

Bill No. CS for SB 132

Barcode 360182

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.
.

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

Bill No. CS for SB 132

Barcode 360182

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

Bill No. CS for SB 132

Barcode 360182

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

Bill No. CS for SB 132

Barcode 360182

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

Bill No. CS for SB 132

Barcode 360182

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

Bill No. CS for SB 132

Barcode 360182

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.

Bill No. CS for SB 132

Barcode 360182

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

Bill No. CS for SB 132

Barcode 360182

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

Bill No. CS for SB 132

Barcode 360182

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~~

Bill No. CS for SB 132

Barcode 360182

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 \$30~~
28 ~~million to be used to fund the High Growth County District~~
29 ~~Capital Outlay Assistance Grant Program created in s.~~
30 ~~1013.738~~. If required, new facilities constructed under the
31 Classrooms for Kids Program must meet the requirements of s.

Bill No. CS for SB 132

Barcode 360182

1 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 (9), (10), (11), (15), (17), and (18) of section 201.15,
27 Florida Statutes, as amended by section 1 of chapter 2005-92,
28 Laws of Florida, are amended to 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.

Bill No. CS for SB 132

Barcode 360182

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

Bill No. CS for SB 132

Barcode 360182

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

Bill No. CS for SB 132

Barcode 360182

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

Bill No. CS for SB 132

Barcode 360182

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 \$30~~
12 ~~million to be used to fund the High Growth County District~~
13 ~~Capital Outlay Assistance Grant Program created in s.~~
14 ~~1013.738~~. If required, new facilities constructed under the
15 Classrooms for Kids Program must meet the requirements of s.
16 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

Bill No. CS for SB 132

Barcode 360182

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 (9) Seven ~~The lesser of seven~~ and fifty-three
 8 hundredths percent of the remaining taxes collected under this
 9 chapter ~~or \$107 million in each fiscal year~~ shall be paid into
 10 the State Treasury to the credit of the State Housing Trust
 11 Fund and shall be used as follows:

12 (a) Half of that amount shall be used for the purposes
 13 for which the State Housing Trust Fund was created and exists
 14 by law.

15 (b) Half of that amount shall be paid into the State
 16 Treasury to the credit of the Local Government Housing Trust
 17 Fund and shall be used for the purposes for which the Local
 18 Government Housing Trust Fund was created and exists by law.

19 (10) Eight ~~The lesser of eight~~ and sixty-six
 20 hundredths percent of the remaining taxes collected under this
 21 chapter ~~or \$136 million in each fiscal year~~ shall be paid into
 22 the State Treasury to the credit of the State Housing Trust
 23 Fund and shall be used as follows:

24 (a) Twelve and one-half percent of that amount shall
 25 be deposited into the State Housing Trust Fund and be expended
 26 by the Department of Community Affairs and by the Florida
 27 Housing Finance Corporation for the purposes for which the
 28 State Housing Trust Fund was created and exists by law.

29 (b) Eighty-seven and one-half percent of that amount
 30 shall be distributed to the Local Government Housing Trust
 31 Fund and shall be used for the purposes for which the Local

Bill No. CS for SB 132

Barcode 360182

1 Government Housing Trust Fund was created and exists by law.
2 Funds from this category may also be used to provide for state
3 and local services to assist the homeless.

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

15 (15) Beginning July 1, 2008, in each fiscal year that
16 the remaining taxes collected under this chapter exceed such
17 collections in the prior fiscal year, the stated maximum
18 dollar amounts provided in subsections (2), (4), (6), and (7)
19 ~~(9), and (10)~~ shall each be increased by an amount equal to 10
20 percent of the increase in the remaining taxes collected under
21 this chapter multiplied by the applicable percentage provided
22 in those subsections.

23 ~~(17) Distributions to the State Housing Trust Fund~~
24 ~~pursuant to subsections (9) and (10) shall be sufficient to~~
25 ~~cover amounts required to be transferred to the Florida~~
26 ~~Affordable Housing Guarantee Program's annual debt service~~
27 ~~reserve and guarantee fund pursuant to s. 420.5092(6)(a) and~~
28 ~~(b) up to but not exceeding the amount required to be~~
29 ~~transferred to such reserve and fund based on the percentage~~
30 ~~distribution of documentary stamp tax revenues to the State~~
31 ~~Housing Trust Fund which is in effect in the 2004-2005 fiscal~~

Bill No. CS for SB 132

Barcode 360182

1 ~~year.~~

2 ~~(17)(18)~~ The remaining taxes collected under this
3 chapter, after the distributions provided in the preceding
4 subsections, shall be paid into the State Treasury to the
5 credit of the General Revenue Fund.

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

8 215.619 Bonds for Everglades restoration.--

9 (3) Everglades restoration bonds are payable from, and
10 secured by a first lien on, taxes distributable under s.
11 201.15(1)(b) and do not constitute a general obligation of, or
12 a pledge of the full faith and credit of, the state.

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

15 ~~201.15(1)(a) junior and subordinate to bonds secured by moneys~~
16 ~~distributable under s. 201.15(1)(a).~~

17 Section 12. Subsections (1) and (2) of section
18 220.183, Florida Statutes, are amended to read:

19 220.183 Community contribution tax credit.--

20 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
21 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
22 SPENDING.--

23 (a) There shall be allowed a credit of 50 percent of a
24 community contribution against any tax due for a taxable year
25 under this chapter.

26 (b) No business firm shall receive more than \$200,000
27 in annual tax credits for all approved community contributions
28 made in any one year.

29 (c) The total amount of tax credit which may be
30 granted for all programs approved under this section, s.

31 212.08(5)(q), and s. 624.5105 is ~~\$8~~ \$12 million annually for

Bill No. CS for SB 132

Barcode 360182

1 projects that provide homeownership opportunities for
 2 low-income or very-low-income households as defined in s.
 3 420.9071(19) and (28), and \$4 million annually for all other
 4 projects.

5 (d) All proposals for the granting of the tax credit
 6 shall require the prior approval of the Office of Tourism,
 7 Trade, and Economic Development.

8 (e) If the credit granted pursuant to this section is
 9 not fully used in any one year because of insufficient tax
 10 liability on the part of the business firm, the unused amount
 11 may be carried forward for a period not to exceed 5 years. The
 12 carryover credit may be used in a subsequent year when the tax
 13 imposed by this chapter for such year exceeds the credit for
 14 such year under this section after applying the other credits
 15 and unused credit carryovers in the order provided in s.
 16 220.02(8).

17 (f) A taxpayer who files a Florida consolidated return
 18 as a member of an affiliated group pursuant to s. 220.131(1)
 19 may be allowed the credit on a consolidated return basis.

20 (g) A taxpayer who is eligible to receive the credit
 21 provided for in s. 624.5105 is not eligible to receive the
 22 credit provided by this section.

23 (2) ELIGIBILITY REQUIREMENTS.--

24 (a) All community contributions by a business firm
 25 shall be in the form specified in s. 220.03(1)(d).

26 (b)1. All community contributions must be reserved
 27 exclusively for use in projects as defined in s. 220.03(1)(t).

28 ~~2. For the first 6 months of the fiscal year, the~~
 29 ~~Office of Tourism, Trade, and Economic Development shall~~
 30 ~~reserve 80 percent of the first \$10 million in available~~
 31 ~~annual tax credits, and 70 percent of any available annual tax~~

Bill No. CS for SB 132

Barcode 360182

1 ~~credits in excess of \$10 million, for donations made to~~
 2 ~~eligible sponsors for projects that provide homeownership~~
 3 ~~opportunities for low income or very low income households as~~
 4 ~~defined in s. 420.9071(19) and (28). If any reserved annual~~
 5 ~~tax credits remain after the first 6 months of the fiscal~~
 6 ~~year, the office may approve the balance of these available~~
 7 ~~credits for donations made to eligible sponsors for projects~~
 8 ~~other than those that provide homeownership opportunities for~~
 9 ~~low-income or very-low-income households.~~

10 3. ~~For the first 6 months of the fiscal year, the~~
 11 ~~office shall reserve 20 percent of the first \$10 million in~~
 12 ~~available annual tax credits, and 30 percent of any available~~
 13 ~~annual tax credits in excess of \$10 million, for donations~~
 14 ~~made to eligible sponsors for projects other than those that~~
 15 ~~provide homeownership opportunities for low-income or~~
 16 ~~very low income households as defined in s. 420.9071(19) and~~
 17 ~~(28). If any reserved annual tax credits remain after the~~
 18 ~~first 6 months of the fiscal year, the office may approve the~~
 19 ~~balance of these available credits for donations made to~~
 20 ~~eligible sponsors for projects that provide homeownership~~
 21 ~~opportunities for low-income or very-low-income households.~~

22 2.4. ~~If, during the first 10 business days of the~~
 23 ~~state fiscal year, eligible tax credit applications for~~
 24 ~~projects that provide homeownership opportunities for~~
 25 ~~low-income or very-low-income households as defined in s.~~
 26 ~~420.9071(19) and (28) are received for less than the available~~
 27 ~~annual tax credits available for those projects reserved under~~
 28 ~~subparagraph 2., the Office of Tourism, Trade, and Economic~~
 29 ~~Development shall grant tax credits for those applications and~~
 30 ~~shall grant remaining tax credits on a first-come,~~
 31 ~~first-served basis for any subsequent eligible applications~~

Bill No. CS for SB 132

Barcode 360182

1 received before the end of the ~~first 6 months of the~~ state
 2 fiscal year. If, during the first 10 business days of the
 3 state fiscal year, eligible tax credit applications for
 4 projects that provide homeownership opportunities for
 5 low-income or very-low-income households as defined in s.
 6 420.9071(19) and (28) are received for more than the ~~available~~
 7 annual tax credits available for those projects ~~reserved under~~
 8 ~~subparagraph 2.~~, the office shall grant the tax credits for
 9 such applications as follows:

10 a. If tax credit applications submitted for approved
 11 projects of an eligible sponsor do not exceed \$200,000 in
 12 total, the credit shall be granted in full if the tax credit
 13 applications are approved, ~~subject to the provisions of~~
 14 ~~subparagraph 2.~~

15 b. If tax credit applications submitted for approved
 16 projects of an eligible sponsor exceed \$200,000 in total, the
 17 amount of tax credits granted under sub-subparagraph a. shall
 18 be subtracted from the amount of available tax credits ~~under~~
 19 ~~subparagraph 2.~~, and the remaining credits shall be granted to
 20 each approved tax credit application on a pro rata basis.

21 c. ~~If, after the first 6 months of the fiscal year,~~
 22 ~~additional credits become available pursuant to subparagraph~~
 23 ~~3., the office shall grant the tax credits by first granting~~
 24 ~~to those who received a pro rata reduction up to the full~~
 25 ~~amount of their request and, if there are remaining credits,~~
 26 ~~granting credits to those who applied on or after the 11th~~
 27 ~~business day of the state fiscal year on a first-come,~~
 28 ~~first-served basis.~~

29 ~~3.5.~~ If, during the first 10 business days of the
 30 state fiscal year, eligible tax credit applications for
 31 projects other than those that provide homeownership

Barcode 360182

1 opportunities for low-income or very-low-income households as
2 defined in s. 420.9071(19) and (28) are received for less than
3 the available annual tax credits available for those projects
4 ~~reserved under subparagraph 3.~~, the Office of Tourism, Trade,
5 and Economic Development shall grant tax credits for those
6 applications and shall grant remaining tax credits on a
7 first-come, first-served basis for any subsequent eligible
8 applications received before the end of the ~~first 6 months of~~
9 ~~the~~ state fiscal year. If, during the first 10 business days
10 of the state fiscal year, eligible tax credit applications for
11 projects other than those that provide homeownership
12 opportunities for low-income or very-low-income households as
13 defined in s. 420.9071(19) and (28) are received for more than
14 the available annual tax credits available for those projects
15 ~~reserved under subparagraph 3.~~, the office shall grant the tax
16 credits for such applications on a pro rata basis. ~~If, after~~
17 ~~the first 6 months of the fiscal year, additional credits~~
18 ~~become available under subparagraph 2., the office shall grant~~
19 ~~the tax credits by first granting to those who received a pro~~
20 ~~rata reduction up to the full amount of their request and, if~~
21 ~~there are remaining credits, granting credits to those who~~
22 ~~applied on or after the 11th business day of the state fiscal~~
23 ~~year on a first come, first served basis.~~

24 (c) The project must be undertaken by an "eligible
25 sponsor," defined here as:

- 26 1. A community action program;
- 27 2. A nonprofit community-based development
- 28 organization whose mission is the provision of housing for
- 29 low-income or very-low-income households or increasing
- 30 entrepreneurial and job-development opportunities for
- 31 low-income persons;

Bill No. CS for SB 132

Barcode 360182

- 1 3. A neighborhood housing services corporation;
- 2 4. A local housing authority, created pursuant to
- 3 chapter 421;
- 4 5. A community redevelopment agency, created pursuant
- 5 to s. 163.356;
- 6 6. The Florida Industrial Development Corporation;
- 7 7. An historic preservation district agency or
- 8 organization;
- 9 8. A regional workforce board;
- 10 9. A direct-support organization as provided in s.
- 11 1009.983;
- 12 10. An enterprise zone development agency created
- 13 pursuant to s. 290.0056;
- 14 11. A community-based organization incorporated under
- 15 chapter 617 which is recognized as educational, charitable, or
- 16 scientific pursuant to s. 501(c)(3) of the Internal Revenue
- 17 Code and whose bylaws and articles of incorporation include
- 18 affordable housing, economic development, or community
- 19 development as the primary mission of the corporation;
- 20 12. Units of local government;
- 21 13. Units of state government; or
- 22 14. Such other agency as the Office of Tourism, Trade,
- 23 and Economic Development may, from time to time, designate by
- 24 rule.

25
26 In no event shall a contributing business firm have a
27 financial interest in the eligible sponsor.

28 (d) The project shall be located in an area designated
29 as an enterprise zone or a Front Porch Florida Community
30 pursuant to s. 20.18(6). Any project designed to construct or
31 rehabilitate housing for low-income or very-low-income

Bill No. CS for SB 132

Barcode 360182

1 households as defined in s. 420.9071(19) and (28) is exempt
 2 from the area requirement of this paragraph. This section does
 3 not preclude projects that propose to construct or
 4 rehabilitate housing for low-income or very-low-income
 5 households on scattered sites. Any project designed to provide
 6 increased access to high-speed broadband capabilities which
 7 includes coverage of a rural enterprise zone may locate the
 8 project's infrastructure in any area of a rural county.

9 Section 13. Paragraph (f) of subsection (6) of section
 10 253.034, Florida Statutes, is amended to read:

11 253.034 State-owned lands; uses.--

12 (6) The Board of Trustees of the Internal Improvement
 13 Trust Fund shall determine which lands, the title to which is
 14 vested in the board, may be surplus. For conservation lands,
 15 the board shall make a determination that the lands are no
 16 longer needed for conservation purposes and may dispose of
 17 them by an affirmative vote of at least three members. In the
 18 case of a land exchange involving the disposition of
 19 conservation lands, the board must determine by an affirmative
 20 vote of at least three members that the exchange will result
 21 in a net positive conservation benefit. For all other lands,
 22 the board shall make a determination that the lands are no
 23 longer needed and may dispose of them by an affirmative vote
 24 of at least three members.

25 (f)~~1~~. In reviewing lands owned by the board, the
 26 council shall consider whether such lands would be more
 27 appropriately owned or managed by the county or other unit of
 28 local government in which the land is located. A local
 29 government may request that state lands be specifically
 30 declared to be surplus lands for the purpose of providing
 31 affordable housing. The council shall recommend to the board

Bill No. CS for SB 132

Barcode 360182

1 whether a sale, lease, or other conveyance to a local
 2 government would be in the best interests of the state and
 3 local government. The provisions of this paragraph in no way
 4 limit the provisions of ss. 253.111 and 253.115. Such lands
 5 shall be offered to the state, county, or local government for
 6 a period of 30 days. Permittable uses for such surplus lands
 7 may include public schools; public libraries; fire or law
 8 enforcement substations; ~~and~~ governmental, judicial, or
 9 recreational centers; and affordable housing. County or local
 10 government requests for surplus lands shall be expedited
 11 throughout the surplusing process. Surplus lands that are
 12 conveyed to a local government for affordable housing shall be
 13 disposed of under the provisions of s. 125.379 or s. 166.0451.
 14 If the county or local government does not elect to purchase
 15 such lands in accordance with s. 253.111, then any surplusing
 16 determination involving other governmental agencies shall be
 17 made upon the board deciding the best public use of the lands.
 18 Surplus properties in which governmental agencies have
 19 expressed no interest shall then be available for sale on the
 20 private market.

21 ~~2. Notwithstanding subparagraph 1., any surplus lands~~
 22 ~~that were acquired by the state prior to 1958 by a gift or~~
 23 ~~other conveyance for no consideration from a municipality, and~~
 24 ~~which the department has filed by July 1, 2006, a notice of~~
 25 ~~its intent to surplus, shall be first offered for reconveyance~~
 26 ~~to such municipality at no cost, but for the fair market value~~
 27 ~~of any building or other improvements to the land, unless~~
 28 ~~otherwise provided in a deed restriction of record. This~~
 29 ~~subparagraph expires July 1, 2006.~~

30 Section 14. Section 295.16, Florida Statutes, is
 31 amended to read:

Bill No. CS for SB 132

Barcode 360182

1 295.16 Disabled veterans exempt from certain license
2 or permit fee.--No totally and permanently disabled veteran
3 who is a resident of Florida and honorably discharged from the
4 Armed Forces, who has been issued a valid identification card
5 by the Department of Veterans' Affairs in accordance with s.
6 295.17 or has been determined by the United States Department
7 of Veterans Affairs or its predecessor to have a
8 service-connected 100-percent disability rating for
9 compensation, or who has been determined to have a
10 service-connected disability rating of 100 percent and is in
11 receipt of disability retirement pay from any branch of the
12 uniformed armed services, shall be required to pay any license
13 or permit fee, by whatever name known, to any county or
14 municipality in order to make improvements upon a dwelling
15 ~~mobile home~~ owned by the veteran which is used as the
16 veteran's residence, provided such improvements are limited to
17 ramps, widening of doors, and similar improvements for the
18 purpose of making the dwelling ~~mobile home~~ habitable for
19 veterans confined to wheelchairs.

20 Section 15. Paragraph (b) of subsection (19) of
21 section 380.06, Florida Statutes, is amended to read:

22 380.06 Developments of regional impact.--

23 (19) SUBSTANTIAL DEVIATIONS.--

24 (b) Any proposed change to a previously approved
25 development of regional impact or development order condition
26 which, either individually or cumulatively with other changes,
27 exceeds any of the following criteria shall constitute a
28 substantial deviation and shall cause the development to be
29 subject to further development-of-regional-impact review
30 without the necessity for a finding of same by the local
31 government:

Bill No. CS for SB 132

Barcode 360182

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

6 2. A new runway, a new terminal facility, a 25-percent
 7 lengthening of an existing runway, or a 25-percent increase in
 8 the number of gates of an existing terminal, but only if the
 9 increase adds at least three additional gates.

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

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

14 5. An increase in the average annual acreage mined by
 15 5 percent or 10 acres, whichever is greater, or an increase in
 16 the average daily water consumption by a mining operation by 5
 17 percent or 300,000 gallons, whichever is greater. An increase
 18 in the size of the mine by 5 percent or 750 acres, whichever
 19 is less. An increase in the size of a heavy mineral mine as
 20 defined in s. 378.403(7) will only constitute a substantial
 21 deviation if the average annual acreage mined is more than 500
 22 acres and consumes more than 3 million gallons of water per
 23 day.

24 6. An increase in land area for office development by
 25 5 percent or an increase of gross floor area of office
 26 development by 5 percent or 60,000 gross square feet,
 27 whichever is greater.

28 7. An increase in the storage capacity for chemical or
 29 petroleum storage facilities by 5 percent, 20,000 barrels, or
 30 7 million pounds, whichever is greater.

31 8. An increase of development at a waterport of wet

Bill No. CS for SB 132

Barcode 360182

1 storage for 20 watercraft, dry storage for 30 watercraft, or
2 wet/dry storage for 60 watercraft in an area identified in the
3 state marina siting plan as an appropriate site for additional
4 waterport development or a 5-percent increase in watercraft
5 storage capacity, whichever is greater.

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

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

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

14 12. An increase in a recreational vehicle park area by
15 5 percent or 100 vehicle spaces, whichever is less.

16 13. A decrease in the area set aside for open space of
17 5 percent or 20 acres, whichever is less.

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

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

29 16. Any change which would result in development of
30 any area which was specifically set aside in the application
31 for development approval or in the development order for

Bill No. CS for SB 132

Barcode 360182

1 preservation or special protection of endangered or threatened
 2 plants or animals designated as endangered, threatened, or
 3 species of special concern and their habitat, primary dunes,
 4 or archaeological and historical sites designated as
 5 significant by the Division of Historical Resources of the
 6 Department of State. The further refinement of such areas by
 7 survey shall be considered under sub-subparagraph (e)5.b.

8 17. An increase in the number of dwelling units by 30
 9 percent or 150 units, whichever is greater, if 20 percent of
 10 the increase in the number of dwelling units is dedicated to
 11 the construction of permanent workforce housing, subject to a
 12 recorded land use restriction agreement. For purposes of this
 13 subparagraph, the term "workforce housing" means housing that
 14 is affordable to a person who earns less than 120 percent of
 15 the area median income, or less than 140 percent of the area
 16 median income if located in a county in which the median
 17 purchase price of a single-family home is above the state
 18 median sales price of a single-family home.

19
 20 The substantial deviation numerical standards in subparagraphs
 21 4., 6., 10., 14., excluding residential uses, and 15., are
 22 increased by 100 percent for a project certified under s.
 23 403.973 which creates jobs and meets criteria established by
 24 the Office of Tourism, Trade, and Economic Development as to
 25 its impact on an area's economy, employment, and prevailing
 26 wage and skill levels. The substantial deviation numerical
 27 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
 28 increased by 50 percent for a project located wholly within an
 29 urban infill and redevelopment area designated on the
 30 applicable adopted local comprehensive plan future land use
 31 map and not located within the coastal high hazard area.

Bill No. CS for SB 132

Barcode 360182

1 Section 16. Present paragraph (k) of subsection (3) of
2 section 380.0651, Florida Statutes, is redesignated as
3 paragraph (l), and a new paragraph (k) is added to that
4 subsection, to read:

5 380.0651 Statewide guidelines and standards.--

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

10 (k) Workforce housing.--The applicable guidelines for
11 residential development and the residential component for
12 multiuse development shall be increased by 30 percent where
13 the developer demonstrates that at least 15 percent of the
14 residential dwelling units will be dedicated to permanent
15 workforce housing, subject to a recorded land use restriction
16 agreement. For purposes of this subparagraph, the term
17 "workforce housing" means housing that is affordable to a
18 person who earns less than 120 percent of the area median
19 income, or less than 140 percent of the area median income if
20 located in a county in which the median purchase price of a
21 single-family home is above the state median sales price of a
22 single-family home.

23 Section 17. Section 420.0004, Florida Statutes, is
24 amended to read:

25 420.0004 Definitions.--As used in this part, unless
26 the context otherwise indicates:

27 (1) "Adjusted for family size" means adjusted in a
28 manner which results in an income eligibility level which is
29 lower for households with fewer than four people, or higher
30 for households with more than four people, than the base
31 income eligibility determined as provided in subsection (9),

Bill No. CS for SB 132

Barcode 360182

1 subsection (10), subsection (11), or subsection(15) ~~(14)~~,
2 based upon a formula as established by the United States
3 Department of Housing and Urban Development.

4 (2) "Adjusted gross income" means all wages, assets,
5 regular cash or noncash contributions or gifts from persons
6 outside the household, and such other resources and benefits
7 as may be determined to be income by the United States
8 Department of Housing and Urban Development, adjusted for
9 family size, less deductions allowable under s. 62 of the
10 Internal Revenue Code.

11 (3) "Affordable" means that monthly rents or monthly
12 mortgage payments including taxes, insurance, and utilities do
13 not exceed 30 percent of that amount which represents the
14 percentage of the median adjusted gross annual income for the
15 households as indicated in subsection (9), subsection (10),
16 subsection (11), or subsection(15) ~~(14)~~.

17 (4) "Corporation" means the Florida Housing Finance
18 Corporation.

19 (5) "Community-based organization" or "nonprofit
20 organization" means a private corporation organized under
21 chapter 617 to assist in the provision of housing and related
22 services on a not-for-profit basis and which is acceptable to
23 federal and state agencies and financial institutions as a
24 sponsor of low-income housing.

25 (6) "Department" means the Department of Community
26 Affairs.

27 (7) "Elderly" describes persons 62 years of age or
28 older.

29 (8) "Local public body" means any county,
30 municipality, or other political subdivision, or any housing
31 authority as provided by chapter 421, which is eligible to

Bill No. CS for SB 132

Barcode 360182

1 sponsor or develop housing for farmworkers and very-low-income
2 and low-income persons within its jurisdiction.

3 (9) "Extremely-low-income persons" means one or more
4 natural persons or a family whose total annual household
5 income does not exceed 30 percent of the median annual
6 adjusted gross income for households within the state. The
7 Florida Housing Finance Corporation may adjust this amount
8 annually by rule to provide that in lower-income counties,
9 extremely low income may exceed 30 percent of the median
10 income for the area, and that in higher-income counties,
11 extremely low income may be less than 30 percent of the area
12 median income.

13 (10)(9) "Low-income persons" means one or more natural
14 persons or a family, the total annual adjusted gross household
15 income of which does not exceed 80 percent of the median
16 annual adjusted gross income for households within the state,
17 or 80 percent of the median annual adjusted gross income for
18 households within the metropolitan statistical area (MSA) or,
19 if not within an MSA, within the county in which the person or
20 family resides, whichever is greater.

21 (11)(10) "Moderate-income persons" means one or more
22 natural persons or a family, the total annual adjusted gross
23 household income of which is less than 120 percent of the
24 median annual adjusted gross income for households within the
25 state, or 120 percent of the median annual adjusted gross
26 income for households within the metropolitan statistical area
27 (MSA) or, if not within an MSA, within the county in which the
28 person or family resides, whichever is greater.

29 (12)(11) "Student" means any person not living with
30 his or her parent or guardian who is eligible to be claimed by
31 his or her parent or guardian as a dependent under the federal

Bill No. CS for SB 132

Barcode 360182

1 income tax code and who is enrolled on at least a half-time
2 basis in a secondary school, career center, community college,
3 college, or university.

4 ~~(13)~~~~(12)~~ "Substandard" means:

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

7 (b) A unit which is in violation of one or more major
8 sections of an applicable housing code and where such
9 violation poses a serious threat to the health of the
10 occupant; or

11 (c) A unit that has been declared unfit for human
12 habitation but that could be rehabilitated for less than 50
13 percent of the property value.

14 ~~(14)~~~~(13)~~ "Substantial rehabilitation" means repair or
15 restoration of a dwelling unit where the value of such repair
16 or restoration exceeds 40 percent of the value of the
17 dwelling.

18 ~~(15)~~~~(14)~~ "Very-low-income persons" means one or more
19 natural persons or a family, not including students, the total
20 annual adjusted gross household income of which does not
21 exceed 50 percent of the median annual adjusted gross income
22 for households within the state, or 50 percent of the median
23 annual adjusted gross income for households within the
24 metropolitan statistical area (MSA) or, if not within an MSA,
25 within the county in which the person or family resides,
26 whichever is greater.

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

29 420.503 Definitions.--As used in this part, the term:

30 (18)(a) "Farmworker" means a laborer who is employed
31 on a seasonal, temporary, or permanent basis in the planting,

Bill No. CS for SB 132

Barcode 360182

1 cultivating, harvesting, or processing of agricultural or
2 aquacultural products and who derived at least 50 percent of
3 her or his income in the immediately preceding 12 months from
4 such employment.

5 (b) "Farmworker" ~~also~~ includes a person who has
6 retired as a laborer due to age, disability, or illness. In
7 order to be considered retired as a farmworker due to age
8 under this part, a person must be 50 years of age or older and
9 must have been employed for a minimum of 5 years as a
10 farmworker before retirement. In order to be considered
11 retired as a farmworker due to disability or illness, a person
12 must:

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

15 2.(b) Establish that she or he was previously employed
16 as a farmworker.

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

24 Section 19. Subsection (22), paragraph (a) of
25 subsection (23), and subsection (40) of section 420.507,
26 Florida Statutes, are amended, and subsections (44) and (45)
27 are added to that section, to read:

28 420.507 Powers of the corporation.--The corporation
29 shall have all the powers necessary or convenient to carry out
30 and effectuate the purposes and provisions of this part,
31 including the following powers which are in addition to all

Bill No. CS for SB 132

Barcode 360182

1 other powers granted by other provisions of this part:

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

5 (a) Make first, second, and other subordinated
6 mortgage loans including variable or fixed rate loans subject
7 to contingent interest for all State Apartment Incentive Loans
8 provided for in this chapter based upon available cash flow of
9 the projects. The corporation shall make loans exceeding 25
10 percent of project cost available only to nonprofit
11 organizations and public bodies which are able to secure
12 grants, donations of land, or contributions from other sources
13 and to projects meeting the criteria of subparagraph 1.
14 Mortgage loans shall be made available at the following rates
15 of interest:

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

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

26 ~~3.2. One~~ Three to 9 percent interest for sponsors of
27 projects targeted at populations other than farmworkers,
28 commercial fishing workers, and the homeless.

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

31 (c) Waive payments or forgive indebtedness for a pro

Barcode 360182

1 rata share of the loan based on the number of units in a
2 project reserved for extremely-low-income persons.

3 ~~(d)(b)~~ Geographically and demographically target the
4 utilization of loans.

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

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

10 ~~(g)(e)~~ Inspect any records of a sponsor at any time
11 during the life of the loan or the agreed period for
12 maintaining the provisions of s. 420.5087.

13 ~~(h)(f)~~ Establish, by rule, the procedure for
14 evaluating, scoring, and competitively ranking all
15 applications based on the criteria set forth in s.
16 420.5087(6)(c); determining actual loan amounts; making and
17 servicing loans; and exercising the powers authorized in this
18 subsection.

19 ~~(i)(g)~~ Establish a loan loss insurance reserve to be
20 used to protect the outstanding program investment in case of
21 a default, deed in lieu of foreclosure, or foreclosure of a
22 program loan.

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

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

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

31 3. Make subordinated loans to nonprofit sponsors or

Bill No. CS for SB 132

Barcode 360182

1 developers of housing for purchase of property, for
2 construction, or for financing of housing to be offered for
3 sale to eligible borrowers as a primary residence at an
4 affordable price.

5 (40) To establish subsidiary business entities
6 ~~corporations~~ for the purpose of taking title to and managing
7 and disposing of property acquired by the corporation. The
8 ~~Such~~ subsidiary business entities corporations shall be public
9 business entities corporations wholly owned by the
10 corporation; are ~~shall be~~ entitled to own, mortgage, and sell
11 property on the same basis as the corporation; and shall be
12 deemed business entities corporations primarily acting as
13 agents of the state, within the meaning of s. 768.28, on the
14 same basis as the corporation. Any subsidiary business entity
15 created by the corporation is ~~shall be~~ subject to chapters
16 119, 120, and 286 to the same extent as the corporation. The
17 subsidiary business entities may make rules necessary to
18 conduct business and carry out the purposes of this
19 subsection.

20 (44) To adopt rules for the intervention, negotiation
21 of terms, and other actions necessary to further program goals
22 or avoid default of a program loan. The rules must consider
23 fiscal program goals and the preservation or advancement of
24 affordable housing for the state.

25 (45) To establish by rule requirements for periodic
26 reporting of data. Each periodic report must include, but is
27 not limited to, data relating to multifamily projects such as
28 information concerning financing, housing market information,
29 detailed economic analysis, and physical occupancy and
30 demographic data concerning all housing types financed through
31 corporation programs and for participation in a housing

Bill No. CS for SB 132

Barcode 360182

1 location system.

2 Section 20. Subsections (1), (3), and (5), and
3 paragraphs (a), (b), (c), (f), (g), (h), and (k) of subsection
4 (6) of section 420.5087, Florida Statutes, are amended to
5 read:

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

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

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

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

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

29
30 Any increase in funding required to reach the 10-percent
31 minimum shall be taken from the county category that has the

Bill No. CS for SB 132

Barcode 360182

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

8 (3) During the first 6 months of loan or loan
 9 guarantee availability, program funds shall be reserved for
 10 use by sponsors who provide the housing set-aside required in
 11 subsection (2) for the tenant groups designated in this
 12 subsection. The reservation of funds to each of these groups
 13 shall be determined using the most recent statewide
 14 very-low-income rental housing market study available at the
 15 time of publication of each notice of fund availability
 16 required by paragraph (6)(b). The reservation of funds within
 17 each notice of fund availability to the tenant groups in
 18 paragraphs (a), (b), and (d) may not be less than 10 percent
 19 of the funds available at that time. Any increase in funding
 20 required to reach the 10-percent minimum shall be taken from
 21 the tenant group that has the largest reservation. The
 22 reservation of funds within each notice of fund availability
 23 to the tenant group in paragraph (c) may not be less than 5
 24 percent of the funds available at that time. The tenant groups
 25 are:

- 26 (a) Commercial fishing workers and farmworkers;
- 27 (b) Families;
- 28 (c) Persons who are homeless; and
- 29 (d) Elderly persons. Ten percent of the amount
 30 reserved for the elderly shall be reserved to provide loans to
 31 sponsors of housing for the elderly for the purpose of making

Bill No. CS for SB 132

Barcode 360182

1 building preservation, health, or sanitation repairs or
 2 improvements which are required by federal, state, or local
 3 regulation or code, or lifesafety or security-related repairs
 4 or improvements to such housing. Such a loan may not exceed
 5 \$750,000 per housing community for the elderly. In order to
 6 receive the loan, the sponsor of the housing community must
 7 make a commitment to match at least 5 ~~15~~ percent of the loan
 8 amount to pay the cost of such repair or improvement. The
 9 corporation shall establish the rate of interest on the loan,
 10 which may not exceed 3 percent, and the term of the loan,
 11 which may not exceed 15 years. However, if the lien of the
 12 corporation's encumbrance is subordinate to the lien of
 13 another mortgagee, the term may be made coterminous with the
 14 longest term of the superior lien. The term of the loan shall
 15 be established on the basis of a credit analysis of the
 16 applicant. The corporation shall establish, by rule, the
 17 procedure and criteria for receiving, evaluating, and
 18 competitively ranking all applications for loans under this
 19 paragraph. A loan application must include evidence of the
 20 first mortgagee's having reviewed and approved the sponsor's
 21 intent to apply for a loan. A nonprofit organization or
 22 sponsor may not use the proceeds of the loan to pay for
 23 administrative costs, routine maintenance, or new
 24 construction.

25 (5) The amount of the mortgage provided under this
 26 program combined with any other mortgage in a superior
 27 position shall be less than the value of the project without
 28 the housing set-aside required by subsection (2). However, the
 29 corporation may waive this requirement for projects in rural
 30 areas or urban infill areas which have market rate rents that
 31 are less than the allowable rents pursuant to applicable state

Barcode 360182

1 and federal guidelines and for projects that reserve units for
 2 extremely-low-income persons. ~~A In no event shall the mortgage~~
 3 provided under this program may not be combined with any other
 4 mortgage in a superior position to exceed total project cost.

5 (6) On all state apartment incentive loans, except
 6 loans made to housing communities for the elderly to provide
 7 for lifesafety, building preservation, health, sanitation, or
 8 security-related repairs or improvements, the following
 9 provisions shall apply:

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

12 (b) The corporation shall publish a notice of fund
 13 availability in a publication of general circulation
 14 throughout the state. ~~The~~ ~~Such~~ notice shall be published at
 15 least 60 days before ~~prior to~~ the application deadline and
 16 shall provide notice of the temporary reservations of funds
 17 established in subsection (3).

18 (c) The corporation shall provide by rule for the
 19 establishment of a review committee composed of the department
 20 and corporation staff and shall establish by rule a scoring
 21 system for evaluation and competitive ranking of applications
 22 submitted in this program, including, but not limited to, the
 23 following criteria:

24 1. Tenant income and demographic targeting objectives
 25 of the corporation.

26 2. Targeting objectives of the corporation which will
 27 ensure an equitable distribution of loans between rural and
 28 urban areas.

29 3. Sponsor's agreement to reserve the units for
 30 persons or families who have incomes below 50 percent of the
 31 state or local median income, whichever is higher, for a time

Bill No. CS for SB 132

Barcode 360182

1 period to exceed the minimum required by federal law or the
2 provisions of this part.

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

4 a. Twenty percent of the units in the project for
5 persons or families who have incomes that do not exceed 50
6 percent of the state or local median income, whichever is
7 higher; or

8 b. Forty percent of the units in the project for
9 persons or families who have incomes that do not exceed 60
10 percent of the state or local median income, whichever is
11 higher, without requiring a greater amount of the loans as
12 provided in this section.

13 5. Provision for tenant counseling.

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

20 7. Projects requiring the least amount of a state
21 apartment incentive loan compared to overall project cost,
22 except that the pro rata share of the loan attributable to the
23 extremely-low-income units shall be excluded from this
24 requirement.

25 8. Local government contributions and local government
26 comprehensive planning and activities that promote affordable
27 housing.

28 9. Project feasibility.

29 10. Economic viability of the project.

30 11. Commitment of first mortgage financing.

31 12. Sponsor's prior experience.

Bill No. CS for SB 132

Barcode 360182

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

2 14. Projects that directly implement or assist
3 welfare-to-work transitioning.

4 15. Projects that reserve units for
5 extremely-low-income families.

6 (f) The review committee established by corporation
7 rule under ~~pursuant to~~ this subsection shall make
8 recommendations to the board of directors of the corporation
9 regarding program participation under the State Apartment
10 Incentive Loan Program. The corporation board shall make the
11 final ranking and the decisions regarding which applicants
12 shall become program participants based on the scores received
13 in the competitive ranking, further review of applications,
14 and the recommendations of the review committee. The
15 corporation board shall approve or reject applications for
16 loans and shall determine the tentative loan amount available
17 to each applicant selected for participation in the program.
18 The actual loan amount shall be determined by a ~~pursuant to~~
19 rule adopted under s. 420.507(22)(h) ~~pursuant to s.~~
20 ~~420.507(22)(f)~~.

21 (g) The loan term shall be for a period of not more
22 than 15 years; however, if both a program loan and federal
23 low-income housing tax credits are to be used to assist a
24 project, the corporation may set the loan term for a period
25 commensurate with the investment requirements associated with
26 the tax credit syndication. The term of the loan may also
27 exceed 15 years ~~if necessary to conform to requirements of the~~
28 ~~Federal National Mortgage Association.~~ However, if the lien of
29 the corporation's encumbrance is subordinate to the lien of
30 another mortgagee, the term may be made coterminous with the
31 longest term of the superior lien. The corporation may

Bill No. CS for SB 132

Barcode 360182

1 renegotiate and extend the loan in order to extend the
2 availability of housing for the targeted population. The term
3 of a loan may not extend beyond the period for which the
4 sponsor agrees to provide the housing set-aside required by
5 subsection (2).

6 (h) The loan shall be subject to sale, transfer, or
7 refinancing. The sale, transfer, or refinancing of the loan
8 shall be consistent with fiscal program goals and the
9 preservation or advancement of affordable housing for the
10 state. However, all requirements and conditions of the loan
11 shall remain following sale, transfer, or refinancing.

12 (k) Rent controls may ~~shall~~ not be allowed on any
13 project except as required in conjunction with the issuance of
14 tax-exempt bonds or federal low-income housing tax credits,
15 and except when the sponsor has committed to set aside units
16 for extremely-low-income persons, in which case rents shall be
17 restricted at the level applicable to federal low-income tax
18 credits.

19 Section 21. Section 420.5088, Florida Statutes, is
20 amended to read:

21 420.5088 Florida Homeownership Assistance
22 Program.--There is created the Florida Homeownership
23 Assistance Program for the purpose of assisting low-income and
24 moderate-income persons in purchasing a home as their primary
25 residence by reducing the cost of the home with below-market
26 construction financing, by reducing the amount of down payment
27 and closing costs paid by the borrower to a maximum of 5
28 percent of the purchase price, or by reducing the monthly
29 payment to an affordable amount for the purchaser. Loans shall
30 be made available at an interest rate that does not exceed 3
31 percent. The balance of any loan is due at closing if the

Bill No. CS for SB 132

Barcode 360182

1 property is sold, rented, refinanced, or transferred, except
2 as approved by the corporation.

3 (1) For loans made available pursuant to s.
4 420.507(23)(a)1. or 2.:

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

10 (b) Loans shall be made available for the term of the
11 first mortgage.

12 (c) Loans may not exceed ~~are limited to~~ the lesser of
13 35 ~~25~~ percent of the purchase price of the home or the amount
14 necessary to enable the purchaser to meet credit underwriting
15 criteria.

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

17 (a) Availability is limited to nonprofit sponsors or
18 developers who are selected for program participation under
19 ~~pursuant to~~ this subsection.

20 (b) Preference must be given to ~~community development~~
21 ~~corporations as defined in s. 290.033 and to~~ community-based
22 organizations as defined in s. 420.503.

23 (c) Priority must be given to projects that have
24 received state assistance in funding project predevelopment
25 costs.

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

29 (e) At least 30 percent of the units in a project
30 financed under ~~pursuant to~~ this subsection must be sold to
31 persons or families who have incomes that do not exceed 80

Bill No. CS for SB 132

Barcode 360182

1 percent of the state or local median income, whichever amount
 2 is greater, adjusted for family size; and at least another 30
 3 percent of the units in a project financed under ~~pursuant to~~
 4 this subsection must be sold to persons or families who have
 5 incomes that do not exceed 65 ~~50~~ percent of the state or local
 6 median income, whichever amount is greater, adjusted for
 7 family size.

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

10 (g) A person who purchases a home in a project
 11 financed under this subsection is eligible for a loan
 12 authorized by s. 420.507(23)(a)1. or 2. in an aggregate amount
 13 not exceeding the construction loan made under ~~pursuant to~~
 14 this subsection. The home purchaser must meet all the
 15 requirements for loan recipients established pursuant to the
 16 applicable loan program.

17 (h) The corporation shall provide, by rule, for the
 18 establishment of a review committee composed of corporation
 19 staff and shall establish, by rule, a scoring system for
 20 evaluating and ranking applications submitted for construction
 21 loans under this subsection, including, but not limited to,
 22 the following criteria:

23 1. The affordability of the housing proposed to be
 24 built.

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

27 3. The demonstrated capacity of the applicant to carry
 28 out the proposal, including the experience of the development
 29 team.

30 4. The economic feasibility of the proposal.

31 5. The extent to which the applicant demonstrates

Bill No. CS for SB 132

Barcode 360182

1 potential cost savings by combining the benefits of different
2 governmental programs and private initiatives, including the
3 local government contributions and local government
4 comprehensive planning and activities that promote affordable
5 housing.

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

8 7. The provision of homeownership counseling.

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

11 9. The commitment of first mortgage financing for the
12 balance of the construction loan and for the permanent loans
13 to the purchasers of the housing.

14 10. The applicant's ability to proceed with
15 construction.

16 11. The targeting objectives of the corporation which
17 will ensure an equitable distribution of loans between rural
18 and urban areas.

19 12. The extent to which the proposal will further the
20 purposes of this program.

21 (i) The corporation may reject any and all
22 applications.

23 (j) The review committee established by corporation
24 rule pursuant to this subsection shall make recommendations to
25 the corporation board regarding program participation under
26 this subsection. The corporation board shall make the final
27 ranking for participation based on the scores received in the
28 ranking, further review of the applications, and the
29 recommendations of the review committee. The corporation board
30 shall approve or reject applicants for loans and shall
31 determine the tentative loan amount available to each program

Bill No. CS for SB 132

Barcode 360182

1 participant. The final loan amount shall be determined
2 pursuant to rule adopted under s. 420.507(23)(h).

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

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

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

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

12 ~~and~~

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

15
16 ~~If the application of these percentages would cause the~~
17 ~~reservation of program funds under paragraph (a) to be less~~
18 ~~than \$1 million, the reservation for paragraph (a) shall be~~
19 ~~increased to \$1 million or all available funds, whichever~~
20 ~~amount is less, with the increase to be accomplished by~~
21 ~~reducing the reservation for paragraph (b) and, if necessary,~~
22 ~~paragraph (c).~~

23 ~~(4)(5)~~ There is authorized to be established by the
24 corporation with a qualified public depository meeting the
25 requirements of chapter 280 the Florida Homeownership
26 Assistance Fund to be administered by the corporation
27 according to the provisions of this program. Any amounts held
28 in the Florida Homeownership Assistance Trust Fund for such
29 purposes as of January 1, 1998, must be transferred to the
30 corporation for deposit in the Florida Homeownership
31 Assistance Fund, whereupon the Florida Homeownership

Bill No. CS for SB 132

Barcode 360182

1 Assistance Trust Fund must be closed. There shall be deposited
 2 in the fund moneys from the State Housing Trust Fund created
 3 by s. 420.0005, or moneys received from any other source, for
 4 the purpose of this program and all proceeds derived from the
 5 use of such moneys. In addition, all unencumbered funds, loan
 6 repayments, proceeds from the sale of any property, and any
 7 other proceeds that would otherwise accrue pursuant to the
 8 activities of the programs described in this section shall be
 9 transferred to this fund. In addition, all loan repayments,
 10 proceeds from the sale of any property, and any other proceeds
 11 that would otherwise accrue pursuant to the activities
 12 conducted under the provisions of the Florida Homeownership
 13 Assistance Program shall be deposited in the fund and shall
 14 not revert to the General Revenue Fund. Expenditures from the
 15 Florida Homeownership Assistance Fund shall not be required to
 16 be included in the corporation's budget request or be subject
 17 to appropriation by the Legislature.

18 ~~(5)(6)~~ No more than one-fifth of the funds available
 19 in the Florida Homeownership Assistance Fund may be made
 20 available to provide loan loss insurance reserve funds to
 21 facilitate homeownership for eligible persons.

22 Section 22. Subsection (2) of section 420.9072,
 23 Florida Statutes, is amended to read:

24 420.9072 State Housing Initiatives Partnership
 25 Program.--The State Housing Initiatives Partnership Program is
 26 created for the purpose of providing funds to counties and
 27 eligible municipalities as an incentive for the creation of
 28 local housing partnerships, to expand production of and
 29 preserve affordable housing, to further the housing element of
 30 the local government comprehensive plan specific to affordable
 31 housing, and to increase housing-related employment.

Bill No. CS for SB 132

Barcode 360182

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

3 1. Submit to the corporation its local housing
4 assistance plan describing the local housing assistance
5 strategies established pursuant to s. 420.9075;

6 2. Within 12 months after adopting the local housing
7 assistance plan, amend the plan to incorporate the local
8 housing incentive strategies defined in s. 420.9071(16) and
9 described in s. 420.9076; and

10 3. Within 24 months after adopting the amended local
11 housing assistance plan to incorporate the local housing
12 incentive strategies, amend its land development regulations
13 or establish local policies and procedures, as necessary, to
14 implement the local housing incentive strategies adopted by
15 the local governing body. A county or an eligible municipality
16 that has adopted a housing incentive strategy pursuant to s.
17 420.9076 before the effective date of this act shall review
18 the status of implementation of the plan according to its
19 adopted schedule for implementation and report its findings in
20 the annual report required by s. 420.9075(10) ~~s. 420.9075(9)~~.

21 If as a result of the review, a county or an eligible
22 municipality determines that the implementation is complete
23 and in accordance with its schedule, no further action is
24 necessary. If a county or an eligible municipality determines
25 that implementation according to its schedule is not complete,
26 it must amend its land development regulations or establish
27 local policies and procedures, as necessary, to implement the
28 housing incentive plan within 12 months after the effective
29 date of this act, or if extenuating circumstances prevent
30 implementation within 12 months, pursuant to s. 420.9075(13)

31 ~~s. 420.9075(12)~~, enter into an extension agreement with the

Bill No. CS for SB 132

Barcode 360182

1 corporation.

2 (b) A county or an eligible municipality seeking
3 approval to receive its share of the local housing
4 distribution must adopt an ordinance containing the following
5 provisions:

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

8 2. Adoption by resolution of a local housing
9 assistance plan as defined in s. 420.9071(14) to be
10 implemented through a local housing partnership as defined in
11 s. 420.9071(18).

12 3. Designation of the responsibility for the
13 administration of the local housing assistance plan. Such
14 ordinance may also provide for the contracting of all or part
15 of the administrative or other functions of the program to a
16 third person or entity.

17 4. Creation of the affordable housing advisory
18 committee as provided in s. 420.9076.

19
20 The ordinance must not take effect until at least 30 days
21 after the date of formal adoption. Ordinances in effect prior
22 to the effective date of amendments to this section shall be
23 amended as needed to conform to new provisions.

24 Section 23. Section 420.9075, Florida Statutes, is
25 amended to read:

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

28 (1)(a) Each county or eligible municipality
29 participating in the State Housing Initiatives Partnership
30 Program shall develop and implement a local housing assistance
31 plan created to make affordable residential units available to

Bill No. CS for SB 132

Barcode 360182

1 persons of very low income, low income, or moderate income and
 2 to persons who have special housing needs, including, but not
 3 limited to, homeless people, the elderly, and migrant
 4 farmworkers. The plans are intended to increase the
 5 availability of affordable residential units by combining
 6 local resources and cost-saving measures into a local housing
 7 partnership and using private and public funds to reduce the
 8 cost of housing.

9 (b) Local housing assistance plans may allocate funds
 10 to:

- 11 1. Implement local housing assistance strategies for
 12 the provision of affordable housing.
- 13 2. Supplement funds available to the corporation to
 14 provide enhanced funding of state housing programs within the
 15 county or the eligible municipality.
- 16 3. Provide the local matching share of federal
 17 affordable housing grants or programs.
- 18 4. Fund emergency repairs, including, but not limited
 19 to, repairs performed by existing service providers under
 20 weatherization assistance programs under ss. 409.509-409.5093.
- 21 5. Further the housing element of the local government
 22 comprehensive plan adopted pursuant to s. 163.3184, specific
 23 to affordable housing.

24 (2)(a) Each county and each eligible municipality
 25 participating in the State Housing Initiatives Partnership
 26 Program shall encourage the involvement of appropriate public
 27 sector and private sector entities as partners in order to
 28 combine resources to reduce housing costs for the targeted
 29 population. This partnership process should involve:

- 30 1. Lending institutions.
- 31 2. Housing builders and developers.

Bill No. CS for SB 132

Barcode 360182

1 3. Nonprofit and other community-based housing and
2 service organizations.

3 4. Providers of professional services relating to
4 affordable housing.

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

8 6. Real estate professionals.

9 7. Other persons or entities who can assist in
10 providing housing or related support services.

11 (b) The specific participants in partnership
12 activities may vary according to the community's resources and
13 the nature of the local housing assistance plan.

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

17 (b) Each county or eligible municipality is encouraged
18 to develop a strategy within its local housing assistance plan
19 which emphasizes the recruitment and retention of essential
20 services personnel.

21 ~~(4)(3)~~ Each local housing assistance plan is governed
22 by the following criteria and administrative procedures:

23 (a) Each county, eligible municipality, or entity
24 formed through interlocal agreement to participate in the
25 State Housing Initiatives Partnership Program must develop a
26 qualification system and selection criteria for applications
27 for awards by eligible sponsors, adopt criteria for the
28 selection of eligible persons, and adopt a maximum award
29 schedule or system of amounts consistent with the intent and
30 budget of its local housing assistance plan, with ss.
31 420.907-420.9079, and with corporation rule.

Bill No. CS for SB 132

Barcode 360182

1 (b) The county or eligible municipality or its
2 administrative representative shall advertise the notice of
3 funding availability in a newspaper of general circulation and
4 periodicals serving ethnic and diverse neighborhoods, at least
5 30 days before the beginning of the application period. If no
6 funding is available due to a waiting list, no notice of
7 funding availability is required.

8 (c) In accordance with the provisions of ss.
9 760.20-760.37, it is unlawful to discriminate on the basis of
10 race, creed, religion, color, age, sex, marital status,
11 familial status, national origin, or handicap in the award
12 application process for eligible housing.

13 (d) As a condition of receipt of an award, the
14 eligible sponsor or eligible person must contractually commit
15 to comply with the affordable housing criteria provided under
16 ss. 420.907-420.9079 applicable to the affordable housing
17 objective of the award. The plan criteria adopted by the
18 county or eligible municipality must prescribe the contractual
19 obligations required to ensure compliance with award
20 conditions.

21 (e) The staff or entity that has administrative
22 authority for implementing a local housing assistance plan
23 assisting rental developments shall annually monitor and
24 determine tenant eligibility or, to the extent another
25 governmental entity provides the same monitoring and
26 determination, a municipality, county, or local housing
27 financing authority may rely on such monitoring and
28 determination of tenant eligibility. However, any loan or
29 grant in the original amount of \$3,000 or less shall not be
30 subject to these annual monitoring and determination of tenant
31 eligibility requirements.

Bill No. CS for SB 132

Barcode 360182

1 ~~(5)(4)~~ The following criteria apply to awards made to
2 eligible sponsors or eligible persons for the purpose of
3 providing eligible housing:

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

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

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

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

26 2. At least 30 percent of the funds deposited into the
27 local housing assistance trust fund must be reserved for
28 awards to very-low-income persons or eligible sponsors who
29 will serve very-low-income persons and at least an additional
30 30 percent of the funds deposited into the local housing
31 assistance trust fund must be reserved for awards to

Bill No. CS for SB 132

Barcode 360182

1 low-income persons or eligible sponsors who will serve
 2 low-income persons. This subparagraph does not apply to a
 3 county or an eligible municipality that includes, or has
 4 included within the previous 5 years, an area of critical
 5 state concern designated or ratified by the Legislature for
 6 which the Legislature has declared its intent to provide
 7 affordable housing. The exemption created by this act expires
 8 on July 1, 2008.

9 (e) Loans shall be provided for periods not exceeding
 10 30 years, except for deferred payment loans or loans that
 11 extend beyond 30 years which continue to serve eligible
 12 persons.

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

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

31 (h) The total amount of monthly mortgage payments or

Bill No. CS for SB 132

Barcode 360182

1 the amount of monthly rent charged by the eligible sponsor or
2 her or his designee must be made affordable.

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

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

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

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

Bill No. CS for SB 132

Barcode 360182

1 criteria prescribed in this subsection with the exception of
2 paragraphs (a) and (d) ~~of this subsection.~~

3 ~~(6)(5)~~ Each county or eligible municipality receiving
4 local housing distribution moneys shall establish and maintain
5 a local housing assistance trust fund. All moneys of a county
6 or an eligible municipality received from its share of the
7 local housing distribution, program income, recaptured funds,
8 and other funds received or budgeted to implement the local
9 housing assistance plan shall be deposited into the trust
10 fund; however, local housing distribution moneys used to match
11 federal HOME program moneys may be repaid to the HOME program
12 fund if required by federal law or regulations. Expenditures
13 other than for the administration and implementation of the
14 local housing assistance plan may not be made from the fund.

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

Bill No. CS for SB 132

Barcode 360182

1 costs.

2 ~~(8)(7)~~ Pursuant to s. 420.531, the corporation shall
3 provide technical assistance to local governments regarding
4 the creation of partnerships, the design of local housing
5 assistance strategies, the implementation of local housing
6 incentive strategies, and the provision of support services.

7 ~~(9)(8)~~ The corporation shall monitor the activities of
8 local governments to determine compliance with program
9 requirements and shall collect data on the operation and
10 achievements of housing partnerships.

11 ~~(10)(9)~~ Each county or eligible municipality shall
12 submit to the corporation by September 15 of each year a
13 report of its affordable housing programs and accomplishments
14 through June 30 immediately preceding submittal of the report.
15 The report shall be certified as accurate and complete by the
16 local government's chief elected official or his or her
17 designee. Transmittal of the annual report by a county's or
18 eligible municipality's chief elected official, or his or her
19 designee, certifies that the local housing incentive
20 strategies, or, if applicable, the local housing incentive
21 plan, have been implemented or are in the process of being
22 implemented pursuant to the adopted schedule for
23 implementation. The report must include, but is not limited
24 to:

25 (a) The number of households served by income
26 category, age, family size, and race, and data regarding any
27 special needs populations such as farmworkers, homeless
28 persons, and the elderly. Counties shall report this
29 information separately for households served in the
30 unincorporated area and each municipality within the county.

31 (b) The number of units and the average cost of

Bill No. CS for SB 132

Barcode 360182

1 producing units under each local housing assistance strategy.

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

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

7 (e) A description of the status of implementation of
8 each local housing incentive strategy, or if applicable, the
9 local housing incentive plan as set forth in the local
10 government's adopted schedule for implementation.

11 (f) A concise description of the support services that
12 are available to the residents of affordable housing provided
13 by local programs.

14 (g) The sales price or value of housing produced and
15 an accounting of what percentage was financed by the local
16 housing distribution, other public moneys, and private
17 resources.

18 (h) Such other data or affordable housing
19 accomplishments considered significant by the reporting county
20 or eligible municipality.

21 ~~(11)(10)~~ The report shall be made available by the
22 county or eligible municipality for public inspection and
23 comment prior to certifying the report and transmitting it to
24 the corporation. The county or eligible municipality shall
25 provide notice of the availability of the proposed report and
26 solicit public comment. The notice must state the public place
27 where a copy of the proposed report can be obtained by
28 interested persons. Members of the public may submit written
29 comments on the report to the county or eligible municipality
30 and the corporation. Written public comments shall identify
31 the author by name, address, and interest affected. The county

Bill No. CS for SB 132

Barcode 360182

1 or eligible municipality shall attach a copy of all such
2 written comments and its responses to the annual report
3 submitted to the corporation.

4 ~~(12)~~(11) The corporation shall review the report of
5 each county or eligible municipality and any written comments
6 from the public and include any comments concerning the
7 effectiveness of local programs in the report required by s.
8 420.511.

9 ~~(13)~~(12)(a) If, as a result of the review of the
10 annual report or public comment and written response from the
11 county or eligible municipality, or at any other time, the
12 corporation determines that a county or eligible municipality
13 may have established a pattern of violation of the criteria
14 for a local housing assistance plan established under ss.
15 420.907-420.9079 or that an eligible sponsor or eligible
16 person has violated the applicable award conditions, the
17 corporation shall report such pattern of violation of criteria
18 or violation of award conditions to its compliance monitoring
19 agent and the Executive Office of the Governor. The
20 corporation's compliance monitoring agent must determine
21 within 60 days whether the county or eligible municipality has
22 violated program criteria and shall issue a written report
23 thereon. If a violation has occurred, the distribution of
24 program funds to the county or eligible municipality must be
25 suspended until the violation is corrected.

26 (b) If, as a result of its review of the annual
27 report, the corporation determines that a county or eligible
28 municipality has failed to implement a local housing incentive
29 strategy, or, if applicable, a local housing incentive plan,
30 it shall send a notice of termination of the local
31 government's share of the local housing distribution by

Bill No. CS for SB 132

Barcode 360182

1 certified mail to the affected county or eligible
2 municipality.

3 1. The notice must specify a date of termination of
4 the funding if the affected county or eligible municipality
5 does not implement the plan or strategy and provide for a
6 local response. A county or eligible municipality shall
7 respond to the corporation within 30 days after receipt of the
8 notice of termination.

9 2. The corporation shall consider the local response
10 that extenuating circumstances precluded implementation and
11 grant an extension to the timeframe for implementation. Such
12 an extension shall be made in the form of an extension
13 agreement that provides a timeframe for implementation. The
14 chief elected official of a county or eligible municipality or
15 his or her designee shall have the authority to enter into the
16 agreement on behalf of the local government.

17 3. If the county or the eligible municipality has not
18 implemented the incentive strategy or entered into an
19 extension agreement by the termination date specified in the
20 notice, the local housing distribution share terminates, and
21 any uncommitted local housing distribution funds held by the
22 affected county or eligible municipality in its local housing
23 assistance trust fund shall be transferred to the Local
24 Government Housing Trust Fund to the credit of the corporation
25 to administer pursuant to s. 420.9078.

26 4.a. If the affected local government fails to meet
27 the timeframes specified in the agreement, the corporation
28 shall terminate funds. The corporation shall send a notice of
29 termination of the local government's share of the local
30 housing distribution by certified mail to the affected local
31 government. The notice shall specify the termination date, and

Bill No. CS for SB 132

Barcode 360182

1 any uncommitted funds held by the affected local government
2 shall be transferred to the Local Government Housing Trust
3 Fund to the credit of the corporation to administer pursuant
4 to s. 420.9078.

5 b. If the corporation terminates funds to a county,
6 but an eligible municipality receiving a local housing
7 distribution pursuant to an interlocal agreement maintains
8 compliance with program requirements, the corporation shall
9 thereafter distribute directly to the participating eligible
10 municipality its share calculated in the manner provided in s.
11 420.9072.

12 c. Any county or eligible municipality whose local
13 distribution share has been terminated may subsequently elect
14 to receive directly its local distribution share by adopting
15 the ordinance, resolution, and local housing assistance plan
16 in the manner and according to the procedures provided in ss.
17 420.907-420.9079.

18 Section 24. Effective on this act becoming a law,
19 section 420.9077, Florida Statutes, is created to read:

20 420.9077 Community Workforce Housing Innovation
21 Program.--The Community Workforce Housing Innovation Program
22 is created within the State Housing Initiatives Partnership
23 for the purpose of making affordable housing units available
24 to essential service workers and their families. Except as
25 otherwise provided in this section, the Community Workforce
26 Housing Innovation Program is governed by ss.
27 420.907-420.9079. For purposes of the Community Workforce
28 Housing Innovation Program, the funds under ss.
29 420.907-420.9079 may be used for manufactured housing
30 constructed after June 1994, and installed in accordance with
31 mobile home installation standards of the Department of

Bill No. CS for SB 132

Barcode 360182

1 Highway Safety and Motor Vehicles.

2 (1) The Legislature finds that the lack of housing
3 affordable to a community's workforce affects all sectors of
4 the community, and local partnerships as described in s.
5 420.9072 are critical to the success of providing community
6 workforce housing.

7 (2) The Community Workforce Housing Innovation Program
8 shall provide funding for:

9 (a) Persons in need of affordable housing who are
10 employed to provide essential services, such as education, law
11 enforcement, public safety, health care, and other occupations
12 considered essential within the local community in households
13 having income levels up to 140 percent of median income,
14 adjusted for family size, in areas of critical state concern.

15 (b) Projects in high-cost counties. For the purpose of
16 this section, the term "projects in high-cost counties"
17 includes counties in which the median purchase price of a
18 single-family home is above the median purchase price of a
19 single-family home in the state or counties that are, or have
20 been within the previous 5 years, areas of critical state
21 concern as designated or ratified by the Legislature and for
22 which the Legislature has declared its intent to provide
23 affordable housing. The corporation must rank each project by
24 priority in counties having the highest real estate costs for
25 housing.

26 (c) Projects that evidence substantial local
27 involvement. For the purpose of this section, the term
28 "substantial local involment" means a contribution at least 15
29 percent of project value from a local government unit, such as
30 a municipality, county, school district, special district, or
31 other unit of local government or from private-sector

1 entities.

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

5 (3) Projects shall be given priority for Community
6 Workforce Housing Innovation funding based on the local
7 government making the following incentives available, as
8 needed, to ensure the financial viability, successful
9 development, and maintenance of the housing developments:

10 (a) Expedite processing of approvals of development
11 orders or permits, as defined in s. 163.3164(7) and (8), for
12 affordable housing projects to a greater degree than for other
13 projects.

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

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

20 (d) Reserve infrastructure capacity in the local
21 comprehensive plan affordable housing element for these
22 communities.

23 (e) Allow additional affordable residential units in
24 residential zoning districts.

25 (f) Reduce open space and setback requirements by 50
26 percent.

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

28 (h) Modify and reduce traffic concurrency requirements
29 by up to 25 percent.

30 (i) Prioritize eligibility from metropolitan planning
31 districts for funding for local transportation infrastructure.

Bill No. CS for SB 132

Barcode 360182

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

2 (k) Include strategies for maintaining perpetual
3 affordability.

4 (l) Include tax increment financing.

5 (4) The corporation must establish criteria for
6 selecting projects for funding by rule or in a request for
7 proposals. Funding shall be based on demonstrated financial
8 need of the project.

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

11 (a) Be defined as a high-cost county under paragraph
12 (2)(b); or

13 (b) Submit to the corporation a community workforce
14 housing strategy, consistent with s. 420.9075, as a supplement
15 to the established local housing assistance plan. The housing
16 strategy plan must include:

17 1. A community-wide assessment of the need for
18 workforce housing for employees in essential services and
19 other critical personnel;

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

22 3. A description of how the funds received will be
23 distributed.

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

29 (7) Notwithstanding s. 420.9075(4)(c), the sales price
30 or value of new or existing housing may exceed the average
31 area purchase price in the statistical area in which the

Bill No. CS for SB 132

Barcode 360182

1 eligible housing is located.

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

5 (9) The funding for this section shall be an amount
6 separate from the appropriation for the provisions of ss.
7 420.907-420.9078, and shall be awarded under criteria set
8 forth in this section, separate from and notwithstanding the
9 funding-distribution method provided in ss. 420.9072 and
10 420.9073.

11 (10) Funding for the Community Workforce Innovation
12 Program within the Florida Housing Finance Corporation may be
13 awarded to the extent that funds are appropriated.

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

15 Section 25. Subsection (2) of section 420.9079,
16 Florida Statutes, is amended to read:

17 420.9079 Local Government Housing Trust Fund.--

18 (2) The corporation shall administer the fund
19 exclusively for the purpose of implementing the programs
20 described in ss. 420.907-420.9078 and this section. With the
21 exception of monitoring the activities of counties and
22 eligible municipalities to determine local compliance with
23 program requirements, the corporation shall not receive
24 appropriations from the fund for administrative or personnel
25 costs. For the purpose of implementing the
26 ~~compliance-monitoring~~ ~~compliance monitoring~~ provisions of ss.
27 ~~s.~~ 420.9075(8) and 420.9077, the corporation may request a
28 maximum of one-quarter of 1 percent of the annual
29 appropriation ~~\$200,000~~ per state fiscal year. When such
30 funding is appropriated, the corporation shall deduct the
31 amount appropriated prior to calculating the local housing

Bill No. CS for SB 132

Barcode 360182

1 distribution pursuant to ss. 420.9072, ~~and~~ 420.9073, and
2 420.9077.

3 Section 26. Subsections (1) and (2) of section
4 624.5105, Florida Statutes, are amended to read:

5 624.5105 Community contribution tax credit;
6 authorization; limitations; eligibility and application
7 requirements; administration; definitions; expiration.--

8 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

9 (a) There shall be allowed a credit of 50 percent of a
10 community contribution against any tax due for a calendar year
11 under s. 624.509 or s. 624.510.

12 (b) No insurer shall receive more than \$200,000 in
13 annual tax credits for all approved community contributions
14 made in any one year.

15 (c) The total amount of tax credit which may be
16 granted for all programs approved under this section and ss.
17 212.08(5)(q) and 220.183 is \$8 ~~\$12~~ million annually for
18 projects that provide homeownership opportunities for
19 low-income or very-low-income households as defined in s.
20 420.9071(19) and (28), and \$4 million annually for all other
21 projects.

22 (d) Each proposal for the granting of such tax credit
23 requires the prior approval of the director.

24 (e) If the credit granted pursuant to this section is
25 not fully used in any one year because of insufficient tax
26 liability on the part of the insurer, the unused amount may be
27 carried forward for a period not to exceed 5 years. The
28 carryover credit may be used in a subsequent year when the tax
29 imposed by s. 624.509 or s. 624.510 for such year exceeds the
30 credit under this section for such year.

31 (f) An insurer that claims a credit against

Bill No. CS for SB 132

Barcode 360182

1 premium-tax liability earned by making a community
2 contribution under this section need not pay any additional
3 retaliatory tax levied under s. 624.5091 as a result of
4 claiming such a credit. Section 624.5091 does not limit such a
5 credit in any manner.

6 (2) ELIGIBILITY REQUIREMENTS.--

7 (a) Each community contribution by an insurer must be
8 in a form specified in subsection (5).

9 (b) Each community contribution must be reserved
10 exclusively for use in a project as defined in s.
11 220.03(1)(t).

12 (c) The project must be undertaken by an "eligible
13 sponsor," as defined in s. 220.183(2)(c). In no event shall a
14 contributing insurer have a financial interest in the eligible
15 sponsor.

16 (d) The project shall be located in an area designated
17 as an enterprise zone or a Front Porch Community pursuant to
18 s. 20.18(6). Any project designed to construct or rehabilitate
19 housing for low-income or very-low-income households as
20 defined in s. 420.9071(19) and (28) is exempt from the area
21 requirement of this paragraph.

22 ~~(e)1. For the first 6 months of the fiscal year, the~~
23 ~~Office of Tourism, Trade, and Economic Development shall~~
24 ~~reserve 80 percent of the first \$10 million in available~~
25 ~~annual tax credits, and 70 percent of any available annual tax~~
26 ~~credits in excess of \$10 million, for donations made to~~
27 ~~eligible sponsors for projects that provide homeownership~~
28 ~~opportunities for low income or very low income households as~~
29 ~~defined in s. 420.9071(19) and (28). If any such reserved~~
30 ~~annual tax credits remain after the first 6 months of the~~
31 ~~fiscal year, the office may approve the balance of these~~

Bill No. CS for SB 132

Barcode 360182

1 ~~available credits for donations made to eligible sponsors for~~
 2 ~~projects other than those that provide homeownership~~
 3 ~~opportunities for low income or very low income households.~~

4 ~~2. For the first 6 months of the fiscal year, the~~
 5 ~~office shall reserve 20 percent of the first \$10 million in~~
 6 ~~available annual tax credits, and 30 percent of any available~~
 7 ~~annual tax credits in excess of \$10 million, for donations~~
 8 ~~made to eligible sponsors for projects other than those that~~
 9 ~~provide homeownership opportunities for low-income or~~
 10 ~~very low income households as defined in s. 420.9071(19) and~~
 11 ~~(28). If any reserved annual tax credits remain after the~~
 12 ~~first 6 months of the fiscal year, the office may approve the~~
 13 ~~balance of these available credits for donations made to~~
 14 ~~eligible sponsors for projects that provide homeownership~~
 15 ~~opportunities for low income or very low income households.~~

16 ~~1.3.~~ If, during the first 10 business days of the
 17 state fiscal year, eligible tax credit applications for
 18 projects that provide homeownership opportunities for
 19 low-income or very-low-income households as defined in s.
 20 420.9071(19) and (28) are received for less than the ~~available~~
 21 ~~annual tax credits available for those projects reserved under~~
 22 ~~subparagraph 1.~~, the Office of Tourism, Trade, and Economic
 23 Development shall grant tax credits for those applications and
 24 shall grant remaining tax credits on a first-come,
 25 first-served basis for any subsequent eligible applications
 26 received before the end of the ~~first 6 months of the state~~
 27 fiscal year. If, during the first 10 business days of the
 28 state fiscal year, eligible tax credit applications for
 29 projects that provide homeownership opportunities for
 30 low-income or very-low-income households as defined in s.
 31 420.9071(19) and (28) are received for more than the ~~available~~

Bill No. CS for SB 132

Barcode 360182

1 annual tax credits available for those projects reserved under
2 ~~subparagraph 1.~~, the office shall grant the tax credits for
3 the applications as follows:

4 a. If tax credit applications submitted for approved
5 projects of an eligible sponsor do not exceed \$200,000 in
6 total, the credits shall be granted in full if the tax credit
7 applications are approved, ~~subject to subparagraph 1.~~

8 b. If tax credit applications submitted for approved
9 projects of an eligible sponsor exceed \$200,000 in total, the
10 amount of tax credits granted under sub-subparagraph a. shall
11 be subtracted from the amount of available tax credits ~~under~~
12 ~~subparagraph 1.~~, and the remaining credits shall be granted to
13 each approved tax credit application on a pro rata basis.

14 ~~c. If, after the first 6 months of the fiscal year,~~
15 ~~additional credits become available under subparagraph 2., the~~
16 ~~office shall grant the tax credits by first granting to those~~
17 ~~who received a pro rata reduction up to the full amount of~~
18 ~~their request and, if there are remaining credits, granting~~
19 ~~credits to those who applied on or after the 11th business day~~
20 ~~of the state fiscal year on a first-come, first-served basis.~~

21 2.4. If, during the first 10 business days of the
22 state fiscal year, eligible tax credit applications for
23 projects other than those that provide homeownership
24 opportunities for low-income or very-low-income households as
25 defined in s. 420.9071(19) and (28) are received for less than
26 the ~~available~~ annual tax credits available for those projects
27 ~~reserved under subparagraph 2.~~, the Office of Tourism, Trade,
28 and Economic Development shall grant tax credits for those
29 applications and shall grant remaining tax credits on a
30 first-come, first-served basis for any subsequent eligible
31 applications received before the end of the ~~first 6 months of~~

Bill No. CS for SB 132

Barcode 360182

1 ~~the~~ state fiscal year. If, during the first 10 business days
2 of the state fiscal year, eligible tax credit applications for
3 projects other than those that provide homeownership
4 opportunities for low-income or very-low-income households as
5 defined in s. 420.9071(19) and (28) are received for more than
6 the ~~available~~ annual tax credits available for those projects
7 ~~reserved under subparagraph 2.~~, the office shall grant the tax
8 credits for those ~~the~~ applications on a pro rata basis. ~~If,~~
9 ~~after the first 6 months of the fiscal year, additional~~
10 ~~credits become available under subparagraph 1., the office~~
11 ~~shall grant the tax credits by first granting to those who~~
12 ~~received a pro rata reduction up to the full amount of their~~
13 ~~request and, if there are remaining credits, granting credits~~
14 ~~to those who applied on or after the 11th business day of the~~
15 ~~state fiscal year on a first-come, first-served basis.~~

16 Section 27. Paragraph (b) of subsection (9) of section
17 1001.42, Florida Statutes, is amended to read:

18 1001.42 Powers and duties of district school
19 board.--The district school board, acting as a board, shall
20 exercise all powers and perform all duties listed below:

21 (9) SCHOOL PLANT.--Approve plans for locating,
22 planning, constructing, sanitating, insuring, maintaining,
23 protecting, and condemning school property as prescribed in
24 chapter 1013 and as follows:

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

26 1. Select and purchase school sites, playgrounds, and
27 recreational areas located at centers at which schools are to
28 be constructed, of adequate size to meet the needs of
29 projected students to be accommodated.

30 2. Approve the proposed purchase of any site,
31 playground, or recreational area for which district funds are

Bill No. CS for SB 132

Barcode 360182

1 to be used.

2 3. Expand existing sites.

3 4. Rent buildings when necessary.

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

23 6. Provide for the proper supervision of construction.

24 7. Make or contract for additions, alterations, and
25 repairs on buildings and other school properties.

26 8. Ensure that all plans and specifications for
27 buildings provide adequately for the safety and well-being of
28 students, as well as for economy of construction.

29 9. Make certain school board lands, acquired prior to
30 January 1, 2006, available to a private developer or nonprofit
31 housing organization for the purpose of providing teachers and

Bill No. CS for SB 132

Barcode 360182

1 other instructional personnel with housing assistance.
 2 Teachers and other instructional personnel must be eligible
 3 for assistance under chapter 420, and the school board must
 4 declare the land surplus and not needed for any facility
 5 identified in the district facilities work program required
 6 under s. 1013.35.

7 Section 28. (1) The Legislature finds that it is
 8 critical to provide affordable housing to the very-low-income,
 9 low-income, and moderate-income residents of this state.
 10 Furthermore, the Legislature finds that there is a need for a
 11 land-use-based option in order to improve the economic
 12 feasibility of developing affordable housing.

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

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

20 (b) The affordability requirements, including measures
 21 to ensure the continued affordability of applicable housing
 22 units;

23 (c) The methodologies used to calculate density
 24 bonuses;

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

27 (e) The requirements applicable to converting existing
 28 multifamily housing units to condominium units; and

29 (f) The application and review process for density
 30 bonuses.

31 (3) The board of county commissioners of each county

Bill No. CS for SB 132

Barcode 360182

1 and each municipality shall consider adopting and implementing
2 the residential density bonus ordinance.

3 Section 29. For the purpose of incorporating the
4 amendments made by this act to section 201.15, Florida
5 Statutes, in a reference thereto, subsection (1) of section
6 161.05301, Florida Statutes, is reenacted to read:

7 161.05301 Beach erosion control project staffing.--

8 (1) There are hereby appropriated to the Department of
9 Environmental Protection six positions and \$449,918 for fiscal
10 year 1998-1999 from the Ecosystem Management and Restoration
11 Trust Fund from revenues provided by this act pursuant to s.
12 201.15(11). These positions and funding are provided to
13 assist local project sponsors, and shall be used to facilitate
14 and promote enhanced beach erosion control project
15 administration. Such staffing resources shall be directed
16 toward more efficient contract development and oversight,
17 promoting cost-sharing strategies and regional coordination or
18 projects among local governments, providing assistance to
19 local governments to ensure timely permit review, and
20 improving billing review and disbursement processes.

21 Section 30. For the purpose of incorporating the
22 amendments made by this act to section 201.15, Florida
23 Statutes, in a reference thereto, subsection (3) of section
24 161.091, Florida Statutes, is reenacted to read:

25 161.091 Beach management; funding; repair and
26 maintenance strategy.--

27 (3) In accordance with the intent expressed in s.
28 161.088 and the legislative finding that erosion of the
29 beaches of this state is detrimental to tourism, the state's
30 major industry, further exposes the state's highly developed
31 coastline to severe storm damage, and threatens beach-related

Bill No. CS for SB 132

Barcode 360182

1 jobs, which, if not stopped, could significantly reduce state
 2 sales tax revenues, funds deposited into the State Treasury to
 3 the credit of the Ecosystem Management and Restoration Trust
 4 Fund, in the annual amounts provided in s. 201.15(11), shall
 5 be used, for a period of not less than 15 years, to fund the
 6 development, implementation, and administration of the state's
 7 beach management plan, as provided in ss. 161.091-161.212,
 8 prior to the use of such funds deposited pursuant to s.
 9 201.15(11) in that trust fund for any other purpose.

10 Section 31. For the purpose of incorporating the
 11 amendments made by this act to section 201.15, Florida
 12 Statutes, in a reference thereto, subsection (3) of section
 13 370.0603, Florida Statutes, is reenacted to read:

14 370.0603 Marine Resources Conservation Trust Fund;
 15 purposes.--

16 (3) Funds provided to the Marine Resources
 17 Conservation Trust Fund from taxes distributed under s.
 18 201.15(11) shall be used for the following purposes:

19 (a) To reimburse the cost of activities authorized
 20 pursuant to the Fish and Wildlife Service of the United States
 21 Department of the Interior. Such facilities must be involved
 22 in the actual rescue and full-time acute care
 23 veterinarian-based rehabilitation of manatees. The cost of
 24 activities includes, but is not limited to, costs associated
 25 with expansion, capital outlay, repair, maintenance, and
 26 operation related to the rescue, treatment, stabilization,
 27 maintenance, release, and monitoring of manatees. Moneys
 28 distributed through the contractual agreement to each facility
 29 for manatee rehabilitation must be proportionate to the number
 30 of manatees under acute care rehabilitation; the number of
 31 maintenance days medically necessary in the facility; and the

Bill No. CS for SB 132

Barcode 360182

1 number released during the previous fiscal year. The
2 commission may set a cap on the total amount reimbursed per
3 manatee per year.

4 (b) For training on the care, treatment, and
5 rehabilitation of marine mammals at the Whitney Laboratory and
6 the College of Veterinary Medicine at the University of
7 Florida.

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

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

11 Section 32. For the purpose of incorporating the
12 amendments made by this act to section 201.15, Florida
13 Statutes, in a reference thereto, subsections (5) and (6) of
14 section 420.5092, Florida Statutes, are reenacted to read:

15 420.5092 Florida Affordable Housing Guarantee
16 Program.--

17 (5) Pursuant to s. 16, Art. VII of the State
18 Constitution, the corporation may issue, in accordance with s.
19 420.509, revenue bonds of the corporation to establish the
20 guarantee fund. Such revenue bonds shall be primarily payable
21 from and secured by annual debt service reserves, from
22 interest earned on funds on deposit in the guarantee fund,
23 from fees, charges, and reimbursements established by the
24 corporation for the issuance of affordable housing guarantees,
25 and from any other revenue sources received by the corporation
26 and deposited by the corporation into the guarantee fund for
27 the issuance of affordable housing guarantees. To the extent
28 such primary revenue sources are considered insufficient by
29 the corporation, pursuant to the certification provided in
30 subsection (6), to fully fund the annual debt service reserve,
31 the certified deficiency in such reserve shall be additionally

Bill No. CS for SB 132

Barcode 360182

1 payable from the first proceeds of the documentary stamp tax
2 moneys deposited into the State Housing Trust Fund pursuant to
3 s. 201.15(9)(a) and (10)(a) during the ensuing state fiscal
4 year.

5 (6)(a) If the primary revenue sources to be used for
6 repayment of revenue bonds used to establish the guarantee
7 fund are insufficient for such repayment, the annual principal
8 and interest due on each series of revenue bonds shall be
9 payable from funds in the annual debt service reserve. The
10 corporation shall, before June 1 of each year, perform a
11 financial audit to determine whether at the end of the state
12 fiscal year there will be on deposit in the guarantee fund an
13 annual debt service reserve from interest earned pursuant to
14 the investment of the guarantee fund, fees, charges, and
15 reimbursements received from issued affordable housing
16 guarantees and other revenue sources available to the
17 corporation. Based upon the findings in such guarantee fund
18 financial audit, the corporation shall certify to the Chief
19 Financial Officer the amount of any projected deficiency in
20 the annual debt service reserve for any series of outstanding
21 bonds as of the end of the state fiscal year and the amount
22 necessary to maintain such annual debt service reserve. Upon
23 receipt of such certification, the Chief Financial Officer
24 shall transfer to the annual debt service reserve, from the
25 first available taxes distributed to the State Housing Trust
26 Fund pursuant to s. 201.15(9)(a) and (10)(a) during the
27 ensuing state fiscal year, the amount certified as necessary
28 to maintain the annual debt service reserve.

29 (b) If the claims payment obligations under affordable
30 housing guarantees from amounts on deposit in the guarantee
31 fund would cause the claims paying rating assigned to the

Bill No. CS for SB 132

Barcode 360182

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

17 | Section 33. For the purpose of incorporating the
18 | amendments made by this act to section 201.15, Florida
19 | Statutes, in a reference thereto, section 420.9073, Florida
20 | Statutes, is reenacted to read:

21 | 420.9073 Local housing distributions.--

22 | (1) Distributions calculated in this section shall be
23 | disbursed on a monthly basis by the corporation beginning the
24 | first day of the month after program approval pursuant to s.
25 | 420.9072. Each county's share of the funds to be distributed
26 | from the portion of the funds in the Local Government Housing
27 | Trust Fund received pursuant to s. 201.15(9) shall be
28 | calculated by the corporation for each fiscal year as follows:

29 | (a) Each county other than a county that has
30 | implemented the provisions of chapter 83-220, Laws of Florida,
31 | as amended by chapters 84-270, 86-152, and 89-252, Laws of

Bill No. CS for SB 132

Barcode 360182

1 Florida, shall receive the guaranteed amount for each fiscal
2 year.

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

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

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

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

26 (2) Effective July 1, 1995, distributions calculated
27 in this section shall be disbursed on a monthly basis by the
28 corporation beginning the first day of the month after program
29 approval pursuant to s. 420.9072. Each county's share of the
30 funds to be distributed from the portion of the funds in the
31 Local Government Housing Trust Fund received pursuant to s.

Bill No. CS for SB 132

Barcode 360182

1 201.15(10) shall be calculated by the corporation for each
2 fiscal year as follows:

3 (a) Each county shall receive the guaranteed amount
4 for each fiscal year.

5 (b) Each county may receive an additional share
6 calculated as follows:

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

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

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

22 (3) Calculation of guaranteed amounts:

23 (a) The guaranteed amount under subsection (1) shall
24 be calculated for each state fiscal year by multiplying
25 \$350,000 by a fraction, the numerator of which is the amount
26 of funds distributed to the Local Government Housing Trust
27 Fund pursuant to s. 201.15(9) and the denominator of which is
28 the total amount of funds distributed to the Local Government
29 Housing Trust Fund pursuant to s. 201.15.

30 (b) The guaranteed amount under subsection (2) shall
31 be calculated for each state fiscal year by multiplying

Bill No. CS for SB 132

Barcode 360182

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

8 Section 34. For the purpose of incorporating the
 9 amendments made by this act to section 201.15, Florida
 10 Statutes, in a reference thereto, subsection (7) of section
 11 1013.64, Florida Statutes, is reenacted to read:

12 1013.64 Funds for comprehensive educational plant
 13 needs; construction cost maximums for school district capital
 14 projects.--Allocations from the Public Education Capital
 15 Outlay and Debt Service Trust Fund to the various boards for
 16 capital outlay projects shall be determined as follows:

17 (7) Moneys distributed to the Public Education Capital
 18 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)
 19 to fund the Classrooms for Kids Program created in s. 1013.735
 20 and the High Growth County District Capital Outlay Assistance
 21 Grant Program created in s. 1013.738 shall be distributed as
 22 provided by those sections.

23 Section 35. For the purpose of incorporating the
 24 amendments made by this act to section 201.15, Florida
 25 Statutes, in a reference thereto, subsection (4) of section
 26 1013.738, Florida Statutes, is reenacted to read:

27 1013.738 High Growth District Capital Outlay
 28 Assistance Grant Program.--

29 (4) Moneys distributed to the Public Education Capital
 30 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)
 31 for the High Growth District Capital Outlay Assistance Grant

Bill No. CS for SB 132

Barcode 360182

1 Program created in this section shall be distributed as
2 provided by this section.

3 Section 36. Section 196.1978, Florida Statutes, is
4 amended to read:

5 196.1978 Affordable housing property
6 exemption.--Property used to provide affordable housing
7 serving eligible persons as defined by s. 159.603(7) and
8 persons meeting income limits specified in s. 420.0004(10) ~~s.~~
9 ~~420.0004(9)~~, (11) ~~(10)~~, and (15) ~~(14)~~, which property is owned
10 entirely by a nonprofit entity which is qualified as
11 charitable under s. 501(c)(3) of the Internal Revenue Code and
12 which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall
13 be considered property owned by an exempt entity and used for
14 a charitable purpose, and those portions of the affordable
15 housing property which provide housing to individuals with
16 incomes as defined in s. 420.0004(10)~~(9)~~ and (15)~~(14)~~ shall be
17 exempt from ad valorem taxation to the extent authorized in s.
18 196.196. All property identified in this section shall comply
19 with the criteria for determination of exempt status to be
20 applied by property appraisers on an annual basis as defined
21 in s. 196.195. The Legislature intends that any property owned
22 by a limited liability company which is disregarded as an
23 entity for federal income tax purposes pursuant to Treasury
24 Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by
25 its sole member.

26 Section 37. Paragraphs (o) and (q) of subsection (5)
27 of section 212.08, Florida Statutes, are amended to read:

28 212.08 Sales, rental, use, consumption, distribution,
29 and storage tax; specified exemptions.--The sale at retail,
30 the rental, the use, the consumption, the distribution, and
31 the storage to be used or consumed in this state of the

Bill No. CS for SB 132

Barcode 360182

1 following are hereby specifically exempt from the tax imposed
2 by this chapter.

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

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

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

6 a. "Building materials" means tangible personal
7 property that becomes a component part of a housing project or
8 a mixed-use project.

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

19 c. "Mixed-use project" means the conversion of an
20 existing manufacturing or industrial building to mixed-use
21 units that include artists' studios, art and entertainment
22 services, or other compatible uses. A mixed-use project must
23 be located in an urban high-crime area, enterprise zone,
24 empowerment zone, Front Porch Community, designated brownfield
25 area, or urban infill area, and the developer must agree to
26 set aside at least 20 percent of the square footage of the
27 project for low-income and moderate-income housing.

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

30 2. Building materials used in the construction of a
31 housing project or mixed-use project are exempt from the tax

Bill No. CS for SB 132

Barcode 360182

1 imposed by this chapter upon an affirmative showing to the
2 satisfaction of the department that the requirements of this
3 paragraph have been met. This exemption inures to the owner
4 through a refund of previously paid taxes. To receive this
5 refund, the owner must file an application under oath with the
6 department which includes:

- 7 a. The name and address of the owner.
- 8 b. The address and assessment roll parcel number of
9 the project for which a refund is sought.
- 10 c. A copy of the building permit issued for the
11 project.
- 12 d. A certification by the local building code
13 inspector that the project is substantially completed.
- 14 e. A sworn statement, under penalty of perjury, from
15 the general contractor licensed in this state with whom the
16 owner contracted to construct the project, which statement
17 lists the building materials used in the construction of the
18 project and the actual cost thereof, and the amount of sales
19 tax paid on these materials. If a general contractor was not
20 used, the owner shall provide this information in a sworn
21 statement, under penalty of perjury. Copies of invoices
22 evidencing payment of sales tax must be attached to the sworn
23 statement.

24 3. An application for a refund under this paragraph
25 must be submitted to the department within 6 months after the
26 date the project is deemed to be substantially completed by
27 the local building code inspector. Within 30 working days
28 after receipt of the application, the department shall
29 determine if it meets the requirements of this paragraph. A
30 refund approved pursuant to this paragraph shall be made
31 within 30 days after formal approval of the application by the

Bill No. CS for SB 132

Barcode 360182

1 department. The provisions of s. 212.095 do not apply to any
2 refund application made under this paragraph.

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

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

8 (q) Community contribution tax credit for donations.--

9 1. Authorization.--Beginning July 1, 2001, persons who
10 are registered with the department under s. 212.18 to collect
11 or remit sales or use tax and who make donations to eligible
12 sponsors are eligible for tax credits against their state
13 sales and use tax liabilities as provided in this paragraph:

14 a. The credit shall be computed as 50 percent of the
15 person's approved annual community contribution;

16 b. The credit shall be granted as a refund against
17 state sales and use taxes reported on returns and remitted in
18 the 12 months preceding the date of application to the
19 department for the credit as required in sub-subparagraph 3.c.
20 If the annual credit is not fully used through such refund
21 because of insufficient tax payments during the applicable
22 12-month period, the unused amount may be included in an
23 application for a refund made pursuant to sub-subparagraph
24 3.c. in subsequent years against the total tax payments made
25 for such year. Carryover credits may be applied for a 3-year
26 period without regard to any time limitation that would
27 otherwise apply under s. 215.26;

28 c. A person may not receive more than \$200,000 in
29 annual tax credits for all approved community contributions
30 made in any one year;

31 d. All proposals for the granting of the tax credit

Bill No. CS for SB 132

Barcode 360182

1 require the prior approval of the Office of Tourism, Trade,
2 and Economic Development;

3 e. The total amount of tax credits which may be
4 granted for all programs approved under this paragraph, s.
5 220.183, and s. 624.5105 is \$8 ~~\$12~~ million annually for
6 projects that provide homeownership opportunities for
7 low-income or very-low-income households as defined in s.
8 420.9071(19) and (28), and \$4 million annually for all other
9 projects; and

10 f. A person who is eligible to receive the credit
11 provided for in this paragraph, s. 220.183, or s. 624.5105 may
12 receive the credit only under the one section of the person's
13 choice.

14 2. Eligibility requirements.--

15 a. A community contribution by a person must be in the
16 following form:

- 17 (I) Cash or other liquid assets;
- 18 (II) Real property;
- 19 (III) Goods or inventory; or
- 20 (IV) Other physical resources as identified by the
21 Office of Tourism, Trade, and Economic Development.

22 b. All community contributions must be reserved
23 exclusively for use in a project. As used in this
24 sub-subparagraph, the term "project" means any activity
25 undertaken by an eligible sponsor which is designed to
26 construct, improve, or substantially rehabilitate housing that
27 is affordable to low-income or very-low-income households as
28 defined in s. 420.9071(19) and (28); designed to provide
29 commercial, industrial, or public resources and facilities; or
30 designed to improve entrepreneurial and job-development
31 opportunities for low-income persons. A project may be the

Bill No. CS for SB 132

Barcode 360182

1 investment necessary to increase access to high-speed
 2 broadband capability in rural communities with enterprise
 3 zones, including projects that result in improvements to
 4 communications assets that are owned by a business. A project
 5 may include the provision of museum educational programs and
 6 materials that are directly related to any project approved
 7 between January 1, 1996, and December 31, 1999, and located in
 8 an enterprise zone designated pursuant to s. 290.0065. This
 9 paragraph does not preclude projects that propose to construct
 10 or rehabilitate housing for low-income or very-low-income
 11 households on scattered sites. With respect to housing,
 12 contributions may be used to pay the following eligible
 13 low-income and very-low-income housing-related activities:

14 (I) Project development impact and management fees for
 15 low-income or very-low-income housing projects;

16 (II) Down payment and closing costs for eligible
 17 persons, as defined in s. 420.9071(19) and (28);

18 (III) Administrative costs, including housing
 19 counseling and marketing fees, not to exceed 10 percent of the
 20 community contribution, directly related to low-income or
 21 very-low-income projects; and

22 (IV) Removal of liens recorded against residential
 23 property by municipal, county, or special district local
 24 governments when satisfaction of the lien is a necessary
 25 precedent to the transfer of the property to an eligible
 26 person, as defined in s. 420.9071(19) and (28), for the
 27 purpose of promoting home ownership. Contributions for lien
 28 removal must be received from a nonrelated third party.

29 c. The project must be undertaken by an "eligible
 30 sponsor," which includes:

31 (I) A community action program;

Bill No. CS for SB 132

Barcode 360182

1 (II) A nonprofit community-based development
 2 organization whose mission is the provision of housing for
 3 low-income or very-low-income households or increasing
 4 entrepreneurial and job-development opportunities for
 5 low-income persons;

6 (III) A neighborhood housing services corporation;

7 (IV) A local housing authority created under chapter
 8 421;

9 (V) A community redevelopment agency created under s.
 10 163.356;

11 (VI) The Florida Industrial Development Corporation;

12 (VII) A historic preservation district agency or
 13 organization;

14 (VIII) A regional workforce board;

15 (IX) A direct-support organization as provided in s.
 16 1009.983;

17 (X) An enterprise zone development agency created
 18 under s. 290.0056;

19 (XI) A community-based organization incorporated under
 20 chapter 617 which is recognized as educational, charitable, or
 21 scientific pursuant to s. 501(c)(3) of the Internal Revenue
 22 Code and whose bylaws and articles of incorporation include
 23 affordable housing, economic development, or community
 24 development as the primary mission of the corporation;

25 (XII) Units of local government;

26 (XIII) Units of state government; or

27 (XIV) Any other agency that the Office of Tourism,
 28 Trade, and Economic Development designates by rule.

29

30 In no event may a contributing person have a financial
 31 interest in the eligible sponsor.

Bill No. CS for SB 132

Barcode 360182

1 d. The project must be located in an area designated
2 an enterprise zone or a Front Porch Florida Community pursuant
3 to s. 20.18(6), unless the project increases access to
4 high-speed broadband capability for rural communities with
5 enterprise zones but is physically located outside the
6 designated rural zone boundaries. Any project designed to
7 construct or rehabilitate housing for low-income or
8 very-low-income households as defined in s. 420.0971(19) and
9 (28) is exempt from the area requirement of this
10 sub-subparagraph.

11 ~~e.(I) For the first 6 months of the fiscal year, the~~
12 ~~Office of Tourism, Trade, and Economic Development shall~~
13 ~~reserve 80 percent of the first \$10 million in available~~
14 ~~annual tax credits and 70 percent of any available annual tax~~
15 ~~credits in excess of \$10 million for donations made to~~
16 ~~eligible sponsors for projects that provide homeownership~~
17 ~~opportunities for low income or very low income households as~~
18 ~~defined in s. 420.9071(19) and (28). If any such reserved~~
19 ~~annual tax credits remain after the first 6 months of the~~
20 ~~fiscal year, the office may approve the balance of these~~
21 ~~available credits for donations made to eligible sponsors for~~
22 ~~projects other than those that provide homeownership~~
23 ~~opportunities for low income or very low income households.~~

24 ~~(II) For the first 6 months of the fiscal year, the~~
25 ~~office shall reserve 20 percent of the first \$10 million in~~
26 ~~available annual tax credits and 30 percent of any available~~
27 ~~annual tax credits in excess of \$10 million for donations made~~
28 ~~to eligible sponsors for projects other than those that~~
29 ~~provide homeownership opportunities for low income or~~
30 ~~very low income households as defined in s. 420.9071(19) and~~
31 ~~(28). If any reserved annual tax credits remain after the~~

Bill No. CS for SB 132

Barcode 360182

1 ~~first 6 months of the fiscal year, the office may approve the~~
2 ~~balance of these available credits for donations made to~~
3 ~~eligible sponsors for projects that provide homeownership~~
4 ~~opportunities for low-income or very-low-income households.~~

5 (I)(III) If, during the first 10 business days of the
6 state fiscal year, eligible tax credit applications for
7 projects that provide homeownership opportunities for
8 low-income or very-low-income households as defined in s.
9 420.9071(19) and (28) are received for less than the ~~available~~
10 annual tax credits available for those projects reserved under
11 ~~sub-sub-subparagraph (I)~~, the Office of Tourism, Trade, and
12 Economic Development shall grant tax credits for those
13 applications and shall grant remaining tax credits on a
14 first-come, first-served basis for any subsequent eligible
15 applications received before the end of the ~~first 6 months of~~
16 ~~the~~ state fiscal year. If, during the first 10 business days
17 of the state fiscal year, eligible tax credit applications for
18 projects that provide homeownership opportunities for
19 low-income or very-low-income households as defined in s.

20 420.9071(19) and (28) are received for more than the ~~available~~
21 annual tax credits available for those projects reserved under
22 ~~sub-sub-subparagraph (I)~~, the office shall grant the tax
23 credits for those ~~the~~ applications as follows:

24 (A) If tax credit applications submitted for approved
25 projects of an eligible sponsor do not exceed \$200,000 in
26 total, the credits shall be granted in full if the tax credit
27 applications are approved, ~~subject to sub-sub-subparagraph~~
28 ~~(I)~~.

29 (B) If tax credit applications submitted for approved
30 projects of an eligible sponsor exceed \$200,000 in total, the
31 amount of tax credits granted pursuant to

Bill No. CS for SB 132

Barcode 360182

1 sub-sub-sub-subparagraph (A) shall be subtracted from the
 2 amount of available tax credits ~~under sub-sub-subparagraph~~
 3 ~~(I)~~, and the remaining credits shall be granted to each
 4 approved tax credit application on a pro rata basis.

5 ~~(C) If, after the first 6 months of the fiscal year,~~
 6 ~~additional credits become available under sub-sub-subparagraph~~
 7 ~~(II), the office shall grant the tax credits by first granting~~
 8 ~~to those who received a pro rata reduction up to the full~~
 9 ~~amount of their request and, if there are remaining credits,~~
 10 ~~granting credits to those who applied on or after the 11th~~
 11 ~~business day of the state fiscal year on a first come,~~
 12 ~~first-served basis.~~

13 ~~(II)(IV)~~ If, during the first 10 business days of the
 14 state fiscal year, eligible tax credit applications for
 15 projects other than those that provide homeownership
 16 opportunities for low-income or very-low-income households as
 17 defined in s. 420.9071(19) and (28) are received for less than
 18 the ~~available~~ annual tax credits available for those projects
 19 ~~reserved under sub-sub-subparagraph (II)~~, the Office of
 20 Tourism, Trade, and Economic Development shall grant tax
 21 credits for those applications and shall grant remaining tax
 22 credits on a first-come, first-served basis for any subsequent
 23 eligible applications received before the end of the ~~first 6~~
 24 ~~months of the~~ state fiscal year. If, during the first 10
 25 business days of the state fiscal year, eligible tax credit
 26 applications for projects other than those that provide
 27 homeownership opportunities for low-income or very-low-income
 28 households as defined in s. 420.9071(19) and (28) are received
 29 for more than the ~~available~~ annual tax credits available for
 30 those projects ~~reserved under sub-sub-subparagraph (II)~~, the
 31 office shall grant the tax credits for the applications on a

Bill No. CS for SB 132

Barcode 360182

1 | ~~pro rata basis. If, after the first 6 months of the fiscal~~
 2 | ~~year, additional credits become available under~~
 3 | ~~sub-sub-subparagraph (I), the office shall grant the tax~~
 4 | ~~credits by first granting to those who received a pro rata~~
 5 | ~~reduction up to the full amount of their request and, if there~~
 6 | ~~are remaining credits, granting credits to those who applied~~
 7 | ~~on or after the 11th business day of the state fiscal year on~~
 8 | ~~a first-come, first-served basis.~~

9 | 3. Application requirements.--

10 | a. Any eligible sponsor seeking to participate in this
 11 | program must submit a proposal to the Office of Tourism,
 12 | Trade, and Economic Development which sets forth the name of
 13 | the sponsor, a description of the project, and the area in
 14 | which the project is located, together with such supporting
 15 | information as is prescribed by rule. The proposal must also
 16 | contain a resolution from the local governmental unit in which
 17 | the project is located certifying that the project is
 18 | consistent with local plans and regulations.

19 | b. Any person seeking to participate in this program
 20 | must submit an application for tax credit to the Office of
 21 | Tourism, Trade, and Economic Development which sets forth the
 22 | name of the sponsor, a description of the project, and the
 23 | type, value, and purpose of the contribution. The sponsor
 24 | shall verify the terms of the application and indicate its
 25 | receipt of the contribution, which verification must be in
 26 | writing and accompany the application for tax credit. The
 27 | person must submit a separate tax credit application to the
 28 | office for each individual contribution that it makes to each
 29 | individual project.

30 | c. Any person who has received notification from the
 31 | Office of Tourism, Trade, and Economic Development that a tax

Bill No. CS for SB 132

Barcode 360182

1 credit has been approved must apply to the department to
 2 receive the refund. Application must be made on the form
 3 prescribed for claiming refunds of sales and use taxes and be
 4 accompanied by a copy of the notification. A person may submit
 5 only one application for refund to the department within any
 6 12-month period.

7 4. Administration.--

8 a. The Office of Tourism, Trade, and Economic
 9 Development may adopt rules pursuant to ss. 120.536(1) and
 10 120.54 necessary to administer this paragraph, including rules
 11 for the approval or disapproval of proposals by a person.

12 b. The decision of the Office of Tourism, Trade, and
 13 Economic Development must be in writing, and, if approved, the
 14 notification shall state the maximum credit allowable to the
 15 person. Upon approval, the office shall transmit a copy of the
 16 decision to the Department of Revenue.

17 c. The Office of Tourism, Trade, and Economic
 18 Development shall periodically monitor all projects in a
 19 manner consistent with available resources to ensure that
 20 resources are used in accordance with this paragraph; however,
 21 each project must be reviewed at least once every 2 years.

22 d. The Office of Tourism, Trade, and Economic
 23 Development shall, in consultation with the Department of
 24 Community Affairs, the Florida Housing Finance Corporation,
 25 and the statewide and regional housing and financial
 26 intermediaries, market the availability of the community
 27 contribution tax credit program to community-based
 28 organizations.

29 5. Expiration.--This paragraph expires June 30, 2015;
 30 however, any accrued credit carryover that is unused on that
 31 date may be used until the expiration of the 3-year carryover

Bill No. CS for SB 132

Barcode 360182

1 period for such credit.

2 Section 38. For the purpose of incorporating the
3 amendments made by this act to section 420.5087, Florida
4 Statutes, in a reference thereto, subsection (19) of section
5 420.503, Florida Statutes, is reenacted to read:

6 420.503 Definitions.--As used in this part, the term:

7 (19) "Housing for the elderly" means, for purposes of
8 s. 420.5087(3)(d), any nonprofit housing community that is
9 financed by a mortgage loan made or insured by the United
10 States Department of Housing and Urban Development under s.
11 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s.
12 236 of the National Housing Act, as amended, and that is
13 subject to income limitations established by the United States
14 Department of Housing and Urban Development, or any program
15 funded by the Rural Development Agency of the United States
16 Department of Agriculture and subject to income limitations
17 established by the United States Department of Agriculture. A
18 project which qualifies for an exemption under the Fair
19 Housing Act as housing for older persons as defined by s.
20 760.29(4) shall qualify as housing for the elderly for
21 purposes of s. 420.5087(3)(d) and for purposes of any loans
22 made pursuant to s. 420.508. In addition, if the corporation
23 adopts a qualified allocation plan pursuant to s. 42(m)(1)(B)
24 of the Internal Revenue Code or any other rules that
25 prioritize projects targeting the elderly for purposes of
26 allocating tax credits pursuant to s. 420.5099 or for purposes
27 of the HOME program under s. 420.5089, a project which
28 qualifies for an exemption under the Fair Housing Act as
29 housing for older persons as defined by s. 760.29(4) shall
30 qualify as a project targeted for the elderly, if the project
31 satisfies the other requirements set forth in this part.

Bill No. CS for SB 132

Barcode 360182

1 Section 39. For the purpose of incorporating the
2 amendments made by this act to section 420.5088, Florida
3 Statutes, in a reference thereto, section 420.5061, Florida
4 Statutes, is reenacted to read:

5 420.5061 Transfer of agency assets and
6 liabilities.--Effective January 1, 1998, all assets and
7 liabilities and rights and obligations, including any
8 outstanding contractual obligations, of the agency shall be
9 transferred to the corporation as legal successor in all
10 respects to the agency. The corporation shall thereupon become
11 obligated to the same extent as the agency under any existing
12 agreements and be entitled to any rights and remedies
13 previously afforded the agency by law or contract, including
14 specifically the rights of the agency under chapter 201 and
15 part VI of chapter 159. The corporation is a state agency for
16 purposes of s. 159.807(4)(a). Effective January 1, 1998, all
17 references under Florida law to the agency are deemed to mean
18 the corporation. The corporation shall transfer to the General
19 Revenue Fund an amount which otherwise would have been
20 deducted as a service charge pursuant to s. 215.20(1) if the
21 Florida Housing Finance Corporation Fund established by s.
22 420.508(5), the State Apartment Incentive Loan Fund
23 established by s. 420.5087(7), the Florida Homeownership
24 Assistance Fund established by s. 420.5088(5), the HOME
25 Investment Partnership Fund established by s. 420.5089(1), and
26 the Housing Predevelopment Loan Fund established by s.
27 420.525(1) were each trust funds. For purposes of s. 112.313,
28 the corporation is deemed to be a continuation of the agency,
29 and the provisions thereof are deemed to apply as if the same
30 entity remained in place. Any employees of the agency and
31 agency board members covered by s. 112.313(9)(a)6. shall

Bill No. CS for SB 132

Barcode 360182

1 continue to be entitled to the exemption in that subparagraph,
2 notwithstanding being hired by the corporation or appointed as
3 board members of the corporation. Effective January 1, 1998,
4 all state property in use by the agency shall be transferred
5 to and become the property of the corporation.

6 Section 40. For the purpose of incorporating the
7 amendments made by this act to section 420.9075, Florida
8 Statutes, in a reference thereto, subsection (25) of section
9 420.9071, Florida Statutes, is reenacted to read:

10 420.9071 Definitions.--As used in ss.

11 420.907-420.9079, the term:

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

18 Section 41. For the purpose of incorporating the
19 amendments made by this act to section 723.083, Florida
20 Statutes, in a reference thereto, subsection (3) of section
21 723.061, Florida Statutes, is reenacted to read:

22 723.061 Eviction; grounds, proceedings.--

23 (3) The provisions of s. 723.083 shall not be
24 applicable to any park where the provisions of this subsection
25 apply.

26 Section 42. Sections 420.37 and 420.530, Florida
27 Statutes, are repealed.

28 Section 43. Section 723.083, Florida Statutes, is
29 amended to read:

30 723.083 Governmental action affecting removal of
31 mobile home owners.--An ~~No~~ agency of municipal, local, county,

Bill No. CS for SB 132

Barcode 360182

1 or state government may not ~~shall~~ approve any application for
 2 rezoning, or take any other official action, which would
 3 result in the removal or relocation of mobile home owners
 4 residing in a mobile home park without first determining that
 5 adequate mobile home parks or other suitable facilities exist
 6 for the relocation of the mobile home owners. If the
 7 governmental entity determines that adequate mobile home parks
 8 or other suitable facilities do not exist in the area where
 9 the mobile home park is located, mobile home parks shall be a
 10 permissible use in all land use categories in the applicable
 11 local government's comprehensive plan and zoning districts,
 12 except those districts designated as preservation or
 13 conservation land on the future land use map or by local
 14 ordinance.

15 Section 44. The Department of Community Affairs shall
 16 establish the Home Retrofit Hardening Program. The program is
 17 a competitive grant program to fund improvements to homes
 18 constructed before the implementation of the current Florida
 19 Building Code when the improvements will directly affect the
 20 ability of the home to withstand hurricane force winds and
 21 improve the home's rating for home insurance. Site-built and
 22 mobile homes are eligible for funding under this program.
 23 However, priority shall be given to low-income homeowners, as
 24 defined in s. 420.004(9), Florida Statutes, who live in
 25 wind-borne debris regions as defined in the Florida Building
 26 Code.

27 (1) The program shall be administered by local
 28 governments, regional planning councils, or private nonprofit
 29 agencies under the overall direction of the department.
 30 Funding for the program is contingent upon appropriations.
 31 When awarding program funds, the department shall be guided

Bill No. CS for SB 132

Barcode 360182

1 by:

2 (a) The number of homes in need of improvement.

3 (b) The number of homes located within the wind-borne
4 debris region.

5 (c) The number of persons who will benefit from the
6 improvements.

7 (d) The number of low-income households who will
8 benefit from the improvements.

9 (e) The costs per home to provide improvements.

10 (2) Funds may be used for the following improvements
11 installed in compliance with Blueprint-for-Safety standards:

12 a. Roof deck attachment;

13 b. Secondary water barrier;

14 c. Roof covering;

15 d. Brace gable ends;

16 e. Reinforce roof-to-wall connections;

17 f. Opening protection; and

18 g. Exterior doors.

19 (3) Each project grant for an individual home retrofit
20 may not exceed \$10,000.

21 (4) Administrative costs shall be kept to a minimum
22 and may not exceed 5 percent of the program funding.

23 (5) Grantees are encouraged to leverage grant funds
24 available under this program with other available funds.
25 Matching funds for a project is not a requirement. However,
26 matching funds from other available sources may be considered
27 by the department in the competitive-review process.

28 Section 45. (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

Bill No. CS for SB 132

Barcode 360182

1 2004 and 2005, and that sustained housing damage due to those
2 storms. The Florida Housing Finance Corporation shall use data
3 provided by the Federal Emergency Management Agency to assist
4 in its allocation of funds to local jurisdictions. Funds
5 available are contingent upon appropriations and shall be
6 provided to fund the hurricane housing recovery program, the
7 farmworker housing recovery and the special housing assistance
8 and development programs, the Florida Housing and Finance
9 Corporation for the purpose of providing technical and
10 training assistance, and to the Rental Recovery Loan Program.
11 To administer these programs, the Florida Housing Finance
12 Corporation shall be guided by the "Hurricane Housing Work
13 Group Recommendations to Assist in Florida's Long-Term Housing
14 Recovery Efforts," dated February 16, 2005.

15 (2) The Florida Housing Finance Corporation may adopt
16 emergency rules pursuant to s. 120.54, Florida Statutes, to
17 administer these programs. The Legislature finds that
18 emergency rules adopted under this section meet the health,
19 safety, and welfare requirements of s. 120.54(4), Florida
20 Statutes, and that such emergency rulemaking power is
21 necessary for the preservation of the rights and welfare of
22 the people to provide additional funds to assist in those
23 counties that were declared eligible for disaster funding
24 pursuant to the hurricanes of 2004 and 2005, and that
25 sustained housing damage due to the storms. Therefore, in
26 adopting the emergency rules, the corporation need not make
27 the findings required by s. 120.54(4)(a), Florida Statutes.
28 Emergency rules adopted under this section are exempt from s.
29 120.54(4)(c), Florida Statutes.

30 Section 46. The sum of _____ is
31 appropriated from the Local Government Housing Trust Fund to

Bill No. CS for SB 132

Barcode 360182

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 47. 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

Bill No. CS for SB 132

Barcode 360182

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 the
22 distributions of portions of the excise tax on
23 documents to the State Housing Trust Fund for
24 purposes of preserving the rights of holders of
25 affordable housing guarantees; deleting
26 obsolete provisions relating to the High Growth
27 District Capital Outlay Assistance Grant
28 Program; providing an additional sum to the
29 State Transportation Trust Fund for specified
30 purposes; appropriating an additional sum to
31 fund the Classrooms for Kids Program;

Bill No. CS for SB 132

Barcode 360182

1 appropriating recurring funding for the Century
2 Commission for a Sustainable Florida;
3 correcting a cross reference; amending s.
4 215.619, F.S.; revising certain provisions
5 relating to Everglades restoration bonds;
6 amending s. 220.183, F.S.; providing separate
7 annual limitations for tax credits against the
8 corporate income tax for donations made to
9 eligible sponsors for projects that provide
10 homeownership opportunities for certain
11 households and for donations made to eligible
12 sponsors for all other projects; eliminating
13 the requirement that the Office of Tourism,
14 Trade, and Economic Development reserve
15 portions of certain annual tax credits for
16 donations made to eligible sponsors for
17 projects that provide homeownership
18 opportunities for certain households; amending
19 s. 253.034, F.S.; authorizing a local
20 government to request that state lands be
21 declared surplus lands in order to provide
22 affordable housing; providing options for
23 disposing of surplus state lands that are used
24 for affordable housing; deleting obsolete
25 provisions; amending s. 295.16, F.S.; expanding
26 an exemption from certain fees relating to
27 structural improvements to a disabled veteran's
28 residence; amending s. 380.06, F.S.; revising
29 the criteria under which a proposed change to
30 the development constitutes a substantial
31 deviation; amending s. 380.0651, F.S.; revising

Bill No. CS for SB 132

Barcode 360182

1 the statewide guidelines for developments of
2 regional impact to review certain types of
3 developments; amending s. 420.0004, F.S.;
4 defining the term "extremely-low-income
5 persons"; amending s. 420.503, F.S.; redefining
6 the term "farmworker" for purposes of the use
7 of certain federal funds by the Florida Housing
8 Finance Corporation; amending s. 420.507, F.S.;
9 revising certain loan and interest rate
10 provisions relating to the State Apartment
11 Incentive Loan Program; authorizing the use of
12 loans issued under the Florida Homeownership
13 Assistance Program for property acquisition;
14 authorizing the Florida Housing Finance
15 Corporation to establish subsidiary business
16 entities for specified purposes; authorizing
17 the Florida Housing Finance Corporation to
18 adopt rules allowing the corporation to take
19 action to avoid default of program loans;
20 authorizing the Florida Housing Finance
21 Corporation to adopt rules requiring the
22 reporting of certain data concerning housing
23 financed through corporation programs; amending
24 s. 420.5087, F.S.; revising the population
25 thresholds for the categories used to allocate
26 funds to counties under the State Apartment
27 Incentive Loan Program; reducing the percentage
28 of the loan amount which the sponsor of a
29 housing community for the elderly must commit
30 to match in order to receive the loan under the
31 State Apartment Incentive Loan Program;

Bill No. CS for SB 132

Barcode 360182

1 providing that certain loans made under the
2 State Apartment Incentive Loan Program may be
3 made coterminous with other liens that have
4 terms in excess of 15 years; authorizing the
5 Florida Housing Finance Corporation to waive
6 certain requirements for projects that serve
7 extremely-low-income families; deleting certain
8 obsolete provisions; providing for the
9 inclusion of housing units for
10 extremely-low-income families as a criterion in
11 the competitive application process; clarifying
12 the Florida Housing Finance Corporation's
13 authority regarding the sale, transfer, or
14 refinancing of certain projects; amending s.
15 420.5088, F.S.; providing that the
16 Homeownership Assistance Program may assist
17 moderate-income persons in purchasing a home;
18 increasing the income limit served by the
19 Homeownership Assistance Program; increasing
20 the limit on loan amounts for homes purchased
21 through the Homeownership Assistance Program;
22 increasing the percentage of the state or local
23 median income below which personal or family
24 income must fall in order to purchase a home
25 under the Florida Homeownership Assistance
26 Program; deleting a provision requiring the
27 reservation of certain housing funds for a
28 period of 9 months; amending s. 420.9072, F.S.;
29 conforming cross-references; amending s.
30 420.9075, F.S.; providing components to be
31 included in the local housing assistance plan;

Bill No. CS for SB 132

Barcode 360182

1 providing for calculating the average area
2 purchase price for eligible housing under the
3 State Housing Initiatives Partnership Act in
4 the manner established by the United States
5 Department of the Treasury; creating s.
6 420.9077, F.S.; creating the Community Housing
7 Innovation Program within the State Housing
8 Initiatives Program; providing legislative
9 findings; requiring the program to provide
10 funds for the housing needs of specified
11 entities; providing certain incentives for
12 program applicants; providing for funding and
13 conditions for funding; requiring the Florida
14 Housing Finance Corporation to establish
15 selection criteria for applicants; providing
16 that funding for the Community Housing
17 Innovation Program is separate from the
18 appropriation for the provisions of ss.
19 420.907-420.9078, F.S.; providing an expiration
20 date; amending s. 420.9079, F.S.; authorizing
21 the Florida Housing Finance Corporation to
22 request certain funds for compliance
23 monitoring; amending s. 624.5105, F.S.;
24 providing separate annual limitations for tax
25 credits against the insurance premium tax for
26 donations made to eligible sponsors for
27 projects that provide homeownership
28 opportunities for certain households and for
29 donations made to eligible sponsors for all
30 other projects; eliminating the requirement
31 that the Office of Tourism, Trade, and Economic

Bill No. CS for SB 132

Barcode 360182

1 Development reserve portions of certain annual
2 tax credits for donations made to eligible
3 sponsors for projects that provide
4 homeownership opportunities for certain
5 households; 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.; providing
28 separate annual limitations for tax credits
29 against the sales and use tax for donations
30 made to eligible sponsors for projects that
31 provides homeownership opportunities for

Bill No. CS for SB 132

Barcode 360182

1 certain households and for donations made to
2 eligible sponsors for all other projects;
3 eliminating the requirement that the Office of
4 Tourism, Trade, and Economic Development
5 reserve portions of certain annual tax credits
6 for donations made to eligible sponsors for
7 projects that provide homeownership
8 opportunities for certain households;
9 reenacting s. 420.503(19), F.S., relating to
10 defining terms for the Florida Housing Finance
11 Corporation, to incorporate the amendments made
12 to s. 420.5087, F.S., in a reference thereto;
13 reenacting s. 420.5061, F.S., relating to the
14 transfer of assets and liabilities to the
15 Florida Housing Finance Corporation, to
16 incorporate the amendments made to s. 420.5088,
17 F.S., in a reference thereto; reenacting s.
18 420.9071(25), F.S., relating to definitions
19 pertaining to the state housing initiatives
20 partnership, to incorporate the amendments made
21 to s. 420.9075, F.S., in a reference thereto;
22 reenacting s. 723.061(3), F.S., relating to
23 grounds for eviction from a mobile home park,
24 to incorporate the amendments made to s.
25 723.083, F.S., in a reference thereto;
26 repealing ss. 420.37 and 420.530, F.S.,
27 relating to certain powers of the Florida
28 Housing Finance Corporation and the state
29 farmworker pilot loan program, respectively;
30 amending s. 723.083, F.S.; providing that
31 mobile homes are a permittable use in certain

Bill No. CS for SB 132

Barcode 360182

1 land use categories under specified
2 circumstances; creating the Home Retrofit
3 Hardening Program; authorizing the Florida
4 Housing Finance Corporation to supply grants in
5 order to fund improvements to homes constructed
6 before the implementation of the current
7 Florida Building Code when the improvements
8 will directly affect the ability of the home to
9 withstand hurricane force winds and improve the
10 home's rating for home insurance; providing
11 criteria for eligibility of grants; authorizing
12 the corporation to provide funds for eligible
13 entities for affordable housing recovery in
14 those counties that were declared eligible for
15 disaster funding after the hurricanes of 2004
16 and 2005 and that sustained housing damage due
17 to those storms; authorizing the corporation to
18 adopt emergency rules; providing an
19 appropriation to the Florida Housing Finance
20 Corporation to provide housing units for
21 extremely-low-income persons; providing
22 effective dates.

23
24
25
26
27
28
29
30
31