

By the Committees on Transportation and Economic Development
Appropriations; Community Affairs; and Senators Bennett, Clary
and Fasano

606-2395-06

1 A bill to be entitled

2 An act relating to affordable housing; creating

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

4 counties and municipalities, respectively;

5 requiring county and municipal staff to prepare

6 an inventory list of all real property to which

7 the county or municipality holds fee simple

8 title by a specified date and triennially

9 thereafter; requiring planning staff to

10 identify real property that is appropriate for

11 use as affordable housing; specifying a time

12 period for completion of the inventory and

13 identification of surplus real property;

14 requiring public hearings; requiring the county

15 or municipality to approve the inventory list;

16 specifying a time for the first public hearing

17 and adoption of the resolution; requiring that

18 the properties identified as appropriate for

19 use as affordable housing to become immediately

20 available; prescribing the options the county

21 or municipality have to dispose of the surplus

22 lands for affordable housing; providing

23 requirements for certain deed restrictions;

24 providing definitions; amending s. 163.31771,

25 F.S.; conforming cross-references; providing a

26 statement of important state interest; amending

27 s. 189.4155, F.S.; authorizing a special

28 district to provide housing and housing

29 assistance for employees; amending s. 191.006,

30 F.S.; authorizing an independent special

31 district to provide housing and housing

1 assistance for its employees; amending s.
2 197.252, F.S.; decreasing the age and
3 increasing the income threshold required for
4 eligibility to defer ad valorem property taxes;
5 decreasing the maximum interest rate that may
6 be charged on deferred ad valorem taxes;
7 amending s. 201.15, F.S.; revising certain
8 provisions relating to Everglades Restoration
9 bonds; correcting a cross reference; amending
10 s. 215.619, F.S.; revising certain provisions
11 relating to Everglades restoration bonds;
12 amending s. 253.034, F.S.; authorizing a local
13 government to request that state lands be
14 declared surplus lands in order to provide
15 affordable housing; providing options for
16 disposing of surplus state lands that are used
17 for affordable housing; deleting obsolete
18 provisions; amending s. 295.16, F.S.; expanding
19 an exemption from certain fees relating to
20 structural improvements to a disabled veteran's
21 residence; amending s. 380.06, F.S.; revising
22 the criteria under which a proposed change to
23 the development constitutes a substantial
24 deviation; amending s. 380.0651, F.S.; revising
25 the statewide guidelines for developments of
26 regional impact to review certain types of
27 developments; amending s. 420.0004, F.S.;
28 defining the term "extremely-low-income
29 persons"; amending s. 420.503, F.S.; redefining
30 the term "farmworker" for purposes of the use
31 of certain federal funds by the Florida Housing

1 Finance Corporation; amending s. 420.507, F.S.;
2 revising certain loan and interest rate
3 provisions relating to the State Apartment
4 Incentive Loan Program; authorizing the use of
5 loans issued under the Florida Homeownership
6 Assistance Program for property acquisition;
7 authorizing the Florida Housing Finance
8 Corporation to establish subsidiary business
9 entities for specified purposes; authorizing
10 the Florida Housing Finance Corporation to
11 adopt rules allowing the corporation to take
12 action to avoid default of program loans;
13 authorizing the Florida Housing Finance
14 Corporation to adopt rules requiring the
15 reporting of certain data concerning housing
16 financed through corporation programs; amending
17 s. 420.5087, F.S.; revising the population
18 thresholds for the categories used to allocate
19 funds to counties under the State Apartment
20 Incentive Loan Program; reducing the percentage
21 of the loan amount which the sponsor of a
22 housing community for the elderly must commit
23 to match in order to receive the loan under the
24 State Apartment Incentive Loan Program;
25 providing that certain loans made under the
26 State Apartment Incentive Loan Program may be
27 made coterminous with other liens that have
28 terms in excess of 15 years; authorizing the
29 Florida Housing Finance Corporation to waive
30 certain requirements for projects that serve
31 extremely-low-income families; deleting certain

1 obsolete provisions; providing for the
2 inclusion of housing units for
3 extremely-low-income families as a criterion in
4 the competitive application process; clarifying
5 the Florida Housing Finance Corporation's
6 authority regarding the sale, transfer, or
7 refinancing of certain projects; amending s.
8 420.5088, F.S.; providing that the
9 Homeownership Assistance Program may assist
10 moderate-income persons in purchasing a home;
11 increasing the income limit served by the
12 Homeownership Assistance Program; increasing
13 the limit on loan amounts for homes purchased
14 through the Homeownership Assistance Program;
15 increasing the percentage of the state or local
16 median income below which personal or family
17 income must fall in order to purchase a home
18 under the Florida Homeownership Assistance
19 Program; deleting a provision requiring the
20 reservation of certain housing funds for a
21 period of 9 months; amending s. 420.9072, F.S.;
22 conforming cross-references; amending s.
23 420.9075, F.S.; providing components to be
24 included in the local housing assistance plan;
25 providing for calculating the average area
26 purchase price for eligible housing under the
27 State Housing Initiatives Partnership Act in
28 the manner established by the United States
29 Department of the Treasury; creating the
30 Community Workforce Housing Innovation Pilot
31 Program; providing legislative findings;

1 requiring the program to provide funds for the
2 housing needs of specified entities; providing
3 certain incentives for program applicants;
4 providing for funding and conditions for
5 funding; requiring the Florida Housing Finance
6 Corporation to establish selection criteria for
7 applicants; amending s. 420.9079, F.S.;
8 authorizing the Florida Housing Finance
9 Corporation to request certain funds for
10 compliance monitoring; amending s. 1001.42,
11 F.S.; authorizing school district boards to
12 provide lands for purposes of affordable
13 housing for certain teachers and other
14 instructional personnel; directing the
15 Department of Community Affairs to develop a
16 model residential density bonus ordinance for
17 use by local governments; reenacting ss.
18 161.05301(1), 161.091(3), 370.0603(3),
19 420.5092(5) and (6), 420.9073, 1013.64(7), and
20 1013.738(4), F.S., relating to beach erosion
21 control projects, beach management funding, the
22 Marine Resources Conservation Trust Fund, the
23 Florida Affordable Housing Guarantee Program,
24 distributions for local housing programs,
25 comprehensive educational plant needs, and a
26 high growth grant program, respectively, to
27 incorporate the amendments made to s. 201.15,
28 F.S., in a reference thereto; reenacting s.
29 196.1978, F.S., relating to affordable housing
30 property tax exemption, to incorporate the
31 amendments made to s. 402.0004, F.S., in

1 references thereto; amending s. 212.08, F.S. ;
2 correcting cross-references; reenacting s.
3 420.503(19), F.S., relating to defining terms
4 for the Florida Housing Finance Corporation, to
5 incorporate the amendments made to s. 420.5087,
6 F.S., in a reference thereto; reenacting s.
7 420.5061, F.S., relating to the transfer of
8 assets and liabilities to the Florida Housing
9 Finance Corporation, to incorporate the
10 amendments made to s. 420.5088, F.S., in a
11 reference thereto; reenacting s. 420.9071(25),
12 F.S., relating to definitions pertaining to the
13 state housing initiatives partnership, to
14 incorporate the amendments made to s. 420.9075,
15 F.S., in a reference thereto; repealing ss.
16 420.37 and 420.530, F.S., relating to certain
17 powers of the Florida Housing Finance
18 Corporation and the state farmworker pilot loan
19 program, respectively; authorizing the
20 corporation to provide funds for eligible
21 entities for affordable housing recovery in
22 those counties that were declared eligible for
23 disaster funding after the hurricanes of 2004
24 and 2005 and that sustained housing damage due
25 to those storms; authorizing the corporation to
26 adopt emergency rules; providing an
27 appropriation to the Florida Housing Finance
28 Corporation to provide housing units for
29 extremely-low-income persons; providing an
30 appropriation to the Florida Housing Finance
31 Corporation to implement the Community

1 Workforce Housing Innovation Pilot Program;
2 providing an appropriation to the Florida
3 Housing Finance Corporation for hurricane
4 housing recovery; providing an appropriation to
5 the Department of Community Affairs for the
6 Century Commission for a Sustainable Florida;
7 providing effective dates.
8

9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 125.379, Florida Statutes, is
12 created to read:

13 125.379 Disposition of county property for affordable
14 housing.--

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

1 housing organization for the construction of permanently
2 affordable housing.

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

14 (3) Notwithstanding s. 125.35, after the inventory
15 list has been approved by resolution, the board of county
16 commissioners shall immediately make available any real
17 property that has been identified in the inventory list as
18 appropriate for use as affordable housing. The county shall
19 make the surplus real property available to:

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

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1 an additional 5 percent of the units for very-low-income
2 persons for a total minimum of 25 percent;

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

11 (c) A nonprofit housing organization, such as a
12 community land trust, housing authority, or community
13 redevelopment agency to be used for the production and
14 preservation of permanently affordable housing.

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

24 (5) For purposes of this section, the terms
25 "affordable," "extremely-low-income persons," "low-income
26 persons," "moderate-income persons," and "very-low-income
27 persons" have the same meaning as in s. 420.0004.

28 Section 2. Paragraphs (d), (e), and (f) of subsection
29 (2) of section 163.31771, Florida Statutes, are amended to
30 read:

31 163.31771 Accessory dwelling units.--

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

2 (d) "Low-income persons" has the same meaning as in s.
3 420.0004(10) ~~s. 420.0004(9)~~.

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

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

8 Section 3. Section 166.0451, Florida Statutes, is
9 created to read:

10 166.0451 Disposition of municipal property for
11 affordable housing.--

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

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

13 (3) After the inventory list has been approved by
14 resolution, the governing body of the municipality shall
15 immediately make available any real property that has been
16 identified in the inventory list as appropriate for use as
17 affordable housing. The municipality shall make the surplus
18 real property available to:

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

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

10 (c) A nonprofit housing organization, such as a
11 community land trust, housing authority, or community
12 redevelopment agency to be used for the production and
13 preservation of permanently affordable housing.

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

23 (5) For purposes of this section, the terms
24 "affordable," "extremely-low-income persons," "low-income
25 persons," "moderate-income persons," and "very-low-income
26 persons" have the same meaning as in s. 420.0004.

27 Section 4. The Legislature finds that providing
28 affordable housing is vitally important to the health, safety,
29 and welfare of the residents of this state. Furthermore, the
30 Legislature finds that escalating property values and
31 development costs have contributed to the inadequate supply of

1 housing for low- and moderate-income residents of this state.
2 The Legislature further finds that there is a shortage of
3 sites available for housing for persons and families with low
4 and moderate incomes and that surplus government land, when
5 appropriate, should be made available for that purpose.
6 Therefore, the Legislature determines and declares that this
7 act fulfills an important state interest.

8 Section 5. Subsection (6) is added to section
9 189.4155, Florida Statutes, to read:

10 189.4155 Activities of special districts; local
11 government comprehensive planning.--

12 (6) Any independent district created under a special
13 act or general law, including, but not limited to, chapter
14 189, chapter 190, chapter 191, or chapter 298, for the purpose
15 of providing urban infrastructure of services may provide
16 housing and housing assistance for its employed personnel
17 eligible under s. 420.0004.

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

20 191.006 General powers.--The district shall have, and
21 the board may exercise by majority vote, the following powers:

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

24 Section 7. Paragraph (b) of subsection (2) and
25 subsection (4) of section 197.252, Florida Statutes, are
26 amended to read:

27 197.252 Homestead tax deferral.--

28 (2)

29 (b) If ~~In the event~~ the applicant is entitled to claim
30 the increased exemption by reason of age and residency as
31 provided in s. 196.031(3)(a), approval of the ~~such~~ application

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

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

20 Section 8. Paragraphs (b) and (d) of subsection (1)
21 and subsection (11) of section 201.15, Florida Statutes, are
22 amended to read:

23 201.15 Distribution of taxes collected.--All taxes
24 collected under this chapter shall be distributed as follows
25 and shall be subject to the service charge imposed in s.
26 215.20(1), except that such service charge shall not be levied
27 against any portion of taxes pledged to debt service on bonds
28 to the extent that the amount of the service charge is
29 required to pay any amounts relating to the bonds:
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1 (1) Sixty-two and sixty-three hundredths percent of
2 the remaining taxes collected under this chapter shall be used
3 for the following purposes:

4 (b) Moneys ~~The remainder of the moneys distributed~~
5 ~~under this subsection, after the required payment under~~
6 ~~paragraph (a),~~ shall be paid into the State Treasury to the
7 credit of the Save Our Everglades Trust Fund in amounts
8 necessary to pay debt service, provide reserves, and pay
9 rebate obligations and other amounts due with respect to bonds
10 issued under s. 215.619. Taxes distributable under paragraph
11 (a) and this paragraph must be collectively distributed on a
12 pro rata basis when the available moneys under this subsection
13 are not sufficient to cover the amounts required under
14 paragraph (a) and this paragraph.

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

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

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

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

29 c. For the purposes of the Strategic Intermodal System
30 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75
31 percent of these funds after allocating for the New Starts

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (b) Moneys ~~The remainder of the moneys distributed~~
6 ~~under this subsection, after the required payment under~~
7 ~~paragraph (a),~~ shall be paid into the State Treasury to the
8 credit of the Save Our Everglades Trust Fund in amounts
9 necessary to pay debt service, provide reserves, and pay
10 rebate obligations and other amounts due with respect to bonds
11 issued under s. 215.619. Taxes distributable under paragraph
12 (a) and this paragraph must be collectively distributed on a
13 pro rata basis when the available moneys under this subsection
14 are not sufficient to cover the amounts required under
15 paragraph (a) and this paragraph.

16 (c) The remainder of the moneys distributed under this
17 subsection, after the required payments under paragraphs (a)
18 and (b), shall be paid into the State Treasury to the credit
19 of the Land Acquisition Trust Fund and may be used for any
20 purpose for which funds deposited in the Land Acquisition
21 Trust Fund may lawfully be used. Payments made under this
22 paragraph shall continue until the cumulative amount credited
23 to the Land Acquisition Trust Fund for the fiscal year under
24 this paragraph and paragraph (2)(b) equals 70 percent of the
25 current official forecast for distributions of taxes collected
26 under this chapter pursuant to subsection (2). As used in this
27 paragraph, the term "current official forecast" means the most
28 recent forecast as determined by the Revenue Estimating
29 Conference. If the current official forecast for a fiscal year
30 changes after payments under this paragraph have ended during
31

1 that fiscal year, no further payments are required under this
2 paragraph during the fiscal year.

3 (d) The remainder of the moneys distributed under this
4 subsection, after the required payments under paragraphs (a),
5 (b), and (c), shall be paid into the State Treasury to the
6 credit of:

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

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

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

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

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

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

31

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

11 4. The Grants and Donations Trust Fund in the
12 Department of Community Affairs in the amount of \$3.25 million
13 in each fiscal year to be paid in monthly installments, with
14 \$3 million to be used to fund technical assistance to local
15 governments and school boards on the requirements and
16 implementation of this act and \$250,000 to be used to fund the
17 Century Commission for a Sustainable Florida established in s.
18 163.3247.

19
20 Moneys distributed pursuant to this paragraph may not be
21 pledged for debt service unless such pledge is approved by
22 referendum of the voters.

23 (e) The remainder of the moneys distributed under this
24 subsection, after the required payments under paragraphs (a),
25 (b), (c), and (d), shall be paid into the State Treasury to
26 the credit of the General Revenue Fund of the state to be used
27 and expended for the purposes for which the General Revenue
28 Fund was created and exists by law or to the Ecosystem
29 Management and Restoration Trust Fund or to the Marine
30 Resources Conservation Trust Fund as provided in subsection
31 (11).

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

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

14 215.619 Bonds for Everglades restoration.--

15 (3) Everglades restoration bonds are payable from, and
16 secured by a first lien on, taxes distributable under s.
17 201.15(1)(b) and do not constitute a general obligation of, or
18 a pledge of the full faith and credit of, the state.
19 Everglades restoration bonds are secured on a parity basis
20 with bonds secured by moneys distributable under s.
21 ~~201.15(1)(a) junior and subordinate to bonds secured by moneys~~
22 ~~distributable under s. 201.15(1)(a).~~

23 Section 11. Paragraph (f) of subsection (6) of section
24 253.034, Florida Statutes, is amended to read:

25 253.034 State-owned lands; uses.--

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

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

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

1 Surplus properties in which governmental agencies have
2 expressed no interest shall then be available for sale on the
3 private market.

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

13 Section 12. Section 295.16, Florida Statutes, is
14 amended to read:

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

1 | purpose of making the dwelling ~~mobile home~~ habitable for
2 | veterans confined to wheelchairs.

3 | Section 13. Paragraph (b) of subsection (19) of
4 | section 380.06, Florida Statutes, is amended, and paragraph
5 | (i) is added to that subsection, 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.a. An increase in the number of dwelling units by
25 50 percent or 200 units, whichever is greater, if 15 percent
26 of the proposed additional dwelling units are dedicated to
27 affordable workforce housing and subject to a recorded land
28 use restriction that is in effect for a period of not less
29 than 20 years. The recorded land use restriction must include
30 resale provisions to ensure long-term affordability for
31 income-eligible homeowners and renters and provisions for the

1 workforce housing to be initiated before completing 50 percent
2 of the market-rate dwellings.

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

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

29 (i)1. An increase in the number of residential
30 dwelling units by 200 does not constitute a substantial
31 deviation and is not subject to development-of-regional-impact

1 review for additional impacts if all of the residential
2 dwelling units are dedicated to affordable workforce housing
3 and subject to a recorded land use restriction that is in
4 effect for a period of not less than 20 years. The recorded
5 land use restriction must include resale provisions to ensure
6 long-term affordability for income-eligible homeowners and
7 renters.

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

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

25 380.0651 Statewide guidelines and standards.--

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

30 (k)1. Workforce housing.--The applicable guidelines
31 for residential development and the residential component for

1 multiuse development shall be increased by 50 percent when a
2 developer demonstrates that at least 15 percent of the total
3 residential dwelling units authorized within the development
4 of regional impact will be dedicated to affordable workforce
5 housing that is subject to a recorded land use restriction
6 that is in effect for a period of not less than 20 years. The
7 recorded land use restriction must include resale provisions
8 to ensure long-term affordability for income-eligible
9 homeowners and renters and provisions that the workforce
10 housing must be initiated before completing 50 percent of the
11 market-rate dwelling.

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

25 Section 15. Section 420.0004, Florida Statutes, is
26 amended to read:

27 420.0004 Definitions.--As used in this part, unless
28 the context otherwise indicates:

29 (1) "Adjusted for family size" means adjusted in a
30 manner which results in an income eligibility level which is
31 lower for households with fewer than four people, or higher

1 for households with more than four people, than the base
2 income eligibility determined as provided in subsection (9),
3 subsection (10), subsection (11), or subsection~~(15)~~~~(14)~~,
4 based upon a formula as established by the United States
5 Department of Housing and Urban Development.

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

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

19 (4) "Corporation" means the Florida Housing Finance
20 Corporation.

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

27 (6) "Department" means the Department of Community
28 Affairs.

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

31

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

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

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

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

1 ~~(12)~~(11) "Student" means any person not living with
2 his or her parent or guardian who is eligible to be claimed by
3 his or her parent or guardian as a dependent under the federal
4 income tax code and who is enrolled on at least a half-time
5 basis in a secondary school, career center, community college,
6 college, or university.

7 ~~(13)~~(12) "Substandard" means:

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

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

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

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

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

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

1 420.503 Definitions.--As used in this part, the term:

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

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

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

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

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

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

31

1 420.507 Powers of the corporation.--The corporation
2 shall have all the powers necessary or convenient to carry out
3 and effectuate the purposes and provisions of this part,
4 including the following powers which are in addition to all
5 other powers granted by other provisions of this part:

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

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

18 Mortgage loans shall be made available at the following rates
19 of interest:

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

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

30
31

1 ~~3.2-~~ One ~~Three~~ to 9 percent interest for sponsors of
2 projects targeted at populations other than farmworkers,
3 commercial fishing workers, and the homeless.

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

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

9 ~~(d)(b)~~ Geographically and demographically target the
10 utilization of loans.

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

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

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

19 ~~(h)(f)~~ Establish, by rule, the procedure for
20 evaluating, scoring, and competitively ranking all
21 applications based on the criteria set forth in s.
22 420.5087(6)(c); determining actual loan amounts; making and
23 servicing loans; and exercising the powers authorized in this
24 subsection.

25 ~~(i)(g)~~ Establish a loan loss insurance reserve to be
26 used to protect the outstanding program investment in case of
27 a default, deed in lieu of foreclosure, or foreclosure of a
28 program loan.

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

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

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

6 3. Make subordinated loans to nonprofit sponsors or
7 developers of housing for purchase of property, for
8 construction, or for financing of housing to be offered for
9 sale to eligible borrowers as a primary residence at an
10 affordable price.

11 (40) To establish subsidiary business entities
12 ~~corporations~~ for the purpose of taking title to and managing
13 and disposing of property acquired by the corporation. The
14 ~~Such~~ subsidiary business entities ~~corporations~~ shall be public
15 business entities ~~corporations~~ wholly owned by the
16 corporation; are ~~shall be~~ entitled to own, mortgage, and sell
17 property on the same basis as the corporation; and shall be
18 deemed business entities ~~corporations~~ primarily acting as
19 agents of the state, within the meaning of s. 768.28, on the
20 same basis as the corporation. Any subsidiary business entity
21 created by the corporation ~~is~~ ~~shall be~~ subject to chapters
22 119, 120, and 286 to the same extent as the corporation. The
23 subsidiary business entities may make rules necessary to
24 conduct business and carry out the purposes of this
25 subsection.

26 (44) To adopt rules for the intervention, negotiation
27 of terms, and other actions necessary to further program goals
28 or avoid default of a program loan. The rules must consider
29 fiscal program goals and the preservation or advancement of
30 affordable housing for the state.

31

1 (45) To establish by rule requirements for periodic
2 reporting of data. Each periodic report must include, but is
3 not limited to, data relating to multifamily projects such as
4 information concerning financing, housing market information,
5 detailed economic analysis, and physical occupancy and
6 demographic data concerning all housing types financed through
7 corporation programs and for participation in a housing
8 location system.

9 Section 18. Subsections (1), (3), and (5), and
10 paragraphs (a), (b), (c), (f), (g), (h), and (k) of subsection
11 (6) of section 420.5087, Florida Statutes, are amended to
12 read:

13 420.5087 State Apartment Incentive Loan
14 Program.--There is hereby created the State Apartment
15 Incentive Loan Program for the purpose of providing first,
16 second, or other subordinated mortgage loans or loan
17 guarantees to sponsors, including for-profit, nonprofit, and
18 public entities, to provide housing affordable to
19 very-low-income persons.

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

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

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

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

5
6 Any increase in funding required to reach the 10-percent
7 minimum shall be taken from the county category that has the
8 largest allocation. The corporation shall adopt rules that
9 ~~which~~ establish an equitable process for distributing any
10 portion of the 10 percent of program funds allocated to the
11 county categories specified in this subsection which remains
12 unallocated at the end of a 3-year period. Counties that have
13 a population of 100,000 or fewer ~~less~~ shall be given
14 preference under these rules.

15 (3) During the first 6 months of loan or loan
16 guarantee availability, program funds shall be reserved for
17 use by sponsors who provide the housing set-aside required in
18 subsection (2) for the tenant groups designated in this
19 subsection. The reservation of funds to each of these groups
20 shall be determined using the most recent statewide
21 very-low-income rental housing market study available at the
22 time of publication of each notice of fund availability
23 required by paragraph (6)(b). The reservation of funds within
24 each notice of fund availability to the tenant groups in
25 paragraphs (a), (b), and (d) may not be less than 10 percent
26 of the funds available at that time. Any increase in funding
27 required to reach the 10-percent minimum shall be taken from
28 the tenant group that has the largest reservation. The
29 reservation of funds within each notice of fund availability
30 to the tenant group in paragraph (c) may not be less than 5
31

1 | percent of the funds available at that time. The tenant groups
2 | are:
3 | (a) Commercial fishing workers and farmworkers;
4 | (b) Families;
5 | (c) Persons who are homeless; and
6 | (d) Elderly persons. Ten percent of the amount
7 | reserved for the elderly shall be reserved to provide loans to
8 | sponsors of housing for the elderly for the purpose of making
9 | building preservation, health, or sanitation repairs or
10 | improvements which are required by federal, state, or local
11 | regulation or code, or lifesafety or security-related repairs
12 | or improvements to such housing. Such a loan may not exceed
13 | \$750,000 per housing community for the elderly. In order to
14 | receive the loan, the sponsor of the housing community must
15 | make a commitment to match at least 5 ~~15~~ percent of the loan
16 | amount to pay the cost of such repair or improvement. The
17 | corporation shall establish the rate of interest on the loan,
18 | which may not exceed 3 percent, and the term of the loan,
19 | which may not exceed 15 years. However, if the lien of the
20 | corporation's encumbrance is subordinate to the lien of
21 | another mortgagee, the term may be made coterminous with the
22 | longest term of the superior lien. The term of the loan shall
23 | be established on the basis of a credit analysis of the
24 | applicant. The corporation shall establish, by rule, the
25 | procedure and criteria for receiving, evaluating, and
26 | competitively ranking all applications for loans under this
27 | paragraph. A loan application must include evidence of the
28 | first mortgagee's having reviewed and approved the sponsor's
29 | intent to apply for a loan. A nonprofit organization or
30 | sponsor may not use the proceeds of the loan to pay for
31 |

1 administrative costs, routine maintenance, or new
2 construction.

3 (5) The amount of the mortgage provided under this
4 program combined with any other mortgage in a superior
5 position shall be less than the value of the project without
6 the housing set-aside required by subsection (2). However, the
7 corporation may waive this requirement for projects in rural
8 areas or urban infill areas which have market rate rents that
9 are less than the allowable rents pursuant to applicable state
10 and federal guidelines and for projects that reserve units for
11 extremely-low-income persons. ~~A In no event shall the~~ mortgage
12 provided under this program may not be combined with any other
13 mortgage in a superior position to exceed total project cost.

14 (6) On all state apartment incentive loans, except
15 loans made to housing communities for the elderly to provide
16 for lifesafety, building preservation, health, sanitation, or
17 security-related repairs or improvements, the following
18 provisions shall apply:

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

21 (b) The corporation shall publish a notice of fund
22 availability in a publication of general circulation
23 throughout the state. ~~The Such~~ notice shall be published at
24 least 60 days before ~~prior to~~ the application deadline and
25 shall provide notice of the temporary reservations of funds
26 established in subsection (3).

27 (c) The corporation shall provide by rule for the
28 establishment of a review committee composed of the department
29 and corporation staff and shall establish by rule a scoring
30 system for evaluation and competitive ranking of applications
31

1 submitted in this program, including, but not limited to, the
2 following criteria:

3 1. Tenant income and demographic targeting objectives
4 of the corporation.

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

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

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

14 a. Twenty percent of the units in the project for
15 persons or families who have incomes that do not exceed 50
16 percent of the state or local median income, whichever is
17 higher; or

18 b. Forty percent of the units in the project for
19 persons or families who have incomes that do not exceed 60
20 percent of the state or local median income, whichever is
21 higher, without requiring a greater amount of the loans as
22 provided in this section.

23 5. Provision for tenant counseling.

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

30 7. Projects requiring the least amount of a state
31 apartment incentive loan compared to overall project cost.

1 except that the pro rata share of the loan attributable to the
2 extremely-low-income units shall be excluded from this
3 requirement.

4 8. Local government contributions and local government
5 comprehensive planning and activities that promote affordable
6 housing.

7 9. Project feasibility.

8 10. Economic viability of the project.

9 11. Commitment of first mortgage financing.

10 12. Sponsor's prior experience.

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

12 14. Projects that directly implement or assist
13 welfare-to-work transitioning.

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

16 (f) The review committee established by corporation
17 rule under ~~pursuant to~~ this subsection shall make
18 recommendations to the board of directors of the corporation
19 regarding program participation under the State Apartment
20 Incentive Loan Program. The corporation board shall make the
21 final ranking and the decisions regarding which applicants
22 shall become program participants based on the scores received
23 in the competitive ranking, further review of applications,
24 and the recommendations of the review committee. The
25 corporation board shall approve or reject applications for
26 loans and shall determine the tentative loan amount available
27 to each applicant selected for participation in the program.
28 The actual loan amount shall be determined by a ~~pursuant to~~
29 rule adopted under s. 420.507(22)(h) ~~pursuant to s.~~
30 ~~420.507(22)(f)~~.

31

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

17 (h) The loan shall be subject to sale, transfer, or
18 refinancing. The sale, transfer, or refinancing of the loan
19 shall be consistent with fiscal program goals and the
20 preservation or advancement of affordable housing for the
21 state. ~~However, all requirements and conditions of the loan~~
22 ~~shall remain following sale, transfer, or refinancing.~~

23 (k) Rent controls may ~~shall~~ not be allowed on any
24 project except as required in conjunction with the issuance of
25 tax-exempt bonds or federal low-income housing tax credits,
26 and except when the sponsor has committed to set aside units
27 for extremely-low-income persons, in which case rents shall be
28 restricted at the level applicable to federal low-income tax
29 credits.

30 Section 19. Section 420.5088, Florida Statutes, is
31 amended to read:

1 420.5088 Florida Homeownership Assistance
2 Program.--There is created the Florida Homeownership
3 Assistance Program for the purpose of assisting low-income and
4 moderate-income persons in purchasing a home as their primary
5 residence by reducing the cost of the home with below-market
6 construction financing, by reducing the amount of down payment
7 and closing costs paid by the borrower to a maximum of 5
8 percent of the purchase price, or by reducing the monthly
9 payment to an affordable amount for the purchaser. Loans shall
10 be made available at an interest rate that does not exceed 3
11 percent. The balance of any loan is due at closing if the
12 property is sold, rented, refinanced, or transferred, except
13 as approved by the corporation.

14 (1) For loans made available pursuant to s.
15 420.507(23)(a)1. or 2.:

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

21 (b) Loans shall be made available for the term of the
22 first mortgage.

23 (c) Loans may not exceed ~~are limited to~~ the lesser of
24 35 ~~25~~ percent of the purchase price of the home or the amount
25 necessary to enable the purchaser to meet credit underwriting
26 criteria.

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

28 (a) Availability is limited to nonprofit sponsors or
29 developers who are selected for program participation under
30 ~~pursuant to~~ this subsection.
31

1 (b) Preference must be given to ~~community development~~
2 ~~corporations as defined in s. 290.033 and to~~ community-based
3 organizations as defined in s. 420.503.

4 (c) Priority must be given to projects that have
5 received state assistance in funding project predevelopment
6 costs.

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

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

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

22 (g) A person who purchases a home in a project
23 financed under this subsection is eligible for a loan
24 authorized by s. 420.507(23)(a)1. or 2. in an aggregate amount
25 not exceeding the construction loan made under ~~pursuant to~~
26 this subsection. The home purchaser must meet all the
27 requirements for loan recipients established pursuant to the
28 applicable loan program.

29 (h) The corporation shall provide, by rule, for the
30 establishment of a review committee composed of corporation
31 staff and shall establish, by rule, a scoring system for

1 | evaluating and ranking applications submitted for construction
2 | loans under this subsection, including, but not limited to,
3 | the following criteria:

4 | 1. The affordability of the housing proposed to be
5 | built.

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

8 | 3. The demonstrated capacity of the applicant to carry
9 | out the proposal, including the experience of the development
10 | team.

11 | 4. The economic feasibility of the proposal.

12 | 5. The extent to which the applicant demonstrates
13 | potential cost savings by combining the benefits of different
14 | governmental programs and private initiatives, including the
15 | local government contributions and local government
16 | comprehensive planning and activities that promote affordable
17 | housing.

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

20 | 7. The provision of homeownership counseling.

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

23 | 9. The commitment of first mortgage financing for the
24 | balance of the construction loan and for the permanent loans
25 | to the purchasers of the housing.

26 | 10. The applicant's ability to proceed with
27 | construction.

28 | 11. The targeting objectives of the corporation which
29 | will ensure an equitable distribution of loans between rural
30 | and urban areas.
31 |

1 12. The extent to which the proposal will further the
2 purposes of this program.

3 (i) The corporation may reject any and all
4 applications.

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

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

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

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

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

25 ~~and~~

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

28
29 ~~If the application of these percentages would cause the~~
30 ~~reservation of program funds under paragraph (a) to be less~~
31 ~~than \$1 million, the reservation for paragraph (a) shall be~~

1 ~~increased to \$1 million or all available funds, whichever~~
2 ~~amount is less, with the increase to be accomplished by~~
3 ~~reducing the reservation for paragraph (b) and, if necessary,~~
4 ~~paragraph (c).~~

5 (4)~~(5)~~ There is authorized to be established by the
6 corporation with a qualified public depository meeting the
7 requirements of chapter 280 the Florida Homeownership
8 Assistance Fund to be administered by the corporation
9 according to the provisions of this program. Any amounts held
10 in the Florida Homeownership Assistance Trust Fund for such
11 purposes as of January 1, 1998, must be transferred to the
12 corporation for deposit in the Florida Homeownership
13 Assistance Fund, whereupon the Florida Homeownership
14 Assistance Trust Fund must be closed. There shall be deposited
15 in the fund moneys from the State Housing Trust Fund created
16 by s. 420.0005, or moneys received from any other source, for
17 the purpose of this program and all proceeds derived from the
18 use of such moneys. In addition, all unencumbered funds, loan
19 repayments, proceeds from the sale of any property, and any
20 other proceeds that would otherwise accrue pursuant to the
21 activities of the programs described in this section shall be
22 transferred to this fund. In addition, all loan repayments,
23 proceeds from the sale of any property, and any other proceeds
24 that would otherwise accrue pursuant to the activities
25 conducted under the provisions of the Florida Homeownership
26 Assistance Program shall be deposited in the fund and shall
27 not revert to the General Revenue Fund. Expenditures from the
28 Florida Homeownership Assistance Fund shall not be required to
29 be included in the corporation's budget request or be subject
30 to appropriation by the Legislature.

31

1 ~~(5)(6)~~ No more than one-fifth of the funds available
2 in the Florida Homeownership Assistance Fund may be made
3 available to provide loan loss insurance reserve funds to
4 facilitate homeownership for eligible persons.

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

7 420.9072 State Housing Initiatives Partnership
8 Program.--The State Housing Initiatives Partnership Program is
9 created for the purpose of providing funds to counties and
10 eligible municipalities as an incentive for the creation of
11 local housing partnerships, to expand production of and
12 preserve affordable housing, to further the housing element of
13 the local government comprehensive plan specific to affordable
14 housing, and to increase housing-related employment.

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

17 1. Submit to the corporation its local housing
18 assistance plan describing the local housing assistance
19 strategies established pursuant to s. 420.9075;

20 2. Within 12 months after adopting the local housing
21 assistance plan, amend the plan to incorporate the local
22 housing incentive strategies defined in s. 420.9071(16) and
23 described in s. 420.9076; and

24 3. Within 24 months after adopting the amended local
25 housing assistance plan to incorporate the local housing
26 incentive strategies, amend its land development regulations
27 or establish local policies and procedures, as necessary, to
28 implement the local housing incentive strategies adopted by
29 the local governing body. A county or an eligible municipality
30 that has adopted a housing incentive strategy pursuant to s.
31 420.9076 before the effective date of this act shall review

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

16 | (b) A county or an eligible municipality seeking
17 | approval to receive its share of the local housing
18 | distribution must adopt an ordinance containing the following
19 | provisions:

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

22 | 2. Adoption by resolution of a local housing
23 | assistance plan as defined in s. 420.9071(14) to be
24 | implemented through a local housing partnership as defined in
25 | s. 420.9071(18).

26 | 3. Designation of the responsibility for the
27 | administration of the local housing assistance plan. Such
28 | ordinance may also provide for the contracting of all or part
29 | of the administrative or other functions of the program to a
30 | third person or entity.

31 |

1 4. Creation of the affordable housing advisory
2 committee as provided in s. 420.9076.

3
4 The ordinance must not take effect until at least 30 days
5 after the date of formal adoption. Ordinances in effect prior
6 to the effective date of amendments to this section shall be
7 amended as needed to conform to new provisions.

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

10 420.9075 Local housing assistance plans;
11 partnerships.--

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

24 (b) Local housing assistance plans may allocate funds
25 to:

26 1. Implement local housing assistance strategies for
27 the provision of affordable housing.

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

31

1 3. Provide the local matching share of federal
2 affordable housing grants or programs.

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

6 5. Further the housing element of the local government
7 comprehensive plan adopted pursuant to s. 163.3184, specific
8 to affordable housing.

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

15 1. Lending institutions.

16 2. Housing builders and developers.

17 3. Nonprofit and other community-based housing and
18 service organizations.

19 4. Providers of professional services relating to
20 affordable housing.

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

24 6. Real estate professionals.

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

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

30
31

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

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

8 ~~(4)(3)~~ Each local housing assistance plan is governed
9 by the following criteria and administrative procedures:

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

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

26 (c) In accordance with the provisions of ss.
27 760.20-760.37, it is unlawful to discriminate on the basis of
28 race, creed, religion, color, age, sex, marital status,
29 familial status, national origin, or handicap in the award
30 application process for eligible housing.

31

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

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

20 ~~(5)~~(4) The following criteria apply to awards made to
21 eligible sponsors or eligible persons for the purpose of
22 providing eligible housing:

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

31

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

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

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

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

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

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

1 (f) A concise description of the support services that
2 are available to the residents of affordable housing provided
3 by local programs.

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

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

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

25 ~~(12)~~~~(11)~~ The corporation shall review the report of
26 each county or eligible municipality and any written comments
27 from the public and include any comments concerning the
28 effectiveness of local programs in the report required by s.
29 420.511.

30 ~~(13)~~~~(12)~~(a) If, as a result of the review of the
31 annual report or public comment and written response from the

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

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

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

30 | 2. The corporation shall consider the local response
31 | that extenuating circumstances precluded implementation and

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

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

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

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

1 municipality its share calculated in the manner provided in s.
2 420.9072.

3 c. Any county or eligible municipality whose local
4 distribution share has been terminated may subsequently elect
5 to receive directly its local distribution share by adopting
6 the ordinance, resolution, and local housing assistance plan
7 in the manner and according to the procedures provided in ss.
8 420.907-420.9079.

9 Section 22. The Community Workforce Housing Innovation
10 Pilot Program is hereby created.--

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

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

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

27 (a) "Essential services personnel" means a person who
28 is in need of affordable housing and is employed in an
29 occupation or profession in which he or she is considered
30 essential services personnel, as defined by each county and
31

1 eligible municipality within its local housing assistance plan
2 under s. 420.9075(3)(a).

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

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

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

25 (4) The corporation shall provide incentives for local
26 governments in eligible counties to use local affordable
27 housing funds, such as those from the State Housing
28 Initiatives Partnership Program, to assist in meeting the
29 affordable housing needs of persons eligible under this
30 program.

31

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

9 (6) Projects shall also receive priority consideration
10 for funding when:

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

23 (b) Projects are innovative and include new
24 construction or rehabilitation, mixed-income housing, or
25 commercial and housing mixed-use elements, and those that
26 promote homeownership. Funding from the program may not exceed
27 the costs attributable to the portion of the project which is
28 set aside to provide housing for the targeted population.

29 (c) Projects set aside at least 80 percent of the
30 units for workforce housing and at least 50 percent for
31 essential services personnel and for projects that require the

1 least amount of funding from the program when compared to the
2 overall housing costs for the project.

3 (7) Notwithstanding the provisions of s.
4 163.3184(3)-(6), any amendment to a local government
5 comprehensive plan which is intended to implement a Community
6 Workforce Housing Innovation Pilot Program project that is
7 found to be consistent with the provisions of this section
8 shall be expedited as provided in this subsection. The local
9 government shall notify the state land planning agency at
10 least 30 days before adopting a plan amendment under this
11 subsection of its intent to adopt an amendment. The notice
12 must include its evaluation related to site suitability and
13 availability of facilities and services. The public notice of
14 the hearing required by s. 163.3184(15)(e) must include a
15 statement that the local government intends to use the
16 expedited adoption process authorized by this subsection. Such
17 amendments require only a single public hearing before the
18 governing board, which shall be an adoption hearing as
19 described in s. 163.3184(7), and the state land planning
20 agency shall issue its notice of intent under s. 163.3184(8)
21 within 30 days after determining that the amendment package is
22 complete.

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

29 (9) All eligible applications shall:

30 (a) For home ownership, limit the sales price of a
31 detached unit, townhome, or condominium unit to not more than

1 the median sales price for that type of unit in that county
2 and require that all eligible purchasers of home ownership
3 units occupy the homes as their primary residence.

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

11 (c) Demonstrate that the applicant is a public-private
12 partnership.

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

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

25 (f) Demonstrate that the applicant possesses title to
26 or site control of land and evidences availability of required
27 infrastructure.

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

30 (h) Provide any research or facts available supporting
31 the demand and need for rental or home ownership workforce

1 housing for eligible persons in the market in which the
2 project is proposed.

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

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

9 (12) The corporation may use a maximum of 2 percent of
10 the annual appropriation for administration and compliance
11 monitoring.

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

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

23 420.9079 Local Government Housing Trust Fund.--

24 (2) The corporation shall administer the fund
25 exclusively for the purpose of implementing the programs
26 described in ss. 420.907-420.9078 and this section. With the
27 exception of monitoring the activities of counties and
28 eligible municipalities to determine local compliance with
29 program requirements, the corporation shall not receive
30 appropriations from the fund for administrative or personnel
31 costs. For the purpose of implementing the

1 ~~compliance-monitoring~~ ~~compliance-monitoring~~ provisions of ss.
2 ~~s.~~ 420.9075(8) and the Community Workforce Innovation Pilot
3 Program, the corporation may request a maximum of one-quarter
4 of 1 percent of the annual appropriation~~\$200,000~~ per state
5 fiscal year. When such funding is appropriated, the
6 corporation shall deduct the amount appropriated prior to
7 calculating the local housing distribution pursuant to ss.
8 420.9072, and 420.9073, and the Community Workforce Innovation
9 Pilot Program.

10 Section 24. Paragraph (b) of subsection (9) of section
11 1001.42, Florida Statutes, is amended to read:

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

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

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

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

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

27 3. Expand existing sites.

28 4. Rent buildings when necessary.

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

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

17 | 6. Provide for the proper supervision of construction.

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

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

23 | 9. Make certain school board lands, acquired prior to
24 | January 1, 2006, available to a private developer or nonprofit
25 | housing organization for the purpose of providing teachers and
26 | other instructional personnel with housing assistance.
27 | Teachers and other instructional personnel must be eligible
28 | for assistance under chapter 420, and the school board must
29 | declare the land surplus and not needed for any facility
30 | identified in the district facilities work program required
31 | under s. 1013.35.

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

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

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

14 (b) The affordability requirements, including measures
15 to ensure the continued affordability of applicable housing
16 units;

17 (c) The methodologies used to calculate density
18 bonuses;

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

21 (e) The requirements applicable to converting existing
22 multifamily housing units to condominium units; and

23 (f) The application and review process for density
24 bonuses.

25 (3) The board of county commissioners of each county
26 and each municipality shall consider adopting and implementing
27 the residential density bonus ordinance.

28 Section 26. For the purpose of incorporating the
29 amendments made by this act to section 201.15, Florida
30 Statutes, in a reference thereto, subsection (1) of section
31 161.05301, Florida Statutes, is reenacted to read:

1 161.05301 Beach erosion control project staffing.--

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

15 Section 27. For the purpose of incorporating the
16 amendments made by this act to section 201.15, Florida
17 Statutes, in a reference thereto, subsection (3) of section
18 161.091, Florida Statutes, is reenacted to read:

19 161.091 Beach management; funding; repair and
20 maintenance strategy.--

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

1 beach management plan, as provided in ss. 161.091-161.212,
2 prior to the use of such funds deposited pursuant to s.
3 201.15(11) in that trust fund for any other purpose.

4 Section 28. For the purpose of incorporating the
5 amendments made by this act to section 201.15, Florida
6 Statutes, in a reference thereto, subsection (3) of section
7 370.0603, Florida Statutes, is reenacted to read:

8 370.0603 Marine Resources Conservation Trust Fund;
9 purposes.--

10 (3) Funds provided to the Marine Resources
11 Conservation Trust Fund from taxes distributed under s.
12 201.15(11) shall be used for the following purposes:

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

29 (b) For training on the care, treatment, and
30 rehabilitation of marine mammals at the Whitney Laboratory and
31

1 | the College of Veterinary Medicine at the University of
2 | Florida.

3 | (c) For program administration costs of the agency.

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

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

10 | 420.5092 Florida Affordable Housing Guarantee
11 | Program.--

12 | (5) Pursuant to s. 16, Art. VII of the State
13 | Constitution, the corporation may issue, in accordance with s.
14 | 420.509, revenue bonds of the corporation to establish the
15 | guarantee fund. Such revenue bonds shall be primarily payable
16 | from and secured by annual debt service reserves, from
17 | interest earned on funds on deposit in the guarantee fund,
18 | from fees, charges, and reimbursements established by the
19 | corporation for the issuance of affordable housing guarantees,
20 | and from any other revenue sources received by the corporation
21 | and deposited by the corporation into the guarantee fund for
22 | the issuance of affordable housing guarantees. To the extent
23 | such primary revenue sources are considered insufficient by
24 | the corporation, pursuant to the certification provided in
25 | subsection (6), to fully fund the annual debt service reserve,
26 | the certified deficiency in such reserve shall be additionally
27 | payable from the first proceeds of the documentary stamp tax
28 | moneys deposited into the State Housing Trust Fund pursuant to
29 | s. 201.15(9)(a) and (10)(a) during the ensuing state fiscal
30 | year.
31 |

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

25 (b) If the claims payment obligations under affordable
26 housing guarantees from amounts on deposit in the guarantee
27 fund would cause the claims paying rating assigned to the
28 guarantee fund to be less than the third-highest rating
29 classification of any nationally recognized rating service,
30 which classifications being consistent with s. 215.84(3) and
31 rules adopted thereto by the State Board of Administration,

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

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

17 | 420.9073 Local housing distributions.--

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

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

30 | (b) Each county other than a county that has
31 | implemented the provisions of chapter 83-220, Laws of Florida,

1 as amended by chapters 84-270, 86-152, and 89-252, Laws of
2 Florida, may receive an additional share calculated as
3 follows:

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

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

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

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

30 (a) Each county shall receive the guaranteed amount
31 for each fiscal year.

1 (b) Each county may receive an additional share
2 calculated as follows:

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

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

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

18 (3) Calculation of guaranteed amounts:

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

26 (b) The guaranteed amount under subsection (2) shall
27 be calculated for each state fiscal year by multiplying
28 \$350,000 by a fraction, the numerator of which is the amount
29 of funds distributed to the Local Government Housing Trust
30 Fund pursuant to s. 201.15(10) and the denominator of which is
31

1 the total amount of funds distributed to the Local Government
2 Housing Trust Fund pursuant to s. 201.15.

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

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

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

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

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

24 1013.738 High Growth District Capital Outlay
25 Assistance Grant Program.--

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 | 420.9071 Definitions.--As used in ss.
15 | 420.907-420.9079, the term:

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

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

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

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

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

26 Section 40. The sum of \$30 million of nonrecurring
27 funds is appropriated from the Local Government Housing Trust
28 Fund to the Florida Housing Finance Corporation within the
29 Department of Community Affairs for the purpose of
30 implementing the provisions of this act relating to production
31

1 of housing units for extremely-low-income persons during the
2 2006-2007 fiscal year.

3 Section 41. The sum of \$50 million of nonrecurring
4 funds is appropriated from the State Housing Trust Fund to the
5 Florida Housing Finance Corporation within the Department of
6 Community Affairs for the purpose of implementing the
7 provisions of this act relating to the Community Workforce
8 Housing Innovation Pilot Program during the 2006-2007 fiscal
9 year.

10 Section 42. The sum of \$76 million of nonrecurring
11 funds is appropriated from the Local Government Housing Trust
12 Fund and \$32 million of nonrecurring funds is appropriated
13 from the State Housing Trust Fund to the Florida Housing
14 Finance Corporation within the Department of Community Affairs
15 for the purpose of implementing the provisions of this act
16 relating to hurricane housing recovery during the 2006-2007
17 fiscal year.

18 Section 43. The sum of \$82 million of nonrecurring
19 funds is appropriated from the Florida Small Cities Community
20 Development Block Grant Program Fund to the Department of
21 Community Affairs for the purpose of implementing the
22 provisions of this act relating to hurricane housing recovery
23 during the 2006-2007 fiscal year.

24 Section 44. The sum of \$250,000 of recurring funds and
25 \$300,000 of nonrecurring funds is appropriated from the Grants
26 and Donations Trust Fund to the Department of Community
27 Affairs for the purpose of implementing the provisions of this
28 act relating to the Century Commission for a Sustainable
29 Florida during the 2006-2007 fiscal year.

30 Section 45. Except as otherwise expressly provided in
31 this act, this act shall take effect July 1, 2006.

- 1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS Senate Bill 132
- 4
- 5 -- The CS deletes provisions exempting certain manufactured
6 housing developments from transportation concurrency
7 requirements.
- 8 -- The CS deletes certain provisions relating to the
9 valuation of affordable housing properties for purposes
10 of ad valorem taxation.
- 11 -- The CS deletes a provision removing the \$243 million cap
12 on distribution of documentary stamp tax revenues to the
13 State Housing Trust Fund and the Local Government Housing
14 Trust Fund, which is set to take effect on July 1, 2007.
- 15 -- The CS deletes several provisions revising the Community
16 Contribution Tax Credit Program.
- 17 -- The CS revises certain requirements relating to the
18 granting of a bonus in the substantial deviation
19 threshold for developments when a minimum percentage of
20 the increase in the number of dwelling units is dedicated
21 to the construction of workforce housing units.
- 22 -- The CS renames the Community Workforce Housing Innovation
23 Program as the Community Workforce Housing Innovation
24 Pilot Program and modifies the structure and operation of
25 the pilot program.
- 26 -- The CS deletes an undesignated appropriation from the
27 Local Government Housing Trust Fund for purposes of
28 funding workforce housing assistance for moderate income
29 persons in high-cost counties.
- 30 -- The CS deletes a provision providing that mobile home
31 parks are a permissible use in certain land use
categories under specified conditions.
- The CS deletes the Housing Retrofit Hardening Program to
provide grants to homeowners for improvements that
increase the protection of homes built prior to the
implementation of the Florida Building Code.
- The CS provides \$30 million to the Florida Housing
Finance Corporation within the Department of Community
Affairs for the purpose of implementing the provisions of
the CS relating to production of housing units for
extremely-low-income persons during the 2006-2007 fiscal
year.
- The CS provides \$50 million to the Florida Housing
Finance Corporation within the Department of Community
Affairs for the purpose of implementing the provisions of
the CS relating to the Community Workforce Housing
Innovation Pilot Program during the 2006-2007 fiscal
year.

- 1 -- The CS provides \$76 million from the Local Government
2 Housing Trust Fund and \$32 million from the State Housing
3 Trust Fund to the Florida Housing Finance Corporation
4 within the Department of Community Affairs for the
5 purpose of implementing the provisions of the CS relating
6 to hurricane housing recovery during the 2006-2007 fiscal
7 year.
- 8 -- The CS provides \$82 million from the Florida Small Cities
9 Community Development Block Grant Program Fund to the
10 Department of Community Affairs for the purpose of
11 implementing the provisions of the CS relating to
12 hurricane housing recovery during the 2006-2007 fiscal
13 year.
- 14 -- The CS provides \$250,000 of recurring funds and \$300,000
15 of non-recurring funds from the Grants and Donations
16 Trust Fund to the Department of Community Affairs for the
17 purpose of implementing the provisions of the CS relating
18 to the Century Commission for a Sustainable Florida
19 during the 2006-2007 fiscal year.
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