

Bill No. CS for CS for SB 132

Barcode 471350

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

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4	05/02/2006 02:35 PM
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11 Senator Bennett moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 72, lines 1-27, delete those lines

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16 and insert:

17 Section 25. Affordable housing land donation density
18 bonus incentives.--

19 (1) A local government may provide density bonus
20 incentives pursuant to the provisions of this section to any
21 landowner who voluntarily donates fee simple interest in real
22 property to the local government for the purpose of assisting
23 the local government in providing affordable housing. Donated
24 real property must be determined by the local government to be
25 appropriate for use as affordable housing and must be subject
26 to deed restrictions to ensure that the property will be used
27 for affordable housing.

28 (2) 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, Florida

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1 Statutes.

2 (3) The density bonus may be applied to any land
3 within the local government's jurisdiction provided that
4 residential use is an allowable use on the receiving land.

5 (4) The density bonus, identification of receiving
6 land for the bonus, and any other conditions associated with
7 the donation of the land for affordable housing are the
8 subject of review and approval by the local government. The
9 award of density bonus pursuant to this section, the legal
10 description of the land receiving the bonus, and any other
11 conditions associated with the bonus shall be memorialized in
12 a development agreement or other binding agreement and
13 recorded with the clerk of court in the county where the
14 donated land and receiving land are located.

15 (5) The local government, as part of the approval
16 process, shall adopt a comprehensive plan amendment, pursuant
17 to part II of chapter 163, Florida Statutes, for the receiving
18 land that incorporates the density bonus. Such amendment shall
19 be adopted in the manner as required for small-scale
20 amendments pursuant to s. 163.3187, Florida Statutes, is not
21 subject to the requirements of s. 163.3184(3)-(6), Florida
22 Statutes, and is exempt from the limitation on the frequency
23 of plan amendments as provided in s. 163.3187, Florida
24 Statutes.

25 (6) The deed restrictions required pursuant to
26 subsection (1) for an affordable housing unit must also
27 prohibit the unit from being sold at a price that exceeds the
28 threshold for housing that is affordable for low-income or
29 moderate-income persons or to a buyer who is not eligible due
30 to his or her income under chapter 420, Florida Statutes. The
31 deed restriction may allow affordable housing units created

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1 under subsection (1) to be rented to extremely-low-income,
2 very-low-income, low-income, or moderate-income persons.

3 (7) The local government may transfer all or a portion
4 of the donated land to a nonprofit housing organization, such
5 as a community land trust, housing authority, or community
6 redevelopment agency, to be used for the production and
7 preservation of permanently affordable housing.

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

11 And the title is amended as follows:

12 On page 5, lines 14-17, delete those lines

13

14 and insert:

15 instructional personnel; authorizing local
16 governments to provide density bonus incentives
17 to landowners who donate fee simple interest in
18 real property to the local government for the
19 purpose of assisting the local government in
20 providing affordable housing; providing
21 definitions and requirements governing such
22 donations and density bonuses; reenacting ss.

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