

Bill No. CS for SB 132

Barcode 342308

CHAMBER ACTION

Senate

House

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The Committee on Governmental Oversight and Productivity
(Sebesta) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 125.379, Florida Statutes, is
created to read:

125.379 Disposition of county property for affordable
housing.--

(1) By January 1, 2007, and every 3 years thereafter,
each county shall prepare an inventory list of all real
property within its jurisdiction to which the county holds fee
simple title, excluding lands designated for natural resource
conservation. The inventory list must include the address and
tax identification number of each real property and specify
whether the property is vacant or improved. County planning
staff shall review the inventory list and identify each
property that is appropriate for use as affordable housing.
The time for preparing the inventory list and its review by

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1 county planning staff may not exceed 6 months. The properties
 2 identified as appropriate for use as affordable housing may be
 3 offered for sale and the proceeds used to purchase land for
 4 the development of affordable housing or donated to a local
 5 housing trust fund, sold with a restriction that requires any
 6 development on the property to include a specified percentage
 7 of permanently affordable housing, or donated to a nonprofit
 8 housing organization for the construction of permanently
 9 affordable housing.

10 (2) After completing an inventory list, the board of
 11 county commissioners shall hold at least two public hearings
 12 to discuss the inventory list and staff's recommendation
 13 concerning which properties are appropriate for use as
 14 affordable housing. The board shall comply with the provisions
 15 of s. 125.66(4)(b)1. regarding the advertisement of the public
 16 hearings and shall hold the first hearing no later than 30
 17 days after completing the inventory list. The board shall
 18 approve the inventory list through the adoption of a
 19 resolution at the second hearing no later than 6 months after
 20 completing the inventory list.

21 (3) Notwithstanding s. 125.35, after the inventory
 22 list has been approved by resolution, the board of county
 23 commissioners shall immediately make available any real
 24 property that has been identified in the inventory list as
 25 appropriate for use as affordable housing. The county shall
 26 make the surplus real property available to:

27 (a) A private developer if the purchase price paid by
 28 the developer is not less than the appraised value of the
 29 property based on its highest and best use and the real
 30 property is sold with deed restrictions that require a
 31 specified percentage of any project developed on the real

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1 property to provide affordable housing for low-income and
 2 moderate-income persons, with a minimum of 10 percent of the
 3 units in the project available for low-income persons and
 4 another 10 percent of the units for moderate-income persons
 5 for a total minimum of 20 percent, or, if providing rental
 6 housing or a combination of rental housing and homeownership,
 7 an additional 5 percent of the units for very-low-income
 8 persons for a total minimum of 25 percent;

9 (b) A private developer without any requirement that a
 10 percentage of the units built on the real property be
 11 affordable if the purchase price paid by the developer is not
 12 less than the appraised value of the property based on its
 13 highest and best use, in which case the county must use the
 14 funds received from the developer to acquire real property on
 15 which affordable housing will be built or donate the funds to
 16 a local housing trust fund; or

17 (c) A nonprofit housing organization, such as a
 18 community land trust, housing authority, or community
 19 redevelopment agency to be used for the production and
 20 preservation of permanently affordable housing.

21 (4) The deed restrictions required under paragraph
 22 (3)(a) for an affordable housing unit must also prohibit the
 23 unit from being sold at a price that exceeds the threshold for
 24 housing that is affordable for low-income or moderate-income
 25 persons or to a buyer who is not eligible due to his or her
 26 income under chapter 420. The deed restrictions may allow the
 27 affordable housing units created under paragraph (3)(a) to be
 28 rented to extremely-low-income, very-low-income, low-income,
 29 or moderate-income persons.

30 (5) For purposes of this section, the terms
 31 "affordable," "extremely-low-income persons," "low-income

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1 persons," "moderate-income persons," and "very-low-income
2 persons" have the same meaning as in s. 420.0004.

3 Section 2. Paragraphs (d), (e), and (f) of subsection
4 (2) of section 163.31771, Florida Statutes, are amended to
5 read:

6 163.31771 Accessory dwelling units.--

7 (2) As used in this section, the term:

8 (d) "Low-income persons" has the same meaning as in s.
9 420.0004(10) ~~s. 420.0004(9)~~.

10 (e) "Moderate-income persons" has the same meaning as
11 in s. 420.0004(11) ~~s. 420.0004(10)~~.

12 (f) "Very-low-income persons" has the same meaning as
13 in s. 420.004(15) ~~s. 420.0004(14)~~.

14 Section 3. Section 166.0451, Florida Statutes, is
15 created to read:

16 166.0451 Disposition of municipal property for
17 affordable housing.--

18 (1) By January 1, 2007, and every 3 years thereafter,
19 each municipality shall prepare an inventory list of all real
20 property within its jurisdiction to which the municipality
21 holds fee simple title, excluding lands designated for natural
22 resource conservation. The inventory list must include the
23 address and tax identification number of each property and
24 specify whether the property is vacant or improved. Municipal
25 planning staff shall review the inventory list and identify
26 each real property that is appropriate for use as affordable
27 housing. The time for preparing the inventory list and its
28 review by municipal planning staff may not exceed 6 months.
29 The properties identified as appropriate for use as affordable
30 housing may be offered for sale and the proceeds used to
31 purchase land for the development of affordable housing or

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1 donated to a local housing trust fund, sold with a restriction
 2 that requires any development on the property to include a
 3 specified percentage of permanently affordable housing, or
 4 donated to a nonprofit housing organization for the
 5 construction of permanently affordable housing.

6 (2) Upon completing an inventory list in compliance
 7 with this section, the governing body of the municipality
 8 shall hold at least two public hearings to discuss the
 9 inventory list and the recommendation of the staff concerning
 10 which properties are appropriate for use as affordable
 11 housing. The governing body shall comply with s.
 12 166.041(3)(c)2.a. regarding the advertisement of the public
 13 hearings and shall hold the first hearing no later than 30
 14 days after completing the inventory list. The governing body
 15 shall approve the inventory list through the adoption of a
 16 resolution at the second hearing no later than 6 months after
 17 completing the inventory list.

18 (3) After the inventory list has been approved by
 19 resolution, the governing body of the municipality shall
 20 immediately make available any real property that has been
 21 identified in the inventory list as appropriate for use as
 22 affordable housing. The municipality shall make the surplus
 23 real property available to:

24 (a) A private developer if the purchase price paid by
 25 the developer is not less than the appraised value of the
 26 property based on its highest and best use and the real
 27 property is sold with deed restrictions that require a
 28 specified percentage of any project developed on the real
 29 property to provide affordable housing for low-income and
 30 moderate-income persons, with a minimum of 10 percent of the
 31 units in the project available for low-income persons and

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1 another 10 percent of the units for moderate-income persons
 2 for a total minimum of 20 percent, or, if providing rental
 3 housing or a combination of rental housing and homeownership,
 4 an additional 5 percent of the units for very-low-income
 5 persons for a total minimum of 25 percent;

6 (b) A private developer without any requirement that a
 7 percentage of the units built on the real property be
 8 affordable if the purchase price paid by the developer is not
 9 less than the appraised value of the property based on its
 10 highest and best use, in which case the municipality must use
 11 the funds received from the developer to acquire real property
 12 on which affordable housing will be built or donate the funds
 13 to a local housing trust fund for the purpose of implementing
 14 the programs described in ss. 420.907-420.9079; or

15 (c) A nonprofit housing organization, such as a
 16 community land trust, housing authority, or community
 17 redevelopment agency to be used for the production and
 18 preservation of permanently affordable housing.

19 (4) The deed restrictions required under paragraph
 20 (3)(a) for an affordable housing unit must also prohibit the
 21 unit from being sold at a price that exceeds the threshold for
 22 housing that is affordable for low-income or moderate-income
 23 persons or to a buyer who is not eligible due to his or her
 24 income under chapter 420. The deed restrictions may allow the
 25 affordable housing units created under paragraph (3)(a) to be
 26 rented to extremely-low-income, very-low-income, low-income,
 27 or moderate-income persons.

28 (5) For purposes of this section, the terms
 29 "affordable," "extremely-low-income persons," "low-income
 30 persons," "moderate-income persons," and "very-low-income
 31 persons" have the same meaning as in s. 420.0004.

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1 Section 4. Paragraph (h) is added to subsection (5) of
2 section 163.3180, Florida Statutes, to read:

3 163.3180 Concurrency.--

4 (5)

5 (h) If a proposed manufactured housing development is
6 located in an area designated as agriculture, rural lands, or
7 a similar land use classification, and uses self-contained
8 water and wastewater facilities and services, the requirements
9 for transportation concurrency set forth in paragraph (2)(c)
10 are waived.

11 Section 5. The Legislature finds that providing
12 affordable housing is vitally important to the health, safety,
13 and welfare of the residents of this state. Furthermore, the
14 Legislature finds that escalating property values and
15 development costs have contributed to the inadequate supply of
16 housing for low- and moderate-income residents of this state.
17 The Legislature further finds that there is a shortage of
18 sites available for housing for persons and families with low
19 and moderate incomes and that surplus government land, when
20 appropriate, should be made available for that purpose.
21 Therefore, the Legislature determines and declares that this
22 act fulfills an important state interest.

23 Section 6. Subsection (6) is added to section
24 189.4155, Florida Statutes, to read:

25 189.4155 Activities of special districts; local
26 government comprehensive planning.--

27 (6) Any independent district created under a special
28 act or general law, including, but not limited to, chapter
29 189, chapter 190, chapter 191, or chapter 298, for the purpose
30 of providing urban infrastructure of services may provide
31 housing and housing assistance for its employed personnel

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1 eligible under s. 420.0004.

2 Section 7. Subsection (19) is added to section
3 191.006, Florida Statutes, to read:

4 191.006 General powers.--The district shall have, and
5 the board may exercise by majority vote, the following powers:

6 (19) To provide housing or housing assistance for its
7 employed personnel eligible under s. 420.0004.

8 Section 8. Paragraph (b) of subsection (2) and
9 subsection (4) of section 197.252, Florida Statutes, are
10 amended to read:

11 197.252 Homestead tax deferral.--

12 (2)

13 (b) If ~~in the event~~ the applicant is entitled to claim
14 the increased exemption by reason of age and residency as
15 provided in s. 196.031(3)(a), approval of the ~~such~~ application
16 shall defer that portion of the ~~such~~ ad valorem taxes plus
17 non-ad valorem assessments which exceeds 3 percent of the
18 applicant's household ~~household's~~ income for the prior
19 calendar year. If any ~~such~~ applicant's household income for
20 the prior calendar year is less than \$10,000, or is less than
21 the amount of the household income designated for the
22 additional homestead exemption pursuant to s. 196.075, and the
23 ~~\$12,000 if such~~ applicant is 65 ~~70~~ years of age or older,
24 approval of the ~~such~~ application shall defer the ~~such~~ ad
25 valorem taxes plus non-ad valorem assessments in their
26 entirety.

27 (4) The amount of taxes, non-ad valorem assessments,
28 and interest deferred under ~~pursuant to~~ this act shall accrue
29 interest at a rate equal to the semiannually compounded rate
30 of one-half of 1 percent plus the average yield to maturity of
31 the long-term fixed-income portion of the Florida Retirement

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1 System investments as of the end of the quarter preceding the
2 date of the sale of the deferred payment tax certificates;
3 however, the interest rate may not exceed 7 ~~9.5~~ percent.

4 Section 9. Paragraphs (b) and (d) of subsection (1)
5 and subsection (11) of section 201.15, Florida Statutes, are
6 amended to read:

7 201.15 Distribution of taxes collected.--All taxes
8 collected under this chapter shall be distributed as follows
9 and shall be subject to the service charge imposed in s.
10 215.20(1), except that such service charge shall not be levied
11 against any portion of taxes pledged to debt service on bonds
12 to the extent that the amount of the service charge is
13 required to pay any amounts relating to the bonds:

14 (1) Sixty-two and sixty-three hundredths percent of
15 the remaining taxes collected under this chapter shall be used
16 for the following purposes:

17 (b) Moneys ~~The remainder of the moneys distributed~~
18 ~~under this subsection, after the required payment under~~
19 ~~paragraph (a),~~ shall be paid into the State Treasury to the
20 credit of the Save Our Everglades Trust Fund in amounts
21 necessary to pay debt service, provide reserves, and pay
22 rebate obligations and other amounts due with respect to bonds
23 issued under s. 215.619. Taxes distributable under paragraph
24 (a) and this paragraph must be collectively distributed on a
25 pro rata basis.

26 (d) The remainder of the moneys distributed under this
27 subsection, after the required payments under paragraphs (a),
28 (b), and (c), shall be paid into the State Treasury to the
29 credit of:

30 1. The State Transportation Trust Fund in the
31 Department of Transportation in the amount of \$542 ~~\$541.75~~

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1 million in each fiscal year, to be paid in quarterly
2 installments and used for the following specified purposes,
3 notwithstanding any other law to the contrary:

4 a. For the purposes of capital funding for the New
5 Starts Transit Program, authorized by Title 49, U.S.C. s. 5309
6 and specified in s. 341.051, 10 percent of these funds;

7 b. For the purposes of the Small County Outreach
8 Program specified in s. 339.2818, 5 percent of these funds;

9 c. For the purposes of the Strategic Intermodal System
10 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75
11 percent of these funds after allocating for the New Starts
12 Transit Program described in sub-subparagraph a. and the Small
13 County Outreach Program described in sub-subparagraph b.; and

14 d. For the purposes of the Transportation Regional
15 Incentive Program specified in s. 339.2819, 25 percent of
16 these funds after allocating for the New Starts Transit
17 Program described in sub-subparagraph a. and the Small County
18 Outreach Program described in sub-subparagraph b.

19 2. The Water Protection and Sustainability Program
20 Trust Fund in the Department of Environmental Protection in
21 the amount of \$100 million in each fiscal year, to be paid in
22 quarterly installments and used as required by s. 403.890.

23 3. The Public Education Capital Outlay and Debt
24 Service Trust Fund in the Department of Education in the
25 amount of \$104,130,000 ~~\$105 million~~ in each fiscal year, to be
26 paid in monthly installments with \$75 million used to fund the
27 Classrooms for Kids Program created in s. 1013.735, and
28 \$29,130,000 ~~\$30 million~~ to be used to fund the High Growth
29 County District Capital Outlay Assistance Grant Program
30 created in s. 1013.738. If required, new facilities
31 constructed under the Classrooms for Kids Program must meet

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1 the requirements of s. 1013.372.

2 4. The Grants and Donations Trust Fund in the
3 Department of Community Affairs in the amount of ~~\$3.87~~ ~~\$3.25~~
4 million in each fiscal year to be paid in monthly
5 installments, with \$3 million to be used to fund technical
6 assistance to local governments and school boards on the
7 requirements and implementation of this act and ~~\$870,000~~
8 ~~\$250,000~~ to be used to fund the Century Commission for a
9 Sustainable Florida established in s. 163.3247.

10

11 Moneys distributed pursuant to this paragraph may not be
12 pledged for debt service unless such pledge is approved by
13 referendum of the voters.

14 (11) From the moneys specified in paragraphs ~~(1)(e)~~
15 ~~(1)(d)~~ and (2)(a) and prior to deposit of any moneys into the
16 General Revenue Fund, \$30 million shall be paid into the State
17 Treasury to the credit of the Ecosystem Management and
18 Restoration Trust Fund in fiscal year 2000-2001 and each
19 fiscal year thereafter, to be used for the preservation and
20 repair of the state's beaches as provided in ss.
21 161.091-161.212, and \$2 million shall be paid into the State
22 Treasury to the credit of the Marine Resources Conservation
23 Trust Fund to be used for marine mammal care as provided in s.
24 370.0603(3).

25 Section 10. Effective July 1, 2007, subsections (1)
26 and (11) of section 201.15, Florida Statutes, as amended by
27 section 1 of chapter 2005-92, Laws of Florida, are amended to
28 read:

29 201.15 Distribution of taxes collected.--All taxes
30 collected under this chapter shall be distributed as follows
31 and shall be subject to the service charge imposed in s.

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1 215.20(1), except that such service charge shall not be levied
 2 against any portion of taxes pledged to debt service on bonds
 3 to the extent that the amount of the service charge is
 4 required to pay any amounts relating to the bonds:

5 (1) Sixty-two and sixty-three hundredths percent of
 6 the remaining taxes collected under this chapter shall be used
 7 for the following purposes:

8 (a) Amounts as shall be necessary to pay the debt
 9 service on, or fund debt service reserve funds, rebate
 10 obligations, or other amounts payable with respect to
 11 Preservation 2000 bonds issued pursuant to s. 375.051 and
 12 Florida Forever bonds issued pursuant to s. 215.618, shall be
 13 paid into the State Treasury to the credit of the Land
 14 Acquisition Trust Fund to be used for such purposes. The
 15 amount transferred to the Land Acquisition Trust Fund for such
 16 purposes shall not exceed \$300 million in fiscal year
 17 1999-2000 and thereafter for Preservation 2000 bonds and bonds
 18 issued to refund Preservation 2000 bonds, and \$300 million in
 19 fiscal year 2000-2001 and thereafter for Florida Forever
 20 bonds. The annual amount transferred to the Land Acquisition
 21 Trust Fund for Florida Forever bonds shall not exceed \$30
 22 million in the first fiscal year in which bonds are issued.
 23 The limitation on the amount transferred shall be increased by
 24 an additional \$30 million in each subsequent fiscal year, but
 25 shall not exceed a total of \$300 million in any fiscal year
 26 for all bonds issued. It is the intent of the Legislature that
 27 all bonds issued to fund the Florida Forever Act be retired by
 28 December 31, 2030. Except for bonds issued to refund
 29 previously issued bonds, no series of bonds may be issued
 30 pursuant to this paragraph unless such bonds are approved and
 31 the debt service for the remainder of the fiscal year in which

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1 the bonds are issued is specifically appropriated in the
 2 General Appropriations Act. For purposes of refunding
 3 Preservation 2000 bonds, amounts designated within this
 4 section for Preservation 2000 and Florida Forever bonds may be
 5 transferred between the two programs to the extent provided
 6 for in the documents authorizing the issuance of the bonds.
 7 The Preservation 2000 bonds and Florida Forever bonds shall be
 8 equally and ratably secured by moneys distributable to the
 9 Land Acquisition Trust Fund pursuant to this section, except
 10 to the extent specifically provided otherwise by the documents
 11 authorizing the issuance of the bonds. No moneys transferred
 12 to the Land Acquisition Trust Fund pursuant to this paragraph,
 13 or earnings thereon, shall be used or made available to pay
 14 debt service on the Save Our Coast revenue bonds.

15 (b) Moneys ~~The remainder of the moneys distributed~~
 16 ~~under this subsection, after the required payment under~~
 17 ~~paragraph (a),~~ shall be paid into the State Treasury to the
 18 credit of the Save Our Everglades Trust Fund in amounts
 19 necessary to pay debt service, provide reserves, and pay
 20 rebate obligations and other amounts due with respect to bonds
 21 issued under s. 215.619. Taxes distributable pursuant to
 22 paragraphs (a) and (b) shall be collectively distributed on a
 23 pro rata basis.

24 (c) The remainder of the moneys distributed under this
 25 subsection, after the required payments under paragraphs (a)
 26 and (b), shall be paid into the State Treasury to the credit
 27 of the Land Acquisition Trust Fund and may be used for any
 28 purpose for which funds deposited in the Land Acquisition
 29 Trust Fund may lawfully be used. Payments made under this
 30 paragraph shall continue until the cumulative amount credited
 31 to the Land Acquisition Trust Fund for the fiscal year under

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1 this paragraph and paragraph (2)(b) equals 70 percent of the
 2 current official forecast for distributions of taxes collected
 3 under this chapter pursuant to subsection (2). As used in this
 4 paragraph, the term "current official forecast" means the most
 5 recent forecast as determined by the Revenue Estimating
 6 Conference. If the current official forecast for a fiscal year
 7 changes after payments under this paragraph have ended during
 8 that fiscal year, no further payments are required under this
 9 paragraph during the fiscal year.

10 (d) The remainder of the moneys distributed under this
 11 subsection, after the required payments under paragraphs (a),
 12 (b), and (c), shall be paid into the State Treasury to the
 13 credit of:

14 1. The State Transportation Trust Fund in the
 15 Department of Transportation in the amount of \$542 ~~\$541.75~~
 16 million in each fiscal year, to be paid in quarterly
 17 installments and used for the following specified purposes,
 18 notwithstanding any other law to the contrary:

19 a. For the purposes of capital funding for the New
 20 Starts Transit Program, authorized by Title 49, U.S.C. s. 5309
 21 and specified in s. 341.051, 10 percent of these funds;

22 b. For the purposes of the Small County Outreach
 23 Program specified in s. 339.2818, 5 percent of these funds;

24 c. For the purposes of the Strategic Intermodal System
 25 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75
 26 percent of these funds after allocating for the New Starts
 27 Transit Program described in sub-subparagraph a. and the Small
 28 County Outreach Program described in sub-subparagraph b.; and

29 d. For the purposes of the Transportation Regional
 30 Incentive Program specified in s. 339.2819, 25 percent of
 31 these funds after allocating for the New Starts Transit

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1 Program described in sub-subparagraph a. and the Small County
2 Outreach Program described in sub-subparagraph b.

3 2. The Water Protection and Sustainability Program
4 Trust Fund in the Department of Environmental Protection in
5 the amount of \$100 million in each fiscal year, to be paid in
6 quarterly installments and used as required by s. 403.890.

7 3. The Public Education Capital Outlay and Debt
8 Service Trust Fund in the Department of Education in the
9 amount of \$104,130,000 ~~\$105 million~~ in each fiscal year, to be
10 paid in monthly installments with \$75 million used to fund the
11 Classrooms for Kids Program created in s. 1013.735, and
12 \$29,130,000 ~~\$30 million~~ to be used to fund the High Growth
13 County District Capital Outlay Assistance Grant Program
14 created in s. 1013.738. If required, new facilities
15 constructed under the Classrooms for Kids Program must meet
16 the requirements of s. 1013.372.

17 4. The Grants and Donations Trust Fund in the
18 Department of Community Affairs in the amount of \$3.87 ~~\$3.25~~
19 million in each fiscal year to be paid in monthly
20 installments, with \$3 million to be used to fund technical
21 assistance to local governments and school boards on the
22 requirements and implementation of this act and \$870,000
23 ~~\$250,000~~ to be used to fund the Century Commission for a
24 Sustainable Florida established in s. 163.3247.

25
26 Moneys distributed pursuant to this paragraph may not be
27 pledged for debt service unless such pledge is approved by
28 referendum of the voters.

29 (e) The remainder of the moneys distributed under this
30 subsection, after the required payments under paragraphs (a),
31 (b), (c), and (d), shall be paid into the State Treasury to

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1 the credit of the General Revenue Fund of the state to be used
 2 and expended for the purposes for which the General Revenue
 3 Fund was created and exists by law or to the Ecosystem
 4 Management and Restoration Trust Fund or to the Marine
 5 Resources Conservation Trust Fund as provided in subsection
 6 (11).

7 (11) From the moneys specified in paragraphs(1)(e)
 8 ~~(1)(d)~~ and (2)(a) and prior to deposit of any moneys into the
 9 General Revenue Fund, \$30 million shall be paid into the State
 10 Treasury to the credit of the Ecosystem Management and
 11 Restoration Trust Fund in fiscal year 2000-2001 and each
 12 fiscal year thereafter, to be used for the preservation and
 13 repair of the state's beaches as provided in ss.
 14 161.091-161.212, and \$2 million shall be paid into the State
 15 Treasury to the credit of the Marine Resources Conservation
 16 Trust Fund to be used for marine mammal care as provided in s.
 17 370.0603(3).

18 Section 11. Subsection (3) of section 215.619, Florida
 19 Statutes, is amended to read:

20 215.619 Bonds for Everglades restoration.--

21 (3) Everglades restoration bonds are payable from, and
 22 secured by a first lien on, taxes distributable under s.
 23 201.15(1)(b) and do not constitute a general obligation of, or
 24 a pledge of the full faith and credit of, the state.

25 Everglades restoration bonds are secured on a parity basis
 26 with bonds secured by moneys distributable under s.

27 ~~201.15(1)(a) junior and subordinate to bonds secured by moneys~~
 28 ~~distributable under s. 201.15(1)(a).~~

29 Section 12. Paragraph (f) of subsection (6) of section
 30 253.034, Florida Statutes, is amended to read:

31 253.034 State-owned lands; uses.--

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1 (6) The Board of Trustees of the Internal Improvement
 2 Trust Fund shall determine which lands, the title to which is
 3 vested in the board, may be surplus. For conservation lands,
 4 the board shall make a determination that the lands are no
 5 longer needed for conservation purposes and may dispose of
 6 them by an affirmative vote of at least three members. In the
 7 case of a land exchange involving the disposition of
 8 conservation lands, the board must determine by an affirmative
 9 vote of at least three members that the exchange will result
 10 in a net positive conservation benefit. For all other lands,
 11 the board shall make a determination that the lands are no
 12 longer needed and may dispose of them by an affirmative vote
 13 of at least three members.

14 (f) ~~1.~~ In reviewing lands owned by the board, the
 15 council shall consider whether such lands would be more
 16 appropriately owned or managed by the county or other unit of
 17 local government in which the land is located. A local
 18 government may request that state lands be specifically
 19 declared to be surplus lands for the purpose of providing
 20 affordable housing. The council shall recommend to the board
 21 whether a sale, lease, or other conveyance to a local
 22 government would be in the best interests of the state and
 23 local government. The provisions of this paragraph in no way
 24 limit the provisions of ss. 253.111 and 253.115. Such lands
 25 shall be offered to the state, county, or local government for
 26 a period of 30 days. Permissible uses for such surplus lands
 27 may include public schools; public libraries; fire or law
 28 enforcement substations; ~~and~~ governmental, judicial, or
 29 recreational centers; and affordable housing. County or local
 30 government requests for surplus lands shall be expedited
 31 throughout the surplus process. Surplus lands that are

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1 conveyed to a local government for affordable housing shall be
2 disposed of under the provisions of s. 125.379 or s. 166.0451.

3 If the county or local government does not elect to purchase
4 such lands in accordance with s. 253.111, then any surplusing
5 determination involving other governmental agencies shall be
6 made upon the board deciding the best public use of the lands.
7 Surplus properties in which governmental agencies have
8 expressed no interest shall then be available for sale on the
9 private market.

10 ~~2. Notwithstanding subparagraph 1., any surplus lands~~
11 ~~that were acquired by the state prior to 1958 by a gift or~~
12 ~~other conveyance for no consideration from a municipality, and~~
13 ~~which the department has filed by July 1, 2006, a notice of~~
14 ~~its intent to surplus, shall be first offered for reconveyance~~
15 ~~to such municipality at no cost, but for the fair market value~~
16 ~~of any building or other improvements to the land, unless~~
17 ~~otherwise provided in a deed restriction of record. This~~
18 ~~subparagraph expires July 1, 2006.~~

19 Section 13. Section 295.16, Florida Statutes, is
20 amended to read:

21 295.16 Disabled veterans exempt from certain license
22 or permit fee.--No totally and permanently disabled veteran
23 who is a resident of Florida and honorably discharged from the
24 Armed Forces, who has been issued a valid identification card
25 by the Department of Veterans' Affairs in accordance with s.
26 295.17 or has been determined by the United States Department
27 of Veterans Affairs or its predecessor to have a
28 service-connected 100-percent disability rating for
29 compensation, or who has been determined to have a
30 service-connected disability rating of 100 percent and is in
31 receipt of disability retirement pay from any branch of the

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1 uniformed armed services, shall be required to pay any license
 2 or permit fee, by whatever name known, to any county or
 3 municipality in order to make improvements upon a dwelling
 4 ~~mobile home~~ owned by the veteran which is used as the
 5 veteran's residence, provided such improvements are limited to
 6 ramps, widening of doors, and similar improvements for the
 7 purpose of making the dwelling ~~mobile home~~ habitable for
 8 veterans confined to wheelchairs.

9 Section 14. Paragraph (b) of subsection (19) of
 10 section 380.06, Florida Statutes, is amended to read:

11 380.06 Developments of regional impact.--

12 (19) SUBSTANTIAL DEVIATIONS.--

13 (b) Any proposed change to a previously approved
 14 development of regional impact or development order condition
 15 which, either individually or cumulatively with other changes,
 16 exceeds any of the following criteria shall constitute a
 17 substantial deviation and shall cause the development to be
 18 subject to further development-of-regional-impact review
 19 without the necessity for a finding of same by the local
 20 government:

21 1. An increase in the number of parking spaces at an
 22 attraction or recreational facility by 5 percent or 300
 23 spaces, whichever is greater, or an increase in the number of
 24 spectators that may be accommodated at such a facility by 5
 25 percent or 1,000 spectators, whichever is greater.

26 2. A new runway, a new terminal facility, a 25-percent
 27 lengthening of an existing runway, or a 25-percent increase in
 28 the number of gates of an existing terminal, but only if the
 29 increase adds at least three additional gates.

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

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

3 5. An increase in the average annual acreage mined by
4 5 percent or 10 acres, whichever is greater, or an increase in
5 the average daily water consumption by a mining operation by 5
6 percent or 300,000 gallons, whichever is greater. An increase
7 in the size of the mine by 5 percent or 750 acres, whichever
8 is less. An increase in the size of a heavy mineral mine as
9 defined in s. 378.403(7) will only constitute a substantial
10 deviation if the average annual acreage mined is more than 500
11 acres and consumes more than 3 million gallons of water per
12 day.

13 6. An increase in land area for office development by
14 5 percent or an increase of gross floor area of office
15 development by 5 percent or 60,000 gross square feet,
16 whichever is greater.

17 7. An increase in the storage capacity for chemical or
18 petroleum storage facilities by 5 percent, 20,000 barrels, or
19 7 million pounds, whichever is greater.

20 8. An increase of development at a waterport of wet
21 storage for 20 watercraft, dry storage for 30 watercraft, or
22 wet/dry storage for 60 watercraft in an area identified in the
23 state marina siting plan as an appropriate site for additional
24 waterport development or a 5-percent increase in watercraft
25 storage capacity, whichever is greater.

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

28 10. An increase in commercial development by 50,000
29 square feet of gross floor area or of parking spaces provided
30 for customers for 300 cars or a 5-percent increase of either
31 of these, whichever is greater.

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

3 12. An increase in a recreational vehicle park area by
4 5 percent or 100 vehicle spaces, whichever is less.

5 13. A decrease in the area set aside for open space of
6 5 percent or 20 acres, whichever is less.

7 14. A proposed increase to an approved multiuse
8 development of regional impact where the sum of the increases
9 of each land use as a percentage of the applicable substantial
10 deviation criteria is equal to or exceeds 100 percent. The
11 percentage of any decrease in the amount of open space shall
12 be treated as an increase for purposes of determining when 100
13 percent has been reached or exceeded.

14 15. A 15-percent increase in the number of external
15 vehicle trips generated by the development above that which
16 was projected during the original
17 development-of-regional-impact review.

18 16. Any change which would result in development of
19 any area which was specifically set aside in the application
20 for development approval or in the development order for
21 preservation or special protection of endangered or threatened
22 plants or animals designated as endangered, threatened, or
23 species of special concern and their habitat, primary dunes,
24 or archaeological and historical sites designated as
25 significant by the Division of Historical Resources of the
26 Department of State. The further refinement of such areas by
27 survey shall be considered under sub-subparagraph (e)5.b.

28 17. An increase in the number of dwelling units by 30
29 percent or 150 units, whichever is greater, if 20 percent of
30 the increase in the number of dwelling units is dedicated to
31 the construction of permanent workforce housing, subject to a

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1 recorded land use restriction agreement. For purposes of this
 2 subparagraph, the term "workforce housing" means housing that
 3 is affordable to a person who earns less than 120 percent of
 4 the area median income, or less than 140 percent of the area
 5 median income if located in a county in which the median
 6 purchase price of a single-family home is above the state
 7 median sales price of a single-family home.

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

21 Section 15. Present paragraph (k) of subsection (3) of
 22 section 380.0651, Florida Statutes, is redesignated as
 23 paragraph (l), and a new paragraph (k) is added to that
 24 subsection, to read:

25 380.0651 Statewide guidelines and standards.--

26 (3) The following statewide guidelines and standards
 27 shall be applied in the manner described in s. 380.06(2) to
 28 determine whether the following developments shall be required
 29 to undergo development-of-regional-impact review:

30 (k) Workforce housing.--The applicable guidelines for
 31 residential development and the residential component for

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1 multiuse development shall be increased by 30 percent where
 2 the developer demonstrates that at least 15 percent of the
 3 residential dwelling units will be dedicated to permanent
 4 workforce housing, subject to a recorded land use restriction
 5 agreement. For purposes of this subparagraph, the term
 6 "workforce housing" means housing that is affordable to a
 7 person who earns less than 120 percent of the area median
 8 income, or less than 140 percent of the area median income if
 9 located in a county in which the median purchase price of a
 10 single-family home is above the state median sales price of a
 11 single-family home.

12 Section 16. Section 420.0004, Florida Statutes, is
 13 amended to read:

14 420.0004 Definitions.--As used in this part, unless
 15 the context otherwise indicates:

16 (1) "Adjusted for family size" means adjusted in a
 17 manner which results in an income eligibility level which is
 18 lower for households with fewer than four people, or higher
 19 for households with more than four people, than the base
 20 income eligibility determined as provided in subsection (9),
 21 subsection (10), subsection (11), or subsection ~~(15)~~ ~~(14)~~,
 22 based upon a formula as established by the United States
 23 Department of Housing and Urban Development.

24 (2) "Adjusted gross income" means all wages, assets,
 25 regular cash or noncash contributions or gifts from persons
 26 outside the household, and such other resources and benefits
 27 as may be determined to be income by the United States
 28 Department of Housing and Urban Development, adjusted for
 29 family size, less deductions allowable under s. 62 of the
 30 Internal Revenue Code.

31 (3) "Affordable" means that monthly rents or monthly

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1 mortgage payments including taxes, insurance, and utilities do
 2 not exceed 30 percent of that amount which represents the
 3 percentage of the median adjusted gross annual income for the
 4 households as indicated in subsection (9), subsection (10),
 5 subsection (11), or subsection(15) ~~(14)~~.

6 (4) "Corporation" means the Florida Housing Finance
 7 Corporation.

8 (5) "Community-based organization" or "nonprofit
 9 organization" means a private corporation organized under
 10 chapter 617 to assist in the provision of housing and related
 11 services on a not-for-profit basis and which is acceptable to
 12 federal and state agencies and financial institutions as a
 13 sponsor of low-income housing.

14 (6) "Department" means the Department of Community
 15 Affairs.

16 (7) "Elderly" describes persons 62 years of age or
 17 older.

18 (8) "Local public body" means any county,
 19 municipality, or other political subdivision, or any housing
 20 authority as provided by chapter 421, which is eligible to
 21 sponsor or develop housing for farmworkers and very-low-income
 22 and low-income persons within its jurisdiction.

23 (9) "Extremely-low-income persons" means one or more
 24 natural persons or a family whose total annual household
 25 income does not exceed 30 percent of the median annual
 26 adjusted gross income for households within the state. The
 27 Florida Housing Finance Corporation may adjust this amount
 28 annually by rule to provide that in lower-income counties,
 29 extremely low income may exceed 30 percent of the median
 30 income for the area, and that in higher-income counties,
 31 extremely low income may be less than 30 percent of the area

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1 median income.

2 ~~(10)(9)~~ "Low-income persons" means one or more natural
3 persons or a family, the total annual adjusted gross household
4 income of which does not exceed 80 percent of the median
5 annual adjusted gross income for households within the state,
6 or 80 percent of the median annual adjusted gross income for
7 households within the metropolitan statistical area (MSA) or,
8 if not within an MSA, within the county in which the person or
9 family resides, whichever is greater.

10 ~~(11)(10)~~ "Moderate-income persons" means one or more
11 natural persons or a family, the total annual adjusted gross
12 household income of which is less than 120 percent of the
13 median annual adjusted gross income for households within the
14 state, or 120 percent of the median annual adjusted gross
15 income for households within the metropolitan statistical area
16 (MSA) or, if not within an MSA, within the county in which the
17 person or family resides, whichever is greater.

18 ~~(12)(11)~~ "Student" means any person not living with
19 his or her parent or guardian who is eligible to be claimed by
20 his or her parent or guardian as a dependent under the federal
21 income tax code and who is enrolled on at least a half-time
22 basis in a secondary school, career center, community college,
23 college, or university.

24 ~~(13)(12)~~ "Substandard" means:

25 (a) Any unit lacking complete plumbing or sanitary
26 facilities for the exclusive use of the occupants;

27 (b) A unit which is in violation of one or more major
28 sections of an applicable housing code and where such
29 violation poses a serious threat to the health of the
30 occupant; or

31 (c) A unit that has been declared unfit for human

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1 habitation but that could be rehabilitated for less than 50
2 percent of the property value.

3 ~~(14)(13)~~ "Substantial rehabilitation" means repair or
4 restoration of a dwelling unit where the value of such repair
5 or restoration exceeds 40 percent of the value of the
6 dwelling.

7 ~~(15)(14)~~ "Very-low-income persons" means one or more
8 natural persons or a family, not including students, the total
9 annual adjusted gross household income of which does not
10 exceed 50 percent of the median annual adjusted gross income
11 for households within the state, or 50 percent of the median
12 annual adjusted gross income for households within the
13 metropolitan statistical area (MSA) or, if not within an MSA,
14 within the county in which the person or family resides,
15 whichever is greater.

16 Section 17. Subsection (18) of section 420.503,
17 Florida Statutes, is amended to read:

18 420.503 Definitions.--As used in this part, the term:

19 ~~(18)(a)~~ "Farmworker" means a laborer who is employed
20 on a seasonal, temporary, or permanent basis in the planting,
21 cultivating, harvesting, or processing of agricultural or
22 aquacultural products and who derived at least 50 percent of
23 her or his income in the immediately preceding 12 months from
24 such employment.

25 ~~(b)~~ "Farmworker" ~~also~~ includes a person who has
26 retired as a laborer due to age, disability, or illness. In
27 order to be considered retired as a farmworker due to age
28 under this part, a person must be 50 years of age or older and
29 must have been employed for a minimum of 5 years as a
30 farmworker before retirement. In order to be considered
31 retired as a farmworker due to disability or illness, a person

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1 must:

2 ~~1.(a)~~ Establish medically that she or he is unable to
3 be employed as a farmworker due to that disability or illness.

4 ~~2.(b)~~ Establish that she or he was previously employed
5 as a farmworker.

6 (c) Notwithstanding paragraphs (a) and (b), when
7 corporation-administered funds are used in conjunction with
8 funds provided by the United States Department of Agriculture
9 Rural Development, the term "farmworker" may mean a laborer
10 who meets, at a minimum, the definition of "domestic farm
11 laborer" as defined in 7 C.F.R. s. 3560.11, as amended. The
12 corporation may establish additional criteria by rule.

13 Section 18. Subsection (22), paragraph (a) of
14 subsection (23), and subsection (40) of section 420.507,
15 Florida Statutes, are amended, and subsections (44) and (45)
16 are added to that section, to read:

17 420.507 Powers of the corporation.--The corporation
18 shall have all the powers necessary or convenient to carry out
19 and effectuate the purposes and provisions of this part,
20 including the following powers which are in addition to all
21 other powers granted by other provisions of this part:

22 (22) To develop and administer the State Apartment
23 Incentive Loan Program. In developing and administering that
24 program, the corporation may:

25 (a) Make first, second, and other subordinated
26 mortgage loans including variable or fixed rate loans subject
27 to contingent interest for all State Apartment Incentive Loans
28 provided for in this chapter based upon available cash flow of
29 the projects. The corporation shall make loans exceeding 25
30 percent of project cost available only to nonprofit
31 organizations and public bodies which are able to secure

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1 grants, donations of land, or contributions from other sources
2 and to projects meeting the criteria of subparagraph 1.

3 Mortgage loans shall be made available at the following rates
4 of interest:

5 1. Zero to 3 percent interest for sponsors of projects
6 that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~ of
7 their total units for residents qualifying as farmworkers as
8 defined in this part ~~s. 420.503(18)~~, commercial fishing
9 workers as defined in this part ~~s. 420.503(5)~~, or the homeless
10 as defined in s. 420.621(4) over the life of the loan.

11 2. The board may set the interest rate based on the
12 pro rata share of units set aside for homeless residents if
13 the total share of the units is less than 80 percent of the
14 units in the borrower's project.

15 ~~3.2.~~ One ~~Three~~ to 9 percent interest for sponsors of
16 projects targeted at populations other than farmworkers,
17 commercial fishing workers, and the homeless.

18 (b) Make loans exceeding 25 percent of project costs
19 if the project serves extremely-low-income persons.

20 (c) Waive payments or forgive indebtedness for a pro
21 rata share of the loan based on the number of units in a
22 project reserved for extremely-low-income persons.

23 (d)~~(b)~~ Geographically and demographically target the
24 utilization of loans.

25 (e)~~(c)~~ Underwrite credit, and reject projects which do
26 not meet the established standards of the corporation.

27 (f)~~(d)~~ Negotiate with governing bodies within the
28 state after a loan has been awarded to obtain local government
29 contributions.

30 (g)~~(e)~~ Inspect any records of a sponsor at any time
31 during the life of the loan or the agreed period for

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1 maintaining the provisions of s. 420.5087.

2 ~~(h)(f)~~ Establish, by rule, the procedure for
3 evaluating, scoring, and competitively ranking all
4 applications based on the criteria set forth in s.
5 420.5087(6)(c); determining actual loan amounts; making and
6 servicing loans; and exercising the powers authorized in this
7 subsection.

8 ~~(i)(g)~~ Establish a loan loss insurance reserve to be
9 used to protect the outstanding program investment in case of
10 a default, deed in lieu of foreclosure, or foreclosure of a
11 program loan.

12 (23) To develop and administer the Florida
13 Homeownership Assistance Program. In developing and
14 administering the program, the corporation may:

15 (a)1. Make subordinated loans to eligible borrowers
16 for down payments or closing costs related to the purchase of
17 the borrower's primary residence.

18 2. Make permanent loans to eligible borrowers related
19 to the purchase of the borrower's primary residence.

20 3. Make subordinated loans to nonprofit sponsors or
21 developers of housing for purchase of property, for
22 construction, or for financing of housing to be offered for
23 sale to eligible borrowers as a primary residence at an
24 affordable price.

25 (40) To establish subsidiary business entities
26 ~~corporations~~ for the purpose of taking title to and managing
27 and disposing of property acquired by the corporation. The
28 ~~Such~~ subsidiary business entities ~~corporations~~ shall be public
29 business entities ~~corporations~~ wholly owned by the
30 corporation; are ~~shall be~~ entitled to own, mortgage, and sell
31 property on the same basis as the corporation; and shall be

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1 deemed business entities ~~corporations~~ primarily acting as
 2 agents of the state, within the meaning of s. 768.28, on the
 3 same basis as the corporation. Any subsidiary business entity
 4 created by the corporation is ~~shall be~~ subject to chapters
 5 119, 120, and 286 to the same extent as the corporation. The
 6 subsidiary business entities may make rules necessary to
 7 conduct business and carry out the purposes of this
 8 subsection.

9 (44) To adopt rules for the intervention, negotiation
 10 of terms, and other actions necessary to further program goals
 11 or avoid default of a program loan. The rules must consider
 12 fiscal program goals and the preservation or advancement of
 13 affordable housing for the state.

14 (45) To establish by rule requirements for periodic
 15 reporting of data. Each periodic report must include, but is
 16 not limited to, data relating to multifamily projects such as
 17 information concerning financing, housing market information,
 18 detailed economic analysis, and physical occupancy and
 19 demographic data concerning all housing types financed through
 20 corporation programs and for participation in a housing
 21 location system.

22 Section 19. Subsections (1), (3), and (5), and
 23 paragraphs (a), (b), (c), (f), (g), (h), and (k) of subsection
 24 (6) of section 420.5087, Florida Statutes, are amended to
 25 read:

26 420.5087 State Apartment Incentive Loan
 27 Program.--There is hereby created the State Apartment
 28 Incentive Loan Program for the purpose of providing first,
 29 second, or other subordinated mortgage loans or loan
 30 guarantees to sponsors, including for-profit, nonprofit, and
 31 public entities, to provide housing affordable to

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1 very-low-income persons.

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

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

14 (b) Counties that have a population of more than
15 ~~between 100,000 but fewer than 825,000 and 500,000 people;~~ and

16 (c) Counties that have a population of 100,000 or
17 fewer less.

18
19 Any increase in funding required to reach the 10-percent
20 minimum shall be taken from the county category that has the
21 largest allocation. The corporation shall adopt rules that
22 ~~which~~ establish an equitable process for distributing any
23 portion of the 10 percent of program funds allocated to the
24 county categories specified in this subsection which remains
25 unallocated at the end of a 3-year period. Counties that have
26 a population of 100,000 or fewer less shall be given
27 preference under these rules.

28 (3) During the first 6 months of loan or loan
29 guarantee availability, program funds shall be reserved for
30 use by sponsors who provide the housing set-aside required in
31 subsection (2) for the tenant groups designated in this

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1 subsection. The reservation of funds to each of these groups
 2 shall be determined using the most recent statewide
 3 very-low-income rental housing market study available at the
 4 time of publication of each notice of fund availability
 5 required by paragraph (6)(b). The reservation of funds within
 6 each notice of fund availability to the tenant groups in
 7 paragraphs (a), (b), and (d) may not be less than 10 percent
 8 of the funds available at that time. Any increase in funding
 9 required to reach the 10-percent minimum shall be taken from
 10 the tenant group that has the largest reservation. The
 11 reservation of funds within each notice of fund availability
 12 to the tenant group in paragraph (c) may not be less than 5
 13 percent of the funds available at that time. The tenant groups
 14 are:

- 15 (a) Commercial fishing workers and farmworkers;
- 16 (b) Families;
- 17 (c) Persons who are homeless; and
- 18 (d) Elderly persons. Ten percent of the amount
 19 reserved for the elderly shall be reserved to provide loans to
 20 sponsors of housing for the elderly for the purpose of making
 21 building preservation, health, or sanitation repairs or
 22 improvements which are required by federal, state, or local
 23 regulation or code, or lifesafety or security-related repairs
 24 or improvements to such housing. Such a loan may not exceed
 25 \$750,000 per housing community for the elderly. In order to
 26 receive the loan, the sponsor of the housing community must
 27 make a commitment to match at least 5 ~~15~~ percent of the loan
 28 amount to pay the cost of such repair or improvement. The
 29 corporation shall establish the rate of interest on the loan,
 30 which may not exceed 3 percent, and the term of the loan,
 31 which may not exceed 15 years. However, if the lien of the

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1 corporation's encumbrance is subordinate to the lien of
 2 another mortgagee, the term may be made coterminous with the
 3 longest term of the superior lien. The term of the loan shall
 4 be established on the basis of a credit analysis of the
 5 applicant. The corporation shall establish, by rule, the
 6 procedure and criteria for receiving, evaluating, and
 7 competitively ranking all applications for loans under this
 8 paragraph. A loan application must include evidence of the
 9 first mortgagee's having reviewed and approved the sponsor's
 10 intent to apply for a loan. A nonprofit organization or
 11 sponsor may not use the proceeds of the loan to pay for
 12 administrative costs, routine maintenance, or new
 13 construction.

14 (5) The amount of the mortgage provided under this
 15 program combined with any other mortgage in a superior
 16 position shall be less than the value of the project without
 17 the housing set-aside required by subsection (2). However, the
 18 corporation may waive this requirement for projects in rural
 19 areas or urban infill areas which have market rate rents that
 20 are less than the allowable rents pursuant to applicable state
 21 and federal guidelines and for projects that reserve units for
 22 extremely-low-income persons. ~~A In no event shall the~~ mortgage
 23 provided under this program may not be combined with any other
 24 mortgage in a superior position to exceed total project cost.

25 (6) On all state apartment incentive loans, except
 26 loans made to housing communities for the elderly to provide
 27 for lifesafety, building preservation, health, sanitation, or
 28 security-related repairs or improvements, the following
 29 provisions shall apply:

30 (a) The corporation shall establish two interest rates
 31 in accordance with s. 420.507(22)(a)1. and 2.

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1 (b) The corporation shall publish a notice of fund
 2 availability in a publication of general circulation
 3 throughout the state. ~~The~~ ~~Such~~ notice shall be published at
 4 least 60 days before ~~prior to~~ the application deadline and
 5 shall provide notice of the temporary reservations of funds
 6 established in subsection (3).

7 (c) The corporation shall provide by rule for the
 8 establishment of a review committee composed of the department
 9 and corporation staff and shall establish by rule a scoring
 10 system for evaluation and competitive ranking of applications
 11 submitted in this program, including, but not limited to, the
 12 following criteria:

13 1. Tenant income and demographic targeting objectives
 14 of the corporation.

15 2. Targeting objectives of the corporation which will
 16 ensure an equitable distribution of loans between rural and
 17 urban areas.

18 3. Sponsor's agreement to reserve the units for
 19 persons or families who have incomes below 50 percent of the
 20 state or local median income, whichever is higher, for a time
 21 period to exceed the minimum required by federal law or the
 22 provisions of this part.

23 4. Sponsor's agreement to reserve more than:

24 a. Twenty percent of the units in the project for
 25 persons or families who have incomes that do not exceed 50
 26 percent of the state or local median income, whichever is
 27 higher; or

28 b. Forty percent of the units in the project for
 29 persons or families who have incomes that do not exceed 60
 30 percent of the state or local median income, whichever is
 31 higher, without requiring a greater amount of the loans as

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1 provided in this section.

2 5. Provision for tenant counseling.

3 6. Sponsor's agreement to accept rental assistance
4 certificates or vouchers as payment for rent; ~~however, when~~
5 ~~certificates or vouchers are accepted as payment for rent on~~
6 ~~units set aside pursuant to subsection (2), the benefit must~~
7 ~~be divided between the corporation and the sponsor, as~~
8 ~~provided by corporation rule.~~

9 7. Projects requiring the least amount of a state
10 apartment incentive loan compared to overall project cost,
11 except that the pro rata share of the loan attributable to the
12 extremely-low-income units shall be excluded from this
13 requirement.

14 8. Local government contributions and local government
15 comprehensive planning and activities that promote affordable
16 housing.

17 9. Project feasibility.

18 10. Economic viability of the project.

19 11. Commitment of first mortgage financing.

20 12. Sponsor's prior experience.

21 13. Sponsor's ability to proceed with construction.

22 14. Projects that directly implement or assist
23 welfare-to-work transitioning.

24 15. Projects that reserve units for
25 extremely-low-income families.

26 (f) The review committee established by corporation
27 rule under ~~pursuant to~~ this subsection shall make
28 recommendations to the board of directors of the corporation
29 regarding program participation under the State Apartment
30 Incentive Loan Program. The corporation board shall make the
31 final ranking and the decisions regarding which applicants

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1 shall become program participants based on the scores received
 2 in the competitive ranking, further review of applications,
 3 and the recommendations of the review committee. The
 4 corporation board shall approve or reject applications for
 5 loans and shall determine the tentative loan amount available
 6 to each applicant selected for participation in the program.
 7 The actual loan amount shall be determined by a ~~pursuant to~~
 8 rule adopted under s. 420.507(22)(h) ~~pursuant to s.~~
 9 ~~420.507(22)(f).~~

10 (g) The loan term shall be for a period of not more
 11 than 15 years; however, if both a program loan and federal
 12 low-income housing tax credits are to be used to assist a
 13 project, the corporation may set the loan term for a period
 14 commensurate with the investment requirements associated with
 15 the tax credit syndication. The term of the loan may also
 16 exceed 15 years ~~if necessary to conform to requirements of the~~
 17 ~~Federal National Mortgage Association.~~ However, if the lien of
 18 the corporation's encumbrance is subordinate to the lien of
 19 another mortgagee, the term may be made coterminous with the
 20 longest term of the superior lien. The corporation may
 21 renegotiate and extend the loan in order to extend the
 22 availability of housing for the targeted population. The term
 23 of a loan may not extend beyond the period for which the
 24 sponsor agrees to provide the housing set-aside required by
 25 subsection (2).

26 (h) The loan shall be subject to sale, transfer, or
 27 refinancing. The sale, transfer, or refinancing of the loan
 28 shall be consistent with fiscal program goals and the
 29 preservation or advancement of affordable housing for the
 30 state. ~~However, all requirements and conditions of the loan~~
 31 ~~shall remain following sale, transfer, or refinancing.~~

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1 (k) Rent controls may ~~shall~~ not be allowed on any
2 project except as required in conjunction with the issuance of
3 tax-exempt bonds or federal low-income housing tax credits,
4 and except when the sponsor has committed to set aside units
5 for extremely-low-income persons, in which case rents shall be
6 restricted at the level applicable to federal low-income tax
7 credits.

8 Section 20. Section 420.5088, Florida Statutes, is
9 amended to read:

10 420.5088 Florida Homeownership Assistance
11 Program.--There is created the Florida Homeownership
12 Assistance Program for the purpose of assisting low-income and
13 moderate-income persons in purchasing a home as their primary
14 residence by reducing the cost of the home with below-market
15 construction financing, by reducing the amount of down payment
16 and closing costs paid by the borrower to a maximum of 5
17 percent of the purchase price, or by reducing the monthly
18 payment to an affordable amount for the purchaser. Loans shall
19 be made available at an interest rate that does not exceed 3
20 percent. The balance of any loan is due at closing if the
21 property is sold, rented, refinanced, or transferred, except
22 as approved by the corporation.

23 (1) For loans made available pursuant to s.
24 420.507(23)(a)1. or 2.:

25 (a) The corporation may underwrite and make those
26 mortgage loans through the program to persons or families who
27 have incomes that do not exceed 120 ~~80~~ percent of the state or
28 local median income, whichever is greater, adjusted for family
29 size.

30 (b) Loans shall be made available for the term of the
31 first mortgage.

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1 (c) Loans may not exceed ~~are limited to~~ the lesser of
2 35 ~~25~~ percent of the purchase price of the home or the amount
3 necessary to enable the purchaser to meet credit underwriting
4 criteria.

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

6 (a) Availability is limited to nonprofit sponsors or
7 developers who are selected for program participation under
8 ~~pursuant to~~ this subsection.

9 (b) Preference must be given to ~~community development~~
10 ~~corporations as defined in s. 290.033 and to~~ community-based
11 organizations as defined in s. 420.503.

12 (c) Priority must be given to projects that have
13 received state assistance in funding project predevelopment
14 costs.

15 (d) The benefits of making such loans shall be
16 contractually provided to the persons or families purchasing
17 homes financed under this subsection.

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

28 (f) The maximum loan amount may not exceed 33 percent
29 of the total project cost.

30 (g) A person who purchases a home in a project
31 financed under this subsection is eligible for a loan

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1 authorized by s. 420.507(23)(a)1. or 2. in an aggregate amount
 2 not exceeding the construction loan made under ~~pursuant to~~
 3 this subsection. The home purchaser must meet all the
 4 requirements for loan recipients established pursuant to the
 5 applicable loan program.

6 (h) The corporation shall provide, by rule, for the
 7 establishment of a review committee composed of corporation
 8 staff and shall establish, by rule, a scoring system for
 9 evaluating and ranking applications submitted for construction
 10 loans under this subsection, including, but not limited to,
 11 the following criteria:

12 1. The affordability of the housing proposed to be
 13 built.

14 2. The direct benefits of the assistance to the
 15 persons who will reside in the proposed housing.

16 3. The demonstrated capacity of the applicant to carry
 17 out the proposal, including the experience of the development
 18 team.

19 4. The economic feasibility of the proposal.

20 5. The extent to which the applicant demonstrates
 21 potential cost savings by combining the benefits of different
 22 governmental programs and private initiatives, including the
 23 local government contributions and local government
 24 comprehensive planning and activities that promote affordable
 25 housing.

26 6. The use of the least amount of program loan funds
 27 compared to overall project cost.

28 7. The provision of homeownership counseling.

29 8. The applicant's agreement to exceed the
 30 requirements of paragraph (e).

31 9. The commitment of first mortgage financing for the

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1 balance of the construction loan and for the permanent loans
2 to the purchasers of the housing.

3 10. The applicant's ability to proceed with
4 construction.

5 11. The targeting objectives of the corporation which
6 will ensure an equitable distribution of loans between rural
7 and urban areas.

8 12. The extent to which the proposal will further the
9 purposes of this program.

10 (i) The corporation may reject any and all
11 applications.

12 (j) The review committee established by corporation
13 rule pursuant to this subsection shall make recommendations to
14 the corporation board regarding program participation under
15 this subsection. The corporation board shall make the final
16 ranking for participation based on the scores received in the
17 ranking, further review of the applications, and the
18 recommendations of the review committee. The corporation board
19 shall approve or reject applicants for loans and shall
20 determine the tentative loan amount available to each program
21 participant. The final loan amount shall be determined
22 pursuant to rule adopted under s. 420.507(23)(h).

23 (3) The corporation shall publish a notice of fund
24 availability in a publication of general circulation
25 throughout the state at least 60 days before ~~prior to~~ the
26 anticipated availability of funds.

27 ~~(4) During the first 9 months of fund availability:~~

28 ~~(a) Sixty percent of the program funds shall be~~
29 ~~reserved for use by borrowers pursuant to s. 420.507(23)(a)1.~~

30 ~~(b) Twenty percent of the program funds shall be~~
31 ~~reserved for use by borrowers pursuant to s. 420.507(23)(a)2.~~

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1 and

2 ~~(c) Twenty percent of the program funds shall be~~
3 ~~reserved for use by borrowers pursuant to s. 420.507(23)(a)3.~~

4

5 ~~If the application of these percentages would cause the~~
6 ~~reservation of program funds under paragraph (a) to be less~~
7 ~~than \$1 million, the reservation for paragraph (a) shall be~~
8 ~~increased to \$1 million or all available funds, whichever~~
9 ~~amount is less, with the increase to be accomplished by~~
10 ~~reducing the reservation for paragraph (b) and, if necessary,~~
11 ~~paragraph (c).~~

12 ~~(4)(5)~~ There is authorized to be established by the
13 corporation with a qualified public depository meeting the
14 requirements of chapter 280 the Florida Homeownership
15 Assistance Fund to be administered by the corporation
16 according to the provisions of this program. Any amounts held
17 in the Florida Homeownership Assistance Trust Fund for such
18 purposes as of January 1, 1998, must be transferred to the
19 corporation for deposit in the Florida Homeownership
20 Assistance Fund, whereupon the Florida Homeownership
21 Assistance Trust Fund must be closed. There shall be deposited
22 in the fund moneys from the State Housing Trust Fund created
23 by s. 420.0005, or moneys received from any other source, for
24 the purpose of this program and all proceeds derived from the
25 use of such moneys. In addition, all unencumbered funds, loan
26 repayments, proceeds from the sale of any property, and any
27 other proceeds that would otherwise accrue pursuant to the
28 activities of the programs described in this section shall be
29 transferred to this fund. In addition, all loan repayments,
30 proceeds from the sale of any property, and any other proceeds
31 that would otherwise accrue pursuant to the activities

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1 conducted under the provisions of the Florida Homeownership
 2 Assistance Program shall be deposited in the fund and shall
 3 not revert to the General Revenue Fund. Expenditures from the
 4 Florida Homeownership Assistance Fund shall not be required to
 5 be included in the corporation's budget request or be subject
 6 to appropriation by the Legislature.

7 ~~(5)(6)~~ No more than one-fifth of the funds available
 8 in the Florida Homeownership Assistance Fund may be made
 9 available to provide loan loss insurance reserve funds to
 10 facilitate homeownership for eligible persons.

11 Section 21. Subsection (2) of section 420.9072,
 12 Florida Statutes, is amended to read:

13 420.9072 State Housing Initiatives Partnership
 14 Program.--The State Housing Initiatives Partnership Program is
 15 created for the purpose of providing funds to counties and
 16 eligible municipalities as an incentive for the creation of
 17 local housing partnerships, to expand production of and
 18 preserve affordable housing, to further the housing element of
 19 the local government comprehensive plan specific to affordable
 20 housing, and to increase housing-related employment.

21 (2)(a) To be eligible to receive funds under the
 22 program, a county or eligible municipality must:

23 1. Submit to the corporation its local housing
 24 assistance plan describing the local housing assistance
 25 strategies established pursuant to s. 420.9075;

26 2. Within 12 months after adopting the local housing
 27 assistance plan, amend the plan to incorporate the local
 28 housing incentive strategies defined in s. 420.9071(16) and
 29 described in s. 420.9076; and

30 3. Within 24 months after adopting the amended local
 31 housing assistance plan to incorporate the local housing

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1 incentive strategies, amend its land development regulations
 2 or establish local policies and procedures, as necessary, to
 3 implement the local housing incentive strategies adopted by
 4 the local governing body. A county or an eligible municipality
 5 that has adopted a housing incentive strategy pursuant to s.
 6 420.9076 before the effective date of this act shall review
 7 the status of implementation of the plan according to its
 8 adopted schedule for implementation and report its findings in
 9 the annual report required by s. 420.9075(10) ~~s. 420.9075(9)~~.
 10 If as a result of the review, a county or an eligible
 11 municipality determines that the implementation is complete
 12 and in accordance with its schedule, no further action is
 13 necessary. If a county or an eligible municipality determines
 14 that implementation according to its schedule is not complete,
 15 it must amend its land development regulations or establish
 16 local policies and procedures, as necessary, to implement the
 17 housing incentive plan within 12 months after the effective
 18 date of this act, or if extenuating circumstances prevent
 19 implementation within 12 months, pursuant to s. 420.9075(13)
 20 ~~s. 420.9075(12)~~, enter into an extension agreement with the
 21 corporation.

22 (b) A county or an eligible municipality seeking
 23 approval to receive its share of the local housing
 24 distribution must adopt an ordinance containing the following
 25 provisions:

26 1. Creation of a local housing assistance trust fund
 27 as described in s. 420.9075(6) ~~s. 420.9075(5)~~.

28 2. Adoption by resolution of a local housing
 29 assistance plan as defined in s. 420.9071(14) to be
 30 implemented through a local housing partnership as defined in
 31 s. 420.9071(18).

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1 3. Designation of the responsibility for the
 2 administration of the local housing assistance plan. Such
 3 ordinance may also provide for the contracting of all or part
 4 of the administrative or other functions of the program to a
 5 third person or entity.

6 4. Creation of the affordable housing advisory
 7 committee as provided in s. 420.9076.

8
 9 The ordinance must not take effect until at least 30 days
 10 after the date of formal adoption. Ordinances in effect prior
 11 to the effective date of amendments to this section shall be
 12 amended as needed to conform to new provisions.

13 Section 22. Section 420.9075, Florida Statutes, is
 14 amended to read:

15 420.9075 Local housing assistance plans;
 16 partnerships.--

17 (1)(a) Each county or eligible municipality
 18 participating in the State Housing Initiatives Partnership
 19 Program shall develop and implement a local housing assistance
 20 plan created to make affordable residential units available to
 21 persons of very low income, low income, or moderate income and
 22 to persons who have special housing needs, including, but not
 23 limited to, homeless people, the elderly, and migrant
 24 farmworkers. The plans are intended to increase the
 25 availability of affordable residential units by combining
 26 local resources and cost-saving measures into a local housing
 27 partnership and using private and public funds to reduce the
 28 cost of housing.

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

31 1. Implement local housing assistance strategies for

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1 the provision of affordable housing.

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

5 3. Provide the local matching share of federal
6 affordable housing grants or programs.

7 4. Fund emergency repairs, including, but not limited
8 to, repairs performed by existing service providers under
9 weatherization assistance programs under ss. 409.509-409.5093.

10 5. Further the housing element of the local government
11 comprehensive plan adopted pursuant to s. 163.3184, specific
12 to affordable housing.

13 (2)(a) Each county and each eligible municipality
14 participating in the State Housing Initiatives Partnership
15 Program shall encourage the involvement of appropriate public
16 sector and private sector entities as partners in order to
17 combine resources to reduce housing costs for the targeted
18 population. This partnership process should involve:

19 1. Lending institutions.

20 2. Housing builders and developers.

21 3. Nonprofit and other community-based housing and
22 service organizations.

23 4. Providers of professional services relating to
24 affordable housing.

25 5. Advocates for low-income persons, including, but
26 not limited to, homeless people, the elderly, and migrant
27 farmworkers.

28 6. Real estate professionals.

29 7. Other persons or entities who can assist in
30 providing housing or related support services.

31 (b) The specific participants in partnership

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1 activities may vary according to the community's resources and
2 the nature of the local housing assistance plan.

3 (3)(a) Each local housing assistance plan shall
4 include a definition of essential services personnel for the
5 county or eligible municipality.

6 (b) Each county or eligible municipality is encouraged
7 to develop a strategy within its local housing assistance plan
8 which emphasizes the recruitment and retention of essential
9 services personnel.

10 (4)(3) Each local housing assistance plan is governed
11 by the following criteria and administrative procedures:

12 (a) Each county, eligible municipality, or entity
13 formed through interlocal agreement to participate in the
14 State Housing Initiatives Partnership Program must develop a
15 qualification system and selection criteria for applications
16 for awards by eligible sponsors, adopt criteria for the
17 selection of eligible persons, and adopt a maximum award
18 schedule or system of amounts consistent with the intent and
19 budget of its local housing assistance plan, with ss.
20 420.907-420.9079, and with corporation rule.

21 (b) The county or eligible municipality or its
22 administrative representative shall advertise the notice of
23 funding availability in a newspaper of general circulation and
24 periodicals serving ethnic and diverse neighborhoods, at least
25 30 days before the beginning of the application period. If no
26 funding is available due to a waiting list, no notice of
27 funding availability is required.

28 (c) In accordance with the provisions of ss.
29 760.20-760.37, it is unlawful to discriminate on the basis of
30 race, creed, religion, color, age, sex, marital status,
31 familial status, national origin, or handicap in the award

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1 application process for eligible housing.

2 (d) As a condition of receipt of an award, the
 3 eligible sponsor or eligible person must contractually commit
 4 to comply with the affordable housing criteria provided under
 5 ss. 420.907-420.9079 applicable to the affordable housing
 6 objective of the award. The plan criteria adopted by the
 7 county or eligible municipality must prescribe the contractual
 8 obligations required to ensure compliance with award
 9 conditions.

10 (e) The staff or entity that has administrative
 11 authority for implementing a local housing assistance plan
 12 assisting rental developments shall annually monitor and
 13 determine tenant eligibility or, to the extent another
 14 governmental entity provides the same monitoring and
 15 determination, a municipality, county, or local housing
 16 financing authority may rely on such monitoring and
 17 determination of tenant eligibility. However, any loan or
 18 grant in the original amount of \$3,000 or less shall not be
 19 subject to these annual monitoring and determination of tenant
 20 eligibility requirements.

21 ~~(5)(4)~~ The following criteria apply to awards made to
 22 eligible sponsors or eligible persons for the purpose of
 23 providing eligible housing:

24 (a) At least 65 percent of the funds made available in
 25 each county and eligible municipality from the local housing
 26 distribution must be reserved for home ownership for eligible
 27 persons.

28 (b) At least 75 percent of the funds made available in
 29 each county and eligible municipality from the local housing
 30 distribution must be reserved for construction,
 31 rehabilitation, or emergency repair of affordable, eligible

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1 housing.

2 (c) The sales price or value of new or existing
3 eligible housing may not exceed 90 percent of the average area
4 purchase price in the statistical area in which the eligible
5 housing is located. Such average area purchase price may be
6 that calculated for any 12-month period beginning not earlier
7 than the fourth calendar year prior to the year in which the
8 award occurs or as established by the United States Department
9 of the Treasury.

10 (d)1. All units constructed, rehabilitated, or
11 otherwise assisted with the funds provided from the local
12 housing assistance trust fund must be occupied by
13 very-low-income persons, low-income persons, and
14 moderate-income persons.

15 2. At least 30 percent of the funds deposited into the
16 local housing assistance trust fund must be reserved for
17 awards to very-low-income persons or eligible sponsors who
18 will serve very-low-income persons and at least an additional
19 30 percent of the funds deposited into the local housing
20 assistance trust fund must be reserved for awards to
21 low-income persons or eligible sponsors who will serve
22 low-income persons. This subparagraph does not apply to a
23 county or an eligible municipality that includes, or has
24 included within the previous 5 years, an area of critical
25 state concern designated or ratified by the Legislature for
26 which the Legislature has declared its intent to provide
27 affordable housing. The exemption created by this act expires
28 on July 1, 2008.

29 (e) Loans shall be provided for periods not exceeding
30 30 years, except for deferred payment loans or loans that
31 extend beyond 30 years which continue to serve eligible

1 persons.

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

14 (g) Loans or grants for eligible owner-occupied
15 housing constructed, rehabilitated, or otherwise assisted from
16 proceeds provided from the local housing assistance trust fund
17 shall be subject to recapture requirements as provided by the
18 county or eligible municipality in its local housing
19 assistance plan.

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

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

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

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1 (k) Funds from the local housing distribution not used
2 to meet the criteria established in paragraph (a) or paragraph
3 (b) or not used for the administration of a local housing
4 assistance plan must be used for housing production and
5 finance activities, including, but not limited to, financing
6 the purchase of existing units, providing rental housing, and
7 providing home ownership training to prospective home buyers
8 and owners of homes assisted through the local housing
9 assistance plan. Notwithstanding the provisions of paragraphs
10 (a) and (b), program income as defined in s. 420.9071(24) may
11 also be used to fund activities described in this paragraph.

12
13 If both an award under the local housing assistance plan and
14 federal low-income housing tax credits are used to assist a
15 project and there is a conflict between the criteria
16 prescribed in this subsection and the requirements of s. 42 of
17 the Internal Revenue Code of 1986, as amended, the county or
18 eligible municipality may resolve the conflict by giving
19 precedence to the requirements of s. 42 of the Internal
20 Revenue Code of 1986, as amended, in lieu of following the
21 criteria prescribed in this subsection with the exception of
22 paragraphs (a) and (d) ~~of this subsection.~~

23 ~~(6)~~(5) Each county or eligible municipality receiving
24 local housing distribution moneys shall establish and maintain
25 a local housing assistance trust fund. All moneys of a county
26 or an eligible municipality received from its share of the
27 local housing distribution, program income, recaptured funds,
28 and other funds received or budgeted to implement the local
29 housing assistance plan shall be deposited into the trust
30 fund; however, local housing distribution moneys used to match
31 federal HOME program moneys may be repaid to the HOME program

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1 fund if required by federal law or regulations. Expenditures
2 other than for the administration and implementation of the
3 local housing assistance plan may not be made from the fund.

4 ~~(7)(6)~~ The moneys deposited in the local housing
5 assistance trust fund shall be used to administer and
6 implement the local housing assistance plan. The cost of
7 administering the plan may not exceed 5 percent of the local
8 housing distribution moneys and program income deposited into
9 the trust fund. A county or an eligible municipality may not
10 exceed the 5-percent limitation on administrative costs,
11 unless its governing body finds, by resolution, that 5 percent
12 of the local housing distribution plus 5 percent of program
13 income is insufficient to adequately pay the necessary costs
14 of administering the local housing assistance plan. The cost
15 of administering the program may not exceed 10 percent of the
16 local housing distribution plus 5 percent of program income
17 deposited into the trust fund, except that small counties, as
18 defined in s. 120.52(17), and eligible municipalities
19 receiving a local housing distribution of up to \$350,000 may
20 use up to 10 percent of program income for administrative
21 costs.

22 ~~(8)(7)~~ Pursuant to s. 420.531, the corporation shall
23 provide technical assistance to local governments regarding
24 the creation of partnerships, the design of local housing
25 assistance strategies, the implementation of local housing
26 incentive strategies, and the provision of support services.

27 ~~(9)(8)~~ The corporation shall monitor the activities of
28 local governments to determine compliance with program
29 requirements and shall collect data on the operation and
30 achievements of housing partnerships.

31 ~~(10)(9)~~ Each county or eligible municipality shall

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1 submit to the corporation by September 15 of each year a
 2 report of its affordable housing programs and accomplishments
 3 through June 30 immediately preceding submittal of the report.
 4 The report shall be certified as accurate and complete by the
 5 local government's chief elected official or his or her
 6 designee. Transmittal of the annual report by a county's or
 7 eligible municipality's chief elected official, or his or her
 8 designee, certifies that the local housing incentive
 9 strategies, or, if applicable, the local housing incentive
 10 plan, have been implemented or are in the process of being
 11 implemented pursuant to the adopted schedule for
 12 implementation. The report must include, but is not limited
 13 to:

14 (a) The number of households served by income
 15 category, age, family size, and race, and data regarding any
 16 special needs populations such as farmworkers, homeless
 17 persons, and the elderly. Counties shall report this
 18 information separately for households served in the
 19 unincorporated area and each municipality within the county.

20 (b) The number of units and the average cost of
 21 producing units under each local housing assistance strategy.

22 (c) The average area purchase price of single-family
 23 units and the amount of rent charged for a rental unit based
 24 on unit size.

25 (d) By income category, the number of mortgages made,
 26 the average mortgage amount, and the rate of default.

27 (e) A description of the status of implementation of
 28 each local housing incentive strategy, or if applicable, the
 29 local housing incentive plan as set forth in the local
 30 government's adopted schedule for implementation.

31 (f) A concise description of the support services that

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1 are available to the residents of affordable housing provided
2 by local programs.

3 (g) The sales price or value of housing produced and
4 an accounting of what percentage was financed by the local
5 housing distribution, other public moneys, and private
6 resources.

7 (h) Such other data or affordable housing
8 accomplishments considered significant by the reporting county
9 or eligible municipality.

10 ~~(11)(10)~~ The report shall be made available by the
11 county or eligible municipality for public inspection and
12 comment prior to certifying the report and transmitting it to
13 the corporation. The county or eligible municipality shall
14 provide notice of the availability of the proposed report and
15 solicit public comment. The notice must state the public place
16 where a copy of the proposed report can be obtained by
17 interested persons. Members of the public may submit written
18 comments on the report to the county or eligible municipality
19 and the corporation. Written public comments shall identify
20 the author by name, address, and interest affected. The county
21 or eligible municipality shall attach a copy of all such
22 written comments and its responses to the annual report
23 submitted to the corporation.

24 ~~(12)(11)~~ The corporation shall review the report of
25 each county or eligible municipality and any written comments
26 from the public and include any comments concerning the
27 effectiveness of local programs in the report required by s.
28 420.511.

29 ~~(13)(12)~~(a) If, as a result of the review of the
30 annual report or public comment and written response from the
31 county or eligible municipality, or at any other time, the

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1 corporation determines that a county or eligible municipality
 2 may have established a pattern of violation of the criteria
 3 for a local housing assistance plan established under ss.
 4 420.907-420.9079 or that an eligible sponsor or eligible
 5 person has violated the applicable award conditions, the
 6 corporation shall report such pattern of violation of criteria
 7 or violation of award conditions to its compliance monitoring
 8 agent and the Executive Office of the Governor. The
 9 corporation's compliance monitoring agent must determine
 10 within 60 days whether the county or eligible municipality has
 11 violated program criteria and shall issue a written report
 12 thereon. If a violation has occurred, the distribution of
 13 program funds to the county or eligible municipality must be
 14 suspended until the violation is corrected.

15 (b) If, as a result of its review of the annual
 16 report, the corporation determines that a county or eligible
 17 municipality has failed to implement a local housing incentive
 18 strategy, or, if applicable, a local housing incentive plan,
 19 it shall send a notice of termination of the local
 20 government's share of the local housing distribution by
 21 certified mail to the affected county or eligible
 22 municipality.

23 1. The notice must specify a date of termination of
 24 the funding if the affected county or eligible municipality
 25 does not implement the plan or strategy and provide for a
 26 local response. A county or eligible municipality shall
 27 respond to the corporation within 30 days after receipt of the
 28 notice of termination.

29 2. The corporation shall consider the local response
 30 that extenuating circumstances precluded implementation and
 31 grant an extension to the timeframe for implementation. Such

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1 an extension shall be made in the form of an extension
 2 agreement that provides a timeframe for implementation. The
 3 chief elected official of a county or eligible municipality or
 4 his or her designee shall have the authority to enter into the
 5 agreement on behalf of the local government.

6 3. If the county or the eligible municipality has not
 7 implemented the incentive strategy or entered into an
 8 extension agreement by the termination date specified in the
 9 notice, the local housing distribution share terminates, and
 10 any uncommitted local housing distribution funds held by the
 11 affected county or eligible municipality in its local housing
 12 assistance trust fund shall be transferred to the Local
 13 Government Housing Trust Fund to the credit of the corporation
 14 to administer pursuant to s. 420.9078.

15 4.a. If the affected local government fails to meet
 16 the timeframes specified in the agreement, the corporation
 17 shall terminate funds. The corporation shall send a notice of
 18 termination of the local government's share of the local
 19 housing distribution by certified mail to the affected local
 20 government. The notice shall specify the termination date, and
 21 any uncommitted funds held by the affected local government
 22 shall be transferred to the Local Government Housing Trust
 23 Fund to the credit of the corporation to administer pursuant
 24 to s. 420.9078.

25 b. If the corporation terminates funds to a county,
 26 but an eligible municipality receiving a local housing
 27 distribution pursuant to an interlocal agreement maintains
 28 compliance with program requirements, the corporation shall
 29 thereafter distribute directly to the participating eligible
 30 municipality its share calculated in the manner provided in s.
 31 420.9072.

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1 c. Any county or eligible municipality whose local
 2 distribution share has been terminated may subsequently elect
 3 to receive directly its local distribution share by adopting
 4 the ordinance, resolution, and local housing assistance plan
 5 in the manner and according to the procedures provided in ss.
 6 420.907-420.9079.

7 Section 23. Effective on this act becoming a law,
 8 section 420.9077, Florida Statutes, is created to read:

9 420.9077 Community Workforce Housing Innovation
 10 Program.--The Community Workforce Housing Innovation Program
 11 is created within the State Housing Initiatives Partnership
 12 for the purpose of making affordable housing units available
 13 to essential service workers and their families. Except as
 14 otherwise provided in this section, the Community Workforce
 15 Housing Innovation Program is governed by ss.
 16 420.907-420.9079. For purposes of the Community Workforce
 17 Housing Innovation Program, the funds under ss.
 18 420.907-420.9079 may be used for manufactured housing
 19 constructed after June 1994, and installed in accordance with
 20 mobile home installation standards of the Department of
 21 Highway Safety and Motor Vehicles.

22 (1) The Legislature finds that the lack of housing
 23 affordable to a community's workforce affects all sectors of
 24 the community, and local partnerships as described in s.
 25 420.9072 are critical to the success of providing community
 26 workforce housing.

27 (2) The Community Workforce Housing Innovation Program
 28 shall provide funding for:

29 (a) Persons in need of affordable housing who are
 30 employed to provide essential services, such as education, law
 31 enforcement, public safety, health care, and other occupations

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1 considered essential within the local community in households
2 having income levels up to 140 percent of median income,
3 adjusted for family size, in areas of critical state concern.

4 (b) Projects in high-cost counties. For the purpose of
5 this section, the term "projects in high-cost counties"
6 includes counties in which the median purchase price of a
7 single-family home is above the median purchase price of a
8 single-family home in the state or counties that are, or have
9 been within the previous 5 years, areas of critical state
10 concern as designated or ratified by the Legislature and for
11 which the Legislature has declared its intent to provide
12 affordable housing. The corporation must rank each project by
13 priority in counties having the highest real estate costs for
14 housing.

15 (c) Projects that evidence substantial local
16 involvement. For the purpose of this section, the term
17 "substantial local involment" means a contribution at least 15
18 percent of project value from a local government unit, such as
19 a municipality, county, school district, special district, or
20 other unit of local government or from private-sector
21 entities.

22 (d) The housing elements of innovative projects that
23 include new construction or rehabilitation of existing
24 housing, mixed income, or commercial and mixed-use elements.

25 (3) Projects shall be given priority for Community
26 Workforce Housing Innovation funding based on the local
27 government making the following incentives available, as
28 needed, to ensure the financial viability, successful
29 development, and maintenance of the housing developments:

30 (a) Expedite processing of approvals of development
31 orders or permits, as defined in s. 163.3164(7) and (8), for

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1 affordable housing projects to a greater degree than for other
2 projects.

3 (b) Reduce impact fees by 50 percent, waive or defer
4 payment of impact fees in whole or in part, or provide an
5 alternative method of paying impact fees.

6 (c) Allow unit density levels up to 16 units per acre
7 or higher, except in coastal high-hazard areas, if approved by
8 the local government.

9 (d) Reserve infrastructure capacity in the local
10 comprehensive plan affordable housing element for these
11 communities.

12 (e) Allow additional affordable residential units in
13 residential zoning districts.

14 (f) Reduce open space and setback requirements by 50
15 percent.

16 (g) Allow zero-lot-line configurations.

17 (h) Modify and reduce traffic concurrency requirements
18 by up to 25 percent.

19 (i) Prioritize eligibility from metropolitan planning
20 districts for funding for local transportation infrastructure.

21 (j) Allow mixed land use within the projects.

22 (k) Include strategies for maintaining perpetual
23 affordability.

24 (l) Include tax increment financing.

25 (4) The corporation must establish criteria for
26 selecting projects for funding by rule or in a request for
27 proposals. Funding shall be based on demonstrated financial
28 need of the project.

29 (5) For a county to be eligible to receive funding
30 under this section, a county must:

31 (a) Be defined as a high-cost county under paragraph

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1 (2)(b); or

2 (b) Submit to the corporation a community workforce
3 housing strategy, consistent with s. 420.9075, as a supplement
4 to the established local housing assistance plan. The housing
5 strategy plan must include:

6 1. A community-wide assessment of the need for
7 workforce housing for employees in essential services and
8 other critical personnel;

9 2. A specific collaborative process to be used by the
10 county to plan for workforce housing; and

11 3. A description of how the funds received will be
12 distributed.

13 (6) A minimum of 60 percent of the housing provided by
14 a county under this section must be set aside for households
15 whose family members are employed in areas deemed essential
16 public service, such as education, health care, and other
17 areas defined by the county in its workforce housing strategy.

18 (7) Notwithstanding s. 420.9075(4)(c), the sales price
19 or value of new or existing housing may exceed the average
20 area purchase price in the statistical area in which the
21 eligible housing is located.

22 (8) Notwithstanding s. 420.9075(4)(d)2., housing
23 provided under this section shall be provided with no
24 requirement for reservation among income ranges.

25 (9) The funding for this section shall be an amount
26 separate from the appropriation for the provisions of ss.
27 420.907-420.9078, and shall be awarded under criteria set
28 forth in this section, separate from and notwithstanding the
29 funding-distribution method provided in ss. 420.9072 and
30 420.9073.

31 (10) Funding for the Community Workforce Innovation

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1 Program within the Florida Housing Finance Corporation may be
2 awarded to the extent that funds are appropriated.

3 (11) This section shall expire June 30, 2009.

4 Section 24. Subsection (2) of section 420.9079,
5 Florida Statutes, is amended to read:

6 420.9079 Local Government Housing Trust Fund.--

7 (2) The corporation shall administer the fund
8 exclusively for the purpose of implementing the programs
9 described in ss. 420.907-420.9078 and this section. With the
10 exception of monitoring the activities of counties and
11 eligible municipalities to determine local compliance with
12 program requirements, the corporation shall not receive
13 appropriations from the fund for administrative or personnel
14 costs. For the purpose of implementing the
15 compliance-monitoring ~~compliance monitoring~~ provisions of ss.
16 ~~§.~~ 420.9075(8) and 420.9077, the corporation may request a
17 maximum of one-quarter of 1 percent of the annual
18 appropriation ~~\$200,000~~ per state fiscal year. When such
19 funding is appropriated, the corporation shall deduct the
20 amount appropriated prior to calculating the local housing
21 distribution pursuant to ss. 420.9072, ~~and~~ 420.9073, and
22 420.9077.

23 Section 25. Paragraph (b) of subsection (9) of section
24 1001.42, Florida Statutes, is amended to read:

25 1001.42 Powers and duties of district school
26 board.--The district school board, acting as a board, shall
27 exercise all powers and perform all duties listed below:

28 (9) SCHOOL PLANT.--Approve plans for locating,
29 planning, constructing, sanitating, insuring, maintaining,
30 protecting, and condemning school property as prescribed in
31 chapter 1013 and as follows:

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1 (b) Sites, buildings, and equipment.--

2 1. Select and purchase school sites, playgrounds, and
3 recreational areas located at centers at which schools are to
4 be constructed, of adequate size to meet the needs of
5 projected students to be accommodated.

6 2. Approve the proposed purchase of any site,
7 playground, or recreational area for which district funds are
8 to be used.

9 3. Expand existing sites.

10 4. Rent buildings when necessary.

11 5. Enter into leases or lease-purchase arrangements,
12 in accordance with the requirements and conditions provided in
13 s. 1013.15(2), with private individuals or corporations for
14 the rental of necessary grounds and educational facilities for
15 school purposes or of educational facilities to be erected for
16 school purposes. Current or other funds authorized by law may
17 be used to make payments under a lease-purchase agreement.
18 Notwithstanding any other statutes, if the rental is to be
19 paid from funds received from ad valorem taxation and the
20 agreement is for a period greater than 12 months, an approving
21 referendum must be held. The provisions of such contracts,
22 including building plans, shall be subject to approval by the
23 Department of Education, and no such contract shall be entered
24 into without such approval. As used in this section,
25 "educational facilities" means the buildings and equipment
26 that are built, installed, or established to serve educational
27 purposes and that may lawfully be used. The State Board of
28 Education may adopt such rules as are necessary to implement
29 these provisions.

30 6. Provide for the proper supervision of construction.

31 7. Make or contract for additions, alterations, and

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1 repairs on buildings and other school properties.

2 8. Ensure that all plans and specifications for
3 buildings provide adequately for the safety and well-being of
4 students, as well as for economy of construction.

5 9. Make certain school board lands, acquired prior to
6 January 1, 2006, available to a private developer or nonprofit
7 housing organization for the purpose of providing teachers and
8 other instructional personnel with housing assistance.
9 Teachers and other instructional personnel must be eligible
10 for assistance under chapter 420, and the school board must
11 declare the land surplus and not needed for any facility
12 identified in the district facilities work program required
13 under s. 1013.35.

14 Section 26. (1) The Legislature finds that it is
15 critical to provide affordable housing to the very-low-income,
16 low-income, and moderate-income residents of this state.
17 Furthermore, the Legislature finds that there is a need for a
18 land-use-based option in order to improve the economic
19 feasibility of developing affordable housing.

20 (2) By December 1, 2006, the Department of Community
21 Affairs shall develop a model residential density bonus
22 ordinance that may be used by local governments to increase
23 the availability of affordable housing. The model ordinance
24 must, at a minimum, include:

25 (a) The types of housing developments that would be
26 eligible to receive a density bonus;

27 (b) The affordability requirements, including measures
28 to ensure the continued affordability of applicable housing
29 units;

30 (c) The methodologies used to calculate density
31 bonuses;

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1 (d) The additional incentives and concessions
2 available to assist developing affordable housing units;

3 (e) The requirements applicable to converting existing
4 multifamily housing units to condominium units; and

5 (f) The application and review process for density
6 bonuses.

7 (3) The board of county commissioners of each county
8 and each municipality shall consider adopting and implementing
9 the residential density bonus ordinance.

10 Section 27. For the purpose of incorporating the
11 amendments made by this act to section 201.15, Florida
12 Statutes, in a reference thereto, subsection (1) of section
13 161.05301, Florida Statutes, is reenacted to read:

14 161.05301 Beach erosion control project staffing.--

15 (1) There are hereby appropriated to the Department of
16 Environmental Protection six positions and \$449,918 for fiscal
17 year 1998-1999 from the Ecosystem Management and Restoration
18 Trust Fund from revenues provided by this act pursuant to s.
19 201.15(11). These positions and funding are provided to
20 assist local project sponsors, and shall be used to facilitate
21 and promote enhanced beach erosion control project
22 administration. Such staffing resources shall be directed
23 toward more efficient contract development and oversight,
24 promoting cost-sharing strategies and regional coordination or
25 projects among local governments, providing assistance to
26 local governments to ensure timely permit review, and
27 improving billing review and disbursement processes.

28 Section 28. For the purpose of incorporating the
29 amendments made by this act to section 201.15, Florida
30 Statutes, in a reference thereto, subsection (3) of section
31 161.091, Florida Statutes, is reenacted to read:

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1 161.091 Beach management; funding; repair and
2 maintenance strategy.--

3 (3) In accordance with the intent expressed in s.
4 161.088 and the legislative finding that erosion of the
5 beaches of this state is detrimental to tourism, the state's
6 major industry, further exposes the state's highly developed
7 coastline to severe storm damage, and threatens beach-related
8 jobs, which, if not stopped, could significantly reduce state
9 sales tax revenues, funds deposited into the State Treasury to
10 the credit of the Ecosystem Management and Restoration Trust
11 Fund, in the annual amounts provided in s. 201.15(11), shall
12 be used, for a period of not less than 15 years, to fund the
13 development, implementation, and administration of the state's
14 beach management plan, as provided in ss. 161.091-161.212,
15 prior to the use of such funds deposited pursuant to s.
16 201.15(11) in that trust fund for any other purpose.

17 Section 29. For the purpose of incorporating the
18 amendments made by this act to section 201.15, Florida
19 Statutes, in a reference thereto, subsection (3) of section
20 370.0603, Florida Statutes, is reenacted to read:

21 370.0603 Marine Resources Conservation Trust Fund;
22 purposes.--

23 (3) Funds provided to the Marine Resources
24 Conservation Trust Fund from taxes distributed under s.
25 201.15(11) shall be used for the following purposes:

26 (a) To reimburse the cost of activities authorized
27 pursuant to the Fish and Wildlife Service of the United States
28 Department of the Interior. Such facilities must be involved
29 in the actual rescue and full-time acute care
30 veterinarian-based rehabilitation of manatees. The cost of
31 activities includes, but is not limited to, costs associated

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1 with expansion, capital outlay, repair, maintenance, and
 2 operation related to the rescue, treatment, stabilization,
 3 maintenance, release, and monitoring of manatees. Moneys
 4 distributed through the contractual agreement to each facility
 5 for manatee rehabilitation must be proportionate to the number
 6 of manatees under acute care rehabilitation; the number of
 7 maintenance days medically necessary in the facility; and the
 8 number released during the previous fiscal year. The
 9 commission may set a cap on the total amount reimbursed per
 10 manatee per year.

11 (b) For training on the care, treatment, and
 12 rehabilitation of marine mammals at the Whitney Laboratory and
 13 the College of Veterinary Medicine at the University of
 14 Florida.

15 (c) For program administration costs of the agency.

16 (d) Funds not distributed in any 1 fiscal year must be
 17 carried over for distribution in subsequent years.

18 Section 30. For the purpose of incorporating the
 19 amendments made by this act to section 201.15, Florida
 20 Statutes, in a reference thereto, subsections (5) and (6) of
 21 section 420.5092, Florida Statutes, are reenacted to read:

22 420.5092 Florida Affordable Housing Guarantee
 23 Program.--

24 (5) Pursuant to s. 16, Art. VII of the State
 25 Constitution, the corporation may issue, in accordance with s.
 26 420.509, revenue bonds of the corporation to establish the
 27 guarantee fund. Such revenue bonds shall be primarily payable
 28 from and secured by annual debt service reserves, from
 29 interest earned on funds on deposit in the guarantee fund,
 30 from fees, charges, and reimbursements established by the
 31 corporation for the issuance of affordable housing guarantees,

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1 and from any other revenue sources received by the corporation
 2 and deposited by the corporation into the guarantee fund for
 3 the issuance of affordable housing guarantees. To the extent
 4 such primary revenue sources are considered insufficient by
 5 the corporation, pursuant to the certification provided in
 6 subsection (6), to fully fund the annual debt service reserve,
 7 the certified deficiency in such reserve shall be additionally
 8 payable from the first proceeds of the documentary stamp tax
 9 moneys deposited into the State Housing Trust Fund pursuant to
 10 s. 201.15(9)(a) and (10)(a) during the ensuing state fiscal
 11 year.

12 (6)(a) If the primary revenue sources to be used for
 13 repayment of revenue bonds used to establish the guarantee
 14 fund are insufficient for such repayment, the annual principal
 15 and interest due on each series of revenue bonds shall be
 16 payable from funds in the annual debt service reserve. The
 17 corporation shall, before June 1 of each year, perform a
 18 financial audit to determine whether at the end of the state
 19 fiscal year there will be on deposit in the guarantee fund an
 20 annual debt service reserve from interest earned pursuant to
 21 the investment of the guarantee fund, fees, charges, and
 22 reimbursements received from issued affordable housing
 23 guarantees and other revenue sources available to the
 24 corporation. Based upon the findings in such guarantee fund
 25 financial audit, the corporation shall certify to the Chief
 26 Financial Officer the amount of any projected deficiency in
 27 the annual debt service reserve for any series of outstanding
 28 bonds as of the end of the state fiscal year and the amount
 29 necessary to maintain such annual debt service reserve. Upon
 30 receipt of such certification, the Chief Financial Officer
 31 shall transfer to the annual debt service reserve, from the

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1 first available taxes distributed to the State Housing Trust
 2 Fund pursuant to s. 201.15(9)(a) and (10)(a) during the
 3 ensuing state fiscal year, the amount certified as necessary
 4 to maintain the annual debt service reserve.

5 (b) If the claims payment obligations under affordable
 6 housing guarantees from amounts on deposit in the guarantee
 7 fund would cause the claims paying rating assigned to the
 8 guarantee fund to be less than the third-highest rating
 9 classification of any nationally recognized rating service,
 10 which classifications being consistent with s. 215.84(3) and
 11 rules adopted thereto by the State Board of Administration,
 12 the corporation shall certify to the Chief Financial Officer
 13 the amount of such claims payment obligations. Upon receipt of
 14 such certification, the Chief Financial Officer shall transfer
 15 to the guarantee fund, from the first available taxes
 16 distributed to the State Housing Trust Fund pursuant to s.
 17 201.15(9)(a) and (10)(a) during the ensuing state fiscal year,
 18 the amount certified as necessary to meet such obligations,
 19 such transfer to be subordinate to any transfer referenced in
 20 paragraph (a) and not to exceed 50 percent of the amounts
 21 distributed to the State Housing Trust Fund pursuant to s.
 22 201.15(9)(a) and (10)(a) during the preceding state fiscal
 23 year.

24 Section 31. For the purpose of incorporating the
 25 amendments made by this act to section 201.15, Florida
 26 Statutes, in a reference thereto, section 420.9073, Florida
 27 Statutes, is reenacted to read:

28 420.9073 Local housing distributions.--

29 (1) Distributions calculated in this section shall be
 30 disbursed on a monthly basis by the corporation beginning the
 31 first day of the month after program approval pursuant to s.

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1 420.9072. Each county's share of the funds to be distributed
 2 from the portion of the funds in the Local Government Housing
 3 Trust Fund received pursuant to s. 201.15(9) shall be
 4 calculated by the corporation for each fiscal year as follows:

5 (a) Each county other than a county that has
 6 implemented the provisions of chapter 83-220, Laws of Florida,
 7 as amended by chapters 84-270, 86-152, and 89-252, Laws of
 8 Florida, shall receive the guaranteed amount for each fiscal
 9 year.

10 (b) Each county other than a county that has
 11 implemented the provisions of chapter 83-220, Laws of Florida,
 12 as amended by chapters 84-270, 86-152, and 89-252, Laws of
 13 Florida, may receive an additional share calculated as
 14 follows:

15 1. Multiply each county's percentage of the total
 16 state population excluding the population of any county that
 17 has implemented the provisions of chapter 83-220, Laws of
 18 Florida, as amended by chapters 84-270, 86-152, and 89-252,
 19 Laws of Florida, by the total funds to be distributed.

20 2. If the result in subparagraph 1. is less than the
 21 guaranteed amount as determined in subsection (3), that
 22 county's additional share shall be zero.

23 3. For each county in which the result in subparagraph
 24 1. is greater than the guaranteed amount as determined in
 25 subsection (3), the amount calculated in subparagraph 1. shall
 26 be reduced by the guaranteed amount. The result for each such
 27 county shall be expressed as a percentage of the amounts so
 28 determined for all counties. Each such county shall receive
 29 an additional share equal to such percentage multiplied by the
 30 total funds received by the Local Government Housing Trust
 31 Fund pursuant to s. 201.15(9) reduced by the guaranteed amount

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1 paid to all counties.

2 (2) Effective July 1, 1995, distributions calculated
3 in this section shall be disbursed on a monthly basis by the
4 corporation beginning the first day of the month after program
5 approval pursuant to s. 420.9072. Each county's share of the
6 funds to be distributed from the portion of the funds in the
7 Local Government Housing Trust Fund received pursuant to s.
8 201.15(10) shall be calculated by the corporation for each
9 fiscal year as follows:

10 (a) Each county shall receive the guaranteed amount
11 for each fiscal year.

12 (b) Each county may receive an additional share
13 calculated as follows:

14 1. Multiply each county's percentage of the total
15 state population, by the total funds to be distributed.

16 2. If the result in subparagraph 1. is less than the
17 guaranteed amount as determined in subsection (3), that
18 county's additional share shall be zero.

19 3. For each county in which the result in subparagraph
20 1. is greater than the guaranteed amount, the amount
21 calculated in subparagraph 1. shall be reduced by the
22 guaranteed amount. The result for each such county shall be
23 expressed as a percentage of the amounts so determined for all
24 counties. Each such county shall receive an additional share
25 equal to this percentage multiplied by the total funds
26 received by the Local Government Housing Trust Fund pursuant
27 to s. 201.15(10) as reduced by the guaranteed amount paid to
28 all counties.

29 (3) Calculation of guaranteed amounts:

30 (a) The guaranteed amount under subsection (1) shall
31 be calculated for each state fiscal year by multiplying

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1 \$350,000 by a fraction, the numerator of which is the amount
 2 of funds distributed to the Local Government Housing Trust
 3 Fund pursuant to s. 201.15(9) and the denominator of which is
 4 the total amount of funds distributed to the Local Government
 5 Housing Trust Fund pursuant to s. 201.15.

6 (b) The guaranteed amount under subsection (2) shall
 7 be calculated for each state fiscal year by multiplying
 8 \$350,000 by a fraction, the numerator of which is the amount
 9 of funds distributed to the Local Government Housing Trust
 10 Fund pursuant to s. 201.15(10) and the denominator of which is
 11 the total amount of funds distributed to the Local Government
 12 Housing Trust Fund pursuant to s. 201.15.

13 (4) Funds distributed pursuant to this section may not
 14 be pledged to pay debt service on any bonds.

15 Section 32. For the purpose of incorporating the
 16 amendments made by this act to section 201.15, Florida
 17 Statutes, in a reference thereto, subsection (7) of section
 18 1013.64, Florida Statutes, is reenacted to read:

19 1013.64 Funds for comprehensive educational plant
 20 needs; construction cost maximums for school district capital
 21 projects.--Allocations from the Public Education Capital
 22 Outlay and Debt Service Trust Fund to the various boards for
 23 capital outlay projects shall be determined as follows:

24 (7) Moneys distributed to the Public Education Capital
 25 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)
 26 to fund the Classrooms for Kids Program created in s. 1013.735
 27 and the High Growth County District Capital Outlay Assistance
 28 Grant Program created in s. 1013.738 shall be distributed as
 29 provided by those sections.

30 Section 33. For the purpose of incorporating the
 31 amendments made by this act to section 201.15, Florida

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1 Statutes, in a reference thereto, subsection (4) of section
2 1013.738, Florida Statutes, is reenacted to read:

3 1013.738 High Growth District Capital Outlay
4 Assistance Grant Program.--

5 (4) Moneys distributed to the Public Education Capital
6 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)
7 for the High Growth District Capital Outlay Assistance Grant
8 Program created in this section shall be distributed as
9 provided by this section.

10 Section 34. Section 196.1978, Florida Statutes, is
11 amended to read:

12 196.1978 Affordable housing property
13 exemption.--Property used to provide affordable housing
14 serving eligible persons as defined by s. 159.603(7) and
15 persons meeting income limits specified in s. 420.0004(10) ~~s.~~
16 ~~420.0004(9)~~, (11) ~~(10)~~, and (15) ~~(14)~~, which property is owned
17 entirely by a nonprofit entity which is qualified as
18 charitable under s. 501(c)(3) of the Internal Revenue Code and
19 which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall
20 be considered property owned by an exempt entity and used for
21 a charitable purpose, and those portions of the affordable
22 housing property which provide housing to individuals with
23 incomes as defined in s. 420.0004(10)~~(9)~~ and (15)~~(14)~~ shall be
24 exempt from ad valorem taxation to the extent authorized in s.
25 196.196. All property identified in this section shall comply
26 with the criteria for determination of exempt status to be
27 applied by property appraisers on an annual basis as defined
28 in s. 196.195. The Legislature intends that any property owned
29 by a limited liability company which is disregarded as an
30 entity for federal income tax purposes pursuant to Treasury
31 Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by

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1 its sole member.

2 Section 35. Paragraph (o) of subsection (5) of section
3 212.08, Florida Statutes, is amended to read:

4 212.08 Sales, rental, use, consumption, distribution,
5 and storage tax; specified exemptions.--The sale at retail,
6 the rental, the use, the consumption, the distribution, and
7 the storage to be used or consumed in this state of the
8 following are hereby specifically exempt from the tax imposed
9 by this chapter.

10 (5) EXEMPTIONS; ACCOUNT OF USE.--

11 (o) Building materials in redevelopment projects.--

12 1. As used in this paragraph, the term:

13 a. "Building materials" means tangible personal
14 property that becomes a component part of a housing project or
15 a mixed-use project.

16 b. "Housing project" means the conversion of an
17 existing manufacturing or industrial building to housing units
18 in an urban high-crime area, enterprise zone, empowerment
19 zone, Front Porch Community, designated brownfield area, or
20 urban infill area and in which the developer agrees to set
21 aside at least 20 percent of the housing units in the project
22 for low-income and moderate-income persons or the construction
23 in a designated brownfield area of affordable housing for
24 persons described in s. 420.0004(10), (11), or (15) ~~s.~~
25 ~~420.0004(9), (10), or (14)~~, or in s. 159.603(7).

26 c. "Mixed-use project" means the conversion of an
27 existing manufacturing or industrial building to mixed-use
28 units that include artists' studios, art and entertainment
29 services, or other compatible uses. A mixed-use project must
30 be located in an urban high-crime area, enterprise zone,
31 empowerment zone, Front Porch Community, designated brownfield

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1 area, or urban infill area, and the developer must agree to
2 set aside at least 20 percent of the square footage of the
3 project for low-income and moderate-income housing.

4 d. "Substantially completed" has the same meaning as
5 provided in s. 192.042(1).

6 2. Building materials used in the construction of a
7 housing project or mixed-use project are exempt from the tax
8 imposed by this chapter upon an affirmative showing to the
9 satisfaction of the department that the requirements of this
10 paragraph have been met. This exemption inures to the owner
11 through a refund of previously paid taxes. To receive this
12 refund, the owner must file an application under oath with the
13 department which includes:

14 a. The name and address of the owner.

15 b. The address and assessment roll parcel number of
16 the project for which a refund is sought.

17 c. A copy of the building permit issued for the
18 project.

19 d. A certification by the local building code
20 inspector that the project is substantially completed.

21 e. A sworn statement, under penalty of perjury, from
22 the general contractor licensed in this state with whom the
23 owner contracted to construct the project, which statement
24 lists the building materials used in the construction of the
25 project and the actual cost thereof, and the amount of sales
26 tax paid on these materials. If a general contractor was not
27 used, the owner shall provide this information in a sworn
28 statement, under penalty of perjury. Copies of invoices
29 evidencing payment of sales tax must be attached to the sworn
30 statement.

31 3. An application for a refund under this paragraph

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1 must be submitted to the department within 6 months after the
 2 date the project is deemed to be substantially completed by
 3 the local building code inspector. Within 30 working days
 4 after receipt of the application, the department shall
 5 determine if it meets the requirements of this paragraph. A
 6 refund approved pursuant to this paragraph shall be made
 7 within 30 days after formal approval of the application by the
 8 department. The provisions of s. 212.095 do not apply to any
 9 refund application made under this paragraph.

10 4. The department shall establish by rule an
 11 application form and criteria for establishing eligibility for
 12 exemption under this paragraph.

13 5. The exemption shall apply to purchases of materials
 14 on or after July 1, 2000.

15 Section 36. For the purpose of incorporating the
 16 amendments made by this act to section 420.5087, Florida
 17 Statutes, in a reference thereto, subsection (19) of section
 18 420.503, Florida Statutes, is reenacted to read:

19 420.503 Definitions.--As used in this part, the term:

20 (19) "Housing for the elderly" means, for purposes of
 21 s. 420.5087(3)(d), any nonprofit housing community that is
 22 financed by a mortgage loan made or insured by the United
 23 States Department of Housing and Urban Development under s.
 24 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s.
 25 236 of the National Housing Act, as amended, and that is
 26 subject to income limitations established by the United States
 27 Department of Housing and Urban Development, or any program
 28 funded by the Rural Development Agency of the United States
 29 Department of Agriculture and subject to income limitations
 30 established by the United States Department of Agriculture. A
 31 project which qualifies for an exemption under the Fair

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1 Housing Act as housing for older persons as defined by s.
2 760.29(4) shall qualify as housing for the elderly for
3 purposes of s. 420.5087(3)(d) and for purposes of any loans
4 made pursuant to s. 420.508. In addition, if the corporation
5 adopts a qualified allocation plan pursuant to s. 42(m)(1)(B)
6 of the Internal Revenue Code or any other rules that
7 prioritize projects targeting the elderly for purposes of
8 allocating tax credits pursuant to s. 420.5099 or for purposes
9 of the HOME program under s. 420.5089, a project which
10 qualifies for an exemption under the Fair Housing Act as
11 housing for older persons as defined by s. 760.29(4) shall
12 qualify as a project targeted for the elderly, if the project
13 satisfies the other requirements set forth in this part.

14 Section 37. For the purpose of incorporating the
15 amendments made by this act to section 420.5088, Florida
16 Statutes, in a reference thereto, section 420.5061, Florida
17 Statutes, is reenacted to read:

18 420.5061 Transfer of agency assets and
19 liabilities.--Effective January 1, 1998, all assets and
20 liabilities and rights and obligations, including any
21 outstanding contractual obligations, of the agency shall be
22 transferred to the corporation as legal successor in all
23 respects to the agency. The corporation shall thereupon become
24 obligated to the same extent as the agency under any existing
25 agreements and be entitled to any rights and remedies
26 previously afforded the agency by law or contract, including
27 specifically the rights of the agency under chapter 201 and
28 part VI of chapter 159. The corporation is a state agency for
29 purposes of s. 159.807(4)(a). Effective January 1, 1998, all
30 references under Florida law to the agency are deemed to mean
31 the corporation. The corporation shall transfer to the General

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1 Revenue Fund an amount which otherwise would have been
2 deducted as a service charge pursuant to s. 215.20(1) if the
3 Florida Housing Finance Corporation Fund established by s.
4 420.508(5), the State Apartment Incentive Loan Fund
5 established by s. 420.5087(7), the Florida Homeownership
6 Assistance Fund established by s. 420.5088(5), the HOME
7 Investment Partnership Fund established by s. 420.5089(1), and
8 the Housing Predevelopment Loan Fund established by s.
9 420.525(1) were each trust funds. For purposes of s. 112.313,
10 the corporation is deemed to be a continuation of the agency,
11 and the provisions thereof are deemed to apply as if the same
12 entity remained in place. Any employees of the agency and
13 agency board members covered by s. 112.313(9)(a)6. shall
14 continue to be entitled to the exemption in that subparagraph,
15 notwithstanding being hired by the corporation or appointed as
16 board members of the corporation. Effective January 1, 1998,
17 all state property in use by the agency shall be transferred
18 to and become the property of the corporation.

19 Section 38. For the purpose of incorporating the
20 amendments made by this act to section 420.9075, Florida
21 Statutes, in a reference thereto, subsection (25) of section
22 420.9071, Florida Statutes, is reenacted to read:

23 420.9071 Definitions.--As used in ss.
24 420.907-420.9079, the term:

25 (25) "Recaptured funds" means funds that are recouped
26 by a county or eligible municipality in accordance with the
27 recapture provisions of its local housing assistance plan
28 pursuant to s. 420.9075(4)(g) from eligible persons or
29 eligible sponsors who default on the terms of a grant award or
30 loan award.

31 Section 39. For the purpose of incorporating the

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1 amendments made by this act to section 723.083, Florida
2 Statutes, in a reference thereto, subsection (3) of section
3 723.061, Florida Statutes, is reenacted to read:

4 723.061 Eviction; grounds, proceedings.--

5 (3) The provisions of s. 723.083 shall not be
6 applicable to any park where the provisions of this subsection
7 apply.

8 Section 40. Sections 420.37 and 420.530, Florida
9 Statutes, are repealed.

10 Section 41. Section 723.083, Florida Statutes, is
11 amended to read:

12 723.083 Governmental action affecting removal of
13 mobile home owners.--An ~~No~~ agency of municipal, local, county,
14 or state government may not ~~shall~~ approve any application for
15 rezoning, or take any other official action, which would
16 result in the removal or relocation of mobile home owners
17 residing in a mobile home park without first determining that
18 adequate mobile home parks or other suitable facilities exist
19 for the relocation of the mobile home owners. If the
20 governmental entity determines that adequate mobile home parks
21 or other suitable facilities do not exist in the area where
22 the mobile home park is located, mobile home parks shall be a
23 permissible use in all land use categories in the applicable
24 local government's comprehensive plan and zoning districts,
25 except those districts designated as preservation or
26 conservation land on the future land use map or by local
27 ordinance.

28 Section 42. (1) The Florida Housing Finance
29 Corporation may provide funds to eligible entities for
30 affordable housing recovery in those counties that were
31 declared eligible for disaster funding after the hurricanes of

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1 the Florida Housing Finance Corporation for the purpose of
 2 assisting in the production of housing units for
 3 extremely-low-income persons during the 2006-2007 fiscal year.

4 Section 44. Except as otherwise expressly provided in
 5 this act, this act shall take effect July 1, 2006.

6

7

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

9 And the title is amended as follows:

10 Delete everything before the enacting clause

11

12 and insert:

13

A bill to be entitled

14

An act relating to affordable housing; creating

15

ss. 125.379 and 166.0451, F.S, relating to

16

counties and municipalities, respectively;

17

requiring county and municipal staff to prepare

18

an inventory list of all real property to which

19

the county or municipality holds fee simple

20

title by a specified date and triennially

21

thereafter; requiring planning staff to

22

identify real property that is appropriate for

23

use as affordable housing; specifying a time

24

period for completion of the inventory and

25

identification of surplus real property;

26

requiring public hearings; requiring the county

27

or municipality to approve the inventory list;

28

specifying a time for the first public hearing

29

and adoption of the resolution; requiring that

30

the properties identified as appropriate for

31

use as affordable housing to become immediately

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1 available; prescribing the options the county
2 or municipality have to dispose of the surplus
3 lands for affordable housing; providing
4 requirements for certain deed restrictions;
5 providing definitions; amending s. 163.31771,
6 F.S.; conforming cross-references; amending s.
7 163.3180, F.S.; exempting certain manufactured
8 housing developments from concurrency
9 requirements; providing a statement of
10 important state interest; amending s. 189.4155,
11 F.S.; authorizing a special district to provide
12 housing and housing assistance for employees;
13 amending s. 191.006, F.S.; authorizing an
14 independent special district to provide housing
15 and housing assistance for its employees;
16 amending s. 197.252, F.S.; decreasing the age
17 and increasing the income threshold required
18 for eligibility to defer ad valorem property
19 taxes; decreasing the maximum interest rate
20 that may be charged on deferred ad valorem
21 taxes; amending s. 201.15, F.S.; revising
22 certain provisions relating to Everglades
23 Restoration bonds; providing an additional sum
24 to the State Transportation Trust Fund for
25 specified purposes; revising the appropriation
26 for the Classrooms for Kids Program;
27 appropriating recurring funding for the Century
28 Commission for a Sustainable Florida;
29 correcting a cross reference; amending s.
30 215.619, F.S.; revising certain provisions
31 relating to Everglades restoration bonds;

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1 amending s. 253.034, F.S.; authorizing a local
2 government to request that state lands be
3 declared surplus lands in order to provide
4 affordable housing; providing options for
5 disposing of surplus state lands that are used
6 for affordable housing; deleting obsolete
7 provisions; amending s. 295.16, F.S.; expanding
8 an exemption from certain fees relating to
9 structural improvements to a disabled veteran's
10 residence; amending s. 380.06, F.S.; revising
11 the criteria under which a proposed change to
12 the development constitutes a substantial
13 deviation; amending s. 380.0651, F.S.; revising
14 the statewide guidelines for developments of
15 regional impact to review certain types of
16 developments; amending s. 420.0004, F.S.;
17 defining the term "extremely-low-income
18 persons"; amending s. 420.503, F.S.; redefining
19 the term "farmworker" for purposes of the use
20 of certain federal funds by the Florida Housing
21 Finance Corporation; amending s. 420.507, F.S.;
22 revising certain loan and interest rate
23 provisions relating to the State Apartment
24 Incentive Loan Program; authorizing the use of
25 loans issued under the Florida Homeownership
26 Assistance Program for property acquisition;
27 authorizing the Florida Housing Finance
28 Corporation to establish subsidiary business
29 entities for specified purposes; authorizing
30 the Florida Housing Finance Corporation to
31 adopt rules allowing the corporation to take

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1 action to avoid default of program loans;
2 authorizing the Florida Housing Finance
3 Corporation to adopt rules requiring the
4 reporting of certain data concerning housing
5 financed through corporation programs; amending
6 s. 420.5087, F.S.; revising the population
7 thresholds for the categories used to allocate
8 funds to counties under the State Apartment
9 Incentive Loan Program; reducing the percentage
10 of the loan amount which the sponsor of a
11 housing community for the elderly must commit
12 to match in order to receive the loan under the
13 State Apartment Incentive Loan Program;
14 providing that certain loans made under the
15 State Apartment Incentive Loan Program may be
16 made coterminous with other liens that have
17 terms in excess of 15 years; authorizing the
18 Florida Housing Finance Corporation to waive
19 certain requirements for projects that serve
20 extremely-low-income families; deleting certain
21 obsolete provisions; providing for the
22 inclusion of housing units for
23 extremely-low-income families as a criterion in
24 the competitive application process; clarifying
25 the Florida Housing Finance Corporation's
26 authority regarding the sale, transfer, or
27 refinancing of certain projects; amending s.
28 420.5088, F.S.; providing that the
29 Homeownership Assistance Program may assist
30 moderate-income persons in purchasing a home;
31 increasing the income limit served by the

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1 Homeownership Assistance Program; increasing
2 the limit on loan amounts for homes purchased
3 through the Homeownership Assistance Program;
4 increasing the percentage of the state or local
5 median income below which personal or family
6 income must fall in order to purchase a home
7 under the Florida Homeownership Assistance
8 Program; deleting a provision requiring the
9 reservation of certain housing funds for a
10 period of 9 months; amending s. 420.9072, F.S.;
11 conforming cross-references; amending s.
12 420.9075, F.S.; providing components to be
13 included in the local housing assistance plan;
14 providing for calculating the average area
15 purchase price for eligible housing under the
16 State Housing Initiatives Partnership Act in
17 the manner established by the United States
18 Department of the Treasury; creating s.
19 420.9077, F.S.; creating the Community Housing
20 Innovation Program within the State Housing
21 Initiatives Program; providing legislative
22 findings; requiring the program to provide
23 funds for the housing needs of specified
24 entities; providing certain incentives for
25 program applicants; providing for funding and
26 conditions for funding; requiring the Florida
27 Housing Finance Corporation to establish
28 selection criteria for applicants; providing
29 that funding for the Community Housing
30 Innovation Program is separate from the
31 appropriation for the provisions of ss.

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1 420.907-420.9078, F.S.; providing an expiration
2 date; amending s. 420.9079, F.S.; authorizing
3 the Florida Housing Finance Corporation to
4 request certain funds for compliance
5 monitoring; amending s. 1001.42, F.S.;

6 authorizing school district boards to provide
7 lands for purposes of affordable housing for
8 certain teachers and other instructional
9 personnel; directing the Department of
10 Community Affairs to develop a model
11 residential density bonus ordinance for use by
12 local governments; reenacting ss. 161.05301(1),
13 161.091(3), 370.0603(3), 420.5092(5) and (6),
14 420.9073, 1013.64(7), and 1013.738(4), F.S.,
15 relating to beach erosion control projects,
16 beach management funding, the Marine Resources
17 Conservation Trust Fund, the Florida Affordable
18 Housing Guarantee Program, distributions for
19 local housing programs, comprehensive
20 educational plant needs, and a high growth
21 grant program, respectively, to incorporate the
22 amendments made to s. 201.15, F.S., in a
23 reference thereto; reenacting s. 196.1978,
24 F.S., relating to affordable housing property
25 tax exemption, to incorporate the amendments
26 made to s. 402.0004, F.S., in references
27 thereto; amending s. 212.08, F.S.; correcting
28 cross-references; reenacting s. 420.503(19),
29 F.S., relating to defining terms for the
30 Florida Housing Finance Corporation, to
31 incorporate the amendments made to s. 420.5087,

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1 F.S., in a reference thereto; reenacting s.
2 420.5061, F.S., relating to the transfer of
3 assets and liabilities to the Florida Housing
4 Finance Corporation, to incorporate the
5 amendments made to s. 420.5088, F.S., in a
6 reference thereto; reenacting s. 420.9071(25),
7 F.S., relating to definitions pertaining to the
8 state housing initiatives partnership, to
9 incorporate the amendments made to s. 420.9075,
10 F.S., in a reference thereto; reenacting s.
11 723.061(3), F.S., relating to grounds for
12 eviction from a mobile home park, to
13 incorporate the amendments made to s. 723.083,
14 F.S., in a reference thereto; repealing ss.
15 420.37 and 420.530, F.S., relating to certain
16 powers of the Florida Housing Finance
17 Corporation and the state farmworker pilot loan
18 program, respectively; amending s. 723.083,
19 F.S.; providing that mobile homes are a
20 permissible use in certain land use categories
21 under specified circumstances; authorizing the
22 corporation to provide funds for eligible
23 entities for affordable housing recovery in
24 those counties that were declared eligible for
25 disaster funding after the hurricanes of 2004
26 and 2005 and that sustained housing damage due
27 to those storms; authorizing the corporation to
28 adopt emergency rules; providing an
29 appropriation to the Florida Housing Finance
30 Corporation to provide housing units for
31 extremely-low-income persons; providing

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1 effective dates.

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