

1 independent special district to provide housing
2 and housing assistance for its employees;
3 creating s. 196.1981, F.S.; providing that the
4 actual rental income from certain
5 rent-restricted units be recognized by property
6 appraisers as the rents for assessment
7 purposes; amending s. 197.252, F.S.; decreasing
8 the age and increasing the income threshold
9 required for eligibility to defer ad valorem
10 property taxes; decreasing the maximum interest
11 rate that may be charged on deferred ad valorem
12 taxes; amending s. 201.15, F.S.; revising the
13 distributions of portions of the excise tax on
14 documents to the State Housing Trust Fund for
15 purposes of preserving the rights of holders of
16 affordable housing guarantees; amending s.
17 215.619, F.S.; revising certain provisions
18 relating to Everglades restoration bonds;
19 amending s. 220.183, F.S.; providing separate
20 annual limitations for tax credits against the
21 corporate income tax for donations made to
22 eligible sponsors for projects that provide
23 homeownership opportunities for certain
24 households and for donations made to eligible
25 sponsors for all other projects; eliminating
26 the requirement that the Office of Tourism,
27 Trade, and Economic Development reserve
28 portions of certain annual tax credits for
29 donations made to eligible sponsors for
30 projects that provide homeownership
31 opportunities for certain households; amending

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

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

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

1 420.907-420.9078, F.S.; providing an expiration
2 date; amending s. 420.9079, F.S.; authorizing
3 the Florida Housing Finance Corporation to
4 request certain funds for compliance
5 monitoring; amending s. 624.5105, F.S.;
6 providing separate annual limitations for tax
7 credits against the insurance premium tax for
8 donations made to eligible sponsors for
9 projects that provide homeownership
10 opportunities for certain households and for
11 donations made to eligible sponsors for all
12 other projects; eliminating the requirement
13 that the Office of Tourism, Trade, and Economic
14 Development reserve portions of certain annual
15 tax credits for donations made to eligible
16 sponsors for projects that provide
17 homeownership opportunities for certain
18 households; amending s. 1001.42, F.S.;
19 authorizing school district boards to provide
20 affordable housing for certain teachers and
21 other instructional personnel; directing the
22 Department of Community Affairs to develop a
23 model residential density bonus ordinance for
24 use by local governments; providing an
25 appropriation to local governments to implement
26 the programs established in the act;
27 authorizing the Florida Housing Finance
28 Corporation to adopt emergency rules;
29 reenacting ss. 161.05301(1), 161.091(3),
30 370.0603(3), 420.5092(5) and (6), 420.9073,
31 1013.64(7), and 1013.738(4), F.S., relating to

1 beach erosion control projects, beach
2 management funding, the Marine Resources
3 Conservation Trust Fund, the Florida Affordable
4 Housing Guarantee Program, distributions for
5 local housing programs, comprehensive
6 educational plant needs, and a high growth
7 grant program, respectively, to incorporate the
8 amendments made to s. 201.15, F.S., in a
9 reference thereto; reenacting s. 420.530(1),
10 F.S., relating to the state farmworker housing
11 pilot loan program, to incorporate the
12 amendments made to s. 402.503, F.S., in a
13 reference thereto; reenacting ss. 163.31771(2)
14 and 196.1978, F.S., relating to accessory
15 dwelling units and affordable housing property
16 tax exemption, to incorporate the amendments
17 made to s. 402.0004, F.S., in references
18 thereto; amending s. 212.08, F.S.; providing
19 separate annual limitations for tax credits
20 against the sales and use tax for donations
21 made to eligible sponsors for projects that
22 provides homeownership opportunities for
23 certain households and for donations made to
24 eligible sponsors for all other projects;
25 eliminating the requirement that the Office of
26 Tourism, Trade, and Economic Development
27 reserve portions of certain annual tax credits
28 for donations made to eligible sponsors for
29 projects that provide homeownership
30 opportunities for certain households;
31 reenacting s. 420.503(19), F.S., relating to

1 defining terms for the Florida Housing Finance
2 Corporation, to incorporate the amendments made
3 to s. 420.5087, F.S., in a reference thereto;
4 reenacting s. 420.5061, F.S., relating to the
5 transfer of assets and liabilities to the
6 Florida Housing Finance Corporation, to
7 incorporate the amendments made to s. 420.5088,
8 F.S., in a reference thereto; reenacting s.
9 420.9071(25), F.S., relating to definitions
10 pertaining to the state housing initiatives
11 partnership, to incorporate the amendments made
12 to s. 420.9075, F.S., in a reference thereto;
13 reenacting s. 723.061(3), F.S., relating to
14 grounds for eviction from a mobile home park,
15 to incorporate the amendments made to s.
16 723.083, F.S., in a reference thereto;
17 repealing ss. 420.37 and 420.530, F.S.,
18 relating to certain powers of the Florida
19 Housing Finance Corporation and the state
20 farmworker pilot loan program, respectively;
21 amending s. 723.083, F.S.; providing that
22 mobile homes are a permissible use in certain
23 land use categories under specified
24 circumstances; creating the Home Retrofit
25 Hardening Program; authorizing the Florida
26 Housing Finance Corporation to supply grants in
27 order to fund improvements to homes constructed
28 before the implementation of the current
29 Florida Building Code when the improvements
30 will directly affect the ability of the home to
31 withstand hurricane force winds and improve the

1 home's rating for home insurance; providing
2 criteria for eligibility of grants; authorizing
3 the 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 effective
10 dates.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 125.379, Florida Statutes, is
15 created to read:

16 125.379 Disposition of county property for affordable
17 housing.--

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

1 housing assistance trust fund pursuant to s. 420.9075(5), sold
2 with a restriction that requires any development on the
3 property to include a specified percentage of permanently
4 affordable housing, or donated to a nonprofit housing
5 organization for the construction of permanently affordable
6 housing.

7 (2) After completing an inventory list, the board of
8 county commissioners shall hold at least two public hearings
9 to discuss the inventory list and staff's recommendation
10 concerning which properties are appropriate for use as
11 affordable housing. The board shall comply with the provisions
12 of s. 125.66(4)(b)1. 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 board shall
15 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) Notwithstanding s. 125.35, after the inventory
19 list has been approved by resolution, the board of county
20 commissioners shall immediately make available any real
21 property that has been identified in the inventory list as
22 appropriate for use as affordable housing. The county shall
23 make the surplus 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

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 county must use the
11 funds received from the developer to acquire real property on
12 which affordable housing will be built or donate the funds to
13 the local housing assistance trust fund pursuant to s.
14 420.9075(5) for the purpose of implementing the programs
15 described in ss. 420.907-420.9079; or

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

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

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

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

3 Section 2. Section 166.0451, Florida Statutes, is
4 created to read:

5 166.0451 Disposition of municipal property for
6 affordable housing.--

7 (1) By January 1, 2007, and every 3 years thereafter,
8 each municipality shall prepare an inventory list of all real
9 property within its jurisdiction to which the municipality
10 holds fee simple title, excluding lands designated for natural
11 resource conservation. The inventory list must include the
12 address and tax identification number of each property and
13 specify whether the property is vacant or improved. Municipal
14 planning staff shall review the inventory list and identify
15 each real property that is appropriate for use as affordable
16 housing. The time for preparing the inventory list and its
17 review by municipal planning staff may not exceed 6 months.
18 The properties identified as appropriate for use as affordable
19 housing may be offered for sale and the proceeds used to
20 purchase land for the development of affordable housing or
21 donated to the Local Government Housing Trust Fund, sold with
22 a restriction that requires any development on the property to
23 include a specified percentage of permanently affordable
24 housing, or donated to a nonprofit housing organization for
25 the construction of permanently affordable housing.

26 (2) Upon completing an inventory list in compliance
27 with this section, the governing body of the municipality
28 shall hold at least two public hearings to discuss the
29 inventory list and the recommendation of the staff concerning
30 which properties are appropriate for use as affordable
31 housing. The governing body shall comply with s.

1 166.041(3)(c)2.a. regarding the advertisement of the public
2 hearings and shall hold the first hearing no later than 30
3 days after completing the inventory list. The governing body
4 shall approve the inventory list through the adoption of a
5 resolution at the second hearing no later than 6 months after
6 completing the inventory list.

7 (3) After the inventory list has been approved by
8 resolution, the governing body of the municipality shall
9 immediately make available any real property that has been
10 identified in the inventory list as appropriate for use as
11 affordable housing. The municipality shall make the surplus
12 real property available to:

13 (a) A private developer if the purchase price paid by
14 the developer is not less than the appraised value of the
15 property based on its highest and best use and the real
16 property is sold with deed restrictions that require a
17 specified percentage of any project developed on the real
18 property to provide affordable housing for low-income and
19 moderate-income persons, with a minimum of 10 percent of the
20 units in the project available for low-income persons and
21 another 10 percent of the units for moderate-income persons
22 for a total minimum of 20 percent, or, if providing rental
23 housing or a combination of rental housing and homeownership,
24 an additional 5 percent of the units for very-low-income
25 persons for a total minimum of 25 percent;

26 (b) A private developer without any requirement that a
27 percentage of the units built on the real property be
28 affordable if the purchase price paid by the developer is not
29 less than the appraised value of the property based on its
30 highest and best use, in which case the municipality must use
31 the funds received from the developer to acquire real property

1 on which affordable housing will be built or donate the funds
2 to the Local Government Housing Trust Fund for the purpose of
3 implementing the programs described in ss. 420.907-420.9079;
4 or

5 (c) A nonprofit housing organization, such as a
6 community land trust, housing authority, or community
7 redevelopment agency to be used for the production and
8 preservation of permanently affordable housing.

9 (4) The deed restrictions required under paragraph
10 (3)(a) for an affordable housing unit must also prohibit the
11 unit from being sold at a price that exceeds the threshold for
12 housing that is affordable for low-income or moderate-income
13 persons or to a buyer who is not eligible due to his or her
14 income under chapter 420. The deed restrictions may allow the
15 affordable housing units created under paragraph (3)(a) to be
16 rented to very-low-income, low-income, or moderate-income
17 persons.

18 (5) For purposes of this section, the terms
19 "affordable," "low-income persons," "moderate-income persons,"
20 and "very-low-income persons" have the same meaning as in s.
21 420.0004.

22 Section 3. Paragraph (h) is added to subsection (5) of
23 section 163.3180, Florida Statutes, to read:

24 163.3180 Concurrency.--

25 (5)

26 (h) If a proposed manufactured housing development is
27 located in an area designated as agriculture, rural lands, or
28 a similar land use classification, and uses self-contained
29 water and wastewater facilities and services, the requirements
30 for transportation concurrency set forth in paragraph (2)(c)
31 are waived.

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

24 191.006 General powers.--The district shall have, and
25 the board may exercise by majority vote, the following powers:

26 (19) To provide housing or housing assistance for its
27 employed personnel.

28 Section 7. Section 196.1981, Florida Statutes, is
29 created to read:

30 196.1981 Affordable housing property exemption.--For
31 the purpose of assessing just valuation of affordable housing

1 properties used by persons having income limits defined as
2 low, moderate, and very low, as specified in s. 420.0004(9),
3 (10), (11), and (15), the actual rental income from
4 rent-restricted units in such a property shall be recognized
5 by the property appraiser for assessment purposes, and an
6 income approach shall be used for assessing the rents of the
7 following properties:

8 (1) Property that is funded by the United States
9 Department of Housing and Urban Development under s. 8 of the
10 United States Housing Act of 1937, which is used to provide
11 affordable housing serving eligible persons as defined by s.
12 159.603(7) and elderly and very-low-income persons as defined
13 by s. 420.0004(7) and (14), and which has undergone financial
14 restructuring as provided in s. 501, Title V, Subtitle A of
15 the Multifamily Assisted Housing Reform and Affordability Act
16 of 1997.

17 (2) Rental properties for multifamilies, farmworkers,
18 or elderly persons which are funded by the Florida Housing
19 Finance Corporation under ss. 420.5087 and 420.5089 and the
20 State Housing Incentives Partnership Program under ss.
21 420.9072 and 420.9075.

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

25 197.252 Homestead tax deferral.--

26 (2)

27 (b) ~~If in the event~~ the applicant is entitled to claim
28 the increased exemption by reason of age and residency as
29 provided in s. 196.031(3)(a), approval of ~~the such~~ application
30 shall defer that portion of ~~the such~~ ad valorem taxes plus
31 non-ad valorem assessments which exceeds 3 percent of the

1 applicant's household ~~household's~~ income for the prior
2 calendar year. If any ~~such~~ applicant's household income for
3 the prior calendar year is less than \$10,000, or is less than
4 the amount of the household income designated for the
5 additional homestead exemption pursuant to s. 196.075, and the
6 ~~\$12,000 if such~~ applicant is 65 ~~70~~ years of age or older,
7 approval of the ~~such~~ application shall defer the ~~such~~ ad
8 valorem taxes plus non-ad valorem assessments in their
9 entirety.

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

18 Section 9. Paragraphs (b) and (d) of subsection (1)
19 and subsection (11) of section 201.15, Florida Statutes, are
20 amended to read:

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Treasury to the credit of the Ecosystem Management and
2 Restoration Trust Fund in fiscal year 2000-2001 and each
3 fiscal year thereafter, to be used for the preservation and
4 repair of the state's beaches as provided in ss.
5 161.091-161.212, and \$2 million shall be paid into the State
6 Treasury to the credit of the Marine Resources Conservation
7 Trust Fund to be used for marine mammal care as provided in s.
8 370.0603(3).

9 Section 10. Effective July 1, 2007, subsections (1),
10 (9), (10), (11), (15), (17), and (18) of section 201.15,
11 Florida Statutes, as amended by section 1 of chapter 2005-92,
12 Laws of Florida, are amended to read:

13 201.15 Distribution of taxes collected.--All taxes
14 collected under this chapter shall be distributed as follows
15 and shall be subject to the service charge imposed in s.
16 215.20(1), except that such service charge shall not be levied
17 against any portion of taxes pledged to debt service on bonds
18 to the extent that the amount of the service charge is
19 required to pay any amounts relating to the bonds:

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

23 (a) Amounts as shall be necessary to pay the debt
24 service on, or fund debt service reserve funds, rebate
25 obligations, or other amounts payable with respect to
26 Preservation 2000 bonds issued pursuant to s. 375.051 and
27 Florida Forever bonds issued pursuant to s. 215.618, shall be
28 paid into the State Treasury to the credit of the Land
29 Acquisition Trust Fund to be used for such purposes. The
30 amount transferred to the Land Acquisition Trust Fund for such
31 purposes shall not exceed \$300 million in fiscal year

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

30 (b) Moneys ~~The remainder of the moneys distributed~~
31 ~~under this subsection, after the required payment under~~

1 ~~paragraph (a)~~, shall be paid into the State Treasury to the
2 credit of the Save Our Everglades Trust Fund in amounts
3 necessary to pay debt service, provide reserves, and pay
4 rebate obligations and other amounts due with respect to bonds
5 issued under s. 215.619. Taxes distributable pursuant to
6 paragraphs (a) and (b) shall be collectively distributed on a
7 pro rata basis.

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

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

29 1. The State Transportation Trust Fund in the
30 Department of Transportation in the amount of ~~\$542~~\$541.75
31 million in each fiscal year, to be paid in quarterly

1 | installments and used for the following specified purposes,
2 | notwithstanding any other law to the contrary:

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

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

8 | c. For the purposes of the Strategic Intermodal System
9 | specified in ss. 339.61, 339.62, 339.63, and 339.64, 75

10 | percent of these funds after allocating for the New Starts
11 | Transit Program described in sub-subparagraph a. and the Small
12 | County Outreach Program described in sub-subparagraph b.; and

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

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

22 | 3. The Public Education Capital Outlay and Debt
23 | Service Trust Fund in the Department of Education in the
24 | amount of \$104,130,000~~\$105 million~~ in each fiscal year, to be
25 | paid in monthly installments ~~with \$75 million used~~ to fund the
26 | Classrooms for Kids Program created in s. 1013.735, ~~and \$30~~
27 | ~~million to be used to fund the High Growth County District~~
28 | ~~Capital Outlay Assistance Grant Program created in s.~~
29 | ~~1013.738~~. If required, new facilities constructed under the
30 | Classrooms for Kids Program must meet the requirements of s.
31 | 1013.372.

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

9
10 Moneys distributed pursuant to this paragraph may not be
11 pledged for debt service unless such pledge is approved by
12 referendum of the voters.

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

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

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

30 (b) Half of that amount shall be paid into the State
31 Treasury to the credit of the Local Government Housing Trust

1 Fund and shall be used for the purposes for which the Local
2 Government Housing Trust Fund was created and exists by law.

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

8 (a) Twelve and one-half percent of that amount shall
9 be deposited into the State Housing Trust Fund and be expended
10 by the Department of Community Affairs and by the Florida
11 Housing Finance Corporation for the purposes for which the
12 State Housing Trust Fund was created and exists by law.

13 (b) Eighty-seven and one-half percent of that amount
14 shall be distributed to the Local Government Housing Trust
15 Fund and shall be used for the purposes for which the Local
16 Government Housing Trust Fund was created and exists by law.
17 Funds from this category may also be used to provide for state
18 and local services to assist the homeless.

19 (11) From the moneys specified in paragraphs (1)(e)
20 ~~(1)(d)~~ and (2)(a) and prior to deposit of any moneys into the
21 General Revenue Fund, \$30 million shall be paid into the State
22 Treasury to the credit of the Ecosystem Management and
23 Restoration Trust Fund in fiscal year 2000-2001 and each
24 fiscal year thereafter, to be used for the preservation and
25 repair of the state's beaches as provided in ss.
26 161.091-161.212, and \$2 million shall be paid into the State
27 Treasury to the credit of the Marine Resources Conservation
28 Trust Fund to be used for marine mammal care as provided in s.
29 370.0603(3).

30 (15) Beginning July 1, 2008, in each fiscal year that
31 the remaining taxes collected under this chapter exceed such

1 collections in the prior fiscal year, the stated maximum
2 dollar amounts provided in subsections (2), (4), (6), and (7)~~7~~
3 ~~(9), and (10)~~ shall each be increased by an amount equal to 10
4 percent of the increase in the remaining taxes collected under
5 this chapter multiplied by the applicable percentage provided
6 in those subsections.

7 ~~(17) Distributions to the State Housing Trust Fund~~
8 ~~pursuant to subsections (9) and (10) shall be sufficient to~~
9 ~~cover amounts required to be transferred to the Florida~~
10 ~~Affordable Housing Guarantee Program's annual debt service~~
11 ~~reserve and guarantee fund pursuant to s. 420.5092(6)(a) and~~
12 ~~(b) up to but not exceeding the amount required to be~~
13 ~~transferred to such reserve and fund based on the percentage~~
14 ~~distribution of documentary stamp tax revenues to the State~~
15 ~~Housing Trust Fund which is in effect in the 2004-2005 fiscal~~
16 ~~year.~~

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

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

23 215.619 Bonds for Everglades restoration.--

24 (3) Everglades restoration bonds are payable from, and
25 secured by a first lien on, taxes distributable under s.
26 201.15(1)(b) and do not constitute a general obligation of, or
27 a pledge of the full faith and credit of, the state.
28 Everglades restoration bonds are secured on a parity basis
29 with bonds secured by moneys distributable under s.
30 201.15(1)(a) junior and subordinate to bonds secured by moneys
31 distributable under s. 201.15(1)(a).

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

3 220.183 Community contribution tax credit.--

4 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
5 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
6 SPENDING.--

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

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

13 (c) The total amount of tax credit which may be
14 granted for all programs approved under this section, s.
15 212.08(5)(q), and s. 624.5105 is ~~\$8\$12~~ million annually for
16 projects that provide homeownership opportunities for
17 low-income or very-low-income households as defined in s.
18 420.9071(19) and (28), and \$4 million annually for all other
19 projects.

20 (d) All proposals for the granting of the tax credit
21 shall require the prior approval of the Office of Tourism,
22 Trade, and Economic Development.

23 (e) If the credit granted pursuant to this section is
24 not fully used in any one year because of insufficient tax
25 liability on the part of the business firm, the unused amount
26 may be carried forward for a period not to exceed 5 years. The
27 carryover credit may be used in a subsequent year when the tax
28 imposed by this chapter for such year exceeds the credit for
29 such year under this section after applying the other credits
30 and unused credit carryovers in the order provided in s.
31 220.02(8).

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

4 (g) A taxpayer who is eligible to receive the credit
5 provided for in s. 624.5105 is not eligible to receive the
6 credit provided by this section.

7 (2) ELIGIBILITY REQUIREMENTS.--

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

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

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

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

1 ~~(28). If any reserved annual tax credits remain after the~~
2 ~~first 6 months of the fiscal year, the office may approve the~~
3 ~~balance of these available credits for donations made to~~
4 ~~eligible sponsors for projects that provide homeownership~~
5 ~~opportunities for low income or very low income households.~~

6 2.4. If, during the first 10 business days of the
7 state fiscal year, eligible tax credit applications for
8 projects that provide homeownership opportunities for
9 low-income or very-low-income households as defined in s.
10 420.9071(19) and (28) are received for less than the ~~available~~
11 annual tax credits available for those projects reserved under
12 ~~subparagraph 2.~~, the Office of Tourism, Trade, and Economic
13 Development shall grant tax credits for those applications and
14 shall grant remaining tax credits on a first-come,
15 first-served basis for any subsequent eligible applications
16 received before the end of the ~~first 6 months of the state~~
17 fiscal year. If, during the first 10 business days of the
18 state fiscal year, eligible tax credit applications for
19 projects that provide homeownership opportunities for
20 low-income or very-low-income households as defined in s.
21 420.9071(19) and (28) are received for more than the ~~available~~
22 annual tax credits available for those projects reserved under
23 ~~subparagraph 2.~~, the office shall grant the tax credits for
24 such applications as follows:

25 a. If tax credit applications submitted for approved
26 projects of an eligible sponsor do not exceed \$200,000 in
27 total, the credit shall be granted in full if the tax credit
28 applications are approved, ~~subject to the provisions of~~
29 ~~subparagraph 2.~~

30 b. If tax credit applications submitted for approved
31 projects of an eligible sponsor exceed \$200,000 in total, the

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

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

13 3.5. If, during the first 10 business days of the
14 state fiscal year, eligible tax credit applications for
15 projects other than those that provide homeownership
16 opportunities for low-income or very-low-income households as
17 defined in s. 420.9071(19) and (28) are received for less than
18 the ~~available~~ annual tax credits available for those projects
19 ~~reserved under subparagraph 3.~~, the Office of Tourism, Trade,
20 and Economic Development shall grant tax credits for those
21 applications and shall grant remaining tax credits on a
22 first-come, first-served basis for any subsequent eligible
23 applications received before the end of the ~~first 6 months of~~
24 ~~the~~ state fiscal year. If, during the first 10 business days
25 of the state fiscal year, eligible tax credit applications for
26 projects other than those that provide homeownership
27 opportunities for low-income or very-low-income households as
28 defined in s. 420.9071(19) and (28) are received for more than
29 the ~~available~~ annual tax credits available for those projects
30 ~~reserved under subparagraph 3.~~, the office shall grant the tax
31 credits for such applications on a pro rata basis. ~~If, after~~

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

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

10 1. A community action program;

11 2. A nonprofit community-based development
12 organization whose mission is the provision of housing for
13 low-income or very-low-income households or increasing
14 entrepreneurial and job-development opportunities for
15 low-income persons;

16 3. A neighborhood housing services corporation;

17 4. A local housing authority, created pursuant to
18 chapter 421;

19 5. A community redevelopment agency, created pursuant
20 to s. 163.356;

21 6. The Florida Industrial Development Corporation;

22 7. An historic preservation district agency or
23 organization;

24 8. A regional workforce board;

25 9. A direct-support organization as provided in s.
26 1009.983;

27 10. An enterprise zone development agency created
28 pursuant to s. 290.0056;

29 11. A community-based organization incorporated under
30 chapter 617 which is recognized as educational, charitable, or
31 scientific pursuant to s. 501(c)(3) of the Internal Revenue

1 Code and whose bylaws and articles of incorporation include
2 affordable housing, economic development, or community
3 development as the primary mission of the corporation;

4 12. Units of local government;

5 13. Units of state government; or

6 14. Such other agency as the Office of Tourism, Trade,
7 and Economic Development may, from time to time, designate by
8 rule.

9

10 In no event shall a contributing business firm have a
11 financial interest in the eligible sponsor.

12 (d) The project shall be located in an area designated
13 as an enterprise zone or a Front Porch Florida Community
14 pursuant to s. 20.18(6). Any project designed to construct or
15 rehabilitate housing for low-income or very-low-income
16 households as defined in s. 420.9071(19) and (28) is exempt
17 from the area requirement of this paragraph. This section does
18 not preclude projects that propose to construct or
19 rehabilitate housing for low-income or very-low-income
20 households on scattered sites. Any project designed to provide
21 increased access to high-speed broadband capabilities which
22 includes coverage of a rural enterprise zone may locate the
23 project's infrastructure in any area of a rural county.

24 Section 13. Paragraph (f) of subsection (6) of section
25 253.034, Florida Statutes, is amended to read:

26 253.034 State-owned lands; uses.--

27 (6) The Board of Trustees of the Internal Improvement
28 Trust Fund shall determine which lands, the title to which is
29 vested in the board, may be surplus. For conservation lands,
30 the board shall make a determination that the lands are no
31 longer needed for conservation purposes and may dispose of

1 | them by an affirmative vote of at least three members. In the
2 | case of a land exchange involving the disposition of
3 | conservation lands, the board must determine by an affirmative
4 | vote of at least three members that the exchange will result
5 | in a net positive conservation benefit. For all other lands,
6 | the board shall make a determination that the lands are no
7 | longer needed and may dispose of them by an affirmative vote
8 | of at least three members.

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

1 made upon the board deciding the best public use of the lands.
2 Surplus properties in which governmental agencies have
3 expressed no interest shall then be available for sale on the
4 private market.

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

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

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

1 ramps, widening of doors, and similar improvements for the
2 purpose of making the dwelling ~~mobile home~~ habitable for
3 veterans confined to wheelchairs.

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

6 380.06 Developments of regional impact.--

7 (19) SUBSTANTIAL DEVIATIONS.--

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

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

21 2. A new runway, a new terminal facility, a 25-percent
22 lengthening of an existing runway, or a 25-percent increase in
23 the number of gates of an existing terminal, but only if the
24 increase adds at least three additional gates.

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

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

29 5. An increase in the average annual acreage mined by
30 5 percent or 10 acres, whichever is greater, or an increase in
31 the average daily water consumption by a mining operation by 5

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

8 | 6. An increase in land area for office development by
9 | 5 percent or an increase of gross floor area of office
10 | development by 5 percent or 60,000 gross square feet,
11 | whichever is greater.

12 | 7. An increase in the storage capacity for chemical or
13 | petroleum storage facilities by 5 percent, 20,000 barrels, or
14 | 7 million pounds, whichever is greater.

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

21 | 9. An increase in the number of dwelling units by 5
22 | percent or 50 dwelling units, whichever is greater.

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

27 | 11. An increase in hotel or motel facility units by 5
28 | percent or 75 units, whichever is greater.

29 | 12. An increase in a recreational vehicle park area by
30 | 5 percent or 100 vehicle spaces, whichever is less.

31 |

1 13. A decrease in the area set aside for open space of
2 5 percent or 20 acres, whichever is less.

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

10 15. A 15-percent increase in the number of external
11 vehicle trips generated by the development above that which
12 was projected during the original
13 development-of-regional-impact review.

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

24 17. An increase in the number of dwelling units by 15
25 percent or 100 units, whichever is greater, if 20 percent of
26 the increase in the number of dwelling units is dedicated to
27 the construction of workforce housing, subject to a recorded
28 land use restriction agreement. For purposes of this
29 subparagraph, the term "workforce housing" means housing that
30 is affordable to a person who earns less than 120 percent of
31 the area median income.

1
2 The substantial deviation numerical standards in subparagraphs
3 4., 6., 10., 14., excluding residential uses, and 15., are
4 increased by 100 percent for a project certified under s.
5 403.973 which creates jobs and meets criteria established by
6 the Office of Tourism, Trade, and Economic Development as to
7 its impact on an area's economy, employment, and prevailing
8 wage and skill levels. The substantial deviation numerical
9 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
10 increased by 50 percent for a project located wholly within an
11 urban infill and redevelopment area designated on the
12 applicable adopted local comprehensive plan future land use
13 map and not located within the coastal high hazard area.

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

18 380.0651 Statewide guidelines and standards.--

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

23 (k) Residential development.--The applicable
24 guidelines for residential development and the residential
25 component for multiuse development shall be increased by 20
26 percent where the developer demonstrates that at least 15
27 percent of the residential dwelling units will be dedicated to
28 workforce housing, subject to a recorded land use restriction
29 agreement. For purposes of this subparagraph, the term
30 "workforce housing" means housing that is affordable to a
31

1 person who earns less than 120 percent of the area median
2 income.

3 Section 17. Section 420.0004, Florida Statutes, is
4 amended to read:

5 420.0004 Definitions.--As used in this part, unless
6 the context otherwise indicates:

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

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

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

28 (4) "Corporation" means the Florida Housing Finance
29 Corporation.

30 (5) "Community-based organization" or "nonprofit
31 organization" means a private corporation organized under

1 chapter 617 to assist in the provision of housing and related
2 services on a not-for-profit basis and which is acceptable to
3 federal and state agencies and financial institutions as a
4 sponsor of low-income housing.

5 (6) "Department" means the Department of Community
6 Affairs.

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

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

14 (9) "Extremely-low-income persons" means one or more
15 natural persons or a family whose total annual household
16 income does not exceed 30 percent of the median annual
17 adjusted gross income for households within the state. The
18 Florida Housing Finance Corporation may adjust this amount
19 annually by rule to provide that in lower-income counties,
20 extremely low income may exceed 30 percent of the median
21 income for the area, and that in higher-income counties,
22 extremely low income may be less than 30 percent of the median
23 income for the area.

24 ~~(10)(9)~~ "Low-income persons" means one or more natural
25 persons or a family, the total annual adjusted gross household
26 income of which does not exceed 80 percent of the median
27 annual adjusted gross income for households within the state,
28 or 80 percent of the median annual adjusted gross income for
29 households within the metropolitan statistical area (MSA) or,
30 if not within an MSA, within the county in which the person or
31 family resides, whichever is greater.

1 ~~(11)~~(10) "Moderate-income persons" means one or more
2 natural persons or a family, the total annual adjusted gross
3 household income of which is less than 120 percent of the
4 median annual adjusted gross income for households within the
5 state, or 120 percent of the median annual adjusted gross
6 income for households within the metropolitan statistical area
7 (MSA) or, if not within an MSA, within the county in which the
8 person or family resides, whichever is greater.

9 ~~(12)~~(11) "Student" means any person not living with
10 his or her parent or guardian who is eligible to be claimed by
11 his or her parent or guardian as a dependent under the federal
12 income tax code and who is enrolled on at least a half-time
13 basis in a secondary school, career center, community college,
14 college, or university.

15 ~~(13)~~(12) "Substandard" means:

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

18 (b) A unit which is in violation of one or more major
19 sections of an applicable housing code and where such
20 violation poses a serious threat to the health of the
21 occupant; or

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

25 ~~(14)~~(13) "Substantial rehabilitation" means repair or
26 restoration of a dwelling unit where the value of such repair
27 or restoration exceeds 40 percent of the value of the
28 dwelling.

29 ~~(15)~~(14) "Very-low-income persons" means one or more
30 natural persons or a family, not including students, the total
31 annual adjusted gross household income of which does not

1 exceed 50 percent of the median annual adjusted gross income
2 for households within the state, or 50 percent of the median
3 annual adjusted gross income for households within the
4 metropolitan statistical area (MSA) or, if not within an MSA,
5 within the county in which the person or family resides,
6 whichever is greater.

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

9 420.503 Definitions.--As used in this part, the term:

10 (18)(a) "Farmworker" means a laborer who is employed
11 on a seasonal, temporary, or permanent basis in the planting,
12 cultivating, harvesting, or processing of agricultural or
13 aquacultural products and who derived at least 50 percent of
14 her or his income in the immediately preceding 12 months from
15 such employment.

16 (b) "Farmworker" ~~also~~ includes a person who has
17 retired as a laborer due to age, disability, or illness. In
18 order to be considered retired as a farmworker due to age
19 under this part, a person must be 50 years of age or older and
20 must have been employed for a minimum of 5 years as a
21 farmworker before retirement. In order to be considered
22 retired as a farmworker due to disability or illness, a person
23 must:

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

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

28 (c) Notwithstanding paragraphs (a) and (b), when
29 corporation-administered funds are used in conjunction with
30 funds provided by the United States Department of Agriculture
31 Rural Development, the term "farmworker" may mean a laborer

1 who meets, at a minimum, the definition of "domestic farm
2 laborer" as defined in 7 C.F.R. s. 3560.11, as amended. The
3 corporation may establish additional criteria by rule.

4 Section 19. Subsection (22), paragraph (a) of
5 subsection (23), and subsection (40) of section 420.507,
6 Florida Statutes, are amended, and subsections (44), (45), and
7 (46) are added to that section, to read:

8 420.507 Powers of the corporation.--The corporation
9 shall have all the powers necessary or convenient to carry out
10 and effectuate the purposes and provisions of this part,
11 including the following powers which are in addition to all
12 other powers granted by other provisions of this part:

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

16 (a) Make first, second, and other subordinated
17 mortgage loans including variable or fixed rate loans subject
18 to contingent interest for all State Apartment Incentive Loans
19 provided for in this chapter based upon available cash flow of
20 the projects. The corporation shall make loans exceeding 25
21 percent of project cost available only to nonprofit
22 organizations and public bodies which are able to secure
23 grants, donations of land, or contributions from other sources
24 and to projects meeting the criteria of subparagraph 1.
25 Mortgage loans shall be made available at the following rates
26 of interest:

27 1. Zero to 3 percent interest for sponsors of projects
28 that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~
29 their total units for residents qualifying as farmworkers as
30 defined in this part ~~s. 420.503(18)~~, commercial fishing

31

1 workers as defined in this part ~~s. 420.503(5)~~, or the homeless
2 as defined in s. 420.621(4) over the life of the loan.

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

7 ~~3.2. One~~ ~~Three~~ to 9 percent interest for sponsors of
8 projects targeted at populations other than farmworkers,
9 commercial fishing workers, and the homeless.

10 (b) The corporation may make loans exceeding 25
11 percent of project costs if the project serves
12 extremely-low-income persons.

13 (c) The corporation may forgive indebtedness for a pro
14 rata share of the loan based on the number of units in a
15 project reserved for extremely-low-income persons.

16 ~~(d)(b)~~ Geographically and demographically target the
17 utilization of loans.

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

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

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

26 ~~(h)(f)~~ Establish, by rule, the procedure for
27 evaluating, scoring, and competitively ranking all
28 applications based on the criteria set forth in s.
29 420.5087(6)(c); determining actual loan amounts; making and
30 servicing loans; and exercising the powers authorized in this
31 subsection.

1 ~~(i)(g)~~ Establish a loan loss insurance reserve to be
2 used to protect the outstanding program investment in case of
3 a default, deed in lieu of foreclosure, or foreclosure of a
4 program loan.

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

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

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

13 3. Make subordinated loans to nonprofit sponsors or
14 developers of housing for purchase of property, for
15 construction, or for financing of housing to be offered for
16 sale to eligible borrowers as a primary residence at an
17 affordable price.

18 (40) To establish subsidiary business entities
19 ~~corporations~~ for the purpose of taking title to and managing
20 and disposing of property acquired by the corporation. The
21 ~~Such~~ subsidiary business entities ~~corporations~~ shall be public
22 business entities ~~corporations~~ wholly owned by the
23 corporation; are ~~shall be~~ entitled to own, mortgage, and sell
24 property on the same basis as the corporation; and shall be
25 deemed business entities ~~corporations~~ primarily acting as
26 agents of the state, within the meaning of s. 768.28, on the
27 same basis as the corporation. Any subsidiary business entity
28 created by the corporation is ~~shall be~~ subject to chapters
29 119, 120, and 286 to the same extent as the corporation. The
30 subsidiary business entities may make rules necessary to
31

1 conduct business and carry out the purposes of this
2 subsection.

3 (44) To adopt rules in order that the corporation may
4 intervene, negotiate terms, or undertake other actions that
5 the corporation deems necessary to further program goals or
6 avoid default of a program loan. The rules must take into
7 account the fiscal goals of the program and the preservation
8 or advancement of affordable housing for the state.

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

17 (46) In order to administer funds appropriated for
18 disaster recovery following a declaration of emergency
19 pursuant to s. 252.36, to create programs to repair,
20 rehabilitate, and construct multifamily and single family
21 dwellings. To administer this subsection, the corporation may
22 adopt emergency rules pursuant to s. 120.54. The Legislature
23 finds that emergency rules adopted under this subsection meet
24 the health, safety, and welfare requirements of s. 120.54(4).
25 The Legislature finds that such emergency rulemaking power is
26 necessary for the preservation of the rights and welfare of
27 the people in order to provide additional funds to assist
28 those areas of the state which sustain housing damage due to
29 the occurrence of a disaster, as defined in s. 252.34(1).
30 Emergency rules adopted under this section are exempt from s.
31 120.54(4)(a) and (c).

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

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

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

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

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

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

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

1 | portion of the 10 percent of program funds allocated to the
2 | county categories specified in this subsection which remains
3 | unallocated at the end of a 3-year period. Counties that have
4 | a population of 100,000 or fewer ~~less~~ shall be given
5 | preference under these rules.

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

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

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

23 | (5) The amount of the mortgage provided under this
24 | program combined with any other mortgage in a superior
25 | position shall be less than the value of the project without
26 | the housing set-aside required by subsection (2). However, the
27 | corporation may waive this requirement for projects in rural
28 | areas or urban infill areas which have market rate rents that
29 | are less than the allowable rents pursuant to applicable state
30 | and federal guidelines and for projects that reserve units for
31 | extremely-low-income persons. ~~A In no event shall the mortgage~~

1 provided under this program may not be combined with any other
2 mortgage in a superior position to exceed total project cost.

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

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

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

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

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

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

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

- 1 4. Sponsor's agreement to reserve more than:
- 2 a. Twenty percent of the units in the project for
- 3 persons or families who have incomes that do not exceed 50
- 4 percent of the state or local median income, whichever is
- 5 higher; or
- 6 b. Forty percent of the units in the project for
- 7 persons or families who have incomes that do not exceed 60
- 8 percent of the state or local median income, whichever is
- 9 higher, without requiring a greater amount of the loans as
- 10 provided in this section.
- 11 5. Provision for tenant counseling.
- 12 6. Sponsor's agreement to accept rental assistance
- 13 certificates or vouchers as payment for rent; however, when
- 14 certificates or vouchers are accepted as payment for rent on
- 15 units set aside for persons or persons with incomes under 50
- 16 percent of the state or local median income, whichever is
- 17 higher, these units shall only be considered for meeting the
- 18 sponsor's agreement to serve persons or persons at or above 50
- 19 percent of the state or local median income pursuant to
- 20 ~~subsection (2), the benefit must be divided between the~~
- 21 ~~corporation and the sponsor, as provided by corporation rule.~~
- 22 7. Projects requiring the least amount of a state
- 23 apartment incentive loan compared to overall project cost,
- 24 except that the pro rata share of the loan attributable to the
- 25 extremely-low-income units shall be excluded from this
- 26 requirement.
- 27 8. Local government contributions and local government
- 28 comprehensive planning and activities that promote affordable
- 29 housing.
- 30 9. Project feasibility.
- 31 10. Economic viability of the project.

- 1 11. Commitment of first mortgage financing.
2 12. Sponsor's prior experience.
3 13. Sponsor's ability to proceed with construction.
4 14. Projects that directly implement or assist
5 welfare-to-work transitioning.

6 15. Projects that reserve units for
7 extremely-low-income families.

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

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

29 (k) Rent controls may ~~shall~~ not be allowed on any
30 project except as required in conjunction with the issuance of
31 tax-exempt bonds or federal low-income housing tax credits.

1 and except when the sponsor has committed to set aside units
2 for extremely-low-income persons, in which case rents shall be
3 restricted at the level applicable to federal low-income tax
4 credits.

5 Section 21. Section 420.5088, Florida Statutes, is
6 amended to read:

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

20 (1) For loans made available pursuant to s.
21 420.507(23)(a)1. or 2.:

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

27 (b) Loans shall be made available for the term of the
28 first mortgage.

29 (c) Loans may not exceed ~~are limited to~~ the lesser of
30 35 ~~25~~ percent of the purchase price of the home or the amount

31

1 necessary to enable the purchaser to meet credit underwriting
2 criteria.

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

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

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

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

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

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

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

28 (g) A person who purchases a home in a project
29 financed under this subsection is eligible for a loan
30 authorized by s. 420.507(23)(a)1. or 2. in an aggregate amount
31 not exceeding the construction loan made under ~~pursuant to~~

1 | this subsection. The home purchaser must meet all the
2 | requirements for loan recipients established pursuant to the
3 | applicable loan program.

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

10 | 1. The affordability of the housing proposed to be
11 | built.

12 | 2. The direct benefits of the assistance to the
13 | persons who will reside in the proposed housing.

14 | 3. The demonstrated capacity of the applicant to carry
15 | out the proposal, including the experience of the development
16 | team.

17 | 4. The economic feasibility of the proposal.

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

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

26 | 7. The provision of homeownership counseling.

27 | 8. The applicant's agreement to exceed the
28 | requirements of paragraph (e).

29 | 9. The commitment of first mortgage financing for the
30 | balance of the construction loan and for the permanent loans
31 | to the purchasers of the housing.

1 10. The applicant's ability to proceed with
2 construction.

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

6 12. The extent to which the proposal will further the
7 purposes of this program.

8 (i) The corporation may reject any and all
9 applications.

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

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

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

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

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

30 ~~and~~

31

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

3
4 ~~If the application of these percentages would cause the~~
5 ~~reservation of program funds under paragraph (a) to be less~~
6 ~~than \$1 million, the reservation for paragraph (a) shall be~~
7 ~~increased to \$1 million or all available funds, whichever~~
8 ~~amount is less, with the increase to be accomplished by~~
9 ~~reducing the reservation for paragraph (b) and, if necessary,~~
10 ~~paragraph (c).~~

11 (4)(5) There is authorized to be established by the
12 corporation with a qualified public depository meeting the
13 requirements of chapter 280 the Florida Homeownership
14 Assistance Fund to be administered by the corporation
15 according to the provisions of this program. Any amounts held
16 in the Florida Homeownership Assistance Trust Fund for such
17 purposes as of January 1, 1998, must be transferred to the
18 corporation for deposit in the Florida Homeownership
19 Assistance Fund, whereupon the Florida Homeownership
20 Assistance Trust Fund must be closed. There shall be deposited
21 in the fund moneys from the State Housing Trust Fund created
22 by s. 420.0005, or moneys received from any other source, for
23 the purpose of this program and all proceeds derived from the
24 use of such moneys. In addition, all unencumbered funds, loan
25 repayments, proceeds from the sale of any property, and any
26 other proceeds that would otherwise accrue pursuant to the
27 activities of the programs described in this section shall be
28 transferred to this fund. In addition, all loan repayments,
29 proceeds from the sale of any property, and any other proceeds
30 that would otherwise accrue pursuant to the activities
31 conducted under the provisions of the Florida Homeownership

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

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

10 Section 22. Paragraph (c) of subsection (4) of section
11 420.9075, Florida Statutes, is amended to read:

12 420.9075 Local housing assistance plans;
13 partnerships.--

14 (4) The following criteria apply to awards made to
15 eligible sponsors or eligible persons for the purpose of
16 providing eligible housing:

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

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

1 precedence to the requirements of s. 42 of the Internal
2 Revenue Code of 1986, as amended, in lieu of following the
3 criteria prescribed in this subsection with the exception of
4 paragraphs (a) and (d) of this subsection.

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

7 420.9077 Community Workforce Housing Innovation
8 Program.--The Community Workforce Housing Innovation Program
9 is created within the State Housing Initiatives Partnership
10 for the purpose of making affordable housing units available
11 to essential service workers and their families. Except as
12 otherwise provided in this section, the Community Workforce
13 Housing Innovation Program is governed by ss.

14 420.907-420.9079. For purposes of the Community Workforce
15 Housing Innovation Program, the funds under ss.

16 420.907-420.9079 may be used for manufactured housing
17 constructed after June 1994.

18 (1) The Legislature finds that the lack of housing
19 affordable to a community's workforce affects all sectors of
20 the community, and local partnerships as described in s.
21 420.9072 are critical to the success of providing community
22 workforce housing.

23 (2) The Community Workforce Housing Innovation Program
24 shall provide funding for:

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

31

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

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

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

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

27 (a) Expedite processing of approvals of development
28 orders or permits, as defined in s. 163.3164(7) and (8), for
29 affordable housing projects to a greater degree than for other
30 projects.

31

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

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

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

10 (e) Allow additional affordable residential units in
11 residential zoning districts.

12 (f) Reduce open space and setback requirements by 50
13 percent.

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

15 (h) Modify and reduce traffic concurrency requirements
16 by up to 25 percent.

17 (i) Prioritize eligibility from metropolitan planning
18 districts for funding for local transportation infrastructure.

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

20 (k) Include strategies for maintaining perpetual
21 affordability.

22 (l) Include tax increment financing.

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

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

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

31

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

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

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

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

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

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

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

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

30
31

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

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

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

7 420.9079 Local Government Housing Trust Fund.--

8 (2) The corporation shall administer the fund
9 exclusively for the purpose of implementing the programs
10 described in ss. 420.907-420.9078 and this section. With the
11 exception of monitoring the activities of counties and
12 eligible municipalities to determine local compliance with
13 program requirements, the corporation shall not receive
14 appropriations from the fund for administrative or personnel
15 costs. For the purpose of implementing the
16 ~~compliance-monitoring~~ compliance-monitoring provisions of ss.
17 ~~ss.~~ 420.9075(8) and 420.9077, the corporation may request a
18 maximum of one-quarter of 1 percent of the annual
19 ~~appropriation~~ \$200,000 per state fiscal year. When such
20 funding is appropriated, the corporation shall deduct the
21 amount appropriated prior to calculating the local housing
22 distribution pursuant to ss. 420.9072, ~~and~~ 420.9073, ~~and~~
23 420.9077.

24 Section 25. Subsections (1) and (2) of section
25 624.5105, Florida Statutes, are amended to read:

26 624.5105 Community contribution tax credit;
27 authorization; limitations; eligibility and application
28 requirements; administration; definitions; expiration.--

29 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--
30
31

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

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

7 (c) The total amount of tax credit which may be
8 granted for all programs approved under this section and ss.
9 212.08(5)(q) and 220.183 is ~~\$8\$12~~ million annually for
10 projects that provide homeownership opportunities for
11 low-income or very-low-income households as defined in s.
12 420.9071(19) and (28), and \$4 million annually for all other
13 projects.

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

16 (e) If the credit granted pursuant to this section is
17 not fully used in any one year because of insufficient tax
18 liability on the part of the insurer, the unused amount may be
19 carried forward for a period not to exceed 5 years. The
20 carryover credit may be used in a subsequent year when the tax
21 imposed by s. 624.509 or s. 624.510 for such year exceeds the
22 credit under this section for such year.

23 (f) An insurer that claims a credit against
24 premium-tax liability earned by making a community
25 contribution under this section need not pay any additional
26 retaliatory tax levied under s. 624.5091 as a result of
27 claiming such a credit. Section 624.5091 does not limit such a
28 credit in any manner.

29 (2) ELIGIBILITY REQUIREMENTS.--

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

1 (b) Each community contribution must be reserved
2 exclusively for use in a project as defined in s.
3 220.03(1)(t).

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

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

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

27 ~~2. For the first 6 months of the fiscal year, the~~
28 ~~office shall reserve 20 percent of the first \$10 million in~~
29 ~~available annual tax credits, and 30 percent of any available~~
30 ~~annual tax credits in excess of \$10 million, for donations~~
31 ~~made to eligible sponsors for projects other than those that~~

1 ~~provide homeownership opportunities for low income or~~
2 ~~very low income households as defined in s. 420.9071(19) and~~
3 ~~(28). If any reserved annual tax credits remain after the~~
4 ~~first 6 months of the fiscal year, the office may approve the~~
5 ~~balance of these available credits for donations made to~~
6 ~~eligible sponsors for projects that provide homeownership~~
7 ~~opportunities for low income or very low income households.~~
8 ~~1.3.~~ If, during the first 10 business days of the
9 state fiscal year, eligible tax credit applications for
10 projects that provide homeownership opportunities for
11 low-income or very-low-income households as defined in s.
12 420.9071(19) and (28) are received for less than the ~~available~~
13 annual tax credits available for those projects reserved under
14 ~~subparagraph 1.~~, the Office of Tourism, Trade, and Economic
15 Development shall grant tax credits for those applications and
16 shall grant remaining tax credits on a first-come,
17 first-served basis for any subsequent eligible applications
18 received before the end of the ~~first 6 months of the~~ state
19 fiscal year. If, during the first 10 business days of the
20 state fiscal year, eligible tax credit applications for
21 projects that provide homeownership opportunities for
22 low-income or very-low-income households as defined in s.
23 420.9071(19) and (28) are received for more than the ~~available~~
24 annual tax credits available for those projects reserved under
25 ~~subparagraph 1.~~, the office shall grant the tax credits for
26 the applications as follows:
27 a. If tax credit applications submitted for approved
28 projects of an eligible sponsor do not exceed \$200,000 in
29 total, the credits shall be granted in full if the tax credit
30 applications are approved, ~~subject to subparagraph 1.~~
31

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

7 ~~c. If, after the first 6 months of the fiscal year,~~
8 ~~additional credits become available under subparagraph 2., the~~
9 ~~office shall grant the tax credits by first granting to those~~
10 ~~who received a pro rata reduction up to the full amount of~~
11 ~~their request and, if there are remaining credits, granting~~
12 ~~credits to those who applied on or after the 11th business day~~
13 ~~of the state fiscal year on a first come, first served basis.~~

14 2.4. If, during the first 10 business days of the
15 state fiscal year, eligible tax credit applications for
16 projects other than those that provide homeownership
17 opportunities for low-income or very-low-income households as
18 defined in s. 420.9071(19) and (28) are received for less than
19 the ~~available~~ annual tax credits available for those projects
20 ~~reserved under subparagraph 2.~~, the Office of Tourism, Trade,
21 and Economic Development shall grant tax credits for those
22 applications and shall grant remaining tax credits on a
23 first-come, first-served basis for any subsequent eligible
24 applications received before the end of the ~~first 6 months of~~
25 ~~the~~ state fiscal year. If, during the first 10 business days
26 of the state fiscal year, eligible tax credit applications for
27 projects other than those that provide homeownership
28 opportunities for low-income or very-low-income households as
29 defined in s. 420.9071(19) and (28) are received for more than
30 the ~~available~~ annual tax credits available for those projects
31 ~~reserved under subparagraph 2.~~, the office shall grant the tax

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

9 Section 26. Paragraph (b) of subsection (9) of section
10 1001.42, Florida Statutes, is amended to read:

11 1001.42 Powers and duties of district school
12 board.--The district school board, acting as a board, shall
13 exercise all powers and perform all duties listed below:

14 (9) SCHOOL PLANT.--Approve plans for locating,
15 planning, constructing, sanitating, insuring, maintaining,
16 protecting, and condemning school property as prescribed in
17 chapter 1013 and as follows:

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

19 1. Select and purchase school sites, playgrounds, and
20 recreational areas located at centers at which schools are to
21 be constructed, of adequate size to meet the needs of
22 projected students to be accommodated.

23 2. Approve the proposed purchase of any site,
24 playground, or recreational area for which district funds are
25 to be used.

26 3. Expand existing sites.

27 4. Rent buildings when necessary.

28 5. Enter into leases or lease-purchase arrangements,
29 in accordance with the requirements and conditions provided in
30 s. 1013.15(2), with private individuals or corporations for
31 the rental of necessary grounds and educational facilities for

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

16 6. Provide for the proper supervision of construction.

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

19 8. Ensure that all plans and specifications for
20 buildings provide adequately for the safety and well-being of
21 students, as well as for economy of construction.

22 9. Provide affordable housing for teachers and other
23 instructional personnel independently or in conjunction with
24 other agencies as described in s. 1001.43(5).

25 Section 27. (1) The Legislature finds that it is
26 critical to provide affordable housing to the very-low-income,
27 low-income, and moderate-income residents of this state.
28 Furthermore, the Legislature finds that there is a need for a
29 land-use-based option in order to improve the economic
30 feasibility of developing affordable housing.

31

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

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

8 (b) The affordability requirements, including measures
9 to ensure the continued affordability of applicable housing
10 units;

11 (c) The methodologies used to calculate density
12 bonuses;

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

15 (e) The requirements applicable to converting existing
16 multifamily housing units to condominium units; and

17 (f) The application and review process for density
18 bonuses.

19 (3) The board of county commissioners of each county
20 and each municipality shall consider adopting and implementing
21 the residential density bonus ordinance.

22 Section 28. (1) The sum of _____ is
23 appropriated from the Local Government Housing Trust Fund for
24 the purpose of implementing this act during the 2006-2007
25 fiscal year. The sum is distributed to certain counties and
26 eligible municipalities implementing the programs described in
27 ss. 420.907-420.9078, Florida Statutes, in which the median
28 home purchase price of a single-family home is above the state
29 median sales price of a single-family home, for the benefit of
30 moderate-income persons who earn up to 140 percent of the
31 median income.

1 (2) The funding for this act is an amount separate and
2 distinct from any other appropriation used to fund the
3 provisions of ss. 420.907-420.9078, Florida Statutes, shall be
4 awarded using criteria established by the Florida Housing
5 Finance Corporation in a rule adopted under this section, and
6 is allocated separate from and notwithstanding the funding
7 distribution method provided in ss. 420.9072 and 420.9073,
8 Florida Statutes.

9 (3) For the purpose of implementing the provisions
10 used to monitor compliance with this act, the corporation may
11 retain a maximum of one-quarter of 1 percent of the annual
12 appropriation.

13 (4) To administer this section, the corporation may
14 adopt emergency rules under s. 120.54, Florida Statutes. The
15 Legislature finds that emergency rules adopted under this
16 section meet the health, safety, and welfare requirements of
17 s. 120.54(4), Florida Statutes. The Legislature finds that the
18 emergency rulemaking power is necessary for the preservation
19 of the rights and welfare of the people in order to provide
20 additional funds to assist those areas of the state in which
21 addressing the affordability of workforce housing requires
22 immediate action. Emergency rules adopted under this section
23 are exempt from s. 120.54(4)(a) and (c), Florida Statutes.

24 Section 29. For the purpose of incorporating the
25 amendments made by this act to section 201.15, Florida
26 Statutes, in a reference thereto, subsection (1) of section
27 161.05301, Florida Statutes, is reenacted to read:

28 161.05301 Beach erosion control project staffing.--

29 (1) There are hereby appropriated to the Department of
30 Environmental Protection six positions and \$449,918 for fiscal
31 year 1998-1999 from the Ecosystem Management and Restoration

1 Trust Fund from revenues provided by this act pursuant to s.
2 201.15(11). These positions and funding are provided to
3 assist local project sponsors, and shall be used to facilitate
4 and promote enhanced beach erosion control project
5 administration. Such staffing resources shall be directed
6 toward more efficient contract development and oversight,
7 promoting cost-sharing strategies and regional coordination or
8 projects among local governments, providing assistance to
9 local governments to ensure timely permit review, and
10 improving billing review and disbursement processes.

11 Section 30. For the purpose of incorporating the
12 amendments made by this act to section 201.15, Florida
13 Statutes, in a reference thereto, subsection (3) of section
14 161.091, Florida Statutes, is reenacted to read:

15 161.091 Beach management; funding; repair and
16 maintenance strategy.--

17 (3) In accordance with the intent expressed in s.
18 161.088 and the legislative finding that erosion of the
19 beaches of this state is detrimental to tourism, the state's
20 major industry, further exposes the state's highly developed
21 coastline to severe storm damage, and threatens beach-related
22 jobs, which, if not stopped, could significantly reduce state
23 sales tax revenues, funds deposited into the State Treasury to
24 the credit of the Ecosystem Management and Restoration Trust
25 Fund, in the annual amounts provided in s. 201.15(11), shall
26 be used, for a period of not less than 15 years, to fund the
27 development, implementation, and administration of the state's
28 beach management plan, as provided in ss. 161.091-161.212,
29 prior to the use of such funds deposited pursuant to s.
30 201.15(11) in that trust fund for any other purpose.

31

1 Section 31. For the purpose of incorporating the
2 amendments made by this act to section 201.15, Florida
3 Statutes, in a reference thereto, subsection (3) of section
4 370.0603, Florida Statutes, is reenacted to read:

5 370.0603 Marine Resources Conservation Trust Fund;
6 purposes.--

7 (3) Funds provided to the Marine Resources
8 Conservation Trust Fund from taxes distributed under s.
9 201.15(11) shall be used for the following purposes:

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

26 (b) For training on the care, treatment, and
27 rehabilitation of marine mammals at the Whitney Laboratory and
28 the College of Veterinary Medicine at the University of
29 Florida.

30 (c) For program administration costs of the agency.
31

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

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

7 420.5092 Florida Affordable Housing Guarantee
8 Program.--

9 (5) Pursuant to s. 16, Art. VII of the State
10 Constitution, the corporation may issue, in accordance with s.
11 420.509, revenue bonds of the corporation to establish the
12 guarantee fund. Such revenue bonds shall be primarily payable
13 from and secured by annual debt service reserves, from
14 interest earned on funds on deposit in the guarantee fund,
15 from fees, charges, and reimbursements established by the
16 corporation for the issuance of affordable housing guarantees,
17 and from any other revenue sources received by the corporation
18 and deposited by the corporation into the guarantee fund for
19 the issuance of affordable housing guarantees. To the extent
20 such primary revenue sources are considered insufficient by
21 the corporation, pursuant to the certification provided in
22 subsection (6), to fully fund the annual debt service reserve,
23 the certified deficiency in such reserve shall be additionally
24 payable from the first proceeds of the documentary stamp tax
25 moneys deposited into the State Housing Trust Fund pursuant to
26 s. 201.15(9)(a) and (10)(a) during the ensuing state fiscal
27 year.

28 (6)(a) If the primary revenue sources to be used for
29 repayment of revenue bonds used to establish the guarantee
30 fund are insufficient for such repayment, the annual principal
31 and interest due on each series of revenue bonds shall be

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

21 (b) If the claims payment obligations under affordable
22 housing guarantees from amounts on deposit in the guarantee
23 fund would cause the claims paying rating assigned to the
24 guarantee fund to be less than the third-highest rating
25 classification of any nationally recognized rating service,
26 which classifications being consistent with s. 215.84(3) and
27 rules adopted thereto by the State Board of Administration,
28 the corporation shall certify to the Chief Financial Officer
29 the amount of such claims payment obligations. Upon receipt of
30 such certification, the Chief Financial Officer shall transfer
31 to the guarantee fund, from the first available taxes

1 distributed to the State Housing Trust Fund pursuant to s.
2 201.15(9)(a) and (10)(a) during the ensuing state fiscal year,
3 the amount certified as necessary to meet such obligations,
4 such transfer to be subordinate to any transfer referenced in
5 paragraph (a) and not to exceed 50 percent of the amounts
6 distributed to the State Housing Trust Fund pursuant to s.
7 201.15(9)(a) and (10)(a) during the preceding state fiscal
8 year.

9 Section 33. For the purpose of incorporating the
10 amendments made by this act to section 201.15, Florida
11 Statutes, in a reference thereto, section 420.9073, Florida
12 Statutes, is reenacted to read:

13 420.9073 Local housing distributions.--

14 (1) Distributions calculated in this section shall be
15 disbursed on a monthly basis by the corporation beginning the
16 first day of the month after program approval pursuant to s.
17 420.9072. Each county's share of the funds to be distributed
18 from the portion of the funds in the Local Government Housing
19 Trust Fund received pursuant to s. 201.15(9) shall be
20 calculated by the corporation for each fiscal year as follows:

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

26 (b) Each county other than a county that has
27 implemented the provisions of chapter 83-220, Laws of Florida,
28 as amended by chapters 84-270, 86-152, and 89-252, Laws of
29 Florida, may receive an additional share calculated as
30 follows:
31

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

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

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

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

27 (a) Each county shall receive the guaranteed amount
28 for each fiscal year.

29 (b) Each county may receive an additional share
30 calculated as follows:
31

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

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

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

16 (3) Calculation of guaranteed amounts:

17 (a) The guaranteed amount under subsection (1) shall
18 be calculated for each state fiscal year by multiplying
19 \$350,000 by a fraction, the numerator of which is the amount
20 of funds distributed to the Local Government Housing Trust
21 Fund pursuant to s. 201.15(9) and the denominator of which is
22 the total amount of funds distributed to the Local Government
23 Housing Trust Fund pursuant to s. 201.15.

24 (b) The guaranteed amount under subsection (2) shall
25 be calculated for each state fiscal year by multiplying
26 \$350,000 by a fraction, the numerator of which is the amount
27 of funds distributed to the Local Government Housing Trust
28 Fund pursuant to s. 201.15(10) and the denominator of which is
29 the total amount of funds distributed to the Local Government
30 Housing Trust Fund pursuant to s. 201.15.

31

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

3 Section 34. For the purpose of incorporating the
4 amendments made by this act to section 201.15, Florida
5 Statutes, in a reference thereto, subsection (7) of section
6 1013.64, Florida Statutes, is reenacted to read:

7 1013.64 Funds for comprehensive educational plant
8 needs; construction cost maximums for school district capital
9 projects.--Allocations from the Public Education Capital
10 Outlay and Debt Service Trust Fund to the various boards for
11 capital outlay projects shall be determined as follows:

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

18 Section 35. For the purpose of incorporating the
19 amendments made by this act to section 201.15, Florida
20 Statutes, in a reference thereto, subsection (4) of section
21 1013.738, Florida Statutes, is reenacted to read:

22 1013.738 High Growth District Capital Outlay
23 Assistance Grant Program.--

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

29 Section 36. Subsection (2) of section 163.31771,
30 Florida Statutes, is amended to read:

31 163.31771 Accessory dwelling units.--

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

2 (a) "Accessory dwelling unit" means an ancillary or
3 secondary living unit, that has a separate kitchen, bathroom,
4 and sleeping area, existing either within the same structure,
5 or on the same lot, as the primary dwelling unit.

6 (b) "Affordable rental" means that monthly rent and
7 utilities do not exceed 30 percent of that amount which
8 represents the percentage of the median adjusted gross annual
9 income for very-low-income, low-income, or moderate-income
10 persons.

11 (c) "Local government" means a county or municipality.

12 (d) "Low-income persons" has the same meaning as in s.
13 420.0004(10) ~~s. 420.0004(9)~~.

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

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

18 Section 37. Section 196.1978, Florida Statutes, is
19 amended to read:

20 196.1978 Affordable housing property
21 exemption.--Property used to provide affordable housing
22 serving eligible persons as defined by s. 159.603(7) and
23 persons meeting income limits specified in s. 420.0004(10) ~~s.~~
24 ~~420.0004(9)~~, ~~(11)(10)~~, and ~~(15)(14)~~, which property is owned
25 entirely by a nonprofit entity which is qualified as
26 charitable under s. 501(c)(3) of the Internal Revenue Code and
27 which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall
28 be considered property owned by an exempt entity and used for
29 a charitable purpose, and those portions of the affordable
30 housing property which provide housing to individuals with
31 incomes as defined in s. 420.0004(10)(9) and ~~(15)(14)~~ shall be

1 exempt from ad valorem taxation to the extent authorized in s.
2 196.196. All property identified in this section shall comply
3 with the criteria for determination of exempt status to be
4 applied by property appraisers on an annual basis as defined
5 in s. 196.195. The Legislature intends that any property owned
6 by a limited liability company which is disregarded as an
7 entity for federal income tax purposes pursuant to Treasury
8 Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by
9 its sole member.

10 Section 38. Paragraphs (o) and (q) of subsection (5)
11 of section 212.08, Florida Statutes, are amended to read:

12 212.08 Sales, rental, use, consumption, distribution,
13 and storage tax; specified exemptions.--The sale at retail,
14 the rental, the use, the consumption, the distribution, and
15 the storage to be used or consumed in this state of the
16 following are hereby specifically exempt from the tax imposed
17 by this chapter.

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

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

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

21 a. "Building materials" means tangible personal
22 property that becomes a component part of a housing project or
23 a mixed-use project.

24 b. "Housing project" means the conversion of an
25 existing manufacturing or industrial building to housing units
26 in an urban high-crime area, enterprise zone, empowerment
27 zone, Front Porch Community, designated brownfield area, or
28 urban infill area and in which the developer agrees to set
29 aside at least 20 percent of the housing units in the project
30 for low-income and moderate-income persons or the construction
31 in a designated brownfield area of affordable housing for

1 persons described in s. 420.0004(10), (11), or (15) ~~s.~~
2 ~~420.0004(9), (10), or (14)~~, or in s. 159.603(7).

3 c. "Mixed-use project" means the conversion of an
4 existing manufacturing or industrial building to mixed-use
5 units that include artists' studios, art and entertainment
6 services, or other compatible uses. A mixed-use project must
7 be located in an urban high-crime area, enterprise zone,
8 empowerment zone, Front Porch Community, designated brownfield
9 area, or urban infill area, and the developer must agree to
10 set aside at least 20 percent of the square footage of the
11 project for low-income and moderate-income housing.

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

14 2. Building materials used in the construction of a
15 housing project or mixed-use project are exempt from the tax
16 imposed by this chapter upon an affirmative showing to the
17 satisfaction of the department that the requirements of this
18 paragraph have been met. This exemption inures to the owner
19 through a refund of previously paid taxes. To receive this
20 refund, the owner must file an application under oath with the
21 department which includes:

22 a. The name and address of the owner.

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

25 c. A copy of the building permit issued for the
26 project.

27 d. A certification by the local building code
28 inspector that the project is substantially completed.

29 e. A sworn statement, under penalty of perjury, from
30 the general contractor licensed in this state with whom the
31 owner contracted to construct the project, which statement

1 lists the building materials used in the construction of the
2 project and the actual cost thereof, and the amount of sales
3 tax paid on these materials. If a general contractor was not
4 used, the owner shall provide this information in a sworn
5 statement, under penalty of perjury. Copies of invoices
6 evidencing payment of sales tax must be attached to the sworn
7 statement.

8 3. An application for a refund under this paragraph
9 must be submitted to the department within 6 months after the
10 date the project is deemed to be substantially completed by
11 the local building code inspector. Within 30 working days
12 after receipt of the application, the department shall
13 determine if it meets the requirements of this paragraph. A
14 refund approved pursuant to this paragraph shall be made
15 within 30 days after formal approval of the application by the
16 department. The provisions of s. 212.095 do not apply to any
17 refund application made under this paragraph.

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

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

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

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

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

31

1 b. The credit shall be granted as a refund against
2 state sales and use taxes reported on returns and remitted in
3 the 12 months preceding the date of application to the
4 department for the credit as required in sub-subparagraph 3.c.
5 If the annual credit is not fully used through such refund
6 because of insufficient tax payments during the applicable
7 12-month period, the unused amount may be included in an
8 application for a refund made pursuant to sub-subparagraph
9 3.c. in subsequent years against the total tax payments made
10 for such year. Carryover credits may be applied for a 3-year
11 period without regard to any time limitation that would
12 otherwise apply under s. 215.26;

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

16 d. All proposals for the granting of the tax credit
17 require the prior approval of the Office of Tourism, Trade,
18 and Economic Development;

19 e. The total amount of tax credits which may be
20 granted for all programs approved under this paragraph, s.
21 220.183, and s. 624.5105 is ~~\$8\$12~~ million annually for
22 projects that provide homeownership opportunities for
23 low-income or very-low-income households as defined in s.
24 420.9071(19) and (28), and \$4 million annually for all other
25 projects; and

26 f. A person who is eligible to receive the credit
27 provided for in this paragraph, s. 220.183, or s. 624.5105 may
28 receive the credit only under the one section of the person's
29 choice.

30 2. Eligibility requirements.--

31

1 a. A community contribution by a person must be in the
2 following form:

3 (I) Cash or other liquid assets;

4 (II) Real property;

5 (III) Goods or inventory; or

6 (IV) Other physical resources as identified by the
7 Office of Tourism, Trade, and Economic Development.

8 b. All community contributions must be reserved
9 exclusively for use in a project. As used in this
10 sub-subparagraph, the term "project" means any activity
11 undertaken by an eligible sponsor which is designed to
12 construct, improve, or substantially rehabilitate housing that
13 is affordable to low-income or very-low-income households as
14 defined in s. 420.9071(19) and (28); designed to provide
15 commercial, industrial, or public resources and facilities; or
16 designed to improve entrepreneurial and job-development
17 opportunities for low-income persons. A project may be the
18 investment necessary to increase access to high-speed
19 broadband capability in rural communities with enterprise
20 zones, including projects that result in improvements to
21 communications assets that are owned by a business. A project
22 may include the provision of museum educational programs and
23 materials that are directly related to any project approved
24 between January 1, 1996, and December 31, 1999, and located in
25 an enterprise zone designated pursuant to s. 290.0065. This
26 paragraph does not preclude projects that propose to construct
27 or rehabilitate housing for low-income or very-low-income
28 households on scattered sites. With respect to housing,
29 contributions may be used to pay the following eligible
30 low-income and very-low-income housing-related activities:
31

- 1 (I) Project development impact and management fees for
2 low-income or very-low-income housing projects;
- 3 (II) Down payment and closing costs for eligible
4 persons, as defined in s. 420.9071(19) and (28);
- 5 (III) Administrative costs, including housing
6 counseling and marketing fees, not to exceed 10 percent of the
7 community contribution, directly related to low-income or
8 very-low-income projects; and
- 9 (IV) Removal of liens recorded against residential
10 property by municipal, county, or special district local
11 governments when satisfaction of the lien is a necessary
12 precedent to the transfer of the property to an eligible
13 person, as defined in s. 420.9071(19) and (28), for the
14 purpose of promoting home ownership. Contributions for lien
15 removal must be received from a nonrelated third party.
- 16 c. The project must be undertaken by an "eligible
17 sponsor," which includes:
- 18 (I) A community action program;
- 19 (II) A nonprofit community-based development
20 organization whose mission is the provision of housing for
21 low-income or very-low-income households or increasing
22 entrepreneurial and job-development opportunities for
23 low-income persons;
- 24 (III) A neighborhood housing services corporation;
- 25 (IV) A local housing authority created under chapter
26 421;
- 27 (V) A community redevelopment agency created under s.
28 163.356;
- 29 (VI) The Florida Industrial Development Corporation;
- 30 (VII) A historic preservation district agency or
31 organization;

1 (VIII) A regional workforce board;

2 (IX) A direct-support organization as provided in s.
3 1009.983;

4 (X) An enterprise zone development agency created
5 under s. 290.0056;

6 (XI) A community-based organization incorporated under
7 chapter 617 which is recognized as educational, charitable, or
8 scientific pursuant to s. 501(c)(3) of the Internal Revenue
9 Code and whose bylaws and articles of incorporation include
10 affordable housing, economic development, or community
11 development as the primary mission of the corporation;

12 (XII) Units of local government;

13 (XIII) Units of state government; or

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

16

17 In no event may a contributing person have a financial
18 interest in the eligible sponsor.

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

29 ~~e.(I) For the first 6 months of the fiscal year, the~~
30 ~~Office of Tourism, Trade, and Economic Development shall~~
31 ~~reserve 80 percent of the first \$10 million in available~~

1 ~~annual tax credits and 70 percent of any available annual tax~~
2 ~~credits in excess of \$10 million for donations made to~~
3 ~~eligible sponsors for projects that provide homeownership~~
4 ~~opportunities for low income or very low income households as~~
5 ~~defined in s. 420.9071(19) and (28). If any such reserved~~
6 ~~annual tax credits remain after the first 6 months of the~~
7 ~~fiscal year, the office may approve the balance of these~~
8 ~~available credits for donations made to eligible sponsors for~~
9 ~~projects other than those that provide homeownership~~
10 ~~opportunities for low income or very low income households.~~

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

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

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

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

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

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

31

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

28 3. Application requirements.--

29 a. Any eligible sponsor seeking to participate in this
30 program must submit a proposal to the Office of Tourism,
31 Trade, and Economic Development which sets forth the name of

1 | the sponsor, a description of the project, and the area in
2 | which the project is located, together with such supporting
3 | information as is prescribed by rule. The proposal must also
4 | contain a resolution from the local governmental unit in which
5 | the project is located certifying that the project is
6 | consistent with local plans and regulations.

7 | b. Any person seeking to participate in this program
8 | must submit an application for tax credit to the Office of
9 | Tourism, Trade, and Economic Development which sets forth the
10 | name of the sponsor, a description of the project, and the
11 | type, value, and purpose of the contribution. The sponsor
12 | shall verify the terms of the application and indicate its
13 | receipt of the contribution, which verification must be in
14 | writing and accompany the application for tax credit. The
15 | person must submit a separate tax credit application to the
16 | office for each individual contribution that it makes to each
17 | individual project.

18 | c. Any person who has received notification from the
19 | Office of Tourism, Trade, and Economic Development that a tax
20 | credit has been approved must apply to the department to
21 | receive the refund. Application must be made on the form
22 | prescribed for claiming refunds of sales and use taxes and be
23 | accompanied by a copy of the notification. A person may submit
24 | only one application for refund to the department within any
25 | 12-month period.

26 | 4. Administration.--

27 | a. The Office of Tourism, Trade, and Economic
28 | Development may adopt rules pursuant to ss. 120.536(1) and
29 | 120.54 necessary to administer this paragraph, including rules
30 | for the approval or disapproval of proposals by a person.
31 |

1 b. The decision of the Office of Tourism, Trade, and
2 Economic Development must be in writing, and, if approved, the
3 notification shall state the maximum credit allowable to the
4 person. Upon approval, the office shall transmit a copy of the
5 decision to the Department of Revenue.

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

11 d. The Office of Tourism, Trade, and Economic
12 Development shall, in consultation with the Department of
13 Community Affairs, the Florida Housing Finance Corporation,
14 and the statewide and regional housing and financial
15 intermediaries, market the availability of the community
16 contribution tax credit program to community-based
17 organizations.

18 5. Expiration.--This paragraph expires June 30, 2015;
19 however, any accrued credit carryover that is unused on that
20 date may be used until the expiration of the 3-year carryover
21 period for such credit.

22 Section 39. For the purpose of incorporating the
23 amendments made by this act to section 420.5087, Florida
24 Statutes, in a reference thereto, subsection (19) of section
25 420.503, Florida Statutes, is reenacted to read:

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

27 (19) "Housing for the elderly" means, for purposes of
28 s. 420.5087(3)(d), any nonprofit housing community that is
29 financed by a mortgage loan made or insured by the United
30 States Department of Housing and Urban Development under s.
31 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s.

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

21 Section 40. For the purpose of incorporating the
22 amendments made by this act to section 420.5088, Florida
23 Statutes, in a reference thereto, section 420.5061, Florida
24 Statutes, is reenacted to read:

25 420.5061 Transfer of agency assets and
26 liabilities.--Effective January 1, 1998, all assets and
27 liabilities and rights and obligations, including any
28 outstanding contractual obligations, of the agency shall be
29 transferred to the corporation as legal successor in all
30 respects to the agency. The corporation shall thereupon become
31 obligated to the same extent as the agency under any existing

1 | agreements and be entitled to any rights and remedies
2 | previously afforded the agency by law or contract, including
3 | specifically the rights of the agency under chapter 201 and
4 | part VI of chapter 159. The corporation is a state agency for
5 | purposes of s. 159.807(4)(a). Effective January 1, 1998, all
6 | references under Florida law to the agency are deemed to mean
7 | the corporation. The corporation shall transfer to the General
8 | Revenue Fund an amount which otherwise would have been
9 | deducted as a service charge pursuant to s. 215.20(1) if the
10 | Florida Housing Finance Corporation Fund established by s.
11 | 420.508(5), the State Apartment Incentive Loan Fund
12 | established by s. 420.5087(7), the Florida Homeownership
13 | Assistance Fund established by s. 420.5088(5), the HOME
14 | Investment Partnership Fund established by s. 420.5089(1), and
15 | the Housing Predevelopment Loan Fund established by s.
16 | 420.525(1) were each trust funds. For purposes of s. 112.313,
17 | the corporation is deemed to be a continuation of the agency,
18 | and the provisions thereof are deemed to apply as if the same
19 | entity remained in place. Any employees of the agency and
20 | agency board members covered by s. 112.313(9)(a)6. shall
21 | continue to be entitled to the exemption in that subparagraph,
22 | notwithstanding being hired by the corporation or appointed as
23 | board members of the corporation. Effective January 1, 1998,
24 | all state property in use by the agency shall be transferred
25 | to and become the property of the corporation.

26 | Section 41. For the purpose of incorporating the
27 | amendments made by this act to section 420.9075, Florida
28 | Statutes, in a reference thereto, subsection (25) of section
29 | 420.9071, Florida Statutes, is reenacted to read:

30 | 420.9071 Definitions.--As used in ss.
31 | 420.907-420.9079, the term:

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

7 Section 42. For the purpose of incorporating the
8 amendments made by this act to section 723.083, Florida
9 Statutes, in a reference thereto, subsection (3) of section
10 723.061, Florida Statutes, is reenacted to read:

11 723.061 Eviction; grounds, proceedings.--

12 (3) The provisions of s. 723.083 shall not be
13 applicable to any park where the provisions of this subsection
14 apply.

15 Section 43. Sections 420.37 and 420.530, Florida
16 Statutes, are repealed.

17 Section 44. Section 723.083, Florida Statutes, is
18 amended to read:

19 723.083 Governmental action affecting removal of
20 mobile home owners.--~~An~~ ~~no~~ agency of municipal, local, county,
21 or state government may not shall approve any application for
22 rezoning, or take any other official action, which would
23 result in the removal or relocation of mobile home owners
24 residing in a mobile home park without first determining that
25 adequate mobile home parks or other suitable facilities exist
26 for the relocation of the mobile home owners. If the
27 governmental entity determines that adequate mobile home parks
28 or other suitable facilities do not exist in the area where
29 the mobile home park is located, mobile home parks shall be a
30 permissible use in all land use categories in the applicable
31 local government's comprehensive plan and zoning districts,

1 except those districts designated as preservation or
2 conservation land on the future land use map or by local
3 ordinance.

4 Section 45. The Department of Community Affairs shall
5 establish the Home Retrofit Hardening Program. The program is
6 a competitive grant program to fund improvements to homes
7 constructed before the implementation of the current Florida
8 Building Code when the improvements will directly affect the
9 ability of the home to withstand hurricane force winds and
10 improve the home's rating for home insurance. Site-built and
11 mobile homes are eligible for funding under this program.
12 However, priority shall be given to low-income homeowners, as
13 defined in s. 420.004(9), Florida Statutes, who live in
14 wind-borne debris regions as defined in the Florida Building
15 Code.

16 (1) The program shall be administered by local
17 governments, regional planning councils, or private nonprofit
18 agencies under the overall direction of the department.
19 Funding for the program is contingent upon appropriations.
20 When awarding program funds, the department shall be guided
21 by:

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

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

25 (c) The number of persons who will benefit from the
26 improvements.

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

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

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

- 1 a. Roof deck attachment;
- 2 b. Secondary water barrier;
- 3 c. Roof covering;
- 4 d. Brace gable ends;
- 5 e. Reinforce roof-to-wall connections;
- 6 f. Opening protection; and
- 7 g. Exterior doors.

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

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

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

17 Section 46. (1) The Florida Housing Finance
18 Corporation may provide funds to eligible entities for
19 affordable housing recovery in those counties that were
20 declared eligible for disaster funding after the hurricanes of
21 2004 and 2005, and that sustained housing damage due to those
22 storms. The Florida Housing Finance Corporation shall use data
23 provided by the Federal Emergency Management Agency to assist
24 in its allocation of funds to local jurisdictions. Funds
25 available are contingent upon appropriations and shall be
26 provided to fund the hurricane housing recovery program, the
27 farmworker housing recovery and the special housing assistance
28 and development programs, the Florida Housing and Finance
29 Corporation for the purpose of providing technical and
30 training assistance, and to the Rental Recovery Loan Program.
31 To administer these programs, the Florida Housing Finance

1 Corporation shall be guided by the "Hurricane Housing Work
2 Group Recommendations to Assist in Florida's Long-Term Housing
3 Recovery Efforts," dated February 16, 2005.

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

19 Section 47. The sum of _____ is
20 appropriated from the Local Government Housing Trust Fund to
21 the Florida Housing Finance Corporation for the purpose of
22 assisting in the production of housing units for
23 extremely-low-income persons during the 2006-2007 fiscal year.

24 Section 48. Except as otherwise expressly provided in
25 this act, this act shall take effect July 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 132

4 The CS implements a number of revisions to Florida's
5 affordable housing programs, and addresses a number of related
6 land use and regulatory issues. Specifically, the CS
7 implements the following major provisions:

- 8 o Requires local governments to identify surplus
9 lands, and where appropriate, make such lands
10 available for purposes of affordable housing;
- 11 o Authorizes local governments and special districts
12 to provide housing assistance to employed personnel;
- 13 o Provides financial incentives and programmatic
14 changes to facilitate increased production of
15 housing units for "extremely low income persons" (30
16 percent of area median income);
- 17 o Creates the "Community Workforce Innovation Program"
18 to provide housing assistance for essential services
19 personnel (teachers, law enforcement officers,
20 firefighters, nurses, etc.) in high cost counties,
21 whose incomes do not exceed 140 percent of the area
22 median income;
- 23 o Eliminates the \$243 million cap on the distribution
24 of documentary stamp tax revenues to the State
25 Housing Trust Fund and the Local Government Housing
26 Trust Fund, which is set to take effect on July 1,
27 2007;
- 28 o Increases the income thresholds governing
29 homeownership programs and increases the percentage
30 of the home purchase price available as assistance;
- 31 o Provides additional flexibility and incentives for
 the development of multifamily housing;
- o Revises certain regulatory requirements governing
 the development of affordable housing; including
 manufactured housing and mobile homes;
- o Implements several provisions of the Governor's
 Hurricane Preparedness, Response and Recovery
 proposal, including the Home Retrofit Hardening
 Program; and
- o Revises allocation provisions relating to the
 Community Contribution Tax Program.