252.83(1)(c)
19 and (d), F.S., relating to deadlines for the
20 Department of Community Affairs to establish a
21 compliance verification program and ensure that
22 certain information is available to persons at
23 the county level under the Florida Hazardous
24 Materials Emergency Response and Community
25 Right-to-Know Act of 1988; repealing s. 252.91,
26 F.S., relating to repayment of startup costs
27 for the Florida Hazardous Materials Emergency
28 Response and Community Right-to-Know Act of
29 1988; repealing s. 252.935, F.S., relating to
30 the purpose of the Florida Accidental Release
31 Prevention and Risk Management Planning Act;

1 repealing chapter 424, F.S., relating to
2 regulation of limited dividend housing
3 companies; amending ss. 20.18, 420.102,
4 420.6015, 421.001, 422.001, and 423.001, F.S.;
5 deleting cross references and related
6 definitions, to conform; providing an effective
7 date.

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

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11 Section 1. Section 138.10, Florida Statutes, is
12 repealed.

13 Section 2. Section 142.18, Florida Statutes, is
14 repealed.

15 Section 3. Section 145.132, Florida Statutes, is
16 repealed.

17 Section 4. Paragraphs (c) and (d) of subsection (1) of
18 section 252.83, Florida Statutes, are repealed.

19 Section 5. Section 252.91, Florida Statutes, is
20 repealed.

21 Section 6. Section 252.935, Florida Statutes, is
22 repealed.

23 Section 7. Sections 424.001, 424.01, 424.02, 424.03,
24 424.04, 424.05, 424.06, 424.07, 424.08, 424.09, 424.10,
25 424.11, 424.12, 424.13, 424.14, 424.15, 424.16, 424.17,
26 424.18, 424.19, 424.20, 424.21, and 424.22, Florida Statutes,
27 are repealed.

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

30 20.18 Department of Community Affairs.--There is
31 created a Department of Community Affairs.

1 (5) The role of state government required by part I of
2 chapter 421 (Housing Authorities Law), chapter 422 (Housing
3 Cooperation Law), and chapter 423 (tax exemption of housing
4 authorities), ~~and chapter 424 (limited dividend housing~~
5 ~~companies)~~ is the responsibility of the Department of
6 Community Affairs; and the department is the agency of state
7 government responsible for the state's role in housing and
8 urban development.

9 Section 9. Section 420.102, Florida Statutes, is
10 amended to read:

11 420.102 Definitions.--As used in this part, the
12 following words and terms have the following meanings unless
13 the context indicates another or different meaning or intent:

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

16 (2) "Consortium" means two or more mortgagees who
17 jointly negotiate and agree to provide home equity conversion
18 plans to elderly homeowners, on agreed-upon terms and
19 conditions.

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

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

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

29 (a) Legal, organizational, marketing, and
30 administrative expenses;

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1 (b) Payment of fees for preliminary feasibility
2 studies and advances for planning, engineering, and
3 architectural work;

4 (c) Expenses for surveys as to need and market
5 analyses;

6 (d) Necessary application and other fees to federal
7 and other government agencies; and

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

10 (6) "Financial institution" means any banking
11 corporation or trust company, savings and loan association,
12 insurance company, or related corporation, partnership,
13 foundation, or other institution engaged primarily in lending
14 or investing funds.

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

18 (8) "Lending institution" means a mortgage lender,
19 including any bank or trust company, savings bank, national
20 banking association, state or federal savings and loan
21 association, or building and loan association maintaining an
22 office in this state or any insurance company authorized to
23 transact business in this state or a corporation composed of
24 such institutions.

25 ~~(9) "Limited dividend housing association" means a~~
26 ~~limited dividend housing association, including general or~~
27 ~~limited partnerships, joint ventures, or trusts organized or~~
28 ~~qualified pursuant to the laws of this state.~~

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

1 (9)~~(11)~~ "Low-income or moderate-income persons" means
2 families and persons who cannot afford, as defined by federal
3 law, to pay the amounts at which private enterprise is
4 providing a substantial supply of decent, safe, and sanitary
5 housing and fall within income limitations set by the agency
6 in its rules.

7 (10)~~(12)~~ "Nonprofit housing corporation" means a
8 nonprofit housing corporation incorporated pursuant to the
9 provisions of Florida law relating to corporations not for
10 profit.

11 (11)~~(13)~~ "Project" means a specific work or
12 improvement, including land, buildings, improvements, real and
13 personal property, or any interest therein, acquired, owned,
14 constructed, reconstructed, rehabilitated, or improved with
15 the financial assistance of the agency, including the
16 construction of low-income and moderate-income housing
17 facilities and facilities incident or appurtenant thereto,
18 such as streets, sewers, utilities, parks, site preparation,
19 landscaping, and such other administrative, community, and
20 recreational facilities as the agency determines to be
21 necessary, convenient, or desirable appurtenances.

22 (12)~~(14)~~ "Real property" means lands, structures,
23 franchises, and interests in land, including lands under water
24 and riparian rights, space and air rights, and any and all
25 other interests and rights usually included within such term.
26 Real property also means and includes any and all interests in
27 such property less than full title, such as easements,
28 incorporeal hereditaments, and every estate, interest, or
29 right, legal or equitable, including terms for years and liens
30 thereon by way of judgments, mortgages, or otherwise, and also
31 all claims for damages for such real estate.

1 (13)~~(15)~~ "Secured loan" means a loan secured by a
2 mortgage or a security interest in a project.

3 (14)~~(16)~~ "State" means the State of Florida.

4 (15)~~(17)~~ "Stockholder" means any financial institution
5 authorized to do business within this state which undertakes
6 to lend money to the corporation created pursuant to this
7 part, upon its call, and in accordance with the provisions of
8 this chapter.

9 ~~(18) "Surplus," as used in this chapter, shall not be
10 deemed to include any increase in net worth of any limited
11 dividend housing corporation or limited dividend housing
12 association organized in accordance with the provisions of law
13 by amortization or similar payments, or by reason of the sale
14 or disposition of any assets of a limited dividend housing
15 corporation or limited dividend housing association, to the
16 extent such surplus can be attributed to any increase in
17 market value of any real property or tangible personal
18 property accruing during the period the assets were owned and
19 held by the limited dividend housing corporation or limited
20 dividend housing association.~~

21 Section 10. Section 420.6015, Florida Statutes, is
22 amended to read:

23 420.6015 Legislative findings.--In addition to the
24 findings and declarations in ss. 420.0002, 420.502, 421.02,
25 422.02, and 423.01, ~~and 424.02~~, which are hereby reaffirmed,
26 the Legislature finds that:

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

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

4 (3) The private sector housing construction industry
5 primarily produces housing units for middle-income households
6 and upper-income households and often has limited experience
7 in housing development which provides quality housing for
8 low-income persons in economically declining or distressed
9 areas.

10 (4) Among other things, the high cost of project
11 financing tends to restrict the development of housing
12 affordable to very-low-income persons, low-income persons, and
13 moderate-income persons.

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

17 (6) Special programs are needed to stimulate private
18 enterprise to build and rehabilitate housing in order to help
19 eradicate slum conditions and provide housing for
20 very-low-income persons, low-income persons, and
21 moderate-income persons as a matter of public purpose.

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

24 (8) Through the Affordable Housing Catalyst Program
25 and other program and staff resources, the department shall
26 facilitate the mobilization of public and private resources to
27 provide affordable housing through its responsibilities in the
28 areas of housing, comprehensive planning, and community
29 assistance.

30 Section 11. Section 421.001, Florida Statutes, is
31 amended to read:

1 421.001 State role in housing and urban
2 development.--The role of state government required by part I
3 of chapter 421 (Housing Authorities Law), chapter 422 (Housing
4 Cooperation Law), and chapter 423 (Tax Exemption of Housing
5 Authorities), ~~and chapter 424 (Limited Dividend Housing~~
6 ~~Companies)~~is the responsibility of the Department of
7 Community Affairs; and the department is the agency of state
8 government responsible for the state's role in housing and
9 urban development.

10 Section 12. Section 422.001, Florida Statutes, is
11 amended to read:

12 422.001 State role in housing and urban
13 development.--The role of state government required by part I
14 of chapter 421 (Housing Authorities Law), chapter 422 (Housing
15 Cooperation Law), and chapter 423 (Tax Exemption of Housing
16 Authorities), ~~and chapter 424 (Limited Dividend Housing~~
17 ~~Companies)~~is the responsibility of the Department of
18 Community Affairs; and the department is the agency of state
19 government responsible for the state's role in housing and
20 urban development.

21 Section 13. Section 423.001, Florida Statutes, is
22 amended to read:

23 423.001 State role in housing and urban
24 development.--The role of state government required by part I
25 of chapter 421 (Housing Authorities Law), chapter 422 (Housing
26 Cooperation Law), and chapter 423 (Tax Exemption of Housing
27 Authorities), ~~and chapter 424 (Limited Dividend Housing~~
28 ~~Companies)~~is the responsibility of the Department of
29 Community Affairs; and the department is the agency of state
30 government responsible for the state's role in housing and
31 urban development.

