

1 (18) "Farmworker" means a laborer who is employed on a
2 seasonal, temporary, or permanent basis in the planting,
3 cultivating, harvesting, or processing of agricultural or
4 aquacultural products and who derived at least 50 percent of
5 her or his income in the immediately preceding 12 months from
6 such employment. "Farmworker" also includes a person who has
7 retired as a laborer due to age, disability, or illness. In
8 order to be considered retired as a farmworker due to age
9 under this part, a person must be 50 years of age or older and
10 must have been employed for a minimum of 5 years as a
11 farmworker before retirement. In order to be considered
12 retired as a farmworker due to disability or illness, a person
13 must:

14 (a) Establish medically that she or he is unable to be
15 employed as a farmworker due to that disability or illness;
16 ~~and-~~

17 (b) Establish that she or he was previously employed
18 as a farmworker.

19
20 ~~Notwithstanding the provisions of this subsection, when funds~~
21 ~~that are administered by the corporation are used in~~
22 ~~conjunction with funds from the Rural Development Agency of~~
23 ~~the United States Department of Agriculture, the term~~
24 ~~"farmworker" may mean a laborer who meets, at a minimum, the~~
25 ~~definition of "domestic farm laborer" as found in 7 C.F.R. s.~~
26 ~~3560.11. The corporation may by rule establish additional~~
27 ~~criteria.~~

28 Section 3. Subsection (1) of section 420.5087, Florida
29 Statutes, is amended to read:

30 420.5087 State Apartment Incentive Loan
31 Program.--There is hereby created the State Apartment

1 Incentive Loan Program for the purpose of providing first,
2 second, or other subordinated mortgage loans or loan
3 guarantees to sponsors, including for-profit, nonprofit, and
4 public entities, to provide housing affordable to
5 very-low-income persons.

6 (1) Program funds shall be distributed over successive
7 3-year periods in a manner that meets the need and demand for
8 very-low-income housing throughout the state. That need and
9 demand must be determined by using the most recent statewide
10 low-income rental housing market studies available at the
11 beginning of each 3-year period. However, at least 10 percent
12 of the program funds distributed during a 3-year period must
13 be allocated to each of the following categories of counties,
14 as determined by using the population statistics published in
15 the most recent edition of the Florida Statistical Abstract:

16 (a) Counties that have a population of 825,000 or more
17 ~~than 500,000~~ people;

18 (b) Counties that have a population between 100,000
19 and 825,000 ~~500,000~~ people; and

20 (c) Counties that have a population of 100,000 or
21 fewer ~~less~~.

22
23 Any increase in funding required to reach the 10-percent
24 minimum shall be taken from the county category that has the
25 largest allocation. The corporation shall adopt rules which
26 establish an equitable process for distributing any portion of
27 the 10 percent of program funds allocated to the county
28 categories specified in this subsection which remains
29 unallocated at the end of a 3-year period. Counties that have
30 a population of 100,000 or less shall be given preference
31 under these rules.

1 Section 4. Paragraph (e) of subsection (2) of section
2 420.5088, Florida Statutes, is amended to read:

3 420.5088 Florida Homeownership Assistance
4 Program.--There is created the Florida Homeownership
5 Assistance Program for the purpose of assisting low-income
6 persons in purchasing a home by reducing the cost of the home
7 with below-market construction financing, by reducing the
8 amount of down payment and closing costs paid by the borrower
9 to a maximum of 5 percent of the purchase price, or by
10 reducing the monthly payment to an affordable amount for the
11 purchaser. Loans shall be made available at an interest rate
12 that does not exceed 3 percent. The balance of any loan is due
13 at closing if the property is sold or transferred.

14 (2) For loans made pursuant to s. 420.507(23)(a)3.:

15 (e) At least 30 percent of the units in a project
16 financed pursuant to this subsection must be sold to persons
17 or families who have incomes that do not exceed 80 percent of
18 the state or local median income, whichever amount is greater,
19 adjusted for family size; and at least another 30 percent of
20 the units in a project financed pursuant to this subsection
21 must be sold to persons or families who have incomes that do
22 not exceed 65 ~~50~~ percent of the state or local median income,
23 whichever amount is greater, adjusted for family size.

24 Section 5. Subsection (4) of section 420.9075, Florida
25 Statutes, is amended to read:

26 420.9075 Local housing assistance plans;
27 partnerships.--

28 (4) The following criteria apply to awards made to
29 eligible sponsors or eligible persons for the purpose of
30 providing eligible housing:
31

1 (a) At least 65 percent of the funds made available in
2 each county and eligible municipality from the local housing
3 distribution must be reserved for home ownership for eligible
4 persons.

5 (b) At least 75 percent of the funds made available in
6 each county and eligible municipality from the local housing
7 distribution must be reserved for construction,
8 rehabilitation, or emergency repair of affordable, eligible
9 housing.

10 (c) The sales price or value of new or existing
11 eligible housing may not exceed 90 percent of the average area
12 purchase price in the statistical area in which the eligible
13 housing is located. ~~The Such~~ average area purchase price may
14 be that calculated for any 12-month period beginning not
15 earlier than the fourth calendar year prior to the year in
16 which the award occurs or as established by the United States
17 Department of Treasury.

18 (d)1. All units constructed, rehabilitated, or
19 otherwise assisted with the funds provided from the local
20 housing assistance trust fund must be occupied by
21 very-low-income persons, low-income persons, and
22 moderate-income persons.

23 2. At least 30 percent of the funds deposited into the
24 local housing assistance trust fund must be reserved for
25 awards to very-low-income persons or eligible sponsors who
26 will serve very-low-income persons and at least an additional
27 30 percent of the funds deposited into the local housing
28 assistance trust fund must be reserved for awards to
29 low-income persons or eligible sponsors who will serve
30 low-income persons. This subparagraph does not apply to a
31 county or an eligible municipality that includes, or has

1 included within the previous 5 years, an area of critical
2 state concern designated or ratified by the Legislature for
3 which the Legislature has declared its intent to provide
4 affordable housing. The exemption created by this act expires
5 on July 1, 2008.

6 (e) Loans shall be provided for periods not exceeding
7 30 years, except for deferred payment loans or loans that
8 extend beyond 30 years which continue to serve eligible
9 persons.

10 (f) Loans or grants for eligible rental housing
11 constructed, rehabilitated, or otherwise assisted from the
12 local housing assistance trust fund must be subject to
13 recapture requirements as provided by the county or eligible
14 municipality in its local housing assistance plan unless
15 reserved for eligible persons for 15 years or the term of the
16 assistance, whichever period is longer. Eligible sponsors that
17 offer rental housing for sale before 15 years or that have
18 remaining mortgages funded under this program must give a
19 first right of refusal to eligible nonprofit organizations for
20 purchase at the current market value for continued occupancy
21 by eligible persons.

22 (g) Loans or grants for eligible owner-occupied
23 housing constructed, rehabilitated, or otherwise assisted from
24 proceeds provided from the local housing assistance trust fund
25 shall be subject to recapture requirements as provided by the
26 county or eligible municipality in its local housing
27 assistance plan.

28 (h) The total amount of monthly mortgage payments or
29 the amount of monthly rent charged by the eligible sponsor or
30 her or his designee must be made affordable.

31

1 (i) The maximum sales price or value per unit and the
2 maximum award per unit for eligible housing benefiting from
3 awards made pursuant to this section must be established in
4 the local housing assistance plan.

5 (j) The benefit of assistance provided through the
6 State Housing Initiatives Partnership Program must accrue to
7 eligible persons occupying eligible housing. This provision
8 shall not be construed to prohibit use of the local housing
9 distribution funds for a mixed income rental development.

10 (k) Funds from the local housing distribution not used
11 to meet the criteria established in paragraph (a) or paragraph
12 (b) or not used for the administration of a local housing
13 assistance plan must be used for housing production and
14 finance activities, including, but not limited to, financing
15 the purchase of existing units, providing rental housing, and
16 providing home ownership training to prospective home buyers
17 and owners of homes assisted through the local housing
18 assistance plan. Notwithstanding the provisions of paragraphs
19 (a) and (b), program income as defined in s. 420.9071(24) may
20 also be used to fund activities described in this paragraph.

21
22 If both an award under the local housing assistance plan and
23 federal low-income housing tax credits are used to assist a
24 project and there is a conflict between the criteria
25 prescribed in this subsection and the requirements of s. 42 of
26 the Internal Revenue Code of 1986, as amended, the county or
27 eligible municipality may resolve the conflict by giving
28 precedence to the requirements of s. 42 of the Internal
29 Revenue Code of 1986, as amended, in lieu of following the
30 criteria prescribed in this subsection with the exception of
31 paragraphs (a) and (d) of this subsection.

