

Bill No. CS for SB 132

Barcode 655844

CHAMBER ACTION

Senate

House

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The Committee on Transportation and Economic Development
Appropriations (Fasano) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

125.379 Disposition of county property for affordable
housing.--

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

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

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

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

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

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

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

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

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

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

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

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

6 163.31771 Accessory dwelling units.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 Section 4. The Legislature finds that providing
2 affordable housing is vitally important to the health, safety,
3 and welfare of the residents of this state. Furthermore, the
4 Legislature finds that escalating property values and
5 development costs have contributed to the inadequate supply of
6 housing for low- and moderate-income residents of this state.
7 The Legislature further finds that there is a shortage of
8 sites available for housing for persons and families with low
9 and moderate incomes and that surplus government land, when
10 appropriate, should be made available for that purpose.
11 Therefore, the Legislature determines and declares that this
12 act fulfills an important state interest.

13 Section 5. Subsection (6) is added to section
14 189.4155, Florida Statutes, to read:

15 189.4155 Activities of special districts; local
16 government comprehensive planning.--

17 (6) Any independent district created under a special
18 act or general law, including, but not limited to, chapter
19 189, chapter 190, chapter 191, or chapter 298, for the purpose
20 of providing urban infrastructure of services may provide
21 housing and housing assistance for its employed personnel
22 eligible under s. 420.0004.

23 Section 6. Subsection (19) is added to section
24 191.006, Florida Statutes, to read:

25 191.006 General powers.--The district shall have, and
26 the board may exercise by majority vote, the following powers:

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

29 Section 7. Paragraph (b) of subsection (2) and
30 subsection (4) of section 197.252, Florida Statutes, are
31 amended to read:

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1 197.252 Homestead tax deferral.--

2 (2)

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

17 (4) The amount of taxes, non-ad valorem assessments,
18 and interest deferred under ~~pursuant to~~ this act shall accrue
19 interest at a rate equal to the semiannually compounded rate
20 of one-half of 1 percent plus the average yield to maturity of
21 the long-term fixed-income portion of the Florida Retirement
22 System investments as of the end of the quarter preceding the
23 date of the sale of the deferred payment tax certificates;
24 however, the interest rate may not exceed 7 ~~9.5~~ percent.

25 Section 8. Paragraphs (b) and (d) of subsection (1)
26 and subsection (11) of section 201.15, Florida Statutes, are
27 amended to read:

28 201.15 Distribution of taxes collected.--All taxes
29 collected under this chapter shall be distributed as follows
30 and shall be subject to the service charge imposed in s.
31 215.20(1), except that such service charge shall not be levied

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1 against any portion of taxes pledged to debt service on bonds
2 to the extent that the amount of the service charge is
3 required to pay any amounts relating to the bonds:

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

7 (b) Moneys ~~The remainder of the moneys distributed~~
8 ~~under this subsection, after the required payment under~~
9 ~~paragraph (a),~~ shall be paid into the State Treasury to the
10 credit of the Save Our Everglades Trust Fund in amounts
11 necessary to pay debt service, provide reserves, and pay
12 rebate obligations and other amounts due with respect to bonds
13 issued under s. 215.619. Taxes distributable under paragraph
14 (a) and this paragraph must be collectively distributed on a
15 pro rata basis.

16 (d) The remainder of the moneys distributed under this
17 subsection, after the required payments under paragraphs (a),
18 (b), and (c), shall be paid into the State Treasury to the
19 credit of:

20 1. The State Transportation Trust Fund in the
21 Department of Transportation in the amount of \$541.75 million
22 in each fiscal year, to be paid in quarterly installments and
23 used for the following specified purposes, notwithstanding any
24 other law to the contrary:

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

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

30 c. For the purposes of the Strategic Intermodal System
31 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75

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1 percent of these funds after allocating for the New Starts
 2 Transit Program described in sub-subparagraph a. and the Small
 3 County Outreach Program described in sub-subparagraph b.; and
 4 d. For the purposes of the Transportation Regional
 5 Incentive Program specified in s. 339.2819, 25 percent of
 6 these funds after allocating for the New Starts Transit
 7 Program described in sub-subparagraph a. and the Small County
 8 Outreach Program described in sub-subparagraph b.

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

13 3. The Public Education Capital Outlay and Debt
 14 Service Trust Fund in the Department of Education in the
 15 amount of \$105 million in each fiscal year, to be paid in
 16 monthly installments with \$75 million used to fund the
 17 Classrooms for Kids Program created in s. 1013.735, and \$30
 18 million to be used to fund the High Growth County District
 19 Capital Outlay Assistance Grant Program created in s.
 20 1013.738. If required, new facilities constructed under the
 21 Classrooms for Kids Program must meet the requirements of s.
 22 1013.372.

23 4. The Grants and Donations Trust Fund in the
 24 Department of Community Affairs in the amount of \$3.25 million
 25 in each fiscal year to be paid in monthly installments, with
 26 \$3 million to be used to fund technical assistance to local
 27 governments and school boards on the requirements and
 28 implementation of this act and \$250,000 to be used to fund the
 29 Century Commission for a Sustainable Florida established in s.
 30 163.3247.

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

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 Section 9. Effective July 1, 2007, subsections (1) and
16 (11) of section 201.15, Florida Statutes, as amended by
17 section 1 of chapter 2005-92, Laws of Florida, are amended to
18 read:

19 201.15 Distribution of taxes collected.--All taxes
20 collected under this chapter shall be distributed as follows
21 and shall be subject to the service charge imposed in s.
22 215.20(1), except that such service charge shall not be levied
23 against any portion of taxes pledged to debt service on bonds
24 to the extent that the amount of the service charge is
25 required to pay any amounts relating to the bonds:

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

29 (a) Amounts as shall be necessary to pay the debt
30 service on, or fund debt service reserve funds, rebate
31 obligations, or other amounts payable with respect to

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1 Preservation 2000 bonds issued pursuant to s. 375.051 and
2 Florida Forever bonds issued pursuant to s. 215.618, shall be
3 paid into the State Treasury to the credit of the Land
4 Acquisition Trust Fund to be used for such purposes. The
5 amount transferred to the Land Acquisition Trust Fund for such
6 purposes shall not exceed \$300 million in fiscal year
7 1999-2000 and thereafter for Preservation 2000 bonds and bonds
8 issued to refund Preservation 2000 bonds, and \$300 million in
9 fiscal year 2000-2001 and thereafter for Florida Forever
10 bonds. The annual amount transferred to the Land Acquisition
11 Trust Fund for Florida Forever bonds shall not exceed \$30
12 million in the first fiscal year in which bonds are issued.
13 The limitation on the amount transferred shall be increased by
14 an additional \$30 million in each subsequent fiscal year, but
15 shall not exceed a total of \$300 million in any fiscal year
16 for all bonds issued. It is the intent of the Legislature that
17 all bonds issued to fund the Florida Forever Act be retired by
18 December 31, 2030. Except for bonds issued to refund
19 previously issued bonds, no series of bonds may be issued
20 pursuant to this paragraph unless such bonds are approved and
21 the debt service for the remainder of the fiscal year in which
22 the bonds are issued is specifically appropriated in the
23 General Appropriations Act. For purposes of refunding
24 Preservation 2000 bonds, amounts designated within this
25 section for Preservation 2000 and Florida Forever bonds may be
26 transferred between the two programs to the extent provided
27 for in the documents authorizing the issuance of the bonds.
28 The Preservation 2000 bonds and Florida Forever bonds shall be
29 equally and ratably secured by moneys distributable to the
30 Land Acquisition Trust Fund pursuant to this section, except
31 to the extent specifically provided otherwise by the documents

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1 authorizing the issuance of the bonds. No moneys transferred
2 to the Land Acquisition Trust Fund pursuant to this paragraph,
3 or earnings thereon, shall be used or made available to pay
4 debt service on the Save Our Coast revenue bonds.

5 (b) Moneys ~~The remainder of the moneys distributed~~
6 ~~under this subsection, after the required payment under~~
7 ~~paragraph (a),~~ shall be paid into the State Treasury to the
8 credit of the Save Our Everglades Trust Fund in amounts
9 necessary to pay debt service, provide reserves, and pay
10 rebate obligations and other amounts due with respect to bonds
11 issued under s. 215.619. Taxes distributable pursuant to
12 paragraphs (a) and (b) shall be collectively distributed on a
13 pro rata basis.

14 (c) The remainder of the moneys distributed under this
15 subsection, after the required payments under paragraphs (a)
16 and (b), shall be paid into the State Treasury to the credit
17 of the Land Acquisition Trust Fund and may be used for any
18 purpose for which funds deposited in the Land Acquisition
19 Trust Fund may lawfully be used. Payments made under this
20 paragraph shall continue until the cumulative amount credited
21 to the Land Acquisition Trust Fund for the fiscal year under
22 this paragraph and paragraph (2)(b) equals 70 percent of the
23 current official forecast for distributions of taxes collected
24 under this chapter pursuant to subsection (2). As used in this
25 paragraph, the term "current official forecast" means the most
26 recent forecast as determined by the Revenue Estimating
27 Conference. If the current official forecast for a fiscal year
28 changes after payments under this paragraph have ended during
29 that fiscal year, no further payments are required under this
30 paragraph during the fiscal year.

31 (d) The remainder of the moneys distributed under this

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1 subsection, after the required payments under paragraphs (a),
2 (b), and (c), shall be paid into the State Treasury to the
3 credit of:

4 1. The State Transportation Trust Fund in the
5 Department of Transportation in the amount of \$541.75 million
6 in each fiscal year, to be paid in quarterly installments and
7 used for the following specified purposes, notwithstanding any
8 other law to the contrary:

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

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

14 c. For the purposes of the Strategic Intermodal System
15 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75
16 percent of these funds after allocating for the New Starts
17 Transit Program described in sub-subparagraph a. and the Small
18 County Outreach Program described in sub-subparagraph b.; and

19 d. For the purposes of the Transportation Regional
20 Incentive Program specified in s. 339.2819, 25 percent of
21 these funds after allocating for the New Starts Transit
22 Program described in sub-subparagraph a. and the Small County
23 Outreach Program described in sub-subparagraph b.

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

28 3. The Public Education Capital Outlay and Debt
29 Service Trust Fund in the Department of Education in the
30 amount of \$105 million in each fiscal year, to be paid in
31 monthly installments with \$75 million used to fund the

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1 Classrooms for Kids Program created in s. 1013.735, and \$30
 2 million to be used to fund the High Growth County District
 3 Capital Outlay Assistance Grant Program created in s.
 4 1013.738. If required, new facilities constructed under the
 5 Classrooms for Kids Program must meet the requirements of s.
 6 1013.372.

7 4. The Grants and Donations Trust Fund in the
 8 Department of Community Affairs in the amount of \$3.25 million
 9 in each fiscal year to be paid in monthly installments, with
 10 \$3 million to be used to fund technical assistance to local
 11 governments and school boards on the requirements and
 12 implementation of this act and \$250,000 to be used to fund the
 13 Century Commission for a Sustainable Florida established in s.
 14 163.3247.

15
 16 Moneys distributed pursuant to this paragraph may not be
 17 pledged for debt service unless such pledge is approved by
 18 referendum of the voters.

19 (e) The remainder of the moneys distributed under this
 20 subsection, after the required payments under paragraphs (a),
 21 (b), (c), and (d), shall be paid into the State Treasury to
 22 the credit of the General Revenue Fund of the state to be used
 23 and expended for the purposes for which the General Revenue
 24 Fund was created and exists by law or to the Ecosystem
 25 Management and Restoration Trust Fund or to the Marine
 26 Resources Conservation Trust Fund as provided in subsection
 27 (11).

28 (11) From the moneys specified in paragraphs (1)(e)
 29 ~~(1)(d)~~ and (2)(a) and prior to deposit of any moneys into the
 30 General Revenue Fund, \$30 million shall be paid into the State
 31 Treasury to the credit of the Ecosystem Management and

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1 Restoration Trust Fund in fiscal year 2000-2001 and each
 2 fiscal year thereafter, to be used for the preservation and
 3 repair of the state's beaches as provided in ss.
 4 161.091-161.212, and \$2 million shall be paid into the State
 5 Treasury to the credit of the Marine Resources Conservation
 6 Trust Fund to be used for marine mammal care as provided in s.
 7 370.0603(3).

8 Section 10. Subsection (3) of section 215.619, Florida
 9 Statutes, is amended to read:

10 215.619 Bonds for Everglades restoration.--

11 (3) Everglades restoration bonds are payable from, and
 12 secured by a first lien on, taxes distributable under s.
 13 201.15(1)(b) and do not constitute a general obligation of, or
 14 a pledge of the full faith and credit of, the state.

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

17 201.15(1)(a) junior and subordinate to bonds secured by moneys
 18 distributable under s. 201.15(1)(a).

19 Section 11. Paragraph (f) of subsection (6) of section
 20 253.034, Florida Statutes, is amended to read:

21 253.034 State-owned lands; uses.--

22 (6) The Board of Trustees of the Internal Improvement
 23 Trust Fund shall determine which lands, the title to which is
 24 vested in the board, may be surplusd. For conservation lands,
 25 the board shall make a determination that the lands are no
 26 longer needed for conservation purposes and may dispose of
 27 them by an affirmative vote of at least three members. In the
 28 case of a land exchange involving the disposition of
 29 conservation lands, the board must determine by an affirmative
 30 vote of at least three members that the exchange will result
 31 in a net positive conservation benefit. For all other lands,

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1 the board shall make a determination that the lands are no
2 longer needed and may dispose of them by an affirmative vote
3 of at least three members.

4 (f)~~1~~. In reviewing lands owned by the board, the
5 council shall consider whether such lands would be more
6 appropriately owned or managed by the county or other unit of
7 local government in which the land is located. A local
8 government may request that state lands be specifically
9 declared to be surplus lands for the purpose of providing
10 affordable housing. The council shall recommend to the board
11 whether a sale, lease, or other conveyance to a local
12 government would be in the best interests of the state and
13 local government. The provisions of this paragraph in no way
14 limit the provisions of ss. 253.111 and 253.115. Such lands
15 shall be offered to the state, county, or local government for
16 a period of 30 days. Permittable uses for such surplus lands
17 may include public schools; public libraries; fire or law
18 enforcement substations; ~~and~~ governmental, judicial, or
19 recreational centers; and affordable housing. County or local
20 government requests for surplus lands shall be expedited
21 throughout the surplusing process. Surplus lands that are
22 conveyed to a local government for affordable housing shall be
23 disposed of under the provisions of s. 125.379 or s. 166.0451.
24 If the county or local government does not elect to purchase
25 such lands in accordance with s. 253.111, then any surplusing
26 determination involving other governmental agencies shall be
27 made upon the board deciding the best public use of the lands.
28 Surplus properties in which governmental agencies have
29 expressed no interest shall then be available for sale on the
30 private market.

31 ~~2. Notwithstanding subparagraph 1., any surplus lands~~

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1 ~~that were acquired by the state prior to 1958 by a gift or~~
2 ~~other conveyance for no consideration from a municipality, and~~
3 ~~which the department has filed by July 1, 2006, a notice of~~
4 ~~its intent to surplus, shall be first offered for reconveyance~~
5 ~~to such municipality at no cost, but for the fair market value~~
6 ~~of any building or other improvements to the land, unless~~
7 ~~otherwise provided in a deed restriction of record. This~~
8 ~~subparagraph expires July 1, 2006.~~

9 Section 12. Section 295.16, Florida Statutes, is
10 amended to read:

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

30 Section 13. Paragraph (b) of subsection (19) of
31 section 380.06, Florida Statutes, is amended, and paragraph

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1 (i) is added to that subsection, to read:

2 380.06 Developments of regional impact.--

3 (19) SUBSTANTIAL DEVIATIONS.--

4 (b) Any proposed change to a previously approved
5 development of regional impact or development order condition
6 which, either individually or cumulatively with other changes,
7 exceeds any of the following criteria shall constitute a
8 substantial deviation and shall cause the development to be
9 subject to further development-of-regional-impact review
10 without the necessity for a finding of same by the local
11 government:

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

17 2. A new runway, a new terminal facility, a 25-percent
18 lengthening of an existing runway, or a 25-percent increase in
19 the number of gates of an existing terminal, but only if the
20 increase adds at least three additional gates.

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

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

25 5. An increase in the average annual acreage mined by
26 5 percent or 10 acres, whichever is greater, or an increase in
27 the average daily water consumption by a mining operation by 5
28 percent or 300,000 gallons, whichever is greater. An increase
29 in the size of the mine by 5 percent or 750 acres, whichever
30 is less. An increase in the size of a heavy mineral mine as
31 defined in s. 378.403(7) will only constitute a substantial

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1 deviation if the average annual acreage mined is more than 500
2 acres and consumes more than 3 million gallons of water per
3 day.

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

8 7. An increase in the storage capacity for chemical or
9 petroleum storage facilities by 5 percent, 20,000 barrels, or
10 7 million pounds, whichever is greater.

11 8. An increase of development at a waterport of wet
12 storage for 20 watercraft, dry storage for 30 watercraft, or
13 wet/dry storage for 60 watercraft in an area identified in the
14 state marina siting plan as an appropriate site for additional
15 waterport development or a 5-percent increase in watercraft
16 storage capacity, whichever is greater.

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

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

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

25 12. An increase in a recreational vehicle park area by
26 5 percent or 100 vehicle spaces, whichever is less.

27 13. A decrease in the area set aside for open space of
28 5 percent or 20 acres, whichever is less.

29 14. A proposed increase to an approved multiuse
30 development of regional impact where the sum of the increases
31 of each land use as a percentage of the applicable substantial

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1 deviation criteria is equal to or exceeds 100 percent. The
2 percentage of any decrease in the amount of open space shall
3 be treated as an increase for purposes of determining when 100
4 percent has been reached or exceeded.

5 15. A 15-percent increase in the number of external
6 vehicle trips generated by the development above that which
7 was projected during the original
8 development-of-regional-impact review.

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

19 17.a. An increase in the number of dwelling units by
20 50 percent or 200 units, whichever is greater, if 15 percent
21 of the proposed additional dwelling units are dedicated to
22 affordable workforce housing and subject to a recorded land
23 use restriction that is in effect for a period of not less
24 than 20 years. The recorded land use restriction must include
25 resale provisions to ensure long-term affordability for
26 income-eligible homeowners and renters and provisions for the
27 workforce housing to be initiated before completing 50 percent
28 of the market-rate dwellings.

29 b. For purposes of this subparagraph, the term
30 "affordable workforce housing" means housing that is
31 affordable to a person who earns less than 120 percent of the

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1 area median income, or less than 140 percent of the area
 2 median income if located in a county in which the median
 3 purchase price for a single-family existing home exceeds the
 4 statewide median purchase price of a single-family existing
 5 home, and the term "statewide median purchase price of a
 6 single-family existing home" means the statewide purchase
 7 price as determined in the Florida Sales Report, Single-Family
 8 Existing Homes, released each January by the Florida
 9 Association of Realtors and the University of Florida Real
 10 Estate Research Center.

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

24 (i)1. An increase in the number of residential
 25 dwelling units by 200 does not constitute a substantial
 26 deviation and is not subject to development-of-regional-impact
 27 review for additional impacts if all of the residential
 28 dwelling units are dedicated to affordable workforce housing
 29 and subject to a recorded land use restriction that is in
 30 effect for a period of not less than 20 years. The recorded
 31 land use restriction must include resale provisions to ensure

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1 long-term affordability for income-eligible homeowners and
2 renters.

3 2. For purposes of this subparagraph, the term
4 "affordable workforce housing" means housing that is
5 affordable to a person who earns less than 120 percent of the
6 area median income, or less than 140 percent of the area
7 median income if located in a county in which the median
8 purchase price for a single-family existing home exceeds the
9 statewide median purchase price of a single-family existing
10 home, and the term "statewide median purchase price of a
11 single-family existing home" means the statewide purchase
12 price as determined in the Florida Sales Report, Single-Family
13 Existing Homes, released each January by the Florida
14 Association of Realtors and the University of Florida Real
15 Estate Research Center.

16 Section 14. Present paragraph (k) of subsection (3) of
17 section 380.0651, Florida Statutes, is redesignated as
18 paragraph (l), and a new paragraph (k) is added to that
19 subsection, to read:

20 380.0651 Statewide guidelines and standards.--

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

25 (k) 1. Workforce housing.--The applicable guidelines
26 for residential development and the residential component for
27 multiuse development shall be increased by 50 percent when a
28 developer demonstrates that at least 15 percent of the total
29 residential dwelling units authorized within the development
30 of regional impact will be dedicated to affordable workforce
31 housing that is subject to a recorded land use restriction

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1 that is in effect for a period of not less than 20 years. The
 2 recorded land use restriction must include resale provisions
 3 to ensure long-term affordability for income-eligible
 4 homeowners and renters and provisions that the workforce
 5 housing must be initiated before completing 50 percent of the
 6 market-rate dwelling.

7 2. For purposes of this paragraph, the term
 8 "affordable workforce housing" means housing that is
 9 affordable to a person who earns less than 120 percent of the
 10 area median income, or less than 140 percent of the area
 11 median income if located in a county in which the median
 12 purchase price for a single-family existing home exceeds the
 13 statewide median purchase price of a single-family existing
 14 home, and the term "statewide median purchase price of a
 15 single-family existing home" means the statewide purchase
 16 price as determined in the Florida Sales Report, Single-Family
 17 Existing Homes, released each January by the Florida
 18 Association of Realtors and the University of Florida Real
 19 Estate Research Center.

20 Section 15. Section 420.0004, Florida Statutes, is
 21 amended to read:

22 420.0004 Definitions.--As used in this part, unless
 23 the context otherwise indicates:

24 (1) "Adjusted for family size" means adjusted in a
 25 manner which results in an income eligibility level which is
 26 lower for households with fewer than four people, or higher
 27 for households with more than four people, than the base
 28 income eligibility determined as provided in subsection (9),
 29 subsection (10), subsection (11), or subsection (15) ~~(14)~~,
 30 based upon a formula as established by the United States
 31 Department of Housing and Urban Development.

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

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

14 (4) "Corporation" means the Florida Housing Finance
 15 Corporation.

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

22 (6) "Department" means the Department of Community
 23 Affairs.

24 (7) "Elderly" describes persons 62 years of age or
 25 older.

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

31 (9) "Extremely-low-income persons" means one or more

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

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

18 ~~(11)(10)~~ "Moderate-income persons" means one or more
 19 natural persons or a family, the total annual adjusted gross
 20 household income of which is less than 120 percent of the
 21 median annual adjusted gross income for households within the
 22 state, or 120 percent of the median annual adjusted gross
 23 income for households within the metropolitan statistical area
 24 (MSA) or, if not within an MSA, within the county in which the
 25 person or family resides, whichever is greater.

26 ~~(12)(11)~~ "Student" means any person not living with
 27 his or her parent or guardian who is eligible to be claimed by
 28 his or her parent or guardian as a dependent under the federal
 29 income tax code and who is enrolled on at least a half-time
 30 basis in a secondary school, career center, community college,
 31 college, or university.

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1 ~~(13)~~~~(12)~~ "Substandard" means:

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

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

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

11 ~~(14)~~~~(13)~~ "Substantial rehabilitation" means repair or
12 restoration of a dwelling unit where the value of such repair
13 or restoration exceeds 40 percent of the value of the
14 dwelling.

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

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

26 420.503 Definitions.--As used in this part, the term:

27 ~~(18)~~~~(a)~~ "Farmworker" means a laborer who is employed
28 on a seasonal, temporary, or permanent basis in the planting,
29 cultivating, harvesting, or processing of agricultural or
30 aquacultural products and who derived at least 50 percent of
31 her or his income in the immediately preceding 12 months from

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1 such employment.

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

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

12 **2.(b)** Establish that she or he was previously employed
13 as a farmworker.

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

21 Section 17. Subsection (22), paragraph (a) of
22 subsection (23), and subsection (40) of section 420.507,
23 Florida Statutes, are amended, and subsections (44) and (45)
24 are added to that section, to read:

25 420.507 Powers of the corporation.--The corporation
26 shall have all the powers necessary or convenient to carry out
27 and effectuate the purposes and provisions of this part,
28 including the following powers which are in addition to all
29 other powers granted by other provisions of this part:

30 (22) To develop and administer the State Apartment
31 Incentive Loan Program. In developing and administering that

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1 program, the corporation may:

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

11 Mortgage loans shall be made available at the following rates
12 of interest:

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

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

23 ~~3.2.~~ One ~~Three~~ to 9 percent interest for sponsors of
24 projects targeted at populations other than farmworkers,
25 commercial fishing workers, and the homeless.

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

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

31 (d)(b) Geographically and demographically target the

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1 utilization of loans.

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

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

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

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

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

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

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

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

28 3. Make subordinated loans to nonprofit sponsors or
29 developers of housing for purchase of property, for
30 construction, or for financing of housing to be offered for
31 sale to eligible borrowers as a primary residence at an

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1 affordable price.

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

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

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

30 Section 18. Subsections (1), (3), and (5), and
31 paragraphs (a), (b), (c), (f), (g), (h), and (k) of subsection

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1 (6) of section 420.5087, Florida Statutes, are amended to
2 read:

3 420.5087 State Apartment Incentive Loan
4 Program.--There is hereby created the State Apartment
5 Incentive Loan Program for the purpose of providing first,
6 second, or other subordinated mortgage loans or loan
7 guarantees to sponsors, including for-profit, nonprofit, and
8 public entities, to provide housing affordable to
9 very-low-income persons.

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

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

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

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

26
27 Any increase in funding required to reach the 10-percent
28 minimum shall be taken from the county category that has the
29 largest allocation. The corporation shall adopt rules that
30 ~~which~~ establish an equitable process for distributing any
31 portion of the 10 percent of program funds allocated to the

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1 county categories specified in this subsection which remains
 2 unallocated at the end of a 3-year period. Counties that have
 3 a population of 100,000 or fewer ~~less~~ shall be given
 4 preference under these rules.

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

- 23 (a) Commercial fishing workers and farmworkers;
- 24 (b) Families;
- 25 (c) Persons who are homeless; and
- 26 (d) Elderly persons. Ten percent of the amount
 27 reserved for the elderly shall be reserved to provide loans to
 28 sponsors of housing for the elderly for the purpose of making
 29 building preservation, health, or sanitation repairs or
 30 improvements which are required by federal, state, or local
 31 regulation or code, or lifesafety or security-related repairs

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

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

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1 mortgage in a superior position to exceed total project cost.

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

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

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

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

21 1. Tenant income and demographic targeting objectives
22 of the corporation.

23 2. Targeting objectives of the corporation which will
24 ensure an equitable distribution of loans between rural and
25 urban areas.

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

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

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

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

10 5. Provision for tenant counseling.

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

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

22 8. Local government contributions and local government
23 comprehensive planning and activities that promote affordable
24 housing.

25 9. Project feasibility.

26 10. Economic viability of the project.

27 11. Commitment of first mortgage financing.

28 12. Sponsor's prior experience.

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

30 14. Projects that directly implement or assist
31 welfare-to-work transitioning.

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1 15. Projects that reserve units for
2 extremely-low-income families.

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

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

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1 sponsor agrees to provide the housing set-aside required by
2 subsection (2).

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

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

16 Section 19. Section 420.5088, Florida Statutes, is
17 amended to read:

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

31 (1) For loans made available pursuant to s.

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1 420.507(23)(a)1. or 2.:

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

7 (b) Loans shall be made available for the term of the
8 first mortgage.

9 (c) Loans may not exceed ~~are limited to~~ the lesser of
10 35 ~~25~~ percent of the purchase price of the home or the amount
11 necessary to enable the purchaser to meet credit underwriting
12 criteria.

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

14 (a) Availability is limited to nonprofit sponsors or
15 developers who are selected for program participation under
16 ~~pursuant to~~ this subsection.

17 (b) Preference must be given to ~~community development~~
18 ~~corporations as defined in s. 290.033 and to~~ community-based
19 organizations as defined in s. 420.503.

20 (c) Priority must be given to projects that have
21 received state assistance in funding project predevelopment
22 costs.

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

26 (e) At least 30 percent of the units in a project
27 financed under ~~pursuant to~~ this subsection must be sold to
28 persons or families who have incomes that do not exceed 80
29 percent of the state or local median income, whichever amount
30 is greater, adjusted for family size; and at least another 30
31 percent of the units in a project financed under ~~pursuant to~~

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1 this subsection must be sold to persons or families who have
2 incomes that do not exceed 65 50 percent of the state or local
3 median income, whichever amount is greater, adjusted for
4 family size.

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

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

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

20 1. The affordability of the housing proposed to be
21 built.

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

24 3. The demonstrated capacity of the applicant to carry
25 out the proposal, including the experience of the development
26 team.

27 4. The economic feasibility of the proposal.

28 5. The extent to which the applicant demonstrates
29 potential cost savings by combining the benefits of different
30 governmental programs and private initiatives, including the
31 local government contributions and local government

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1 comprehensive planning and activities that promote affordable
2 housing.

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

5 7. The provision of homeownership counseling.

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

8 9. The commitment of first mortgage financing for the
9 balance of the construction loan and for the permanent loans
10 to the purchasers of the housing.

11 10. The applicant's ability to proceed with
12 construction.

13 11. The targeting objectives of the corporation which
14 will ensure an equitable distribution of loans between rural
15 and urban areas.

16 12. The extent to which the proposal will further the
17 purposes of this program.

18 (i) The corporation may reject any and all
19 applications.

20 (j) The review committee established by corporation
21 rule pursuant to this subsection shall make recommendations to
22 the corporation board regarding program participation under
23 this subsection. The corporation board shall make the final
24 ranking for participation based on the scores received in the
25 ranking, further review of the applications, and the
26 recommendations of the review committee. The corporation board
27 shall approve or reject applicants for loans and shall
28 determine the tentative loan amount available to each program
29 participant. The final loan amount shall be determined
30 pursuant to rule adopted under s. 420.507(23)(h).

31 (3) The corporation shall publish a notice of fund

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1 availability in a publication of general circulation
2 throughout the state at least 60 days before ~~prior to~~ the
3 anticipated availability of funds.

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

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

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

9 ~~and~~

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

12

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

20 ~~(4)(5)~~ There is authorized to be established by the
21 corporation with a qualified public depository meeting the
22 requirements of chapter 280 the Florida Homeownership
23 Assistance Fund to be administered by the corporation
24 according to the provisions of this program. Any amounts held
25 in the Florida Homeownership Assistance Trust Fund for such
26 purposes as of January 1, 1998, must be transferred to the
27 corporation for deposit in the Florida Homeownership
28 Assistance Fund, whereupon the Florida Homeownership
29 Assistance Trust Fund must be closed. There shall be deposited
30 in the fund moneys from the State Housing Trust Fund created
31 by s. 420.0005, or moneys received from any other source, for

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

15 ~~(5)(6)~~ No more than one-fifth of the funds available
 16 in the Florida Homeownership Assistance Fund may be made
 17 available to provide loan loss insurance reserve funds to
 18 facilitate homeownership for eligible persons.

19 Section 20. Subsection (2) of section 420.9072,
 20 Florida Statutes, is amended to read:

21 420.9072 State Housing Initiatives Partnership
 22 Program.--The State Housing Initiatives Partnership Program is
 23 created for the purpose of providing funds to counties and
 24 eligible municipalities as an incentive for the creation of
 25 local housing partnerships, to expand production of and
 26 preserve affordable housing, to further the housing element of
 27 the local government comprehensive plan specific to affordable
 28 housing, and to increase housing-related employment.

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

- 31 1. Submit to the corporation its local housing

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1 assistance plan describing the local housing assistance
2 strategies established pursuant to s. 420.9075;

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

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

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

30 (b) A county or an eligible municipality seeking
31 approval to receive its share of the local housing

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1 distribution must adopt an ordinance containing the following
2 provisions:

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

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

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

14 4. Creation of the affordable housing advisory
15 committee as provided in s. 420.9076.

16
17 The ordinance must not take effect until at least 30 days
18 after the date of formal adoption. Ordinances in effect prior
19 to the effective date of amendments to this section shall be
20 amended as needed to conform to new provisions.

21 Section 21. Section 420.9075, Florida Statutes, is
22 amended to read:

23 420.9075 Local housing assistance plans;
24 partnerships.--

25 (1)(a) Each county or eligible municipality
26 participating in the State Housing Initiatives Partnership
27 Program shall develop and implement a local housing assistance
28 plan created to make affordable residential units available to
29 persons of very low income, low income, or moderate income and
30 to persons who have special housing needs, including, but not
31 limited to, homeless people, the elderly, and migrant

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1 farmworkers. The plans are intended to increase the
 2 availability of affordable residential units by combining
 3 local resources and cost-saving measures into a local housing
 4 partnership and using private and public funds to reduce the
 5 cost of housing.

6 (b) Local housing assistance plans may allocate funds
 7 to:

8 1. Implement local housing assistance strategies for
 9 the provision of affordable housing.

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

13 3. Provide the local matching share of federal
 14 affordable housing grants or programs.

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

18 5. Further the housing element of the local government
 19 comprehensive plan adopted pursuant to s. 163.3184, specific
 20 to affordable housing.

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

27 1. Lending institutions.

28 2. Housing builders and developers.

29 3. Nonprofit and other community-based housing and
 30 service organizations.

31 4. Providers of professional services relating to

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1 affordable housing.

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

5 6. Real estate professionals.

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

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

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

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

18 ~~(4)(3)~~ Each local housing assistance plan is governed
19 by the following criteria and administrative procedures:

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

29 (b) The county or eligible municipality or its
30 administrative representative shall advertise the notice of
31 funding availability in a newspaper of general circulation and

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1 periodicals serving ethnic and diverse neighborhoods, at least
2 30 days before the beginning of the application period. If no
3 funding is available due to a waiting list, no notice of
4 funding availability is required.

5 (c) In accordance with the provisions of ss.
6 760.20-760.37, it is unlawful to discriminate on the basis of
7 race, creed, religion, color, age, sex, marital status,
8 familial status, national origin, or handicap in the award
9 application process for eligible housing.

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

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

29 ~~(5)(4)~~ The following criteria apply to awards made to
30 eligible sponsors or eligible persons for the purpose of
31 providing eligible housing:

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

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

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

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

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

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

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

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

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

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

31 (i) The maximum sales price or value per unit and the

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1 maximum award per unit for eligible housing benefiting from
2 awards made pursuant to this section must be established in
3 the local housing assistance plan.

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

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

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

31 ~~(6)(5)~~ Each county or eligible municipality receiving

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

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

30 ~~(8)(7)~~ Pursuant to s. 420.531, the corporation shall
 31 provide technical assistance to local governments regarding

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1 the creation of partnerships, the design of local housing
2 assistance strategies, the implementation of local housing
3 incentive strategies, and the provision of support services.

4 ~~(9)(8)~~ The corporation shall monitor the activities of
5 local governments to determine compliance with program
6 requirements and shall collect data on the operation and
7 achievements of housing partnerships.

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

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

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

30 (c) The average area purchase price of single-family
31 units and the amount of rent charged for a rental unit based

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1 on unit size.

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

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

8 (f) A concise description of the support services that
9 are available to the residents of affordable housing provided
10 by local programs.

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

15 (h) Such other data or affordable housing
16 accomplishments considered significant by the reporting county
17 or eligible municipality.

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

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1 ~~(12)(11)~~ The corporation shall review the report of
 2 each county or eligible municipality and any written comments
 3 from the public and include any comments concerning the
 4 effectiveness of local programs in the report required by s.
 5 420.511.

6 ~~(13)(12)~~(a) If, as a result of the review of the
 7 annual report or public comment and written response from the
 8 county or eligible municipality, or at any other time, the
 9 corporation determines that a county or eligible municipality
 10 may have established a pattern of violation of the criteria
 11 for a local housing assistance plan established under ss.
 12 420.907-420.9079 or that an eligible sponsor or eligible
 13 person has violated the applicable award conditions, the
 14 corporation shall report such pattern of violation of criteria
 15 or violation of award conditions to its compliance monitoring
 16 agent and the Executive Office of the Governor. The
 17 corporation's compliance monitoring agent must determine
 18 within 60 days whether the county or eligible municipality has
 19 violated program criteria and shall issue a written report
 20 thereon. If a violation has occurred, the distribution of
 21 program funds to the county or eligible municipality must be
 22 suspended until the violation is corrected.

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

31 1. The notice must specify a date of termination of

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

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

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

23 4.a. If the affected local government fails to meet
 24 the timeframes specified in the agreement, the corporation
 25 shall terminate funds. The corporation shall send a notice of
 26 termination of the local government's share of the local
 27 housing distribution by certified mail to the affected local
 28 government. The notice shall specify the termination date, and
 29 any uncommitted funds held by the affected local government
 30 shall be transferred to the Local Government Housing Trust
 31 Fund to the credit of the corporation to administer pursuant

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1 to s. 420.9078.

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

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

15 Section 22. The Community Workforce Housing Innovation
16 Pilot Program is hereby created.--

17 (1)(a) The Legislature finds and declares that recent
18 rapid increases in the median purchase price of a home and the
19 cost of rental housing have far outstripped the increases in
20 median income in the state, preventing essential services
21 personnel from living in the communities where they serve,
22 creating the need for innovative solutions to provide housing
23 opportunities for essential services personnel.

24 (b) The Legislature creates the Community Workforce
25 Housing Innovation Pilot Program in order to provide
26 affordable rental and home ownership opportunities for
27 community workforce housing for essential services personnel
28 affected by the high cost of housing in certain areas of this
29 state, using regulatory incentives and state and local funds
30 to promote local public-private partnerships and to leverage
31 government and private resources.

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

2 (a) "Essential services personnel" means a person who
3 is in need of affordable housing and is employed in an
4 occupation or profession in which he or she is considered
5 essential services personnel, as defined by each county and
6 eligible municipality within its local housing assistance plan
7 under s. 420.9075(3)(a).

8 (b) "Public-private partnerships" means any form of
9 business entity which includes substantial involvement of at
10 least one county, one municipality, or one public-sector
11 entity, such as a school district or other unit of local
12 government in which the project is to be located, and at least
13 one private-sector for-profit or not-for-profit business or
14 charitable entity.

15 (c) "Workforce housing" means housing affordable to
16 persons or families whose total annual household income does
17 not exceed 140 percent of the area median income, adjusted for
18 household size, or 150 percent of area median income, adjusted
19 for household size, in areas of critical state concern
20 designated under s. 380.05 for which the Legislature has
21 declared its intent to provide affordable housing.

22 (3) The corporation may provide loans under the
23 Community Workforce Housing Innovation Pilot Program to an
24 applicant for construction or rehabilitation of workforce
25 housing in eligible counties. The corporation shall establish
26 funding procedures and selection criteria by adopting a rule
27 or through using a request for proposals. This funding is
28 intended to be used with other public and private-sector
29 resources.

30 (4) The corporation shall provide incentives for local
31 governments in eligible counties to use local affordable

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1 housing funds, such as those from the State Housing
2 Initiatives Partnership Program, to assist in meeting the
3 affordable housing needs of persons eligible under this
4 program.

5 (5) Priority for funding projects shall be given to
6 projects in counties where the disparity between the area
7 median income and the median sales price for a single family
8 home is greatest, and for projects in counties where
9 population growth as a percentage rate of increase is
10 greatest. The corporation may also fund projects in counties
11 where innovative regulatory and financial incentives are made
12 available.

13 (6) Projects shall also receive priority consideration
14 for funding when:

15 (a) The local jurisdiction establishes appropriate
16 regulatory incentives, local contributions or financial
17 strategies, or other funding sources to promote the
18 development and on-going financial viability of such projects.
19 Local incentives may include such actions as expediting review
20 of development orders and permits, supporting development near
21 transportation hubs and major employment centers, and adopting
22 land development regulations designed to allow flexibility in
23 densities, use of accessory units, mixed use developments, and
24 flexible lot configurations. Financial strategies may include
25 such actions as promoting employer-assisted housing programs,
26 providing tax increment financing, and providing land.

27 (b) Projects are innovative and include new
28 construction or rehabilitation, mixed-income housing, or
29 commercial and housing mixed-use elements, and those that
30 promote homeownership. Funding from the program may not exceed
31 the costs attributable to the portion of the project which is

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1 set aside to provide housing for the targeted population.

2 (c) Projects set aside at least 80 percent of the
3 units for workforce housing and at least 50 percent for
4 essential services personnel and for projects that require the
5 least amount of funding from the program when compared to the
6 overall housing costs for the project.

7 (7) Notwithstanding the provisions of s.
8 163.3184(3)-(6), any amendment to a local government
9 comprehensive plan which is intended to implement a Community
10 Workforce Housing Innovation Pilot Program project that is
11 found to be consistent with the provisions of this section
12 shall be expedited as provided in this subsection. The local
13 government shall notify the state land planning agency at
14 least 30 days before adopting a plan amendment under this
15 subsection of its intent to adopt an amendment. The notice
16 must include its evaluation related to site suitability and
17 availability of facilities and services. The public notice of
18 the hearing required by s. 163.3184(15)(e) must include a
19 statement that the local government intends to use the
20 expedited adoption process authorized by this subsection. Such
21 amendments require only a single public hearing before the
22 governing board, which shall be an adoption hearing as
23 described in s. 163.3184(7), and the state land planning
24 agency shall issue its notice of intent under s. 163.3184(8)
25 within 30 days after determining that the amendment package is
26 complete.

27 (8) The corporation shall award loans having interest
28 rates set at 1 to 3 percent, which may be made forgivable when
29 long-term affordability is provided and when at least 80
30 percent of the units are set aside for workforce housing and
31 at least 50 percent of the units are set aside for essential

1 services personnel.

2 (9) All eligible applications shall:

3 (a) For home ownership, limit the sales price of a
4 detached unit, townhome, or condominium unit to not more than
5 the median sales price for that type of unit in that county
6 and require that all eligible purchasers of home ownership
7 units occupy the homes as their primary residence.

8 (b) For rental units, restrict rents for all workforce
9 housing serving renters having incomes at or below 120 percent
10 of area median income at the appropriate income level using
11 the restricted rents for the federal low-income housing tax
12 credit program and, for workforce housing units serving
13 renters having incomes above 120 percent of area median
14 income.

15 (c) Demonstrate that the applicant is a public-private
16 partnership.

17 (d) Have grants, donations of land, or contributions
18 from the public-private partnership or other sources
19 collectively totaling at least 15 percent of the total
20 development cost. Such grants, donations of land, or
21 contributions may be evidenced only by a letter of commitment
22 at the time of the application.

23 (e) Demonstrate how the applicant will use the
24 regulatory incentives and financial strategies outlined in
25 paragraph (6)(a) from the local jurisdiction in which the
26 proposed project is to be located. The corporation may
27 consult with the department in evaluating the use of
28 regulatory incentives by applicants.

29 (f) Demonstrate that the applicant possesses title to
30 or site control of land and evidences availability of required
31 infrastructure.

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1 (g) Demonstrate the applicant's experience in
2 affordable housing development and management.

3 (h) Provide any research or facts available supporting
4 the demand and need for rental or home ownership workforce
5 housing for eligible persons in the market in which the
6 project is proposed.

7 (10) Projects may include manufactured housing
8 constructed after June, 1994, and installed in accordance with
9 standards for mobile home installation of the Department of
10 Highway and Motor Vehicles.

11 (11) The corporation may adopt rules to administer
12 this section.

13 (12) The corporation may use a maximum of 2 percent of
14 the annual appropriation for administration and compliance
15 monitoring.

16 (13) The corporation shall review the success of the
17 Community Workforce Housing Innovation Pilot Program to
18 ascertain whether the projects financed by the program are
19 useful in meeting the housing needs of eligible counties. The
20 corporation shall submit its report and any recommendations
21 regarding the program to the Governor, the President of the
22 Senate, and the Speaker of the House of Representatives not
23 later than 2 months after the end of the corporation's fiscal
24 year.

25 Section 23. Subsection (2) of section 420.9079,
26 Florida Statutes, is amended to read:

27 420.9079 Local Government Housing Trust Fund.--

28 (2) The corporation shall administer the fund
29 exclusively for the purpose of implementing the programs
30 described in ss. 420.907-420.9078 and this section. With the
31 exception of monitoring the activities of counties and

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1 eligible municipalities to determine local compliance with
 2 program requirements, the corporation shall not receive
 3 appropriations from the fund for administrative or personnel
 4 costs. For the purpose of implementing the
 5 compliance-monitoring ~~compliance monitoring~~ provisions of ss.
 6 ~~s.~~ 420.9075(8) and the Community Workforce Innovation Pilot
 7 Program, the corporation may request a maximum of one-quarter
 8 of 1 percent of the annual appropriation ~~\$200,000~~ per state
 9 fiscal year. When such funding is appropriated, the
 10 corporation shall deduct the amount appropriated prior to
 11 calculating the local housing distribution pursuant to ss.
 12 420.9072, ~~and~~ 420.9073, and the Community Workforce Innovation
 13 Pilot Program.

14 Section 24. Paragraph (b) of subsection (9) of section
 15 1001.42, Florida Statutes, is amended to read:

16 1001.42 Powers and duties of district school
 17 board.--The district school board, acting as a board, shall
 18 exercise all powers and perform all duties listed below:

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

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

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

28 2. Approve the proposed purchase of any site,
 29 playground, or recreational area for which district funds are
 30 to be used.

31 3. Expand existing sites.

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1 4. Rent buildings when necessary.

2 5. Enter into leases or lease-purchase arrangements,
3 in accordance with the requirements and conditions provided in
4 s. 1013.15(2), with private individuals or corporations for
5 the rental of necessary grounds and educational facilities for
6 school purposes or of educational facilities to be erected for
7 school purposes. Current or other funds authorized by law may
8 be used to make payments under a lease-purchase agreement.

9 Notwithstanding any other statutes, if the rental is to be
10 paid from funds received from ad valorem taxation and the
11 agreement is for a period greater than 12 months, an approving
12 referendum must be held. The provisions of such contracts,
13 including building plans, shall be subject to approval by the
14 Department of Education, and no such contract shall be entered
15 into without such approval. As used in this section,
16 "educational facilities" means the buildings and equipment
17 that are built, installed, or established to serve educational
18 purposes and that may lawfully be used. The State Board of
19 Education may adopt such rules as are necessary to implement
20 these provisions.

21 6. Provide for the proper supervision of construction.

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

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

27 9. Make certain school board lands, acquired prior to
28 January 1, 2006, available to a private developer or nonprofit
29 housing organization for the purpose of providing teachers and
30 other instructional personnel with housing assistance.

31 Teachers and other instructional personnel must be eligible

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1 for assistance under chapter 420, and the school board must
 2 declare the land surplus and not needed for any facility
 3 identified in the district facilities work program required
 4 under s. 1013.35.

5 Section 25. (1) The Legislature finds that it is
 6 critical to provide affordable housing to the very-low-income,
 7 low-income, and moderate-income residents of this state.
 8 Furthermore, the Legislature finds that there is a need for a
 9 land-use-based option in order to improve the economic
 10 feasibility of developing affordable housing.

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

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

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

21 (c) The methodologies used to calculate density
 22 bonuses;

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

25 (e) The requirements applicable to converting existing
 26 multifamily housing units to condominium units; and

27 (f) The application and review process for density
 28 bonuses.

29 (3) The board of county commissioners of each county
 30 and each municipality shall consider adopting and implementing
 31 the residential density bonus ordinance.

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1 Section 26. For the purpose of incorporating the
 2 amendments made by this act to section 201.15, Florida
 3 Statutes, in a reference thereto, subsection (1) of section
 4 161.05301, Florida Statutes, is reenacted to read:

5 161.05301 Beach erosion control project staffing.--

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

19 Section 27. For the purpose of incorporating the
 20 amendments made by this act to section 201.15, Florida
 21 Statutes, in a reference thereto, subsection (3) of section
 22 161.091, Florida Statutes, is reenacted to read:

23 161.091 Beach management; funding; repair and
 24 maintenance strategy.--

25 (3) In accordance with the intent expressed in s.
 26 161.088 and the legislative finding that erosion of the
 27 beaches of this state is detrimental to tourism, the state's
 28 major industry, further exposes the state's highly developed
 29 coastline to severe storm damage, and threatens beach-related
 30 jobs, which, if not stopped, could significantly reduce state
 31 sales tax revenues, funds deposited into the State Treasury to

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

8 Section 28. For the purpose of incorporating the
 9 amendments made by this act to section 201.15, Florida
 10 Statutes, in a reference thereto, subsection (3) of section
 11 370.0603, Florida Statutes, is reenacted to read:

12 370.0603 Marine Resources Conservation Trust Fund;
 13 purposes.--

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

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

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1 manatee per year.

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

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

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

9 Section 29. For the purpose of incorporating the
10 amendments made by this act to section 201.15, Florida
11 Statutes, in a reference thereto, subsections (5) and (6) of
12 section 420.5092, Florida Statutes, are reenacted to read:

13 420.5092 Florida Affordable Housing Guarantee
14 Program.--

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

31 moneys deposited into the State Housing Trust Fund pursuant to

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1 s. 201.15(9)(a) and (10)(a) during the ensuing state fiscal
2 year.

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

27 (b) If the claims payment obligations under affordable
28 housing guarantees from amounts on deposit in the guarantee
29 fund would cause the claims paying rating assigned to the
30 guarantee fund to be less than the third-highest rating
31 classification of any nationally recognized rating service,

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

15 | Section 30. For the purpose of incorporating the
 16 | amendments made by this act to section 201.15, Florida
 17 | Statutes, in a reference thereto, section 420.9073, Florida
 18 | Statutes, is reenacted to read:

19 | 420.9073 Local housing distributions.--

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

27 | (a) Each county other than a county that has
 28 | implemented the provisions of chapter 83-220, Laws of Florida,
 29 | as amended by chapters 84-270, 86-152, and 89-252, Laws of
 30 | Florida, shall receive the guaranteed amount for each fiscal
 31 | year.

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

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

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

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

24 (2) Effective July 1, 1995, distributions calculated
 25 in this section shall be disbursed on a monthly basis by the
 26 corporation beginning the first day of the month after program
 27 approval pursuant to s. 420.9072. Each county's share of the
 28 funds to be distributed from the portion of the funds in the
 29 Local Government Housing Trust Fund received pursuant to s.
 30 201.15(10) shall be calculated by the corporation for each
 31 fiscal year as follows:

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1 (a) Each county shall receive the guaranteed amount
2 for each fiscal year.

3 (b) Each county may receive an additional share
4 calculated as follows:

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

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

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

20 (3) Calculation of guaranteed amounts:

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

28 (b) The guaranteed amount under subsection (2) shall
29 be calculated for each state fiscal year by multiplying
30 \$350,000 by a fraction, the numerator of which is the amount
31 of funds distributed to the Local Government Housing Trust

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1 Fund pursuant to s. 201.15(10) and the denominator of which is
2 the total amount of funds distributed to the Local Government
3 Housing Trust Fund pursuant to s. 201.15.

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

6 Section 31. For the purpose of incorporating the
7 amendments made by this act to section 201.15, Florida
8 Statutes, in a reference thereto, subsection (7) of section
9 1013.64, Florida Statutes, is reenacted to read:

10 1013.64 Funds for comprehensive educational plant
11 needs; construction cost maximums for school district capital
12 projects.--Allocations from the Public Education Capital
13 Outlay and Debt Service Trust Fund to the various boards for
14 capital outlay projects shall be determined as follows:

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

21 Section 32. For the purpose of incorporating the
22 amendments made by this act to section 201.15, Florida
23 Statutes, in a reference thereto, subsection (4) of section
24 1013.738, Florida Statutes, is reenacted to read:

25 1013.738 High Growth District Capital Outlay
26 Assistance Grant Program.--

27 (4) Moneys distributed to the Public Education Capital
28 Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d)
29 for the High Growth District Capital Outlay Assistance Grant
30 Program created in this section shall be distributed as
31 provided by this section.

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1 Section 33. Section 196.1978, Florida Statutes, is
2 amended to read:

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

24 Section 34. Paragraph (o) of subsection (5) of section
25 212.08, Florida Statutes, is amended to read:

26 212.08 Sales, rental, use, consumption, distribution,
27 and storage tax; specified exemptions.--The sale at retail,
28 the rental, the use, the consumption, the distribution, and
29 the storage to be used or consumed in this state of the
30 following are hereby specifically exempt from the tax imposed
31 by this chapter.

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

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

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

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

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

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

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

28 2. Building materials used in the construction of a
29 housing project or mixed-use project are exempt from the tax
30 imposed by this chapter upon an affirmative showing to the
31 satisfaction of the department that the requirements of this

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1 paragraph have been met. This exemption inures to the owner
2 through a refund of previously paid taxes. To receive this
3 refund, the owner must file an application under oath with the
4 department which includes:

5 a. The name and address of the owner.

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

8 c. A copy of the building permit issued for the
9 project.

10 d. A certification by the local building code
11 inspector that the project is substantially completed.

12 e. A sworn statement, under penalty of perjury, from
13 the general contractor licensed in this state with whom the
14 owner contracted to construct the project, which statement
15 lists the building materials used in the construction of the
16 project and the actual cost thereof, and the amount of sales
17 tax paid on these materials. If a general contractor was not
18 used, the owner shall provide this information in a sworn
19 statement, under penalty of perjury. Copies of invoices
20 evidencing payment of sales tax must be attached to the sworn
21 statement.

22 3. An application for a refund under this paragraph
23 must be submitted to the department within 6 months after the
24 date the project is deemed to be substantially completed by
25 the local building code inspector. Within 30 working days
26 after receipt of the application, the department shall
27 determine if it meets the requirements of this paragraph. A
28 refund approved pursuant to this paragraph shall be made
29 within 30 days after formal approval of the application by the
30 department. The provisions of s. 212.095 do not apply to any
31 refund application made under this paragraph.

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

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

6 Section 35. For the purpose of incorporating the
7 amendments made by this act to section 420.5087, Florida
8 Statutes, in a reference thereto, subsection (19) of section
9 420.503, Florida Statutes, is reenacted to read:

10 420.503 Definitions.--As used in this part, the term:

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

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1 | qualifies for an exemption under the Fair Housing Act as
 2 | housing for older persons as defined by s. 760.29(4) shall
 3 | qualify as a project targeted for the elderly, if the project
 4 | satisfies the other requirements set forth in this part.

5 | Section 36. For the purpose of incorporating the
 6 | amendments made by this act to section 420.5088, Florida
 7 | Statutes, in a reference thereto, section 420.5061, Florida
 8 | Statutes, is reenacted to read:

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

31 | 420.525(1) were each trust funds. For purposes of s. 112.313,

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1 the corporation is deemed to be a continuation of the agency,
 2 and the provisions thereof are deemed to apply as if the same
 3 entity remained in place. Any employees of the agency and
 4 agency board members covered by s. 112.313(9)(a)6. shall
 5 continue to be entitled to the exemption in that subparagraph,
 6 notwithstanding being hired by the corporation or appointed as
 7 board members of the corporation. Effective January 1, 1998,
 8 all state property in use by the agency shall be transferred
 9 to and become the property of the corporation.

10 Section 37. For the purpose of incorporating the
 11 amendments made by this act to section 420.9075, Florida
 12 Statutes, in a reference thereto, subsection (25) of section
 13 420.9071, Florida Statutes, is reenacted to read:

14 420.9071 Definitions.--As used in ss.

15 420.907-420.9079, the term:

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

22 Section 38. Sections 420.37 and 420.530, Florida
 23 Statutes, are repealed.

24 Section 39. (1) The Florida Housing Finance
 25 Corporation may provide funds to eligible entities for
 26 affordable housing recovery in those counties that were
 27 declared eligible for disaster funding after the hurricanes of
 28 2004 and 2005, and that sustained housing damage due to those
 29 storms. The Florida Housing Finance Corporation shall use data
 30 provided by the Federal Emergency Management Agency to assist
 31 in its allocation of funds to local jurisdictions. Funds

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1 available are contingent upon appropriations and shall be
 2 provided to fund the hurricane housing recovery program, the
 3 farmworker housing recovery and the special housing assistance
 4 and development programs, the Florida Housing and Finance
 5 Corporation for the purpose of providing technical and
 6 training assistance, and to the Rental Recovery Loan Program.
 7 To administer these programs, the Florida Housing Finance
 8 Corporation shall be guided by the "Hurricane Housing Work
 9 Group Recommendations to Assist in Florida's Long-Term Housing
 10 Recovery Efforts," dated February 16, 2005.

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

26 Section 40. A closed Class I landfill, as defined by
 27 Department of Environmental Protection rule, which is
 28 substantially rehabilitated or remediated in such a manner
 29 that at least 15 percent of residential units are affordable
 30 as defined in s. 420.0004, Florida Statutes, is not subject to
 31 the requirement of any building-permit-allocation system or

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1 other rate-of-growth regulation adopted pursuant to chapter
2 380, Florida Statutes.

3 Section 41. The sum of \$30 million of non-recurring
4 funds is appropriated from the Local Government Housing Trust
5 Fund to the Florida Housing Finance Corporation within the
6 Department of Community Affairs for the purpose of
7 implementing the provisions of this act relating to production
8 of housing units for extremely-low-income persons during the
9 2006-2007 fiscal year.

10 Section 42. The sum of \$50 million of non-recurring
11 funds is appropriated from the State Housing Trust Fund to the
12 Florida Housing Finance Corporation within the Department of
13 Community Affairs for the purpose of implementing the
14 provisions of this act relating to the Community Workforce
15 Housing Innovation Pilot Program during the 2006-2007 fiscal
16 year.

17 Section 43. The sum of \$76 million of non-recurring
18 funds is appropriated from the Local Government Housing Trust
19 Fund and \$32 million of non-recurring funds is appropriated
20 from the State Housing Trust Fund to the Florida Housing
21 Finance Corporation within the Department of Community Affairs
22 for the purpose of implementing the provisions of this act
23 relating to hurricane housing recovery during the 2006-2007
24 fiscal year.

25 Section 44. The sum of \$82 million of non-recurring
26 funds is appropriated from the Florida Small Cities Community
27 Development Block Grant Program Fund to the Department of
28 Community Affairs for the purpose of implementing the
29 provisions of this act relating to hurricane housing recovery
30 during the 2006-2007 fiscal year.

31 Section 45. The sum of \$250,000 of recurring funds and

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1 \$300,000 of non-recurring funds is appropriated from the
 2 Grants and Donations Trust Fund to the Department of Community
 3 Affairs for the purpose of implementing the provisions of this
 4 act relating to the Century Commission for a Sustainable
 5 Florida during the 2006-2007 fiscal year.

6 Section 46. Except as otherwise expressly provided in
 7 this act, this act shall take effect July 1, 2006.

8
 9

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

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13

14 and insert:

15 A bill to be entitled
 16 An act relating to affordable housing; creating
 17 ss. 125.379 and 166.0451, F.S, relating to
 18 counties and municipalities, respectively;
 19 requiring county and municipal staff to prepare
 20 an inventory list of all real property to which
 21 the county or municipality holds fee simple
 22 title by a specified date and triennially
 23 thereafter; requiring planning staff to
 24 identify real property that is appropriate for
 25 use as affordable housing; specifying a time
 26 period for completion of the inventory and
 27 identification of surplus real property;
 28 requiring public hearings; requiring the county
 29 or municipality to approve the inventory list;
 30 specifying a time for the first public hearing
 31 and adoption of the resolution; requiring that

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1 the properties identified as appropriate for
2 use as affordable housing to become immediately
3 available; prescribing the options the county
4 or municipality have to dispose of the surplus
5 lands for affordable housing; providing
6 requirements for certain deed restrictions;
7 providing definitions; amending s. 163.31771,
8 F.S.; conforming cross-references; providing a
9 statement of important state interest; amending
10 s. 189.4155, F.S.; authorizing a special
11 district to provide housing and housing
12 assistance for employees; amending s. 191.006,
13 F.S.; authorizing an independent special
14 district to provide housing and housing
15 assistance for its employees; amending s.
16 197.252, F.S.; decreasing the age and
17 increasing the income threshold required for
18 eligibility to defer ad valorem property taxes;
19 decreasing the maximum interest rate that may
20 be charged on deferred ad valorem taxes;
21 amending s. 201.15, F.S.; revising certain
22 provisions relating to Everglades Restoration
23 bonds; correcting a cross reference; amending
24 s. 215.619, F.S.; revising certain provisions
25 relating to Everglades restoration bonds;
26 amending s. 253.034, F.S.; authorizing a local
27 government to request that state lands be
28 declared surplus lands in order to provide
29 affordable housing; providing options for
30 disposing of surplus state lands that are used
31 for affordable housing; deleting obsolete

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1 provisions; amending s. 295.16, F.S.; expanding
2 an exemption from certain fees relating to
3 structural improvements to a disabled veteran's
4 residence; amending s. 380.06, F.S.; revising
5 the criteria under which a proposed change to
6 the development constitutes a substantial
7 deviation; amending s. 380.0651, F.S.; revising
8 the statewide guidelines for developments of
9 regional impact to review certain types of
10 developments; amending s. 420.0004, F.S.;
11 defining the term "extremely-low-income
12 persons"; amending s. 420.503, F.S.; redefining
13 the term "farmworker" for purposes of the use
14 of certain federal funds by the Florida Housing
15 Finance Corporation; amending s. 420.507, F.S.;
16 revising certain loan and interest rate
17 provisions relating to the State Apartment
18 Incentive Loan Program; authorizing the use of
19 loans issued under the Florida Homeownership
20 Assistance Program for property acquisition;
21 authorizing the Florida Housing Finance
22 Corporation to establish subsidiary business
23 entities for specified purposes; authorizing
24 the Florida Housing Finance Corporation to
25 adopt rules allowing the corporation to take
26 action to avoid default of program loans;
27 authorizing the Florida Housing Finance
28 Corporation to adopt rules requiring the
29 reporting of certain data concerning housing
30 financed through corporation programs; amending
31 s. 420.5087, F.S.; revising the population

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

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1 under the Florida Homeownership Assistance
2 Program; deleting a provision requiring the
3 reservation of certain housing funds for a
4 period of 9 months; amending s. 420.9072, F.S.;
5 conforming cross-references; amending s.
6 420.9075, F.S.; providing components to be
7 included in the local housing assistance plan;
8 providing for calculating the average area
9 purchase price for eligible housing under the
10 State Housing Initiatives Partnership Act in
11 the manner established by the United States
12 Department of the Treasury; creating the
13 Community Workforce Housing Innovation Pilot
14 Program; providing legislative findings;
15 requiring the program to provide funds for the
16 housing needs of specified entities; providing
17 certain incentives for program applicants;
18 providing for funding and conditions for
19 funding; requiring the Florida Housing Finance
20 Corporation to establish selection criteria for
21 applicants; amending s. 420.9079, F.S.;
22 authorizing the Florida Housing Finance
23 Corporation to request certain funds for
24 compliance monitoring; amending s. 1001.42,
25 F.S.; authorizing school district boards to
26 provide lands for purposes of affordable
27 housing for certain teachers and other
28 instructional personnel; directing the
29 Department of Community Affairs to develop a
30 model residential density bonus ordinance for
31 use by local governments; reenacting ss.

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1 161.05301(1), 161.091(3), 370.0603(3),
2 420.5092(5) and (6), 420.9073, 1013.64(7), and
3 1013.738(4), F.S., relating to beach erosion
4 control projects, beach management funding, the
5 Marine Resources Conservation Trust Fund, the
6 Florida Affordable Housing Guarantee Program,
7 distributions for local housing programs,
8 comprehensive educational plant needs, and a
9 high growth grant program, respectively, to
10 incorporate the amendments made to s. 201.15,
11 F.S., in a reference thereto; reenacting s.
12 196.1978, F.S., relating to affordable housing
13 property tax exemption, to incorporate the
14 amendments made to s. 402.0004, F.S., in
15 references thereto; amending s. 212.08, F.S.;
16 correcting cross-references; reenacting s.
17 420.503(19), F.S., relating to defining terms
18 for the Florida Housing Finance Corporation, to
19 incorporate the amendments made to s. 420.5087,
20 F.S., in a reference thereto; reenacting s.
21 420.5061, F.S., relating to the transfer of
22 assets and liabilities to the Florida Housing
23 Finance Corporation, to incorporate the
24 amendments made to s. 420.5088, F.S., in a
25 reference thereto; reenacting s. 420.9071(25),
26 F.S., relating to definitions pertaining to the
27 state housing initiatives partnership, to
28 incorporate the amendments made to s. 420.9075,
29 F.S., in a reference thereto; repealing ss.
30 420.37 and 420.530, F.S., relating to certain
31 powers of the Florida Housing Finance

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1 Corporation and the state farmworker pilot loan
2 program, respectively; authorizing the
3 corporation to provide funds for eligible
4 entities for affordable housing recovery in
5 those counties that were declared eligible for
6 disaster funding after the hurricanes of 2004
7 and 2005 and that sustained housing damage due
8 to those storms; authorizing the corporation to
9 adopt emergency rules; providing that certain
10 developments that provide affordable housing
11 are exempt from rate-of-growth requirements;
12 providing an appropriation to the Florida
13 Housing Finance Corporation to provide housing
14 units for extremely-low-income persons;
15 providing an appropriation to the Florida
16 Housing Finance Corporation to implement the
17 Community Workforce Housing Innovation Pilot
18 Program; providing an appropriation to the
19 Florida Housing Finance Corporation for
20 hurricane housing recovery; providing an
21 appropriation to the Department of Community
22 Affairs for the Century Commission for a
23 Sustainable Florida; providing effective dates.

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