

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative M. Davis offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 125.379 Disposition of county property for affordable
8 housing.--

9 (1) By July 1, 2007, and every 3 years thereafter, each
10 county shall prepare an inventory list of all real property
11 within its jurisdiction to which the county holds fee simple
12 title that is appropriate for use as affordable housing. The
13 inventory list must include the address and legal description of
14 each such real property and specify whether the property is
15 vacant or improved. The governing body of the county must review
16 the inventory list at a public hearing and may revise it at the
17 conclusion of the public hearing. The governing body of the

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18 county shall adopt a resolution that includes an inventory list
19 of such property following the public hearing.

20 (2) The properties identified as appropriate for use as
21 affordable housing on the inventory list adopted by the county
22 may be offered for sale and the proceeds used to purchase land
23 for the development of affordable housing or to increase the
24 local government fund earmarked for affordable housing, or may
25 be sold with a restriction that requires the development of the
26 property as permanent affordable housing, or may be donated to a
27 nonprofit housing organization for the construction of permanent
28 affordable housing. Alternatively, the county may otherwise make
29 the property available for use for the production and
30 preservation of permanent affordable housing. For purposes of
31 this section, the term "affordable" has the same meaning as in
32 s. 420.0004(3).

33 Section 2. Subsections (1) and (4) and paragraphs (b),
34 (d), (e), and (f) of subsection (2) of section 163.31771,
35 Florida Statutes, are amended, and paragraph (g) is added to
36 subsection (2) of that section, to read:

37 163.31771 Accessory dwelling units.--

38 (1) The Legislature finds that the median price of homes
39 in this state has increased steadily over the last decade and at
40 a greater rate of increase than the median income in many urban
41 areas. The Legislature finds that the cost of rental housing has
42 also increased steadily and the cost often exceeds an amount
43 that is affordable to extremely-low-income, very-low-income,
44 low-income, or moderate-income persons and has resulted in a
45 critical shortage of affordable rentals in many urban areas in
46 the state. This shortage of affordable rentals constitutes a

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47 | threat to the health, safety, and welfare of the residents of
48 | the state. Therefore, the Legislature finds that it serves an
49 | important public purpose to encourage the permitting of
50 | accessory dwelling units in single-family residential areas in
51 | order to increase the availability of affordable rentals for
52 | extremely-low-income, very-low-income, low-income, or moderate-
53 | income persons.

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

55 | (b) "Affordable rental" means that monthly rent and
56 | utilities do not exceed 30 percent of that amount which
57 | represents the percentage of the median adjusted gross annual
58 | income for extremely-low-income, very-low-income, low-income, or
59 | moderate-income persons.

60 | (d) "Low-income persons" has the same meaning as in s.
61 | 420.0004(10)~~(9)~~.

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

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

66 | (g) "Extremely-low-income persons" has the same meaning as
67 | in s. 420.0004(8).

68 | (4) If the local government adopts an ordinance under this
69 | section, an application for a building permit to construct an
70 | accessory dwelling unit must include an affidavit from the
71 | applicant which attests that the unit will be rented at an
72 | affordable rate to an extremely-low-income, a very-low-income,
73 | low-income, or moderate-income person or persons.

74 | Section 3. Section 163.31772, Florida Statutes, is created
75 | to read:

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76 163.31772 Mobile home parks; change in use of land;
77 legislative findings and intent.--

78 (1) The Legislature finds that:

79 (a) Mobile home parks provide safe and affordable housing
80 to many residents of this state;

81 (b) The rising price of real estate in this state is
82 causing significant loss of affordable housing, including mobile
83 home parks;

84 (c) Some mobile home park residents are being evicted and
85 forced to relocate from their communities due to the change in
86 the use of land from mobile home park rentals to some other use;

87 (d) The loss of this type of affordable housing is of
88 statewide concern; and

89 (e) Local governments benefit from the redevelopment of
90 these mobile home parks through increased local and state tax
91 revenues but may not have authority to use all available funding
92 and revenue sources to assist these displaced residents.

93 (2) It is the intent of the Legislature that local
94 governments and redevelopment agencies assist in the relocation
95 of and the provision of assistance to mobile home owners and are
96 authorized to use all available funding sources to further this
97 intent.

98 (3) As used in this section, the term:

99 (a) "Affordable" has the same meaning as provided in s.
100 420.602.

101 (b) "Community redevelopment agency" has the same meaning
102 as provided in s. 163.340.

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

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104 (d) "Mobile home park" has the same meaning as provided in
105 s. 723.003.

106 (4) Any local government or community redevelopment agency
107 having jurisdiction over a mobile home park that is being closed
108 due to a change in the use of land may provide financial
109 assistance to any mobile home resident who is displaced as a
110 result of the change in use and who meets the requirements of
111 subsection (5) to:

112 (a) Assist the homeowner with the cost of relocating his
113 or her home;

114 (b) Assist the homeowner in purchasing a new manufactured
115 or mobile home if the home he or she is currently occupying is
116 not capable of being moved to another location; and

117 (c) Assist the homeowner in relocating to any other
118 adequate and suitable housing.

119
120 The financial assistance provided under this subsection to each
121 qualified homeowner shall be made as a supplement to the funds
122 provided to each qualified homeowner under the Florida Mobile
123 Home Relocation Trust Fund.

124 (5) In order to receive supplemental financial assistance
125 under subsection (4) from the local government or community
126 redevelopment agency, the displaced mobile home owner must
127 qualify as a very-low-income, low-income, or moderate-income
128 person as defined in s. 420.0004.

129
130 Notwithstanding any other provision of law, a local government
131 or community redevelopment agency is authorized, for the
132 purposes described in subsection (4), to use revenues derived
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133 from sources that include, but need not be limited to, tax
134 increment financing pursuant to s. 163.387, urban infill and
135 redevelopment funds pursuant to s. 163.2523, general revenue
136 funding, housing loan assistance programs, documentary stamp tax
137 revenues derived from the redevelopment of the property which
138 are available to the local government, and impact and permit
139 fees derived from the redevelopment of the property.

140 (6) A local government shall take action to permit and
141 approve the rezoning of property for development of new mobile
142 home parks for the purpose of providing new homes or affordable
143 housing or for the relocation of mobile home owners who are
144 displaced by a change in the use of land.

145 (7) Any local government or community redevelopment agency
146 having jurisdiction over a mobile home park providing affordable
147 housing as defined in this section may enter into a development
148 agreement with the owner of the mobile home park to encourage
149 the continued use of the mobile home park for affordable housing
150 by incentives, including, but not limited to:

151 (a) Awarding transferable development credits to the
152 community. The Department of Community Affairs shall provide
153 technical assistance to local governments in order to promote
154 the transfer of development rights for mobile home park owners
155 who provide affordable housing. The department may adopt rules
156 pursuant to ss. 120.536(1) and 120.54 to administer this
157 paragraph;

158 (b) Providing tax incentives, such as property tax
159 abatement, for providing affordable housing; and

160 (c) Providing housing assistance to the mobile home park
161 owner for the difference between the lot rental amount paid by
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162 the homeowners and either the lot rental amount charged in
163 comparable mobile home parks that have similar facilities,
164 services, amenities, and management or based upon the rental
165 value of the property being dedicated to affordable housing
166 based upon the property's fair market value. The Department of
167 Community Affairs shall provide technical assistance to local
168 governments in order to promote housing assistance to mobile
169 home park owners who provide affordable housing in urban areas.
170 The department shall adopt rules pursuant to ss. 120.536(1) and
171 120.54 to administer this paragraph.

172
173 Any development agreement entered into under this subsection
174 shall have a term that does not exceed 10 years.

175 Section 4. Paragraph (c) of subsection (1) of section
176 163.3187, Florida Statutes, is amended to read:

177 163.3187 Amendment of adopted comprehensive plan.--

178 (1) Amendments to comprehensive plans adopted pursuant to
179 this part may be made not more than two times during any
180 calendar year, except:

181 (c) Any local government comprehensive plan amendments
182 directly related to proposed small scale development activities
183 may be approved without regard to statutory limits on the
184 frequency of consideration of amendments to the local
185 comprehensive plan. A small scale development amendment may be
186 adopted only under the following conditions:

187 1. The proposed amendment involves a use of 10 acres or
188 fewer and:

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189 a. The cumulative annual effect of the acreage for all
190 small scale development amendments adopted by the local
191 government shall not exceed:

192 (I) A maximum of 120 acres in a local government that
193 contains areas specifically designated in the local
194 comprehensive plan for urban infill, urban redevelopment, or
195 downtown revitalization as defined in s. 163.3164, urban infill
196 and redevelopment areas designated under s. 163.2517,
197 transportation concurrency exception areas approved pursuant to
198 s. 163.3180(5), or regional activity centers and urban central
199 business districts approved pursuant to s. 380.06(2)(e);
200 however, amendments under this paragraph may be applied to no
201 more than 60 acres annually of property outside the designated
202 areas listed in this sub-sub-subparagraph. Amendments adopted
203 pursuant to paragraph (k) shall not be counted toward the
204 acreage limitations for small scale amendments under this
205 paragraph.

206 (II) A maximum of 80 acres in a local government that does
207 not contain any of the designated areas set forth in sub-sub-
208 subparagraph (I).

209 (III) A maximum of 120 acres in a county established
210 pursuant to s. 9, Art. VIII of the State Constitution.

211 b. The proposed amendment does not involve the same
212 property granted a change within the prior 12 months.

213 c. The proposed amendment does not involve the same
214 owner's property within 200 feet of property granted a change
215 within the prior 12 months.

216 d. The proposed amendment does not involve a text change
217 to the goals, policies, and objectives of the local government's
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218 comprehensive plan, but only proposes a land use change to the
219 future land use map for a site-specific small scale development
220 activity.

221 e. The property that is the subject of the proposed
222 amendment is not located within an area of critical state
223 concern, unless the project subject to the proposed amendment
224 involves the construction of affordable housing units meeting
225 the criteria of s. 420.0004(3), and is located within an area of
226 critical state concern designated by s. 380.0552 or by the
227 Administration Commission pursuant to s. 380.05(1). Such
228 amendment is not subject to the density limitations of sub-
229 subparagraph f., and shall be reviewed by the state land
230 planning agency for consistency with the principles for guiding
231 development applicable to the area of critical state concern
232 where the amendment is located and shall not become effective
233 until a final order is issued under s. 380.05(6).

234 f. If the proposed amendment involves a residential land
235 use, the residential land use has a density of 10 units or less
236 per acre or the proposed future land use category allows a
237 maximum residential density of the same or less than the maximum
238 residential density allowable under the existing future land use
239 category, except that this limitation does not apply to small
240 scale amendments involving the construction of affordable
241 housing units meeting the criteria of s. 420.0004(3) on property
242 which will be the subject of a land use restriction agreement ~~or~~
243 ~~extended use agreement recorded in conjunction with the issuance~~
244 ~~of tax exempt bond financing or an allocation of federal tax~~
245 ~~credits issued through the Florida Housing Finance Corporation~~
246 ~~or a local housing finance authority authorized by the Division~~
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247 ~~of Bond Finance of the State Board of Administration~~, or small
248 scale amendments described in sub-sub-subparagraph a.(I) that
249 are designated in the local comprehensive plan for urban infill,
250 urban redevelopment, or downtown revitalization as defined in s.
251 163.3164, urban infill and redevelopment areas designated under
252 s. 163.2517, transportation concurrency exception areas approved
253 pursuant to s. 163.3180(5), or regional activity centers and
254 urban central business districts approved pursuant to s.
255 380.06(2)(e).

256 2.a. A local government that proposes to consider a plan
257 amendment pursuant to this paragraph is not required to comply
258 with the procedures and public notice requirements of s.
259 163.3184(15)(c) for such plan amendments if the local government
260 complies with the provisions in s. 125.66(4)(a) for a county or
261 in s. 166.041(3)(c) for a municipality. If a request for a plan
262 amendment under this paragraph is initiated by other than the
263 local government, public notice is required.

264 b. The local government shall send copies of the notice
265 and amendment to the state land planning agency, the regional
266 planning council, and any other person or entity requesting a
267 copy. This information shall also include a statement
268 identifying any property subject to the amendment that is
269 located within a coastal high-hazard area as identified in the
270 local comprehensive plan.

271 3. Small scale development amendments adopted pursuant to
272 this paragraph require only one public hearing before the
273 governing board, which shall be an adoption hearing as described
274 in s. 163.3184(7), and are not subject to the requirements of s.

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275 163.3184(3)-(6) unless the local government elects to have them
276 subject to those requirements.

277 4. If the small scale development amendment involves a
278 site within an area that is designated by the Governor as a
279 rural area of critical economic concern under s. 288.0656(7) for
280 the duration of such designation, the 10-acre limit listed in
281 subparagraph 1. shall be increased by 100 percent to 20 acres.
282 The local government approving the small scale plan amendment
283 shall certify to the Office of Tourism, Trade, and Economic
284 Development that the plan amendment furthers the economic
285 objectives set forth in the executive order issued under s.
286 288.0656(7), and the property subject to the plan amendment
287 shall undergo public review to ensure that all concurrency
288 requirements and federal, state, and local environmental permit
289 requirements are met.

290 Section 5. Section 166.0451, Florida Statutes, is created
291 to read:

292 166.0451 Disposition of municipal property for affordable
293 housing.--

294 (1) By July 1, 2007, and every 3 years thereafter, each
295 municipality shall prepare an inventory list of all real
296 property within its jurisdiction to which the municipality holds
297 fee simple title that is appropriate for use as affordable
298 housing. The inventory list must include the address and legal
299 description of each such property and specify whether the
300 property is vacant or improved. The governing body of the
301 municipality must review the inventory list at a public hearing
302 and may revise it at the conclusion of the public hearing.

303 Following the public hearing, the governing body of the
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304 municipality shall adopt a resolution that includes an inventory
305 list of such property.

306 (2) The properties identified as appropriate for use as
307 affordable housing on the inventory list adopted by the
308 municipality may be offered for sale and the proceeds may be
309 used to purchase land for the development of affordable housing
310 or to increase the local government fund earmarked for
311 affordable housing, or may be sold with a restriction that
312 requires the development of the property as permanent affordable
313 housing, or may be donated to a nonprofit housing organization
314 for the construction of permanent affordable housing.

315 Alternatively, the municipality may otherwise make the property
316 available for use for the production and preservation of
317 permanent affordable housing. For purposes of this section, the
318 term "affordable" has the same meaning as in s. 420.0004(3).

319 Section 6. Subsections (6) and (7) are added to section
320 189.4155, Florida Statutes, to read:

321 189.4155 Activities of special districts; local government
322 comprehensive planning.--

323 (6) Any independent special district created pursuant to
324 chapter 190 is authorized to provide housing and housing
325 assistance for persons whose total annual household income does
326 not exceed 140 percent of the area median income, adjusted for
327 family size.

328 (7) Any independent special district created pursuant to
329 special act or general law, including, but not limited to, this
330 chapter and chapter 298, for the purpose of providing urban
331 infrastructure or services is authorized to provide housing and
332 housing assistance for its employed personnel whose total annual

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333 household income does not exceed 140 percent of the area median
334 income, adjusted for family size.

335 Section 7. Subsection (19) is added to section 191.006,
336 Florida Statutes, to read:

337 191.006 General powers.--The district shall have, and the
338 board may exercise by majority vote, the following powers:

339 (19) To provide housing and housing assistance for its
340 employed personnel whose total annual household income does not
341 exceed 140 percent of the area median income, adjusted for
342 family size.

343 Section 8. Section 193.018, Florida Statutes, is created
344 to read:

345 193.018 The Manny Diaz Affordable Housing Property Tax
346 Relief Initiative.--For the purpose of assessing just valuation
347 of affordable housing properties serving persons with income
348 limits defined as extremely-low, low, moderate, and very-low, as
349 specified in s. 420.0004(8), (10), (11), and (15), the actual
350 rental income from rent-restricted units in such a property
351 shall be considered by the property appraiser for assessment
352 purposes, and a rental income approach pursuant to s. 193.011(7)
353 may be used for assessment of the following affordable housing
354 properties:

355 (1) Property that is funded by the United States
356 Department of Housing and Urban Development under s. 8 of the
357 United States Housing Act of 1937 that is used to provide
358 affordable housing serving eligible persons as defined by s.
359 159.603(7) and elderly persons, extremely-low-income persons,
360 and very-low-income persons as defined by s. 420.0004(7), (8),
361 and (15) and that has undergone financial restructuring as

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362 provided in s. 501, Title V, Subtitle A of the Multifamily
363 Assisted Housing Reform and Affordability Act of 1997;

364 (2) Multifamily, farmworker, or elderly rental properties
365 that are funded by the Florida Housing Finance Corporation under
366 ss. 420.5087 and 420.5089 and the State Housing Initiatives
367 Partnership Program under ss. 420.9072 and 420.9075, s. 42 of
368 the Internal Revenue Code, 26 U.S.C. s. 42; the HOME Investment
369 Partnership Program under the Cranston-Gonzalez National
370 Affordable Housing Act, 42 U.S.C. ss. 12741 et seq.; or the
371 Federal Home Loan Banks' Affordable Housing Program established
372 pursuant to the Financial Institutions Reform, Recovery and
373 Enforcement Act of 1989, Pub. L. No. 101-73; or

374 (3) Multifamily residential rental properties of 10 or
375 more units that are deed restricted as affordable housing and
376 certified by the local housing agency as having at least 95
377 percent of its units providing affordable housing to extremely-
378 low-income persons, very-low-income persons, low-income persons,
379 and moderate-income persons as defined by s. 420.0004(8), (15),
380 (10), and (11).

381 Section 9. Section 196.1978, Florida Statutes, is amended
382 to read:

383 196.1978 Affordable housing property exemption.--

384 (1) Property used to provide affordable housing serving
385 eligible persons as defined by s. 159.603(7) and persons meeting
386 income limits specified in s. 420.0004(8), (10)~~(9)~~, (11)~~(10)~~,
387 and (15)~~(14)~~, which property is owned entirely by a nonprofit
388 entity which is qualified as charitable under s. 501(c)(3) of
389 the Internal Revenue Code and which complies with Rev. Proc. 96-
390 32, 1996-1 C.B. 717, shall be considered property owned by an
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391 exempt entity and used for a charitable purpose, and those
392 portions of the affordable housing property which provide
393 housing to individuals with incomes as defined in s.
394 420.0004(8), (10), ~~(9)~~ and (15)~~(14)~~ shall be exempt from ad
395 valorem taxation to the extent authorized in s. 196.196.

396 (2) For the purposes of this section, ownership entirely
397 by a nonprofit entity is classified as ownership by either:

398 (a) A corporation not for profit; or

399 (b) A Florida limited partnership the sole general partner
400 of which is either a corporation not for profit or a Florida
401 limited liability company or corporation the sole member or
402 shareholder, respectively, of which is a corporation not for
403 profit.

404 (3) All property owned by a nonprofit entity identified in
405 this section shall comply with the criteria for determination of
406 exempt status to be applied by property appraisers on an annual
407 basis as defined in s. 196.195. In order to qualify for exempt
408 status, the nonprofit entity must affirmatively demonstrate to
409 the property appraiser that no part of the subject property, or
410 the sale, lease, or other disposition of the assets of the
411 property, will inure to the benefit of its member, officers,
412 limited liability partners, or any person or firm operating for
413 profit or for a nonexempt purpose. The Legislature intends that
414 any property owned by a limited liability company which is
415 disregarded as an entity for federal income tax purposes
416 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be
417 treated as owned by its sole member.

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

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420 212.08 Sales, rental, use, consumption, distribution, and
421 storage tax; specified exemptions.--The sale at retail, the
422 rental, the use, the consumption, the distribution, and the
423 storage to be used or consumed in this state of the following
424 are hereby specifically exempt from the tax imposed by this
425 chapter.

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

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

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

429 a. "Building materials" means tangible personal property
430 that becomes a component part of a housing project or a mixed-
431 use project.

432 b. "Housing project" means the conversion of an existing
433 manufacturing or industrial building to housing units in an
434 urban high-crime area, enterprise zone, empowerment zone, Front
435 Porch Community, designated brownfield area, or urban infill
436 area and in which the developer agrees to set aside at least 20
437 percent of the housing units in the project for extremely-low-
438 income, very-low-income, low-income, and moderate-income persons
439 or the construction in a designated brownfield area of
440 affordable housing for persons described in s. 420.0004 (8)~~(9)~~,
441 (10), (11), or (15)~~(14)~~, or in s. 159.603(7).

442 c. "Mixed-use project" means the conversion of an existing
443 manufacturing or industrial building to mixed-use units that
444 include artists' studios, art and entertainment services, or
445 other compatible uses. A mixed-use project must be located in an
446 urban high-crime area, enterprise zone, empowerment zone, Front
447 Porch Community, designated brownfield area, or urban infill
448 area, and the developer must agree to set aside at least 20

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449 percent of the square footage of the project for low-income and
450 moderate-income housing.

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

453 2. Building materials used in the construction of a
454 housing project or mixed-use project are exempt from the tax
455 imposed by this chapter upon an affirmative showing to the
456 satisfaction of the department that the requirements of this
457 paragraph have been met. This exemption inures to the owner
458 through a refund of previously paid taxes. To receive this
459 refund, the owner must file an application under oath with the
460 department which includes:

461 a. The name and address of the owner.

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

464 c. A copy of the building permit issued for the project.

465 d. A certification by the local building code inspector
466 that the project is substantially completed.

467 e. A sworn statement, under penalty of perjury, from the
468 general contractor licensed in this state with whom the owner
469 contracted to construct the project, which statement lists the
470 building materials used in the construction of the project and
471 the actual cost thereof, and the amount of sales tax paid on
472 these materials. If a general contractor was not used, the owner
473 shall provide this information in a sworn statement, under
474 penalty of perjury. Copies of invoices evidencing payment of
475 sales tax must be attached to the sworn statement.

476 3. An application for a refund under this paragraph must
477 be submitted to the department within 6 months after the date
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478 the project is deemed to be substantially completed by the local
479 building code inspector. Within 30 working days after receipt of
480 the application, the department shall determine if it meets the
481 requirements of this paragraph. A refund approved pursuant to
482 this paragraph shall be made within 30 days after formal
483 approval of the application by the department. The provisions of
484 s. 212.095 do not apply to any refund application made under
485 this paragraph.

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

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

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

492 1. Authorization.--~~Beginning July 1, 2001,~~ Persons who are
493 registered with the department under s. 212.18 to collect or
494 remit sales or use tax and who make donations to eligible
495 sponsors are eligible for tax credits against their state sales
496 and use tax liabilities as provided in this paragraph:

497 a. The credit shall be computed as 50 percent of the
498 person's approved annual community contribution.7

499 b. The credit shall be granted as a refund against state
500 sales and use taxes reported on returns and remitted in the 12
501 months preceding the date of application to the department for
502 the credit as required in sub-subparagraph 3.c. If the annual
503 credit is not fully used through such refund because of
504 insufficient tax payments during the applicable 12-month period,
505 the unused amount may be included in an application for a refund
506 made pursuant to sub-subparagraph 3.c. in subsequent years

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507 against the total tax payments made for such year. Carryover
508 credits may be applied for a 3-year period without regard to any
509 time limitation that would otherwise apply under s. 215.26.~~†~~

510 c. A person may not receive more than \$200,000 in annual
511 tax credits for all approved community contributions made in any
512 one year.~~†~~

513 d. All proposals for the granting of the tax credit
514 require the prior approval of the Office of Tourism, Trade, and
515 Economic Development.~~†~~

516 e. The total amount of tax credits which may be granted
517 for all programs approved under this paragraph, s. 220.183, and
518 s. 624.5105 is \$10 ~~\$12~~ million annually for projects that
519 provide homeownership opportunities for extremely-low-income
520 persons, as defined in s. 420.0004(8), or low-income or very-
521 low-income persons, as defined in s. 420.9071(19) and (28), and
522 \$3 million annually for all other projects.~~† and~~

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

526 2. Eligibility requirements.--

527 a. A community contribution by a person must be in the
528 following form:

529 (I) Cash or other liquid assets;

530 (II) Real property;

531 (III) Goods or inventory; or

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

534 b. All community contributions must be reserved
535 exclusively for use in a project. As used in this sub-
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536 subparagraph, the term "project" means any activity undertaken
537 by an eligible sponsor which is designed to construct, improve,
538 or substantially rehabilitate housing that is affordable to
539 extremely-low-income persons, as defined in s. 420.0004(8), or
540 low-income or very-low-income households, as defined in s.
541 420.9071(19) and (28); designed to provide commercial,
542 industrial, or public resources and facilities; or designed to
543 improve entrepreneurial and job-development opportunities for
544 low-income persons. A project may be the investment necessary to
545 increase access to high-speed broadband capability in rural
546 communities with enterprise zones, including projects that
547 result in improvements to communications assets that are owned
548 by a business. A project may include the provision of museum
549 educational programs and materials that are directly related to
550 any project approved between January 1, 1996, and December 31,
551 1999, and located in an enterprise zone designated pursuant to
552 s. 290.0065. This paragraph does not preclude projects that
553 propose to construct or rehabilitate housing for extremely-low-
554 income, low-income or very-low-income households on scattered
555 sites. With respect to housing, contributions may be used to pay
556 the following eligible extremely-low-income, low-income and
557 very-low-income housing-related activities:

558 (I) Project development impact and management fees for
559 extremely-low-income, low-income, or very-low-income housing
560 projects;

561 (II) Down payment and closing costs for eligible persons,
562 as defined in ss. ~~s.~~ 420.9071(19) and (28) and 420.0004(8);

563 (III) Administrative costs, including housing counseling
564 and marketing fees, not to exceed 10 percent of the community
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565 contribution, directly related to extremely-low-income, low-
566 income, or very-low-income projects; and

567 (IV) Removal of liens recorded against residential
568 property by municipal, county, or special district local
569 governments when satisfaction of the lien is a necessary
570 precedent to the transfer of the property to an eligible person,
571 as defined in ss. ~~s.~~ 420.9071(19) and (28) and 420.0004(8), for
572 the purpose of promoting home ownership. Contributions for lien
573 removal must be received from a nonrelated third party.

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

576 (I) A community action program;

577 (II) A nonprofit community-based development organization
578 whose mission is the provision of housing for extremely-low-
579 income, low-income, or very-low-income households or increasing
580 entrepreneurial and job-development opportunities for low-income
581 persons;

582 (III) A neighborhood housing services corporation;

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

584 (V) A community redevelopment agency created under s.
585 163.356;

586 (VI) The Florida Industrial Development Corporation;

587 (VII) A historic preservation district agency or
588 organization;

589 (VIII) A regional workforce board;

590 (IX) A direct-support organization as provided in s.
591 1009.983;

592 (X) An enterprise zone development agency created under s.
593 290.0056;

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594 (XI) A community-based organization incorporated under
595 chapter 617 which is recognized as educational, charitable, or
596 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
597 and whose bylaws and articles of incorporation include
598 affordable housing, economic development, or community
599 development as the primary mission of the corporation;

600 (XII) Units of local government;

601 (XIII) Units of state government; or

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

604
605 In no event may a contributing person have a financial interest
606 in the eligible sponsor.

607 d. The project must be located in an area designated an
608 enterprise zone or a Front Porch Florida Community pursuant to
609 s. 20.18(6), unless the project increases access to high-speed
610 broadband capability for rural communities with enterprise zones
611 but is physically located outside the designated rural zone
612 boundaries. Any project designed to construct or rehabilitate
613 housing for low-income, ~~or~~ very-low-income, or extremely-low-
614 income households as defined in ss. s. 420.0971(19) and (28) and
615 420.0004(8) is exempt from the area requirement of this sub-
616 subparagraph.

617 ~~e.(I) For the first 6 months of the fiscal year, the~~
618 ~~Office of Tourism, Trade, and Economic Development shall reserve~~
619 ~~80 percent of the first \$10 million in available annual tax~~
620 ~~credits and 70 percent of any available annual tax credits in~~
621 ~~excess of \$10 million for donations made to eligible sponsors~~
622 ~~for projects that provide homeownership opportunities for low-~~
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623 ~~income or very low income households as defined in s.~~
624 ~~420.9071(19) and (28). If any such reserved annual tax credits~~
625 ~~remain after the first 6 months of the fiscal year, the office~~
626 ~~may approve the balance of these available credits for donations~~
627 ~~made to eligible sponsors for projects other than those that~~
628 ~~provide homeownership opportunities for low income or very low-~~
629 ~~income households.~~

630 ~~(II) For the first 6 months of the fiscal year, the office~~
631 ~~shall reserve 20 percent of the first \$10 million in available~~
632 ~~annual tax credits and 30 percent of any available annual tax~~
633 ~~credits in excess of \$10 million for donations made to eligible~~
634 ~~sponsors for projects other than those that provide~~
635 ~~homeownership opportunities for low income or very low income~~
636 ~~households as defined in s. 420.9071(19) and (28). If any~~
637 ~~reserved annual tax credits remain after the first 6 months of~~
638 ~~the fiscal year, the office may approve the balance of these~~
639 ~~available credits for donations made to eligible sponsors for~~
640 ~~projects that provide homeownership opportunities for low income~~
641 ~~or very low income households.~~

642 ~~(III) If, during the first 10 business days of the state~~
643 ~~fiscal year, eligible tax credit applications for projects that~~
644 ~~provide homeownership opportunities for extremely-low-income~~
645 ~~persons, as defined in s. 420.0004(8), or low-income or very-~~
646 ~~low-income persons, as defined in s. 420.9071(19) and (28), are~~
647 ~~received for less than the available annual tax credits~~
648 ~~available for those projects reserved under sub-sub-subparagraph~~
649 ~~(I), the office shall grant tax credits for those applications~~
650 ~~and shall grant remaining tax credits on a first-come, first-~~
651 ~~served basis for any subsequent eligible applications received~~
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652 before the end of the ~~first 6 months of the~~ state fiscal year.
653 If, during the first 10 business days of the state fiscal year,
654 eligible tax credit applications for projects that provide
655 homeownership opportunities for extremely-low-income persons, as
656 defined in s. 420.0004(8), or low-income or very-low-income
657 persons, as defined in s. 420.9071(19) and (28), are received
658 for more than the available annual tax credits available for
659 those projects reserved under sub-sub-subparagraph (I), the
660 office shall grant the tax credits for those ~~the~~ applications as
661 follows:

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

666 (B) If tax credit applications submitted for approved
667 projects of an eligible sponsor exceed \$200,000 in total, the
668 amount of tax credits granted pursuant to sub-sub-sub-
669 subparagraph (A) shall be subtracted from the amount of
670 available tax credits ~~under sub-sub-subparagraph (I)~~, and the
671 remaining credits shall be granted to each approved tax credit
672 application on a pro rata basis.

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

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680 ~~(II)-(IV)~~ If, during the first 10 business days of the
681 state fiscal year, eligible tax credit applications for projects
682 other than those that provide homeownership opportunities for
683 extremely-low-income persons, as defined in s. 420.0004(8), or
684 low-income or very-low-income persons, as defined in s.
685 420.9071(19) and (28), are received for less than the available
686 annual tax credits available for those projects ~~reserved under~~
687 ~~sub-sub-subparagraph (II)~~, the office shall grant tax credits
688 for those applications and shall grant remaining tax credits on
689 a first-come, first-served basis for any subsequent eligible
690 applications received before the end of ~~the first 6 months of~~
691 the state fiscal year. If, during the first 10 business days of
692 the state fiscal year, eligible tax credit applications for
693 projects other than those that provide homeownership
694 opportunities for extremely-low-income persons, as defined in s.
695 420.0004(8), or low-income or very-low-income persons, as
696 defined in s. 420.9071(19) and (28), are received for more than
697 the available annual tax credits available for those projects
698 ~~reserved under sub-sub-subparagraph (II)~~, the office shall grant
699 the tax credits for those ~~the~~ applications on a pro rata basis.
700 ~~If, after the first 6 months of the fiscal year, additional~~
701 ~~credits become available under sub-sub-subparagraph (I), the~~
702 ~~office shall grant the tax credits by first granting to those~~
703 ~~who received a pro rata reduction up to the full amount of their~~
704 ~~request and, if there are remaining credits, granting credits to~~
705 ~~those who applied on or after the 11th business day of the state~~
706 ~~fiscal year on a first-come, first-served basis.~~

707 3. Application requirements.--

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708 a. Any eligible sponsor seeking to participate in this
709 program must submit a proposal to the Office of Tourism, Trade,
710 and Economic Development which sets forth the name of the
711 sponsor, a description of the project, and the area in which the
712 project is located, together with such supporting information as
713 is prescribed by rule. The proposal must also contain a
714 resolution from the local governmental unit in which the project
715 is located certifying that the project is consistent with local
716 plans and regulations.

717 b. Any person seeking to participate in this program must
718 submit an application for tax credit to the office ~~of Tourism,~~
719 ~~Trade, and Economic Development~~ which sets forth the name of the
720 sponsor, a description of the project, and the type, value, and
721 purpose of the contribution. The sponsor shall verify the terms
722 of the application and indicate its receipt of the contribution,
723 which verification must be in writing and accompany the
724 application for tax credit. The person must submit a separate
725 tax credit application to the office for each individual
726 contribution that it makes to each individual project.

727 c. Any person who has received notification from the
728 office ~~of Tourism, Trade, and Economic Development~~ that a tax
729 credit has been approved must apply to the department to receive
730 the refund. Application must be made on the form prescribed for
731 claiming refunds of sales and use taxes and be accompanied by a
732 copy of the notification. A person may submit only one
733 application for refund to the department within any 12-month
734 period.

735 4. Administration.--

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

740 b. The decision of the office ~~of Tourism, Trade, and~~
741 ~~Economic Development~~ must be in writing, and, if approved, the
742 notification shall state the maximum credit allowable to the
743 person. Upon approval, the office shall transmit a copy of the
744 decision to the Department of Revenue.

745 c. The office ~~of Tourism, Trade, and Economic Development~~
746 shall periodically monitor all projects in a manner consistent
747 with available resources to ensure that resources are used in
748 accordance with this paragraph; however, each project must be
749 reviewed at least once every 2 years.

750 d. The office ~~of Tourism, Trade, and Economic Development~~
751 shall, in consultation with the Department of Community Affairs,
752 ~~the Florida Housing Finance Corporation,~~ and the statewide and
753 regional housing and financial intermediaries, market the
754 availability of the community contribution tax credit program to
755 community-based organizations.

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

760 Section 11. Paragraph (c) of subsection (1) and paragraph
761 (b) of subsection (2) of section 220.183, Florida Statutes, are
762 amended to read:

763 220.183 Community contribution tax credit.--

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764 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
765 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
766 SPENDING.--

767 (c) The total amount of tax credit which may be granted
768 for all programs approved under this section, s. 212.08(5)(q),
769 and s. 624.5105 is \$10 \$12 million annually for projects that
770 provide homeownership opportunities for extremely-low-income
771 persons, as defined in s. 420.0004(8), or low-income or very-
772 low-income persons, as defined in s. 420.9071(19) and (28), and
773 \$3 million annually for all other projects.

774 (2) ELIGIBILITY REQUIREMENTS.--

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

777 ~~2. For the first 6 months of the fiscal year, the Office~~
778 ~~of Tourism, Trade, and Economic Development shall reserve 80~~
779 ~~percent of the first \$10 million in available annual tax~~
780 ~~credits, and 70 percent of any available annual tax credits in~~
781 ~~excess of \$10 million, for donations made to eligible sponsors~~
782 ~~for projects that provide homeownership opportunities for low-~~
783 ~~income or very low income households as defined in s.~~
784 ~~420.9071(19) and (28). If any reserved annual tax credits remain~~
785 ~~after the first 6 months of the fiscal year, the office may~~
786 ~~approve the balance of these available credits for donations~~
787 ~~made to eligible sponsors for projects other than those that~~
788 ~~provide homeownership opportunities for low income or very low-~~
789 ~~income households.~~

790 ~~3. For the first 6 months of the fiscal year, the office~~
791 ~~shall reserve 20 percent of the first \$10 million in available~~
792 ~~annual tax credits, and 30 percent of any available annual tax~~
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793 ~~credits in excess of \$10 million, for donations made to eligible~~
794 ~~sponsors for projects other than those that provide~~
795 ~~homeownership opportunities for low-income or very-low-income~~
796 ~~households as defined in s. 420.9071(19) and (28). If any~~
797 ~~reserved annual tax credits remain after the first 6 months of~~
798 ~~the fiscal year, the office may approve the balance of these~~
799 ~~available credits for donations made to eligible sponsors for~~
800 ~~projects that provide homeownership opportunities for low-income~~
801 ~~or very-low-income households.~~

802 2.4. If, during the first 10 business days of the state
803 fiscal year, eligible tax credit applications for projects that
804 provide homeownership opportunities for extremely-low-income
805 persons, as defined in s. 420.0004(8), or low-income or very-
806 low-income persons, as defined in s. 420.9071(19) and (28), are
807 received for less than the ~~available~~ annual tax credits
808 available for those projects reserved under subparagraph 2., the
809 office shall grant tax credits for those applications and shall
810 grant remaining tax credits on a first-come, first-served basis
811 for any subsequent eligible applications received before the end
812 of the ~~first 6 months of the~~ state fiscal year. If, during the
813 first 10 business days of the state fiscal year, eligible tax
814 credit applications for projects that provide homeownership
815 opportunities for extremely-low-income persons, as defined in s.
816 420.0004(8), or low-income or very-low-income persons, as
817 defined in s. 420.9071(19) and (28), are received for more than
818 the ~~available~~ annual tax credits available for those projects
819 ~~reserved under subparagraph 2.~~, the office shall grant the tax
820 credits for those ~~such~~ applications as follows:

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821 a. If tax credit applications submitted for approved
822 projects of an eligible sponsor do not exceed \$200,000 in total,
823 the credit shall be granted in full if the tax credit
824 applications are approved, ~~subject to the provisions of~~
825 ~~subparagraph 2.~~

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

832 ~~e. If, after the first 6 months of the fiscal year,~~
833 ~~additional credits become available pursuant to subparagraph 3.,~~
834 ~~the office shall grant the tax credits by first granting to~~
835 ~~those who received a pro rata reduction up to the full amount of~~
836 ~~their request and, if there are remaining credits, granting~~
837 ~~credits to those who applied on or after the 11th business day~~
838 ~~of the state fiscal year on a first come, first served basis.~~

839 ~~3.5.~~ If, during the first 10 business days of the state
840 fiscal year, eligible tax credit applications for projects other
841 than those that provide homeownership opportunities for
842 extremely-low-income persons, as defined in s. 420.0004(8), or
843 low-income or very-low-income persons, as defined in s.
844 420.9071(19) and (28), are received for less than the available
845 annual tax credits available for those projects reserved under
846 ~~subparagraph 3.~~, the office shall grant tax credits for those
847 applications and shall grant remaining tax credits on a first-
848 come, first-served basis for any subsequent eligible
849 applications received before the end of the ~~first 6 months of~~
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850 ~~the~~ state fiscal year. If, during the first 10 business days of
851 the state fiscal year, eligible tax credit applications for
852 projects other than those that provide homeownership
853 opportunities for extremely-low-income persons, as defined in s.
854 420.0004(8), or low-income or very-low-income persons, as
855 defined in s. 420.9071(19) and (28), are received for more than
856 the ~~available~~ annual tax credits available for those projects
857 ~~reserved under subparagraph 3.~~, the office shall grant the tax
858 credits for those ~~such~~ applications on a pro rata basis. ~~If,~~
859 ~~after the first 6 months of the fiscal year, additional credits~~
860 ~~become available under subparagraph 2., the office shall grant~~
861 ~~the tax credits by first granting to those who received a pro~~
862 ~~rata reduction up to the full amount of their request and, if~~
863 ~~there are remaining credits, granting credits to those who~~
864 ~~applied on or after the 11th business day of the state fiscal~~
865 ~~year on a first-come, first-served basis.~~

866 Section 12. Paragraph (f) of subsection (6) of section
867 253.034, Florida Statutes, is amended to read:

868 253.034 State-owned lands; uses.--

869 (6) The Board of Trustees of the Internal Improvement
870 Trust Fund shall determine which lands, the title to which is
871 vested in the board, may be surplused. For conservation lands,
872 the board shall make a determination that the lands are no
873 longer needed for conservation purposes and may dispose of them
874 by an affirmative vote of at least three members. In the case of
875 a land exchange involving the disposition of conservation lands,
876 the board must determine by an affirmative vote of at least
877 three members that the exchange will result in a net positive
878 conservation benefit. For all other lands, the board shall make

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879 a determination that the lands are no longer needed and may
880 dispose of them by an affirmative vote of at least three
881 members.

882 (f)1. In reviewing lands owned by the board, the council
883 shall consider whether such lands would be more appropriately
884 owned or managed by the county or other unit of local government
885 in which the land is located. The council shall recommend to the
886 board whether a sale, lease, or other conveyance to a local
887 government would be in the best interests of the state and local
888 government. The provisions of this paragraph in no way limit the
889 provisions of ss. 253.111 and 253.115. Such lands shall be
890 offered to the state, county, or local government for a period
891 of 30 days. Permittable uses for such surplus lands may include
892 public schools; public libraries; fire or law enforcement
893 substations; ~~and~~ governmental, judicial, or recreational
894 centers; and affordable housing meeting the criteria of s.
895 420.0004(3). County or local government requests for surplus
896 lands shall be expedited throughout the surplusing process. If
897 the county or local government does not elect to purchase such
898 lands in accordance with s. 253.111, then any surplusing
899 determination involving other governmental agencies shall be
900 made upon the board deciding the best public use of the lands.
901 Surplus properties in which governmental agencies have expressed
902 no interest shall then be available for sale on the private
903 market.

904 2. Notwithstanding subparagraph 1., any surplus lands that
905 were acquired by the state prior to 1958 by a gift or other
906 conveyance for no consideration from a municipality, and which
907 the department has filed by July 1, 2006, a notice of its intent
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908 to surplus, shall be first offered for reconveyance to such
909 municipality at no cost, but for the fair market value of any
910 building or other improvements to the land, unless otherwise
911 provided in a deed restriction of record. This subparagraph
912 expires July 1, 2006.

913 Section 13. Section 253.0341, Florida Statutes, is amended
914 to read:

915 253.0341 Surplus of state-owned lands to counties or local
916 governments.--Counties and local governments may submit
917 surplusing requests for state-owned lands directly to the board
918 of trustees. County or local government requests for the state
919 to surplus conservation or nonconservation lands, whether for
920 purchase or exchange, shall be expedited throughout the
921 surplusing process. Property jointly acquired by the state and
922 other entities shall not be surplusd without the consent of all
923 joint owners.

924 (1) The decision to surplus state-owned nonconservation
925 lands may be made by the board without a review of, or a
926 recommendation on, the request from the Acquisition and
927 Restoration Council or the Division of State Lands. Such
928 requests for nonconservation lands shall be considered by the
929 board within 60 days of the board's receipt of the request.

930 (2) County or local government requests for the surplusing
931 of state-owned conservation lands are subject to review of, and
932 recommendation on, the request to the board by the Acquisition
933 and Restoration Council. Requests to surplus conservation lands
934 shall be considered by the board within 120 days of the board's
935 receipt of the request.

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936 (3) A local government may request that state lands be
937 specifically declared surplus lands for the purpose of providing
938 affordable housing. The request shall comply with the
939 requirements of subsection (1) if the lands are nonconservation
940 lands or subsection (2) if the lands are conservation lands.
941 Surplus lands that are conveyed to a local government for
942 affordable housing shall be disposed of by the local government
943 under the provisions of s. 125.379 or s. 166.0451.

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

946 295.16 Disabled veterans exempt from certain license or
947 permit fee.--No totally and permanently disabled veteran who is
948 a resident of Florida and honorably discharged from the Armed
949 Forces, who has been issued a valid identification card by the
950 Department of Veterans' Affairs in accordance with s. 295.17 or
951 has been determined by the United States Department of Veterans
952 Affairs or its predecessor to have a service-connected 100-
953 percent disability rating for compensation, or who has been
954 determined to have a service-connected disability rating of 100
955 percent and is in receipt of disability retirement pay from any
956 branch of the uniformed armed services, shall be required to pay
957 any license or permit fee, by whatever name known, to any county
958 or municipality in order to make improvements upon a dwelling
959 ~~mobile home~~ owned by the veteran which is used as the veteran's
960 residence, provided such improvements are limited to ramps,
961 widening of doors, and similar improvements for the purpose of
962 making the dwelling ~~mobile home~~ habitable for veterans confined
963 to wheelchairs.

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964 Section 15. Subsection (13) is added to section 376.30781,
965 Florida Statutes, to read:

966 376.30781 Partial tax credits for rehabilitation of
967 drycleaning-solvent-contaminated sites and brownfield sites in
968 designated brownfield areas; application process; rulemaking
969 authority; revocation authority.--

970 (13) An applicant that provides affordable housing meeting
971 the criteria of s. 420.0004(3) shall be considered eligible for
972 funding under this section if the applicant can certify that it
973 is a corporate affiliate or a subsidiary of a corporate parent,
974 that it has an agreement with the party that entered into a
975 voluntary cleanup agreement with the Department of Environmental
976 Protection for a drycleaning-solvent-contaminated site or a
977 brownfield site, or that it has a Brownfield Site Rehabilitation
978 Agreement. If the applicant can certify that it qualifies for
979 funding through such certification but has been denied tax
980 credits in the previous year, the applicant may reapply in the
981 following year one time for the total amount of credits that
982 were denied.

983 Section 16. Paragraphs (b) and (e) of subsection (19) of
984 section 380.06, Florida Statutes, are amended, and paragraph (i)
985 is added to that subsection, to read:

986 380.06 Developments of regional impact.--

987 (19) SUBSTANTIAL DEVIATIONS.--

988 (b) Any proposed change to a previously approved
989 development of regional impact or development order condition
990 which, either individually or cumulatively with other changes,
991 exceeds any of the following criteria shall constitute a
992 substantial deviation and shall cause the development to be
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993 subject to further development-of-regional-impact review without
994 the necessity for a finding of same by the local government:

995 1. An increase in the number of parking spaces at an
996 attraction or recreational facility by 5 percent or 300 spaces,
997 whichever is greater, or an increase in the number of spectators
998 that may be accommodated at such a facility by 5 percent or
999 1,000 spectators, whichever is greater.

1000 2. A new runway, a new terminal facility, a 25-percent
1001 lengthening of an existing runway, or a 25-percent increase in
1002 the number of gates of an existing terminal, but only if the
1003 increase adds at least three additional gates.

1004 3. An increase in the number of hospital beds by 5 percent
1005 or 60 beds, whichever is greater.

1006 4. An increase in industrial development area by 5 percent
1007 or 32 acres, whichever is greater.

1008 5. An increase in the average annual acreage mined by 5
1009 percent or 10 acres, whichever is greater, or an increase in the
1010 average daily water consumption by a mining operation by 5
1011 percent or 300,000 gallons, whichever is greater. An increase in
1012 the size of the mine by 5 percent or 750 acres, whichever is
1013 less. An increase in the size of a heavy mineral mine as defined
1014 in s. 378.403(7) will only constitute a substantial deviation if
1015 the average annual acreage mined is more than 500 acres and
1016 consumes more than 3 million gallons of water per day.

1017 6. An increase in land area for office development by 5
1018 percent or an increase of gross floor area of office development
1019 by 5 percent or 60,000 gross square feet, whichever is greater.

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1020 7. An increase in the storage capacity for chemical or
1021 petroleum storage facilities by 5 percent, 20,000 barrels, or 7
1022 million pounds, whichever is greater.

1023 8. An increase of development at a waterport of wet
1024 storage for 20 watercraft, dry storage for 30 watercraft, or
1025 wet/dry storage for 60 watercraft in an area identified in the
1026 state marina siting plan as an appropriate site for additional
1027 waterport development or a 5-percent increase in watercraft
1028 storage capacity, whichever is greater.

1029 9. An increase in the number of dwelling units by 5
1030 percent or 50 dwelling units, whichever is greater.

1031 10. An increase in the number of dwelling units by 50
1032 percent, or 200 units, whichever is greater, provided that 15
1033 percent of the proposed additional dwelling units are dedicated
1034 to affordable workforce housing, subject to a recorded land use
1035 restriction that shall be for a period of not less than 20 years
1036 and that includes resale provisions to ensure long-term
1037 affordability for income-eligible homeowners and renters and
1038 provisions for the workforce housing to be commenced prior to
1039 the completion of 50 percent of the market rate dwelling. For
1040 purposes of this subparagraph, the term "affordable workforce
1041 housing" means housing that is affordable to a person who earns
1042 less than 120 percent of the area median income, or less than
1043 140 percent of the area median income if located in a county in
1044 which the median purchase price for a single-family existing
1045 home exceeds the statewide median purchase price of a single-
1046 family existing home. For purposes of this subparagraph, the
1047 term "statewide median purchase price of a single-family
1048 existing home" means the statewide purchase price as determined
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1049 in the Florida Sales Report, Single-Family Existing Homes,
1050 released each January by the Florida Association of Realtors and
1051 the University of Florida Real Estate Research Center.

1052 ~~11.10.~~ An increase in commercial development by 50,000
1053 square feet of gross floor area or of parking spaces provided
1054 for customers for 300 cars or a 5-percent increase of either of
1055 these, whichever is greater.

1056 ~~12.11.~~ An increase in hotel or motel facility units by 5
1057 percent or 75 units, whichever is greater.

1058 ~~13.12.~~ An increase in a recreational vehicle park area by
1059 5 percent or 100 vehicle spaces, whichever is less.

1060 ~~14.13.~~ A decrease in the area set aside for open space of
1061 5 percent or 20 acres, whichever is less.

1062 ~~15.14.~~ A proposed increase to an approved multiuse
1063 development of regional impact where the sum of the increases of
1064 each land use as a percentage of the applicable substantial
1065 deviation criteria is equal to or exceeds 100 percent. The
1066 percentage of any decrease in the amount of open space shall be
1067 treated as an increase for purposes of determining when 100
1068 percent has been reached or exceeded.

1069 ~~16.15.~~ A 15-percent increase in the number of external
1070 vehicle trips generated by the development above that which was
1071 projected during the original development-of-regional-impact
1072 review.

1073 ~~17.16.~~ Any change which would result in development of any
1074 area which was specifically set aside in the application for
1075 development approval or in the development order for
1076 preservation or special protection of endangered or threatened
1077 plants or animals designated as endangered, threatened, or
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1078 species of special concern and their habitat, primary dunes, or
1079 archaeological and historical sites designated as significant by
1080 the Division of Historical Resources of the Department of State.
1081 The further refinement of such areas by survey shall be
1082 considered under sub-subparagraph (e)5.b.

1083
1084 The substantial deviation numerical standards in subparagraphs
1085 4., 6., 10., 11., and 15. ~~14.~~, excluding residential uses, and
1086 16. ~~15.~~, are increased by 100 percent for a project certified
1087 under s. 403.973 which creates jobs and meets criteria
1088 established by the Office of Tourism, Trade, and Economic
1089 Development as to its impact on an area's economy, employment,
1090 and prevailing wage and skill levels. The substantial deviation
1091 numerical standards in subparagraphs 4., 6., 9., 10., 11., 12.,
1092 and 15. ~~14.~~ are increased by 50 percent for a project located
1093 wholly within an urban infill and redevelopment area designated
1094 on the applicable adopted local comprehensive plan future land
1095 use map and not located within the coastal high hazard area.

1096 (e)1. Except for a development order rendered pursuant to
1097 subsection (22) or subsection (25), a proposed change to a
1098 development order that individually or cumulatively with any
1099 previous change is less than any numerical criterion contained
1100 in subparagraphs (b)1.-16. ~~(b)1.-15.~~ and does not exceed any
1101 other criterion, or that involves an extension of the buildout
1102 date of a development, or any phase thereof, of less than 5
1103 years is not subject to the public hearing requirements of
1104 subparagraph (f)3., and is not subject to a determination
1105 pursuant to subparagraph (f)5. Notice of the proposed change
1106 shall be made to the regional planning council and the state
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1107 land planning agency. Such notice shall include a description of
1108 previous individual changes made to the development, including
1109 changes previously approved by the local government, and shall
1110 include appropriate amendments to the development order.

1111 2. The following changes, individually or cumulatively
1112 with any previous changes, are not substantial deviations:

1113 a. Changes in the name of the project, developer, owner,
1114 or monitoring official.

1115 b. Changes to a setback that do not affect noise buffers,
1116 environmental protection or mitigation areas, or archaeological
1117 or historical resources.

1118 c. Changes to minimum lot sizes.

1119 d. Changes in the configuration of internal roads that do
1120 not affect external access points.

1121 e. Changes to the building design or orientation that stay
1122 approximately within the approved area designated for such
1123 building and parking lot, and which do not affect historical
1124 buildings designated as significant by the Division of
1125 Historical Resources of the Department of State.

1126 f. Changes to increase the acreage in the development,
1127 provided that no development is proposed on the acreage to be
1128 added.

1129 g. Changes to eliminate an approved land use, provided
1130 that there are no additional regional impacts.

1131 h. Changes required to conform to permits approved by any
1132 federal, state, or regional permitting agency, provided that
1133 these changes do not create additional regional impacts.

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1134 i. Any renovation or redevelopment of development within a
1135 previously approved development of regional impact which does
1136 not change land use or increase density or intensity of use.

1137 j. Any other change which the state land planning agency
1138 agrees in writing is similar in nature, impact, or character to
1139 the changes enumerated in sub-subparagraphs a.-i. and which does
1140 not create the likelihood of any additional regional impact.

1141
1142 This subsection does not require a development order amendment
1143 for any change listed in sub-subparagraphs a.-j. unless such
1144 issue is addressed either in the existing development order or
1145 in the application for development approval, but, in the case of
1146 the application, only if, and in the manner in which, the
1147 application is incorporated in the development order.

1148 3. Except for the change authorized by sub-subparagraph
1149 2.f., any addition of land not previously reviewed or any change
1150 not specified in paragraph (b) or paragraph (c) shall be
1151 presumed to create a substantial deviation. This presumption may
1152 be rebutted by clear and convincing evidence.

1153 4. Any submittal of a proposed change to a previously
1154 approved development shall include a description of individual
1155 changes previously made to the development, including changes
1156 previously approved by the local government. The local
1157 government shall consider the previous and current proposed
1158 changes in deciding whether such changes cumulatively constitute
1159 a substantial deviation requiring further development-of-
1160 regional-impact review.

1161 5. The following changes to an approved development of
1162 regional impact shall be presumed to create a substantial
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1163 deviation. Such presumption may be rebutted by clear and
1164 convincing evidence.

1165 a. A change proposed for 15 percent or more of the acreage
1166 to a land use not previously approved in the development order.
1167 Changes of less than 15 percent shall be presumed not to create
1168 a substantial deviation.

1169 b. Except for the types of uses listed in subparagraph
1170 (b)17. ~~(b)16.~~, any change which would result in the development
1171 of any area which was specifically set aside in the application
1172 for development approval or in the development order for
1173 preservation, buffers, or special protection, including habitat
1174 for plant and animal species, archaeological and historical
1175 sites, dunes, and other special areas.

1176 c. Notwithstanding any provision of paragraph (b) to the
1177 contrary, a proposed change consisting of simultaneous increases
1178 and decreases of at least two of the uses within an authorized
1179 multiuse development of regional impact which was originally
1180 approved with three or more uses specified in s. 380.0651(3)(c),
1181 (d), (f), and (g) and residential use.

1182 (i) An increase in the number of residential dwelling
1183 units shall not constitute a substantial deviation and shall not
1184 be subject to development-of-regional-impact review for
1185 additional impacts, provided that all the residential dwelling
1186 units are dedicated to affordable workforce housing and the
1187 total number of new residential units does not exceed 200
1188 percent of the substantial deviation threshold. The affordable
1189 workforce housing shall be subject to a recorded land use
1190 restriction that shall be for a period of not less than 20 years
1191 and that includes resale provisions to ensure long-term

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1192 affordability for income-eligible homeowners and renters. For
1193 purposes of this paragraph, the term "affordable workforce
1194 housing" means housing that is affordable to a person who earns
1195 not more than 120 percent of the area median income, or not more
1196 than 140 percent of the area median income if located in a
1197 county in which the median purchase price for a single-family
1198 existing home exceeds the statewide median purchase price of a
1199 single-family existing home. For purposes of this paragraph, the
1200 term "statewide median purchase price of a single-family
1201 existing home" means the statewide purchase price as determined
1202 in the Florida Sales Report, Single-Family Existing Homes,
1203 released each January by the Florida Association of Realtors and
1204 the University of Florida Real Estate Research Center.

1205 Section 17. Paragraph (k) of subsection (3) of section
1206 380.0651, Florida Statutes, is redesignated as paragraph (l),
1207 and a new paragraph (k) is added to that subsection to read:

1208 380.0651 Statewide guidelines and standards.--

1209 (3) The following statewide guidelines and standards shall
1210 be applied in the manner described in s. 380.06(2) to determine
1211 whether the following developments shall be required to undergo
1212 development-of-regional-impact review:

1213 (k) Workforce housing.--The applicable guidelines for
1214 residential development and the residential component for
1215 multiuse development shall be increased by 50 percent where the
1216 developer demonstrates that at least 15 percent of the total
1217 residential dwelling units authorized within the development of
1218 regional impact will be dedicated to affordable workforce
1219 housing, subject to a recorded land use restriction that shall
1220 be for a period of not less than 20 years and that includes

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1221 resale provisions to ensure long-term affordability for income-
1222 eligible homeowners and renters and provisions for the workforce
1223 housing to be commenced prior to the completion of 50 percent of
1224 the market rate dwelling. For purposes of this paragraph, the
1225 term "affordable workforce housing" means housing that is
1226 affordable to a person who earns not more than 120 percent of
1227 the area median income, or not more than 140 percent of the area
1228 median income if located in a county in which the median
1229 purchase price for a single-family existing home exceeds the
1230 statewide median purchase price of a single-family existing
1231 home. For the purposes of this paragraph, the term "statewide
1232 median purchase price of a single-family existing home" means
1233 the statewide purchase price as determined in the Florida Sales
1234 Report, Single-Family Existing Homes, released each January by
1235 the Florida Association of Realtors and the University of
1236 Florida Real Estate Research Center.

1237 Section 18. Section 420.0004, Florida Statutes, is amended
1238 to read:

1239 420.0004 Definitions.--As used in this part, unless the
1240 context otherwise indicates:

1241 (1) "Adjusted for family size" means adjusted in a manner
1242 which results in an income eligibility level which is lower for
1243 households with fewer than four people, or higher for households
1244 with more than four people, than the base income eligibility
1245 determined as provided in subsection (8), subsection (10) ~~(9)~~,
1246 subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~, based upon a
1247 formula as established by the United States Department of
1248 Housing and Urban Development.

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1249 (2) "Adjusted gross income" means all wages, assets,
1250 regular cash or noncash contributions or gifts from persons
1251 outside the household, and such other resources and benefits as
1252 may be determined to be income by the United States Department
1253 of Housing and Urban Development, adjusted for family size, less
1254 deductions allowable under s. 62 of the Internal Revenue Code.

1255 (3) "Affordable" means that monthly rents or monthly
1256 mortgage payments including taxes, insurance, and utilities do
1257 not exceed 30 percent of that amount which represents the
1258 percentage of the median adjusted gross annual income for the
1259 households as indicated in subsection (8), subsection (10) ~~(9)~~,
1260 subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~.

1261 (4) "Corporation" means the Florida Housing Finance
1262 Corporation.

1263 (5) "Community-based organization" or "nonprofit
1264 organization" means a private corporation organized under
1265 chapter 617 to assist in the provision of housing and related
1266 services on a not-for-profit basis and which is acceptable to
1267 federal and state agencies and financial institutions as a
1268 sponsor of low-income housing.

1269 (6) "Department" means the Department of Community
1270 Affairs.

1271 (7) "Elderly" describes persons 62 years of age or older.

1272 (8) "Extremely-low-income persons" means one or more
1273 natural persons or a family whose total annual household income
1274 does not exceed 30 percent of the median annual adjusted gross
1275 income for households within the state. The Florida Housing
1276 Finance Corporation may adjust this amount annually by rule to
1277 provide that in lower income counties, extremely-low-income may
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1278 exceed 30 percent of area median income and that in higher
1279 income counties, extremely-low-income may be less than 30
1280 percent of area median income.

1281 (9)~~(8)~~ "Local public body" means any county, municipality,
1282 or other political subdivision, or any housing authority as
1283 provided by chapter 421, which is eligible to sponsor or develop
1284 housing for farmworkers and very-low-income and low-income
1285 persons within its jurisdiction.

1286 (10)~~(9)~~ "Low-income persons" means one or more natural
1287 persons or a family, the total annual adjusted gross household
1288 income of which does not exceed 80 percent of the median annual
1289 adjusted gross income for households within the state, or 80
1290 percent of the median annual adjusted gross income for
1291 households within the metropolitan statistical area (MSA) or, if
1292 not within an MSA, within the county in which the person or
1293 family resides, whichever is greater.

1294 (11)~~(10)~~ "Moderate-income persons" means one or more
1295 natural persons or a family, the total annual adjusted gross
1296 household income of which is less than 120 percent of the median
1297 annual adjusted gross income for households within the state, or
1298 120 percent of the median annual adjusted gross income for
1299 households within the metropolitan statistical area (MSA) or, if
1300 not within an MSA, within the county in which the person or
1301 family resides, whichever is greater.

1302 (12)~~(11)~~ "Student" means any person not living with his or
1303 her parent or guardian who is eligible to be claimed by his or
1304 her parent or guardian as a dependent under the federal income
1305 tax code and who is enrolled on at least a half-time basis in a

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1306 secondary school, career center, community college, college, or
1307 university.

1308 (13)~~(12)~~ "Substandard" means:

1309 (a) Any unit lacking complete plumbing or sanitary
1310 facilities for the exclusive use of the occupants;

1311 (b) A unit which is in violation of one or more major
1312 sections of an applicable housing code and where such violation
1313 poses a serious threat to the health of the occupant; or

1314 (c) A unit that has been declared unfit for human
1315 habitation but that could be rehabilitated for less than 50
1316 percent of the property value.

1317 (14)~~(13)~~ "Substantial rehabilitation" means repair or
1318 restoration of a dwelling unit where the value of such repair or
1319 restoration exceeds 40 percent of the value of the dwelling.

1320 (15)~~(14)~~ "Very-low-income persons" means one or more
1321 natural persons or a family, not including students, the total
1322 annual adjusted gross household income of which does not exceed
1323 50 percent of the median annual adjusted gross income for
1324 households within the state, or 50 percent of the median annual
1325 adjusted gross income for households within the metropolitan
1326 statistical area (MSA) or, if not within an MSA, within the
1327 county in which the person or family resides, whichever is
1328 greater.

1329 Section 19. Section 420.37, Florida Statutes, is amended
1330 to read:

1331 420.37 Additional powers of the agency ~~Florida Housing~~
1332 ~~Finance Corporation.~~--The agency ~~Florida Housing Finance~~
1333 ~~Corporation~~ shall have all powers necessary or convenient to
1334 carry out and effectuate the purposes of this part, including
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1335 the power to provide for the collection and payment of fees and
1336 charges, regardless of method of payment, including, but not
1337 limited to, reimbursement of costs of financing by the agency
1338 ~~corporation~~, credit underwriting fees, servicing charges, and
1339 insurance premiums determined by the agency ~~corporation~~ to be
1340 reasonable and as approved by the agency ~~corporation~~. The fees
1341 and charges may be paid directly by the borrower to the insurer,
1342 lender, or servicing agent or may be deducted from the payments
1343 collected by such insurer, lender, or servicing agent.

1344 Section 20. Subsection (18) of section 420.503, Florida
1345 Statutes, is amended to read:

1346 420.503 Definitions.--As used in this part, the term:

1347 (18) (a) "Farmworker" means a laborer who is employed on a
1348 seasonal, temporary, or permanent basis in the planting,
1349 cultivating, harvesting, or processing of agricultural or
1350 aquacultural products and who derived at least 50 percent of her
1351 or his income in the immediately preceding 12 months from such
1352 employment.

1353 (b) "Farmworker" ~~also~~ includes a person who has retired as
1354 a laborer due to age, disability, or illness. In order to be
1355 considered retired as a farmworker due to age under this part, a
1356 person must be 50 years of age or older and must have been
1357 employed for a minimum of 5 years as a farmworker before
1358 retirement. In order to be considered retired as a farmworker
1359 due to disability or illness, a person must:

1360 1.(a) Establish medically that she or he is unable to be
1361 employed as a farmworker due to that disability or illness.

1362 2.(b) Establish that she or he was previously employed as
1363 a farmworker.

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1364 (c) Notwithstanding paragraphs (a) and (b), when
1365 corporation-administered funds are used in conjunction with
1366 United States Department of Agriculture Rural Development funds,
1367 the term "farmworker" may mean a laborer who meets, at a
1368 minimum, the definition of "domestic farm laborer" as found in 7
1369 C.F.R. s. 3560.11, as amended. The corporation may establish
1370 additional criteria by rule.

1371 Section 21. Section 420.5061, Florida Statutes, is amended
1372 to read:

1373 420.5061 Transfer of agency assets and
1374 liabilities.--Effective January 1, 1998, all assets and
1375 liabilities and rights and obligations, including any
1376 outstanding contractual obligations, of the agency shall be
1377 transferred to the corporation as legal successor in all
1378 respects to the agency. The corporation shall thereupon become
1379 obligated to the same extent as the agency under any existing
1380 agreements and be entitled to any rights and remedies previously
1381 afforded the agency by law or contract, including specifically
1382 the rights of the agency under chapter 201 and part VI of
1383 chapter 159. The corporation is a state agency for purposes of
1384 s. 159.807(4) (a). Effective January 1, 1998, all references
1385 under Florida law to the agency are deemed to mean the
1386 corporation. The corporation shall transfer to the General
1387 Revenue Fund an amount which otherwise would have been deducted
1388 as a service charge pursuant to s. 215.20(1) if the Florida
1389 Housing Finance Corporation Fund established by s. 420.508(5),
1390 the State Apartment Incentive Loan Fund established by s.
1391 420.5087(7), the Florida Homeownership Assistance Fund
1392 established by s. 420.5088(4)-(5), the HOME Investment
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1393 Partnership Fund established by s. 420.5089(1), and the Housing
1394 Predevelopment Loan Fund established by s. 420.525(1) were each
1395 trust funds. For purposes of s. 112.313, the corporation is
1396 deemed to be a continuation of the agency, and the provisions
1397 thereof are deemed to apply as if the same entity remained in
1398 place. Any employees of the agency and agency board members
1399 covered by s. 112.313(9)(a)6. shall continue to be entitled to
1400 the exemption in that subparagraph, notwithstanding being hired
1401 by the corporation or appointed as board members of the
1402 corporation. Effective January 1, 1998, all state property in
1403 use by the agency shall be transferred to and become the
1404 property of the corporation.

1405 Section 22. Subsections (22), (23), and (40) of section
1406 420.507, Florida Statutes, are amended, and subsections (44) and
1407 (45) are added to that section, to read:

1408 420.507 Powers of the corporation.--The corporation shall
1409 have all the powers necessary or convenient to carry out and
1410 effectuate the purposes and provisions of this part, including
1411 the following powers which are in addition to all other powers
1412 granted by other provisions of this part:

1413 (22) To develop and administer the State Apartment
1414 Incentive Loan Program. In developing and administering that
1415 program, the corporation may:

1416 (a) Make first, second, and other subordinated mortgage
1417 loans including variable or fixed rate loans subject to
1418 contingent interest for all State Apartment Incentive Loans
1419 provided for in this chapter based upon available cash flow of
1420 the projects. The corporation shall make loans exceeding 25
1421 percent of project cost available only to nonprofit

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1422 organizations and public bodies which are able to secure grants,
1423 donations of land, or contributions from other sources and to
1424 projects meeting the criteria of subparagraph 1. Mortgage loans
1425 shall be made available at the following rates of interest:

1426 1. Zero to 3 percent interest for sponsors of projects
1427 that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~ of
1428 their total units for residents qualifying as farmworkers as
1429 defined in this part ~~s. 420.503(18)~~, or commercial fishing
1430 workers as defined in this part ~~s. 420.503(5)~~, or the homeless
1431 as defined in s. 420.621(4) over the life of the loan.

1432 2. Zero to 3 percent interest based on the pro rata share
1433 of units set aside for homeless residents if the total of such
1434 units is less than 80 percent of the units in the borrower's
1435 project.

1436 3. One ~~Three~~ to 9 percent interest for sponsors of
1437 projects targeted at populations other than farmworkers,
1438 commercial fishing workers, and the homeless.

1439 (b) Make loans exceeding 25 percent of project cost when
1440 the project serves extremely-low-income persons.

1441 (c) Forgive indebtedness for a share of the loan
1442 attributable to the units in a project reserved for extremely-
1443 low-income persons.

1444 (d)-(b) Geographically and demographically target the
1445 utilization of loans.

1446 (e)-(e) Underwrite credit, and reject projects which do not
1447 meet the established standards of the corporation.

1448 (f)-(d) Negotiate with governing bodies within the state
1449 after a loan has been awarded to obtain local government
1450 contributions.

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1451 ~~(g)(e)~~ Inspect any records of a sponsor at any time during
1452 the life of the loan or the agreed period for maintaining the
1453 provisions of s. 420.5087.

1454 ~~(h)(f)~~ Establish, by rule, the procedure for evaluating,
1455 scoring, and competitively ranking all applications based on the
1456 criteria set forth in s. 420.5087(6)(c); determining actual loan
1457 amounts; making and servicing loans; and exercising the powers
1458 authorized in this subsection.

1459 ~~(i)(g)~~ Establish a loan loss insurance reserve to be used
1460 to protect the outstanding program investment in case of a
1461 default, deed in lieu of foreclosure, or foreclosure of a
1462 program loan.

1463 (23) To develop and administer the Florida Homeownership
1464 Assistance Program. In developing and administering the program,
1465 the corporation may:

1466 (a)1. Make subordinated loans to eligible borrowers for
1467 down payments or closing costs related to the purchase of the
1468 borrower's primary residence.

1469 2. Make permanent loans to eligible borrowers related to
1470 the purchase of the borrower's primary residence.

1471 3. Make subordinated loans to nonprofit sponsors or
1472 developers of housing for purchase of property, for
1473 construction, or for financing of housing to be offered for sale
1474 to eligible borrowers as a primary residence at an affordable
1475 price.

1476 (b) Establish a loan loss insurance reserve to supplement
1477 existing sources of mortgage insurance with appropriated funds.

1478 (c) Geographically and demographically target the
1479 utilization of loans.

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1480 (d) Defer repayment of loans for the term of the first
1481 mortgage.

1482 (e) Establish flexible terms for loans with an interest
1483 rate not to exceed 3 percent per annum and which are
1484 nonamortizing for the term of the first mortgage.

1485 (f) Require repayment of loans upon sale, transfer,
1486 refinancing, or rental of secured property, unless otherwise
1487 approved by the corporation.

1488 (g) Accelerate a loan for monetary default, for failure to
1489 provide the benefits of the loans to eligible borrowers, or for
1490 violation of any other restriction placed upon the loan.

1491 (h) Adopt rules for the program and exercise the powers
1492 authorized in this subsection.

1493 (40) To establish subsidiary business entities
1494 ~~corporations~~ for the purpose of taking title to and managing and
1495 disposing of property acquired by the corporation. Such
1496 subsidiary business entities ~~corporations~~ shall be public
1497 business entities ~~corporations~~ wholly owned by the corporation;
1498 shall be entitled to own, mortgage, and sell property on the
1499 same basis as the corporation; and shall be deemed business
1500 entities ~~corporations~~ primarily acting as an agent ~~agents~~ of the
1501 state, within the meaning of s. 768.28, on the same basis as the
1502 corporation. Any subsidiary business entity created by the
1503 corporation shall be subject to chapters 119, 120, and 286 to
1504 the same extent as the corporation. The subsidiary business
1505 entities shall have authority to make rules necessary to conduct
1506 business and to carry out the purposes of this subsection.

1507 (44) To adopt rules for the intervention and negotiation
1508 of terms or other actions necessary to further program goals or
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1509 avoid default of a program loan. Such rules must consider fiscal
1510 program goals and the preservation or advancement of affordable
1511 housing for the state.

1512 (45) To establish by rule requirements for periodic
1513 reporting of data, including, but not limited to, financial
1514 data, housing market data, detailed economic and physical
1515 occupancy on multifamily projects, and demographic data on all
1516 housing financed through corporation programs and for
1517 participation in a housing locator system.

1518 Section 23. Subsections (1), (3), (5), and (6) of section
1519 420.5087, Florida Statutes, are amended to read:

1520 420.5087 State Apartment Incentive Loan Program.--There is
1521 hereby created the State Apartment Incentive Loan Program for
1522 the purpose of providing first, second, or other subordinated
1523 mortgage loans or loan guarantees to sponsors, including for-
1524 profit, nonprofit, and public entities, to provide housing
1525 affordable to very-low-income persons.

1526 (1) Program funds shall be distributed over successive 3-
1527 year periods in a manner that meets the need and demand for
1528 very-low-income housing throughout the state. That need and
1529 demand must be determined by using the most recent statewide
1530 low-income rental housing market studies available at the
1531 beginning of each 3-year period. However, at least 10 percent of
1532 the program funds distributed during a 3-year period must be
1533 allocated to each of the following categories of counties, as
1534 determined by using the population statistics published in the
1535 most recent edition of the Florida Statistical Abstract:

1536 (a) Counties that have a population of 825,000 or more.

1537 ~~more than 500,000 people;~~

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1538 (b) Counties that have a population of more than ~~between~~
1539 100,000 but less than 825,000. ~~and 500,000 people; and~~

1540 (c) Counties that have a population of 100,000 or less.
1541

1542 Any increase in funding required to reach the 10-percent minimum
1543 shall be taken from the county category that has the largest
1544 allocation. The corporation shall adopt rules which establish an
1545 equitable process for distributing any portion of the 10 percent
1546 of program funds allocated to the county categories specified in
1547 this subsection which remains unallocated at the end of a 3-year
1548 period. Counties that have a population of 100,000 or less shall
1549 be given preference under these rules.

1550 (3) During the first 6 months of loan or loan guarantee
1551 availability, program funds shall be reserved for use by
1552 sponsors who provide the housing set-aside required in
1553 subsection (2) for the tenant groups designated in this
1554 subsection. The reservation of funds to each of these groups
1555 shall be determined using the most recent statewide very-low-
1556 income rental housing market study available at the time of
1557 publication of each notice of fund availability required by
1558 paragraph (6)(b). The reservation of funds within each notice of
1559 fund availability to the tenant groups in paragraphs (a), (b),
1560 and (d) may not be less than 10 percent of the funds available
1561 at that time. Any increase in funding required to reach the 10-
1562 percent minimum shall be taken from the tenant group that has
1563 the largest reservation. The reservation of funds within each
1564 notice of fund availability to the tenant group in paragraph (c)
1565 may not be less than 5 percent of the funds available at that
1566 time. The tenant groups are:

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1567 (a) Commercial fishing workers and farmworkers;
1568 (b) Families;
1569 (c) Persons who are homeless; and
1570 (d) Elderly persons. Ten percent of the amount reserved
1571 for the elderly shall be reserved to provide loans to sponsors
1572 of housing for the elderly for the purpose of making building
1573 preservation, health, or sanitation repairs or improvements
1574 which are required by federal, state, or local regulation or
1575 code, or lifesafety or security-related repairs or improvements
1576 to such housing. Such a loan may not exceed \$750,000 per housing
1577 community for the elderly. In order to receive the loan, the
1578 sponsor of the housing community must make a commitment to match
1579 at least 5 ~~15~~ percent of the loan amount to pay the cost of such
1580 repair or improvement. The corporation shall establish the rate
1581 of interest on the loan, which may not exceed 3 percent, and the
1582 term of the loan, which may not exceed 15 years; however, if the
1583 lien of the corporation's encumbrance is subordinate to the lien
1584 of another mortgagee, then the term may be made coterminous with
1585 the longest term of the superior lien. The term of the loan
1586 shall be established on the basis of a credit analysis of the
1587 applicant. The corporation shall establish, by rule, the
1588 procedure and criteria for receiving, evaluating, and
1589 competitively ranking all applications for loans under this
1590 paragraph. A loan application must include evidence of the first
1591 mortgagee's having reviewed and approved the sponsor's intent to
1592 apply for a loan. A nonprofit organization or sponsor may not
1593 use the proceeds of the loan to pay for administrative costs,
1594 routine maintenance, or new construction.

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1595 (5) The amount of the mortgage provided under this program
1596 combined with any other mortgage in a superior position shall be
1597 less than the value of the project without the housing set-aside
1598 required by subsection (2). However, the corporation may waive
1599 this requirement for projects in rural areas or urban infill
1600 areas which have market rate rents that are less than the
1601 allowable rents pursuant to applicable state and federal
1602 guidelines, and for projects which reserve units for extremely-
1603 low-income persons. In no event shall the mortgage provided
1604 under this program combined with any other mortgage in a
1605 superior position exceed total project cost.

1606 (6) On all state apartment incentive loans, except loans
1607 made to housing communities for the elderly to provide for
1608 lifesafety, building preservation, health, sanitation, or
1609 security-related repairs or improvements, the following
1610 provisions shall apply:

1611 (a) The corporation shall establish two interest rates in
1612 accordance with s. 420.507(22)(a)1. and 3. 2-

1613 (b) The corporation shall publish a notice of fund
1614 availability in a publication of general circulation throughout
1615 the state. Such notice shall be published at least 60 days prior
1616 to the application deadline and shall provide notice of the
1617 temporary reservations of funds established in subsection (3).

1618 (c) The corporation shall provide by rule for the
1619 establishment of a review committee composed of the department
1620 and corporation staff and shall establish by rule a scoring
1621 system for evaluation and competitive ranking of applications
1622 submitted in this program, including, but not limited to, the
1623 following criteria:

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1624 1. Tenant income and demographic targeting objectives of
1625 the corporation.

1626 2. Targeting objectives of the corporation which will
1627 ensure an equitable distribution of loans between rural and
1628 urban areas.

1629 3. Sponsor's agreement to reserve the units for persons or
1630 families who have incomes below 50 percent of the state or local
1631 median income, whichever is higher, for a time period to exceed
1632 the minimum required by federal law or the provisions of this
1633 part.

1634 4. Sponsor's agreement to reserve more than:

1635 a. Twenty percent of the units in the project for persons
1636 or families who have incomes that do not exceed 50 percent of
1637 the state or local median income, whichever is higher; or

1638 b. Forty percent of the units in the project for persons
1639 or families who have incomes that do not exceed 60 percent of
1640 the state or local median income, whichever is higher, without
1641 requiring a greater amount of the loans as provided in this
1642 section.

1643 5. Provision for tenant counseling.

1644 6. Sponsor's agreement to accept rental assistance
1645 certificates or vouchers as payment for rent; ~~however, when~~
1646 ~~certificates or vouchers are accepted as payment for rent on~~
1647 ~~units set aside pursuant to subsection (2), the benefit must be~~
1648 ~~divided between the corporation and the sponsor, as provided by~~
1649 ~~corporation rule.~~

1650 7. Projects requiring the least amount of a state
1651 apartment incentive loan compared to overall project cost except
1652 that the share of the loan attributable to units serving

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1653 extremely-low-income persons shall be excluded from this
1654 requirement.

1655 8. Local government contributions and local government
1656 comprehensive planning and activities that promote affordable
1657 housing.

1658 9. Project feasibility.

1659 10. Economic viability of the project.

1660 11. Commitment of first mortgage financing.

1661 12. Sponsor's prior experience.

1662 13. Sponsor's ability to proceed with construction.

1663 14. Projects that directly implement or assist welfare-to-
1664 work transitioning.

1665 15. Projects that reserve units for extremely-low-income
1666 persons.

1667 (d) The corporation may reject any and all applications.

1668 (e) The corporation may approve and reject applications
1669 for the purpose of achieving geographic targeting.

1670 (f) The review committee established by corporation rule
1671 pursuant to this subsection shall make recommendations to the
1672 board of directors of the corporation regarding program
1673 participation under the State Apartment Incentive Loan Program.
1674 The corporation board shall make the final ranking and the
1675 decisions regarding which applicants shall become program
1676 participants based on the scores received in the competitive
1677 ranking, further review of applications, and the recommendations
1678 of the review committee. The corporation board shall approve or
1679 reject applications for loans and shall determine the tentative
1680 loan amount available to each applicant selected for
1681 participation in the program. The actual loan amount shall be
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1682 determined pursuant to rule adopted pursuant to s.
1683 420.507(22) (h) ~~(f)~~.

1684 (g) The loan term shall be for a period of not more than
1685 15 years; however, if both a program loan and federal low-income
1686 housing tax credits are to be used to assist a project, the
1687 corporation may set the loan term for a period commensurate with
1688 the investment requirements associated with the tax credit
1689 syndication. The term of the loan may also exceed 15 years;
1690 however, if the lien of the corporation's encumbrance is
1691 subordinate to the lien of another mortgagee, then the term may
1692 be made coterminous with the longest term of the superior lien
1693 ~~necessary to conform to requirements of the Federal National~~
1694 ~~Mortgage Association.~~ The corporation may renegotiate and extend
1695 the loan in order to extend the availability of housing for the
1696 targeted population. The term of a loan may not extend beyond
1697 the period for which the sponsor agrees to provide the housing
1698 set-aside required by subsection (2).

1699 (h) The loan shall be subject to sale, transfer, or
1700 refinancing. The sale, transfer, or refinancing of the loan
1701 shall be consistent with fiscal program goals and the
1702 preservation or advancement of affordable housing for the state.
1703 ~~However, all requirements and conditions of the loan shall~~
1704 ~~remain following sale, transfer, or refinancing.~~

1705 (i) The discrimination provisions of s. 420.516 shall
1706 apply to all loans.

1707 (j) The corporation may require units dedicated for the
1708 elderly.

1709 (k) Rent controls shall not be allowed on any project
1710 except as required in conjunction with the issuance of tax-
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1711 exempt bonds or federal low-income housing tax credits and
1712 except when the sponsor has committed to set aside units for
1713 extremely-low-income persons, in which case rents shall be
1714 restricted at the level applicable for federal low-income tax
1715 credits.

1716 (l) The proceeds of all loans shall be used for new
1717 construction or substantial rehabilitation which creates
1718 affordable, safe, and sanitary housing units.

1719 (m) Sponsors shall annually certify the adjusted gross
1720 income of all persons or families qualified under subsection (2)
1721 at the time of initial occupancy, who are residing in a project
1722 funded by this program. All persons or families qualified under
1723 subsection (2) may continue to qualify under subsection (2) in a
1724 project funded by this program if the adjusted gross income of
1725 those persons or families at the time of annual recertification
1726 meets the requirements established in s. 142(d)(3)(B) of the
1727 Internal Revenue Code of 1986, as amended. If the annual
1728 recertification of persons or families qualifying under
1729 subsection (2) results in noncompliance with income occupancy
1730 requirements, the next available unit must be rented to a person
1731 or family qualifying under subsection (2) in order to ensure
1732 continuing compliance of the project. The corporation may waive
1733 the annual recertification if 100 percent of the units are set
1734 aside as affordable.

1735 (n) Upon submission and approval of a marketing plan which
1736 demonstrates a good faith effort of a sponsor to rent a unit or
1737 units to persons or families reserved under subsection (3) and
1738 qualified under subsection (2), the sponsor may rent such unit

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1739 or units to any person or family qualified under subsection (2)
1740 notwithstanding the reservation.

1741 (o) Sponsors may participate in federal mortgage insurance
1742 programs and must abide by the requirements of those programs.
1743 If a conflict occurs between the requirements of federal
1744 mortgage insurance programs and the requirements of this
1745 section, the requirements of federal mortgage insurance programs
1746 shall take precedence.

1747 Section 24. Section 420.5088, Florida Statutes, is amended
1748 to read:

1749 420.5088 Florida Homeownership Assistance Program.--There
1750 is created the Florida Homeownership Assistance Program for the
1751 purpose of assisting low-income and moderate-income persons in
1752 purchasing a home as their primary residence by reducing the
1753 cost of the home with below-market construction financing, by
1754 reducing the amount of down payment and closing costs paid by
1755 the borrower to a maximum of 5 percent of the purchase price, or
1756 by reducing the monthly payment to an affordable amount for the
1757 purchaser. Loans shall be made available at an interest rate
1758 that does not exceed 3 percent. The balance of any loan is due
1759 at closing if the property is sold, refinanced, rented, or
1760 transferred, unless otherwise approved by the corporation.

1761 (1) For loans made available pursuant to s.
1762 420.507(23)(a)1. or 2.:

1763 (a) The corporation may underwrite and make those mortgage
1764 loans through the program to persons or families who have
1765 incomes that do not exceed 120 ~~80~~ percent of the state or local
1766 median income, whichever is greater, adjusted for family size.

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1767 (b) Loans shall be made available for the term of the
1768 first mortgage.

1769 (c) Loans may not exceed ~~are limited to~~ the lesser of 35
1770 ~~25~~ percent of the purchase price of the home or the amount
1771 necessary to enable the purchaser to meet credit underwriting
1772 criteria.

1773 (2) For loans made pursuant to s. 420.507(23)(a)3.:

1774 (a) Availability is limited to nonprofit sponsors or
1775 developers who are selected for program participation pursuant
1776 to this subsection.

1777 (b) Preference must be given ~~to community development~~
1778 ~~corporations as defined in s. 290.033~~ and to community-based
1779 organizations as defined in s. 420.503.

1780 (c) Priority must be given to projects that have received
1781 state assistance in funding project predevelopment costs.

1782 (d) The benefits of making such loans shall be
1783 contractually provided to the persons or families purchasing
1784 homes financed under this subsection.

1785 (e) At least 30 percent of the units in a project financed
1786 pursuant to this subsection must be sold to persons or families
1787 who have incomes that do not exceed 80 percent of the state or
1788 local median income, whichever amount is greater, adjusted for
1789 family size; and at least another 30 percent of the units in a
1790 project financed pursuant to this subsection must be sold to
1791 persons or families who have incomes that do not exceed 65 ~~50~~
1792 percent of the state or local median income, whichever amount is
1793 greater, adjusted for family size.

1794 (f) The maximum loan amount may not exceed 33 percent of
1795 the total project cost.

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1796 (g) A person who purchases a home in a project financed
1797 under this subsection is eligible for a loan authorized by s.
1798 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the
1799 construction loan made pursuant to this subsection. The home
1800 purchaser must meet all the requirements for loan recipients
1801 established pursuant to the applicable loan program.

1802 (h) The corporation shall provide, by rule, for the
1803 establishment of a review committee composed of corporation
1804 staff and shall establish, by rule, a scoring system for
1805 evaluating and ranking applications submitted for construction
1806 loans under this subsection, including, but not limited to, the
1807 following criteria:

- 1808 1. The affordability of the housing proposed to be built.
- 1809 2. The direct benefits of the assistance to the persons
1810 who will reside in the proposed housing.
- 1811 3. The demonstrated capacity of the applicant to carry out
1812 the proposal, including the experience of the development team.
- 1813 4. The economic feasibility of the proposal.
- 1814 5. The extent to which the applicant demonstrates
1815 potential cost savings by combining the benefits of different
1816 governmental programs and private initiatives, including the
1817 local government contributions and local government
1818 comprehensive planning and activities that promote affordable
1819 housing.
- 1820 6. The use of the least amount of program loan funds
1821 compared to overall project cost.
- 1822 7. The provision of homeownership counseling.
- 1823 8. The applicant's agreement to exceed the requirements of
1824 paragraph (e).

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1825 9. The commitment of first mortgage financing for the
1826 balance of the construction loan and for the permanent loans to
1827 the purchasers of the housing.

1828 10. The applicant's ability to proceed with construction.

1829 11. The targeting objectives of the corporation which will
1830 ensure an equitable distribution of loans between rural and
1831 urban areas.

1832 12. The extent to which the proposal will further the
1833 purposes of this program.

1834 (i) The corporation may reject any and all applications.

1835 (j) The review committee established by corporation rule
1836 pursuant to this subsection shall make recommendations to the
1837 corporation board regarding program participation under this
1838 subsection. The corporation board shall make the final ranking
1839 for participation based on the scores received in the ranking,
1840 further review of the applications, and the recommendations of
1841 the review committee. The corporation board shall approve or
1842 reject applicants for loans and shall determine the tentative
1843 loan amount available to each program participant. The final
1844 loan amount shall be determined pursuant to rule adopted under
1845 s. 420.507(23)(h).

1846 (3) The corporation shall publish a notice of fund
1847 availability in a publication of general circulation throughout
1848 the state at least 60 days prior to the anticipated availability
1849 of funds.

1850 ~~(4) During the first 9 months of fund availability:~~

1851 ~~(a) Sixty percent of the program funds shall be reserved~~
1852 ~~for use by borrowers pursuant to s. 420.507(23)(a)1.;~~

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1853 ~~(b) Twenty percent of the program funds shall be reserved~~
1854 ~~for use by borrowers pursuant to s. 420.507(23)(a)2.; and~~

1855 ~~(c) Twenty percent of the program funds shall be reserved~~
1856 ~~for use by borrowers pursuant to s. 420.507(23)(a)3.~~

1857
1858 ~~If the application of these percentages would cause the~~
1859 ~~reservation of program funds under paragraph (a) to be less than~~
1860 ~~\$1 million, the reservation for paragraph (a) shall be increased~~
1861 ~~to \$1 million or all available funds, whichever amount is less,~~
1862 ~~with the increase to be accomplished by reducing the reservation~~
1863 ~~for paragraph (b) and, if necessary, paragraph (c).~~

1864 ~~(4)(5)~~ There is authorized to be established by the
1865 corporation with a qualified public depository meeting the
1866 requirements of chapter 280 the Florida Homeownership Assistance
1867 Fund to be administered by the corporation according to the
1868 provisions of this program. Any amounts held in the Florida
1869 Homeownership Assistance Trust Fund for such purposes as of
1870 January 1, 1998, must be transferred to the corporation for
1871 deposit in the Florida Homeownership Assistance Fund, whereupon
1872 the Florida Homeownership Assistance Trust Fund must be closed.
1873 There shall be deposited in the fund moneys from the State
1874 Housing Trust Fund created by s. 420.0005, or moneys received
1875 from any other source, for the purpose of this program and all
1876 proceeds derived from the use of such moneys. In addition, all
1877 unencumbered funds, loan repayments, proceeds from the sale of
1878 any property, and any other proceeds that would otherwise accrue
1879 pursuant to the activities of the programs described in this
1880 section shall be transferred to this fund. In addition, all loan
1881 repayments, proceeds from the sale of any property, and any

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1882 other proceeds that would otherwise accrue pursuant to the
1883 activities conducted under the provisions of the Florida
1884 Homeownership Assistance Program shall be deposited in the fund
1885 and shall not revert to the General Revenue Fund. Expenditures
1886 from the Florida Homeownership Assistance Fund shall not be
1887 required to be included in the corporation's budget request or
1888 be subject to appropriation by the Legislature.

1889 ~~(5)-(6)~~ No more than one-fifth of the funds available in
1890 the Florida Homeownership Assistance Fund may be made available
1891 to provide loan loss insurance reserve funds to facilitate
1892 homeownership for eligible persons.

1893 Section 25. Section 420.530, Florida Statutes, is
1894 repealed.

1895 Section 26. Subsection (25) of section 420.9071, Florida
1896 Statutes, is amended to read:

1897 420.9071 Definitions.--As used in ss. 420.907-420.9079,
1898 the term:

1899 (25) "Recaptured funds" means funds that are recouped by a
1900 county or eligible municipality in accordance with the recapture
1901 provisions of its local housing assistance plan pursuant to s.
1902 420.9075~~(5)-(4)~~(g) from eligible persons or eligible sponsors who
1903 default on the terms of a grant award or loan award.

1904 Section 27. Subsection (2) of section 420.9072, Florida
1905 Statutes, is amended to read:

1906 420.9072 State Housing Initiatives Partnership
1907 Program.--The State Housing Initiatives Partnership Program is
1908 created for the purpose of providing funds to counties and
1909 eligible municipalities as an incentive for the creation of
1910 local housing partnerships, to expand production of and preserve
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1911 affordable housing, to further the housing element of the local
1912 government comprehensive plan specific to affordable housing,
1913 and to increase housing-related employment.

1914 (2) (a) To be eligible to receive funds under the program,
1915 a county or eligible municipality must:

1916 1. Submit to the corporation its local housing assistance
1917 plan describing the local housing assistance strategies
1918 established pursuant to s. 420.9075;

1919 2. Within 12 months after adopting the local housing
1920 assistance plan, amend the plan to incorporate the local housing
1921 incentive strategies defined in s. 420.9071(16) and described in
1922 s. 420.9076; and

1923 3. Within 24 months after adopting the amended local
1924 housing assistance plan to incorporate the local housing
1925 incentive strategies, amend its land development regulations or
1926 establish local policies and procedures, as necessary, to
1927 implement the local housing incentive strategies adopted by the
1928 local governing body. A county or an eligible municipality that
1929 has adopted a housing incentive strategy pursuant to s. 420.9076
1930 before the effective date of this act shall review the status of
1931 implementation of the plan according to its adopted schedule for
1932 implementation and report its findings in the annual report
1933 required by s. 420.9075(10)~~(9)~~. If as a result of the review, a
1934 county or an eligible municipality determines that the
1935 implementation is complete and in accordance with its schedule,
1936 no further action is necessary. If a county or an eligible
1937 municipality determines that implementation according to its
1938 schedule is not complete, it must amend its land development
1939 regulations or establish local policies and procedures, as
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1940 necessary, to implement the housing incentive plan within 12
1941 months after the effective date of this act, or if extenuating
1942 circumstances prevent implementation within 12 months, pursuant
1943 to s. 420.9075(13)~~(12)~~, enter into an extension agreement with
1944 the corporation.

1945 (b) A county or an eligible municipality seeking approval
1946 to receive its share of the local housing distribution must
1947 adopt an ordinance containing the following provisions:

1948 1. Creation of a local housing assistance trust fund as
1949 described in s. 420.9075(6)~~(5)~~.

1950 2. Adoption by resolution of a local housing assistance
1951 plan as defined in s. 420.9071(14) to be implemented through a
1952 local housing partnership as defined in s. 420.9071(18).

1953 3. Designation of the responsibility for the
1954 administration of the local housing assistance plan. Such
1955 ordinance may also provide for the contracting of all or part of
1956 the administrative or other functions of the program to a third
1957 person or entity.

1958 4. Creation of the affordable housing advisory committee
1959 as provided in s. 420.9076.

1960
1961 The ordinance must not take effect until at least 30 days after
1962 the date of formal adoption. Ordinances in effect prior to the
1963 effective date of amendments to this section shall be amended as
1964 needed to conform to new provisions.

1965 Section 28. Paragraphs (a) and (c) of present subsection
1966 (4) of section 420.9075, Florida Statutes, are amended,
1967 subsections (3) through (12) are renumbered as subsections (4)

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1968 through (13), respectively, and a new subsection (3) is added to
1969 that section, to read:

1970 420.9075 Local housing assistance plans; partnerships.--

1971 (3) (a) Each local housing assistance plan shall include a
1972 definition of essential service personnel for the county or
1973 eligible municipality, including, but not limited to, teachers
1974 and educators, other school district, community college, and
1975 university employees, police and fire personnel, health care
1976 personnel, skilled building trades personnel, and other job
1977 categories.

1978 (b) Each county and each eligible municipality is
1979 encouraged to develop a strategy within its local housing
1980 assistance plan that emphasizes the recruitment and retention of
1981 essential service personnel. The local government is encouraged
1982 to involve public and private sector employers. Compliance with
1983 the eligibility criteria established under this strategy shall
1984 be verified by the county or eligible municipality.

1985 (c) Each county and each eligible municipality is
1986 encouraged to develop a strategy within its local housing
1987 assistance plan that addresses the needs of persons who are
1988 deprived of affordable housing due to the closure of a mobile
1989 home park or the conversion of affordable rental units to
1990 condominiums.

1991 ~~(5)(4)~~ The following criteria apply to awards made to
1992 eligible sponsors or eligible persons for the purpose of
1993 providing eligible housing:

1994 (a) At least 65 percent of the funds made available in
1995 each county and eligible municipality from the local housing
1996 distribution must be reserved for rehabilitation and

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1997 | construction of home ownership units for eligible extremely-low-
1998 | income, low-income, or very-low-income persons.

1999 | (c) The sales price or value of new or existing eligible
2000 | housing may not exceed 90 percent of the average area purchase
2001 | price in the statistical area in which the eligible housing is
2002 | located. Such average area purchase price may be that calculated
2003 | for any 12-month period beginning not earlier than the fourth
2004 | calendar year prior to the year in which the award occurs or as
2005 | otherwise established by the United States Department of the
2006 | Treasury.

2007 |
2008 | If both an award under the local housing assistance plan and
2009 | federal low-income housing tax credits are used to assist a
2010 | project and there is a conflict between the criteria prescribed
2011 | in this subsection and the requirements of s. 42 of the Internal
2012 | Revenue Code of 1986, as amended, the county or eligible
2013 | municipality may resolve the conflict by giving precedence to
2014 | the requirements of s. 42 of the Internal Revenue Code of 1986,
2015 | as amended, in lieu of following the criteria prescribed in this
2016 | subsection with the exception of paragraphs (a) and (d) of this
2017 | subsection.

2018 | Section 29. Subsection (6) of section 420.9076, Florida
2019 | Statutes, is amended to read:

2020 | 420.9076 Adoption of affordable housing incentive
2021 | strategies; committees.--

2022 | (6) Within 90 days after the date of receipt of the local
2023 | housing incentive strategies recommendations from the advisory
2024 | committee, the governing body of the appointing local government
2025 | shall adopt an amendment to its local housing assistance plan to
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2026 incorporate the local housing incentive strategies it will
2027 implement within its jurisdiction. The amendment must include,
2028 at a minimum, the local housing incentive strategies specified
2029 ~~as defined in paragraphs (4) (a) - (j) s. 420.9071(16).~~

2030 Section 30. Subsection (2) of section 420.9079, Florida
2031 Statutes, is amended to read:

2032 420.9079 Local Government Housing Trust Fund.--

2033 (2) The corporation shall administer the fund exclusively
2034 for the purpose of implementing the programs described in ss.
2035 420.907-420.9078 and this section. With the exception of
2036 monitoring the activities of counties and eligible
2037 municipalities to determine local compliance with program
2038 requirements, the corporation shall not receive appropriations
2039 from the fund for administrative or personnel costs. For the
2040 purpose of implementing the compliance monitoring provisions of
2041 s. 420.9075(9)(~~8~~), the corporation may request a maximum of one-
2042 quarter of 1 percent of the annual appropriation \$200,000 per
2043 state fiscal year. When such funding is appropriated, the
2044 corporation shall deduct the amount appropriated prior to
2045 calculating the local housing distribution pursuant to ss.
2046 420.9072 and 420.9073.

2047 Section 31. Paragraph (c) of subsection (1) and paragraph
2048 (e) of subsection (2) of section 624.5105, Florida Statutes, are
2049 amended to read:

2050 624.5105 Community contribution tax credit; authorization;
2051 limitations; eligibility and application requirements;
2052 administration; definitions; expiration.--

2053 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

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2054 (c) The total amount of tax credit which may be granted
2055 for all programs approved under this section and ss.
2056 212.08(5)(q) and 220.183 is \$10 \$12 million annually for
2057 projects that provide homeownership opportunities for extremely-
2058 low-income persons, as defined in s. 420.0004(8), or low-income
2059 or very-low-income persons, as defined in s. 420.9071(19) and
2060 (28), and \$3 million annually for all other projects.

2061 (2) ELIGIBILITY REQUIREMENTS.--

2062 (e)1. ~~For the first 6 months of the fiscal year, the~~
2063 ~~Office of Tourism, Trade, and Economic Development shall reserve~~
2064 ~~80 percent of the first \$10 million in available annual tax~~
2065 ~~credits, and 70 percent of any available annual tax credits in~~
2066 ~~excess of \$10 million, for donations made to eligible sponsors~~
2067 ~~for projects that provide homeownership opportunities for low-~~
2068 ~~income or very low income households as defined in s.~~
2069 ~~420.9071(19) and (28). If any such reserved annual tax credits~~
2070 ~~remain after the first 6 months of the fiscal year, the office~~
2071 ~~may approve the balance of these available credits for donations~~
2072 ~~made to eligible sponsors for projects other than those that~~
2073 ~~provide homeownership opportunities for low income or very low-~~
2074 ~~income households.~~

2075 ~~2. For the first 6 months of the fiscal year, the office~~
2076 ~~shall reserve 20 percent of the first \$10 million in available~~
2077 ~~annual tax credits, and 30 percent of any available annual tax~~
2078 ~~credits in excess of \$10 million, for donations made to eligible~~
2079 ~~sponsors for projects other than those that provide~~
2080 ~~homeownership opportunities for low income or very low income~~
2081 ~~households as defined in s. 420.9071(19) and (28). If any~~
2082 ~~reserved annual tax credits remain after the first 6 months of~~

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2083 ~~the fiscal year, the office may approve the balance of these~~
2084 ~~available credits for donations made to eligible sponsors for~~
2085 ~~projects that provide homeownership opportunities for low-income~~
2086 ~~or very low income households.~~

2087 ~~3.~~ If, during the first 10 business days of the state
2088 fiscal year, eligible tax credit applications for projects that
2089 provide homeownership opportunities for extremely-low-income
2090 persons, as defined in s. 420.0004(8), or low-income or very-
2091 low-income persons, as defined in s. 420.9071(19) and (28), are
2092 received for less than the ~~available~~ annual tax credits
2093 available for those projects reserved under subparagraph 1., the
2094 office shall grant tax credits for those applications and shall
2095 grant remaining tax credits on a first-come, first-served basis
2096 for any subsequent eligible applications received before the end
2097 of the ~~first 6 months of the~~ state fiscal year. If, during the
2098 first 10 business days of the state fiscal year, eligible tax
2099 credit applications for projects that provide homeownership
2100 opportunities for extremely-low-income persons, as defined in s.
2101 420.0004(8), or low-income or very-low-income persons, as
2102 defined in s. 420.9071(19) and (28), are received for more than
2103 the ~~available~~ annual tax credits available for those projects
2104 reserved under subparagraph 1., the office shall grant the tax
2105 credits for those ~~the~~ applications as follows:

2106 a. If tax credit applications submitted for approved
2107 projects of an eligible sponsor do not exceed \$200,000 in total,
2108 the credits shall be granted in full if the tax credit
2109 applications are approved, ~~subject to subparagraph 1.~~

2110 b. If tax credit applications submitted for approved
2111 projects of an eligible sponsor exceed \$200,000 in total, the

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2112 amount of tax credits granted under sub-subparagraph a. shall be
2113 subtracted from the amount of available tax credits ~~under~~
2114 ~~subparagraph 1.~~, and the remaining credits shall be granted to
2115 each approved tax credit application on a pro rata basis.

2116 ~~e. If, after the first 6 months of the fiscal year,~~
2117 ~~additional credits become available under subparagraph 2., the~~
2118 ~~office shall grant the tax credits by first granting to those~~
2119 ~~who received a pro rata reduction up to the full amount of their~~
2120 ~~request and, if there are remaining credits, granting credits to~~
2121 ~~those who applied on or after the 11th business day of the state~~
2122 ~~fiscal year on a first-come, first-served basis.~~

2123 2.4. If, during the first 10 business days of the state
2124 fiscal year, eligible tax credit applications for projects other
2125 than those that provide homeownership opportunities for
2126 extremely-low-income persons, as defined in s. 420.0004(8), or
2127 low-income or very-low-income persons, as defined in s.
2128 420.9071(19) and (28) are received for less than the available
2129 annual tax credits available for those projects ~~reserved under~~
2130 ~~subparagraph 2.~~, the office shall grant tax credits for those
2131 applications and shall grant remaining tax credits on a first-
2132 come, first-served basis for any subsequent eligible
2133 applications received before the end of the ~~first 6 months of~~
2134 ~~the~~ state fiscal year. If, during the first 10 business days of
2135 the state fiscal year, eligible tax credit applications for
2136 projects other than those that provide homeownership
2137 opportunities for extremely-low-income persons, as defined in s.
2138 420.0004(8), or low-income or very-low-income persons, as
2139 defined in s. 420.9071(19) and (28), are received for more than
2140 the available annual tax credits available for those projects

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2141 ~~reserved under subparagraph 2., the office shall grant the tax~~
2142 ~~credits for those the applications on a pro rata basis. If,~~
2143 ~~after the first 6 months of the fiscal year, additional credits~~
2144 ~~become available under subparagraph 1., the office shall grant~~
2145 ~~the tax credits by first granting to those who received a pro~~
2146 ~~rata reduction up to the full amount of their request and, if~~
2147 ~~there are remaining credits, granting credits to those who~~
2148 ~~applied on or after the 11th business day of the state fiscal~~
2149 ~~year on a first come, first served basis.~~

2150 Section 32. Subsection (12) is added to section 723.0612,
2151 Florida Statutes, to read:

2152 723.0612 Change in use; relocation expenses; payments by
2153 park owner.--

2154 (12) If the owner of a mobile home or a recreational
2155 vehicle park applies to a local government to change the use of
2156 the land to a single-family residential or multi-family land use
2157 and the existing park has a density of 10 mobile homes or
2158 recreational vehicles or more per acre, the local government
2159 must allow at least 10 residential units per acre if:

2160 (a) The proposed change in the use of the land is
2161 otherwise consistent with the local comprehensive plan; and

2162 (b) The initial sales price of all residential units in
2163 the proposed project is less than 80 percent of the county
2164 median sales price for a single-family home.

2165 Section 33. Subsection (12) of section 1001.43, Florida
2166 Statutes, is renumbered as subsection (13), and a new subsection
2167 (12) is added to that section to read:

2168 1001.43 Supplemental powers and duties of district school
2169 board.--The district school board may exercise the following
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2170 supplemental powers and duties as authorized by this code or
2171 State Board of Education rule.

2172 (12) AFFORDABLE HOUSING.--The district school board may
2173 provide affordable housing for teachers and other district
2174 personnel independently or in conjunction with other agencies as
2175 described in subsection (5).

2176 Section 34. Paragraph (c) is added to subsection (5) of
2177 section 1013.64, Florida Statutes, to read:

2178 1013.64 Funds for comprehensive educational plant needs;
2179 construction cost maximums for school district capital
2180 projects.--Allocations from the Public Education Capital Outlay
2181 and Debt Service Trust Fund to the various boards for capital
2182 outlay projects shall be determined as follows:

2183 (5) District school boards shall identify each fund source
2184 and the use of each proportionate to the project cost, as
2185 identified in the bid document, to assure compliance with this
2186 section. The data shall be submitted to the department, which
2187 shall track this information as submitted by the boards. PECO
2188 funds shall not be expended as indicated in the following:

2189 (c) PECO funds shall not be used for the construction of
2190 affordable housing. School districts may use local and other
2191 funds to fund such projects.

2192 Section 35. Community Workforce Housing Innovation Pilot
2193 Program.--

2194 (1) The Legislature finds and declares that recent rapid
2195 increases in the median purchase price of a home and the cost of
2196 rental housing have far outstripped the increases in median
2197 income in the state, preventing essential services personnel
2198 from living in the communities where they serve and thereby

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2199 creating the need for innovative solutions for the provision of
2200 housing opportunities for essential services personnel.

2201 (2) The Community Workforce Housing Innovation Pilot
2202 Program is created to provide affordable rental and home
2203 ownership community workforce housing for essential services
2204 personnel affected by the high cost of housing, using regulatory
2205 incentives and state and local funds to promote local public-
2206 private partnerships and leverage government and private
2207 resources.

2208 (3) For purposes of this section, the following
2209 definitions apply:

2210 (a) "Workforce housing" means housing affordable to
2211 natural persons or families whose total annual household income
2212 does not exceed 140 percent of the area median income, adjusted
2213 for household size, or 150 percent of area median income,
2214 adjusted for household size, in areas of critical state concern
2215 designated under s. 380.05, Florida Statutes, for which the
2216 Legislature has declared its intent to provide affordable
2217 housing, and areas that were designated as areas of critical
2218 state concern for at least 20 consecutive years prior to removal
2219 of the designation.

2220 (b) "Essential services personnel" means persons in need
2221 of affordable housing who are employed in occupations or
2222 professions in which they are considered essential services
2223 personnel, as defined by each county and eligible municipality
2224 within its respective local housing assistance plan pursuant to
2225 s. 420.9075(3)(a), Florida Statutes.

2226 (c) "Public-private partnership" means any form of
2227 business entity that includes substantial involvement of at
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2228 least one county, one municipality, or one public sector entity,
2229 such as a school district or other unit of local government in
2230 which the project is to be located, and at least one private
2231 sector for-profit or not-for-profit business or charitable
2232 entity, and may be any form of business entity, including a
2233 joint venture or contractual agreement.

2234 (4) The Florida Housing Finance Corporation is authorized
2235 to provide Community Workforce Housing Innovation Pilot Program
2236 loans to an applicant for construction or rehabilitation of
2237 workforce housing in eligible areas. The corporation shall
2238 establish a funding process and selection criteria by rule or
2239 request for proposals. This funding is intended to be used with
2240 other public and private sector resources.

2241 (5) The corporation shall provide incentives for local
2242 governments in eligible areas to use local affordable housing
2243 funds, such as those from the State Housing Initiatives
2244 Partnership Program, to assist in meeting the affordable housing
2245 needs of persons eligible under this program.

2246 (6) Funding shall be targeted to projects in areas where
2247 the disparity between the area median income and the median
2248 sales price for a single-family home is greatest, and for
2249 projects in areas where population growth as a percentage rate
2250 of increase is greatest. The corporation may also fund projects
2251 in areas where innovative regulatory and financial incentives
2252 are made available. This program is intended to fund one program
2253 per county.

2254 (7) Projects shall receive priority consideration for
2255 funding where:

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2256 (a) The local jurisdiction adopts appropriate regulatory
2257 incentives, local contributions or financial strategies, or
2258 other funding sources to promote the development and ongoing
2259 financial viability of such projects. Local incentives include
2260 such actions as expediting review of development orders and
2261 permits, supporting development near transportation hubs and
2262 major employment centers, and adopting land development
2263 regulations designed to allow flexibility in densities, use of
2264 accessory units, mixed-use developments, and flexible lot
2265 configurations. Financial strategies include such actions as
2266 promoting employer-assisted housing programs, providing tax
2267 increment financing, and providing land.

2268 (b) Projects are innovative and include new construction
2269 or rehabilitation, mixed-income housing, or commercial and
2270 housing mixed-use elements and those that promote homeownership.
2271 The program funding shall not exceed the costs attributable to
2272 the portion of the project that is set aside to provide housing
2273 for the targeted population.

2274 (c) Projects that set aside at least 80 percent of units
2275 for workforce housing and at least 50 percent for essential
2276 services personnel and for projects that require the least
2277 amount of program funding compared to the overall housing costs
2278 for the project.

2279 (8) Notwithstanding the provisions of s. 163.3184(3)-(6),
2280 Florida Statutes, any local government comprehensive plan
2281 amendment to implement a Community Workforce Housing Innovation
2282 Pilot Program project found consistent with the provisions of
2283 this section shall be expedited as provided in this subsection.
2284 At least 30 days prior to adopting a plan amendment pursuant to
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2285 this paragraph, the local government shall notify the state land
2286 planning agency of its intent to adopt such an amendment, and
2287 the notice shall include its evaluation related to site
2288 suitability and availability of facilities and services. The
2289 public notice of the hearing required by s. 163.3184(15)(e),
2290 Florida Statutes, shall include a statement that the local
2291 government intends to utilize the expedited adoption process
2292 authorized by this subsection. Such amendments shall require
2293 only a single public hearing before the governing board, which
2294 shall be an adoption hearing as described in s. 163.3184(7),
2295 Florida Statutes, and the state land planning agency shall issue
2296 its notice of intent pursuant to s. 163.3184(8), Florida
2297 Statutes, within 30 days after determining that the amendment
2298 package is complete.

2299 (9) The corporation shall award loans with interest rates
2300 set at 1 to 3 percent, which may be made forgivable when long-
2301 term affordability is provided and when at least 80 percent of
2302 the units are set aside for workforce housing and at least 50
2303 percent of the units are set aside for essential services
2304 personnel.

2305 (10) All eligible applications shall:

2306 (a) For home ownership, limit the sales price of a
2307 detached unit, townhome, or condominium unit to not more than 80
2308 percent of the median sales price for that type of unit in that
2309 county, or the statewide median sales price for that type of
2310 unit, whichever is higher, and require that all eligible
2311 purchasers of home ownership units occupy the homes as their
2312 primary residence.

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2313 (b) For rental units, restrict rents for all workforce
2314 housing serving those with incomes at or below 120 percent of
2315 area median income at the appropriate income level using the
2316 restricted rents for the federal low-income housing tax credit
2317 program and, for workforce housing units serving those with
2318 incomes above 120 percent of area median income, restrict rents
2319 to those established by the corporation, not to exceed 30
2320 percent of the maximum household income adjusted to unit size.

2321 (c) Demonstrate that the applicant is a public-private
2322 partnership.

2323 (d) Have grants, donations of land, or contributions from
2324 the public-private partnership or other sources collectively
2325 totaling at least 15 percent of the total development cost. Such
2326 grants, donations of land, or contributions must be evidenced by
2327 a letter of commitment only at the time of application.

2328 (e) Demonstrate how the applicant will use the regulatory
2329 incentives and financial strategies outlined in paragraph (7)(a)
2330 from the local jurisdiction in which the proposed project is to
2331 be located. The corporation may consult with the Department of
2332 Community Affairs in evaluating the use of regulatory incentives
2333 by applicants.

2334 (f) Demonstrate that the applicant possesses title to or
2335 site control of land and evidences availability of required
2336 infrastructure.

2337 (g) Demonstrate the applicant's affordable housing
2338 development and management experience.

2339 (h) Provide any research or facts available supporting the
2340 demand and need for rental or home ownership workforce housing

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2341 for eligible persons in the market in which the project is
2342 proposed.

2343 (11) Projects may include manufactured housing constructed
2344 after June 1994 and installed in accordance with mobile home
2345 installation standards of the Department of Highway Safety and
2346 Motor Vehicles.

2347 (12) The corporation may adopt rules pursuant to ss.
2348 120.536(1) and 120.54, Florida Statutes, to implement the
2349 provisions of this section.

2350 (13) The corporation may use a maximum of 2 percent of the
2351 annual appropriation for administration and compliance
2352 monitoring.

2353 (14) The corporation shall review the success of the
2354 Community Workforce Housing Innovation Pilot Program to
2355 ascertain whether the projects financed by the program are
2356 useful in meeting the housing needs of eligible areas. The
2357 corporation shall submit its report and any recommendations
2358 regarding the program to the Governor, the Speaker of the House
2359 of Representatives, and the President of the Senate not later
2360 than 2 months after the end of the corporation's fiscal year.

2361 Section 36. Affordable housing land donation density bonus
2362 incentives.--

2363 (1) A local government may provide density bonus
2364 incentives pursuant to the provisions of this section to any
2365 landowner who voluntarily donates fee simple interest in real
2366 property to the local government for the purpose of assisting
2367 the local government in providing affordable housing. Donated
2368 real property must be determined by the local government to be
2369 appropriate for use as affordable housing and must be subject to

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2370 deed restrictions to ensure that the property will be used for
2371 affordable housing.

2372 (2) For purposes of this section, the terms "affordable,"
2373 "extremely-low-income persons," "low-income persons," "moderate-
2374 income persons," and "very-low-income persons," have the same
2375 meaning as in s. 420.0004, Florida Statutes.

2376 (3) The density bonus may be applied to any land within
2377 the local government's jurisdiction provided that residential
2378 use is an allowable use on the receiving land.

2379 (4) The density bonus, identification of receiving land
2380 for the bonus, and any other conditions associated with the
2381 donation of the land for affordable housing are the subject of
2382 review and approval by the local government. The award of
2383 density bonus pursuant to this section, the legal description of
2384 the land receiving the bonus, and any other conditions
2385 associated with the bonus shall be memorialized in a development
2386 agreement or other binding agreement and recorded with the clerk
2387 of court in the county where the donated land and receiving land
2388 are located.

2389 (5) The local government, as part of the approval process,
2390 shall adopt a comprehensive plan amendment, pursuant to part II
2391 of chapter 163, Florida Statutes, for the receiving land that
2392 incorporates the density bonus. Such amendment shall be adopted
2393 in the manner as required for small-scale amendments pursuant to
2394 s. 163.3187, Florida Statutes, is not subject to the
2395 requirements of s. 163.3184(3)-(6), Florida Statutes, and is
2396 exempt from the limitation on the frequency of plan amendments
2397 as provided in s. 163.3187, Florida Statutes.

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2398 (6) The deed restrictions required pursuant to subsection
2399 (1) for an affordable housing unit must also prohibit the unit
2400 from being sold at a price that exceeds the threshold for
2401 housing that is affordable for low-income or moderate-income
2402 persons or to a buyer who is not eligible due to his or her
2403 income under chapter 420, Florida Statutes. The deed restriction
2404 may allow affordable housing units created under subsection (1)
2405 to be rented to extremely-low-income, very-low-income, low-
2406 income, or moderate-income persons.

2407 (7) The local government may transfer all or a portion of
2408 the donated land to a nonprofit housing organization, such as a
2409 community land trust, housing authority, or community
2410 redevelopment agency, to be used for the production and
2411 preservation of permanently affordable housing.

2412 Section 37. The Department of Community Affairs shall
2413 establish the Home Retrofit Hardening Program. The program is a
2414 competitive grant program to fund improvements to homes
2415 constructed before the implementation of the current Florida
2416 Building Code when the improvements will directly affect the
2417 home's ability to withstand hurricane force winds and improve
2418 the home's rating for home insurance. Site-built and mobile
2419 homes are eligible for funding under this program. However,
2420 priority shall be given to low-income homeowners, as defined in
2421 s. 420.0004(10), Florida Statutes, who live in wind-borne debris
2422 regions as defined in the Florida Building Code.

2423 (1) The program shall be administered by local
2424 governments, regional planning councils, or private nonprofit
2425 agencies under the overall direction of the department. When
2426 awarding program funds, the department shall be guided by:

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- 2427 (a) The number of homes in need of improvement.
- 2428 (b) The number of homes located within the wind-borne
2429 debris region.
- 2430 (c) The number of persons who will benefit from the
2431 improvements.
- 2432 (d) The number of extremely-low-income, very-low-income,
2433 and low-income households that will benefit from the
2434 improvements.
- 2435 (e) The costs per home to provide improvements.
- 2436 (2) Funds may be used for the following improvements
2437 installed in compliance with Blueprint for Safety standards:
- 2438 (a) Roof deck attachments.
- 2439 (b) Secondary water barriers.
- 2440 (c) Roof coverings.
- 2441 (d) Brace gable ends.
- 2442 (e) Reinforcement of roof-to-wall connections.
- 2443 (f) Opening protection.
- 2444 (g) Exterior doors.
- 2445 (3) Each project grant for an individual home retrofit may
2446 not exceed \$10,000.
- 2447 (4) Administrative costs shall be kept to a minimum.
- 2448 (5) Grantees are encouraged to leverage grant funds
2449 available under this program with other available funds.
2450 Matching funds for a project is not a requirement. However,
2451 matching funds from other available sources may be considered by
2452 the department in the competitive-review process.
- 2453 (6) The sum of \$50 million is appropriated from the United
2454 States Contributions Trust Fund to the Department of Community
2455 Affairs in fixed capital outlay for the Home Retrofit Hardening

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2456 Program. No more than 5 percent of the funds provided under this
2457 section may be used by the department for administration of this
2458 funding.

2459 Section 38. The Department of Community Affairs shall
2460 establish the Disaster Recovery Assistance Program which shall
2461 be a grant program to fund repairs and rehabilitation to homes
2462 in communities severely impacted by the 2004 and 2005
2463 hurricanes. These funds shall be leveraged with other program
2464 funds targeted to the most vulnerable citizens of the state. The
2465 sum of \$2 million is appropriated in fixed capital outlay from
2466 the State Housing Trust Fund in the Department of Community
2467 Affairs for the Disaster Recovery Assistance Program. For the
2468 purposes of implementing this section, the Florida Housing
2469 Finance Corporation is provided nonoperating budget authority to
2470 transfer \$2 million from the State Housing Trust Fund to the
2471 Department of Community Affairs.

2472 Section 39. The Florida Housing Finance Corporation is
2473 authorized to provide funds to eligible entities for affordable
2474 housing recovery in those areas of the state which sustained
2475 housing damage due to hurricanes during 2004 and 2005. The
2476 Florida Housing Finance Corporation shall utilize data provided
2477 by the Federal Emergency Management Agency to assist in its
2478 allocation of funds to local jurisdictions. To administer these
2479 programs, the Florida Housing Finance Corporation shall be
2480 guided by the "Hurricane Housing Work Group Recommendations to
2481 Assist in Florida's Long Term Housing Recovery Efforts" report
2482 dated February 16, 2005, and may adopt emergency rules pursuant
2483 to s. 120.54, Florida Statutes. The Legislature finds that
2484 emergency rules adopted pursuant to this section meet the

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2485 health, safety, and welfare requirement of s. 120.54(4), Florida
2486 Statutes. The Legislature finds that such emergency rulemaking
2487 power is necessary for the preservation of the rights and
2488 welfare of the people in order to provide additional funds to
2489 assist those areas of the state that sustained housing damage
2490 due to hurricanes during 2004 and 2005. Therefore, in adopting
2491 such emergency rules, the corporation need not make the findings
2492 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
2493 adopted under this section are exempt from s. 120.54(4)(c),
2494 Florida Statutes. The sum of \$15 million is appropriated from
2495 the Local Government Housing Trust Fund to the Florida Housing
2496 Finance Corporation for the Hurricane Housing Recovery Program.
2497 The corporation may use a maximum of one-quarter of 1 percent of
2498 the \$15 million appropriation for the Hurricane Housing Recovery
2499 Program for administration, monitoring, and compliance of the
2500 provisions of the program. There is appropriated from the State
2501 Housing Trust Fund to the Florida Housing Finance Corporation
2502 the sum of \$25 million for the Farmworker Housing Recovery
2503 Program and the Special Housing Assistance and Development
2504 Program, the sum of \$400,000 for technical and training
2505 assistance, and the sum of \$176.6 million for the Rental
2506 Recovery Loan Program.

2507 Section 40. The sum of \$82,904,000 is appropriated from
2508 the Florida Small Cities Community Development Block Grant
2509 Program Fund to the Department of Community Affairs. These funds
2510 shall be used consistent with the Federal Register, Vol. 71, No.
2511 29, February 13, 2006, Docket No. FR-5051-N-01, and the Action
2512 Plan for Disaster Recovery approved by the United States
2513 Department of Housing and Urban Development to meet the needs of
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2514 communities impacted by Hurricanes Wilma and Katrina, with a
2515 prioritization toward affordable housing in the most impacted
2516 areas of the state.

2517 Section 41. The sum of \$50 million is appropriated from
2518 the Local Government Housing Trust Fund to the Florida Housing
2519 Finance Corporation for fiscal year 2006-2007 to implement the
2520 Community Workforce Housing Innovation Pilot Program.

2521 Section 42. The sum of \$33 million is appropriated from
2522 the Local Government Housing Trust Fund to the Florida Housing
2523 Finance Corporation for fiscal year 2006-2007 to assist in the
2524 production of housing units for extremely-low-income persons as
2525 defined in s. 420.0004(8), Florida Statutes.

2526 Section 43. Except as otherwise expressly provided in this
2527 act, this act shall take effect July 1, 2006.

2528

2529 ===== T I T L E A M E N D M E N T =====

2530 Remove the entire title and insert:

2531 A bill to be entitled

2532 An act relating to affordable housing; creating s.
2533 125.379, F.S.; providing for disposition of county
2534 property for affordable housing; amending s. 163.31771,
2535 F.S., relating to accessory dwelling units; revising
2536 legislative findings and definitions; conforming cross-
2537 references; creating s. 163.31772, F.S.; providing
2538 legislative findings and intent relating to changes in
2539 land use affecting mobile home parks; providing
2540 definitions; providing requirements for local governments
2541 and community redevelopment agencies regarding specified
2542 funding sources to provide financial assistance to certain

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Amendment No. (for drafter's use only)

2543 mobile home owners; providing requirements for mobile home
2544 owners to qualify for financial assistance; requiring
2545 local governments to permit and approve rezoning of
2546 property for the development of new mobile home parks;
2547 providing that a local government or redevelopment agency
2548 may enter into a development agreement with the owner of a
2549 mobile home park to encourage its continued use for
2550 affordable housing; providing rulemaking authority;
2551 limiting the length of certain development agreements;
2552 amending s. 163.3187, F.S.; revising a limitation relating
2553 to small scale comprehensive plan amendments involving the
2554 construction of affordable housing units; creating s.
2555 166.0451, F.S.; providing for disposition of municipal
2556 property for affordable housing; amending s. 189.4155,
2557 F.S.; authorizing independent special districts to provide
2558 for housing and housing assistance; amending s. 191.006,
2559 F.S.; authorizing independent special fire control
2560 districts to provide employee housing and housing
2561 assistance; creating s. 193.018, F.S.; creating the Manny
2562 Diaz Affordable Housing Property Tax Relief Initiative;
2563 providing criteria for assessing just valuation of
2564 affordable housing properties serving persons of low,
2565 moderate, very-low, and extremely-low incomes; amending s.
2566 196.1978, F.S.; specifying what constitutes a nonprofit
2567 entity for purposes of affordable housing property tax
2568 exemption; conforming cross-references; amending ss.
2569 212.08, 220.183, and 624.5105, F.S.; increasing the amount
2570 of available tax credits against the sales tax, corporate
2571 income tax, and insurance premium tax, respectively, for

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Amendment No. (for drafter's use only)

2572 projects under the community contribution tax credit
2573 program and providing separate annual limitations for
2574 certain projects; revising requirements and procedures for
2575 the Office of Tourism, Trade, and Economic Development in
2576 granting tax credits under the program; including
2577 extremely-low-income persons as eligible recipients of
2578 assistance; conforming cross-references; amending s.
2579 253.034, F.S.; providing for the disposition of state
2580 lands for affordable housing; amending s. 253.0341, F.S.;
2581 authorizing local governments to request state lands be
2582 declared surplus for the purpose of affordable housing;
2583 providing for use of lands that are declared surplus;
2584 amending s. 295.16, F.S.; expanding the disabled veteran
2585 exemption from certain license and permit fees relating to
2586 dwelling improvements; amending s. 376.30781, F.S.;
2587 providing tax credits for eligible applicants; amending s.
2588 380.06, F.S.; providing a greater substantial deviation
2589 threshold for the provision of affordable housing in a
2590 development of regional impact; conforming cross-
2591 references; amending s. 380.0651, F.S.; providing a
2592 statewide guidelines and standards bonus for the provision
2593 of workforce housing; amending s. 420.0004, F.S.; defining
2594 the term "extremely-low-income persons"; conforming cross-
2595 references; amending s. 420.37, F.S., relating to
2596 additional powers of the Florida Housing Finance
2597 Corporation; providing for additional powers of the
2598 Florida Department of Community Affairs; amending s.
2599 420.503, F.S.; revising the definition of the term
2600 "farmworker" under the Florida Housing Finance Corporation

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Amendment No. (for drafter's use only)

2601 Act; providing rulemaking authority; amending s. 420.5061,
2602 F.S.; conforming a cross-reference; amending s. 420.507,
2603 F.S.; revising and expanding the powers of the Florida
2604 Housing Finance Corporation relating to mortgage loan
2605 interest rates, loans, loan relief, uses of loan funds,
2606 subsidiary business entities, and data reporting;
2607 providing rulemaking authority; amending s. 420.5087,
2608 F.S.; increasing the population criteria for the State
2609 Apartment Incentive Loan Program; revising criteria for
2610 loans; conforming cross-references; amending s. 420.5088,
2611 F.S.; expanding the scope of the Florida Homeownership
2612 Assistance Program; revising loan requirements; deleting a
2613 provision reserving program funds for certain borrowers;
2614 repealing s. 420.530, F.S., relating to the State Farm
2615 Worker Housing Pilot Loan Program; amending s. 420.9071,
2616 F.S.; conforming a cross-reference; amending s. 420.9072,
2617 F.S.; conforming cross-references; amending s. 420.9075,
2618 F.S.; requiring local housing assistance plans to define
2619 essential service personnel for the county or eligible
2620 municipality and to contain a strategy for the recruitment
2621 and retention of such personnel; providing for provision
2622 of funds for homeownership for extremely-low-income, very-
2623 low-income, or low-income persons; amending s. 420.9076,
2624 F.S.; conforming a cross-reference; amending s. 420.9079,
2625 F.S.; revising the maximum appropriation the Florida
2626 Housing Finance Corporation may request each state fiscal
2627 year; conforming a cross-reference; amending s. 1001.43,
2628 F.S.; authorizing district school boards to provide
2629 affordable housing for teachers and other district

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2630 personnel; amending s. 723.0612, F.S.; requiring local
2631 governments to allow the owner of a mobile home or a
2632 recreational vehicle park to change the use of park land
2633 to a single-family residential or multi-family land use
2634 under certain conditions; amending s. 1013.64, F.S.;
2635 prohibiting the use of PECO funds for the construction of
2636 affordable housing; authorizing school districts to use
2637 local and other funds to fund the construction of
2638 affordable housing; creating the Community Workforce
2639 Housing Innovation Pilot Program; provides legislative
2640 findings; providing definitions; providing the Florida
2641 Housing Finance Corporation with certain powers and
2642 responsibilities relating to the program; requiring the
2643 program to target certain entities; providing application
2644 requirements; providing incentives for program applicants;
2645 providing rulemaking authority; requires a report to the
2646 Governor and Legislature; authorizing local governments to
2647 provide density bonus incentives to landowners who donate
2648 fee simple interest in real property to the local
2649 government for the purpose of assisting the local
2650 government in providing affordable housing; providing
2651 definitions and requirements governing such donations and
2652 density bonuses; requiring the Department of Community
2653 Affairs to establish a Home Retrofit Hardening Program and
2654 establishing requirements for the program; requiring the
2655 Department of Community Affairs to establish a Disaster
2656 Recovery Assistance Program and establishing requirements
2657 for the program; authorizing the Florida Housing Finance
2658 Corporation to provide funds to eligible entities for

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Amendment No. (for drafter's use only)

2659 | affordable housing recovery in areas of the state
2660 | sustaining hurricane damage due to hurricanes during 2004
2661 | and 2005; providing legislative findings and emergency
2662 | rulemaking authority; providing appropriations; providing
2663 | effective dates.