

Bill No. HB 1363, 2nd Eng.

Barcode 963696

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

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Senator Bennett moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

125.379 Disposition of county property for affordable  
housing.--

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

1 public hearing.

2       (2) The properties identified as appropriate for use  
3 as affordable housing on the inventory list adopted by the  
4 county may be offered for sale and the proceeds used to  
5 purchase land for the development of affordable housing or to  
6 increase the local government fund earmarked for affordable  
7 housing, or may be sold with a restriction that requires the  
8 development of the property as permanent affordable housing,  
9 or may be donated to a nonprofit housing organization for the  
10 construction of permanent affordable housing. Alternatively,  
11 the county may otherwise make the property available for use  
12 for the production and preservation of permanent affordable  
13 housing. For purposes of this section, the term "affordable"  
14 has the same meaning as in s. 420.0004(3).

15       Section 2. Subsections (1) and (4) and paragraphs (b),  
16 (d), (e), and (f) of subsection (2) of section 163.31771,  
17 Florida Statutes, are amended, and paragraph (g) is added to  
18 subsection (2) of that section, to read:

19       163.31771 Accessory dwelling units.--

20       (1) The Legislature finds that the median price of  
21 homes in this state has increased steadily over the last  
22 decade and at a greater rate of increase than the median  
23 income in many urban areas. The Legislature finds that the  
24 cost of rental housing has also increased steadily and the  
25 cost often exceeds an amount that is affordable to  
26 extremely-low-income, very-low-income, low-income, or  
27 moderate-income persons and has resulted in a critical  
28 shortage of affordable rentals in many urban areas in the  
29 state. This shortage of affordable rentals constitutes a  
30 threat to the health, safety, and welfare of the residents of  
31 the state. Therefore, the Legislature finds that it serves an

Barcode 963696

1 important public purpose to encourage the permitting of  
2 accessory dwelling units in single-family residential areas in  
3 order to increase the availability of affordable rentals for  
4 extremely-low-income, very-low-income, low-income, or  
5 moderate-income persons.

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

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

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

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

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

18 (g) "Extremely-low-income persons" has the same  
19 meaning as in s. 420.0004(8).

20 (4) If the local government adopts an ordinance under  
21 this section, an application for a building permit to  
22 construct an accessory dwelling unit must include an affidavit  
23 from the applicant which attests that the unit will be rented  
24 at an affordable rate to an extremely-low-income, ~~a~~  
25 very-low-income, low-income, or moderate-income person or  
26 persons.

27 Section 3. Paragraph (c) of subsection (1) of section  
28 163.3187, Florida Statutes, is amended to read:

29 163.3187 Amendment of adopted comprehensive plan.--

30 (1) Amendments to comprehensive plans adopted pursuant  
31 to this part may be made not more than two times during any

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 calendar year, except:

2 (c) Any local government comprehensive plan amendments  
3 directly related to proposed small scale development  
4 activities may be approved without regard to statutory limits  
5 on the frequency of consideration of amendments to the local  
6 comprehensive plan. A small scale development amendment may be  
7 adopted only under the following conditions:

8 1. The proposed amendment involves a use of 10 acres  
9 or fewer and:

10 a. The cumulative annual effect of the acreage for all  
11 small scale development amendments adopted by the local  
12 government shall not exceed:

13 (I) A maximum of 120 acres in a local government that  
14 contains areas specifically designated in the local  
15 comprehensive plan for urban infill, urban redevelopment, or  
16 downtown revitalization as defined in s. 163.3164, urban  
17 infill and redevelopment areas designated under s. 163.2517,  
18 transportation concurrency exception areas approved pursuant  
19 to s. 163.3180(5), or regional activity centers and urban  
20 central business districts approved pursuant to s.

21 380.06(2)(e); however, amendments under this paragraph may be  
22 applied to no more than 60 acres annually of property outside  
23 the designated areas listed in this sub-sub-subparagraph.

24 Amendments adopted pursuant to paragraph (k) shall not be  
25 counted toward the acreage limitations for small scale  
26 amendments under this paragraph.

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

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

Bill No. HB 1363, 2nd Eng.

Barcode 963696

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

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

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

11           e. The property that is the subject of the proposed  
12 amendment is not located within an area of critical state  
13 concern, unless the project subject to the proposed amendment  
14 involves the construction of affordable housing units meeting  
15 the criteria of s. 420.0004(3), and is located within an area  
16 of critical state concern designated by s. 380.0552 or by the  
17 Administration Commission pursuant to s. 380.05(1). Such  
18 amendment is not subject to the density limitations of  
19 sub-subparagraph f., and shall be reviewed by the state land  
20 planning agency for consistency with the principles for  
21 guiding development applicable to the area of critical state  
22 concern where the amendment is located and shall not become  
23 effective until a final order is issued under s. 380.05(6).

24           f. If the proposed amendment involves a residential  
25 land use, the residential land use has a density of 10 units  
26 or less per acre or the proposed future land use category  
27 allows a maximum residential density of the same or less than  
28 the maximum residential density allowable under the existing  
29 future land use category, except that this limitation does not  
30 apply to small scale amendments involving the construction of  
31 affordable housing units meeting the criteria of s.

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 420.0004(3) on property which will be the subject of a land  
 2 use restriction agreement ~~or extended use agreement recorded~~  
 3 ~~in conjunction with the issuance of tax exempt bond financing~~  
 4 ~~or an allocation of federal tax credits issued through the~~  
 5 ~~Florida Housing Finance Corporation or a local housing finance~~  
 6 ~~authority authorized by the Division of Bond Finance of the~~  
 7 ~~State Board of Administration, or small scale amendments~~  
 8 described in sub-sub-subparagraph a.(I) that are designated in  
 9 the local comprehensive plan for urban infill, urban  
 10 redevelopment, or downtown revitalization as defined in s.  
 11 163.3164, urban infill and redevelopment areas designated  
 12 under s. 163.2517, transportation concurrency exception areas  
 13 approved pursuant to s. 163.3180(5), or regional activity  
 14 centers and urban central business districts approved pursuant  
 15 to s. 380.06(2)(e).

16       2.a. A local government that proposes to consider a  
 17 plan amendment pursuant to this paragraph is not required to  
 18 comply with the procedures and public notice requirements of  
 19 s. 163.3184(15)(c) for such plan amendments if the local  
 20 government complies with the provisions in s. 125.66(4)(a) for  
 21 a county or in s. 166.041(3)(c) for a municipality. If a  
 22 request for a plan amendment under this paragraph is initiated  
 23 by other than the local government, public notice is required.

24       b. The local government shall send copies of the  
 25 notice and amendment to the state land planning agency, the  
 26 regional planning council, and any other person or entity  
 27 requesting a copy. This information shall also include a  
 28 statement identifying any property subject to the amendment  
 29 that is located within a coastal high-hazard area as  
 30 identified in the local comprehensive plan.

31       3. Small scale development amendments adopted pursuant

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 to this paragraph require only one public hearing before the  
 2 governing board, which shall be an adoption hearing as  
 3 described in s. 163.3184(7), and are not subject to the  
 4 requirements of s. 163.3184(3)-(6) unless the local government  
 5 elects to have them subject to those requirements.

6           4. If the small scale development amendment involves a  
 7 site within an area that is designated by the Governor as a  
 8 rural area of critical economic concern under s. 288.0656(7)  
 9 for the duration of such designation, the 10-acre limit listed  
 10 in subparagraph 1. shall be increased by 100 percent to 20  
 11 acres. The local government approving the small scale plan  
 12 amendment shall certify to the Office of Tourism, Trade, and  
 13 Economic Development that the plan amendment furthers the  
 14 economic objectives set forth in the executive order issued  
 15 under s. 288.0656(7), and the property subject to the plan  
 16 amendment shall undergo public review to ensure that all  
 17 concurrency requirements and federal, state, and local  
 18 environmental permit requirements are met.

19           Section 4. Section 166.0451, Florida Statutes, is  
 20 created to read:

21           166.0451 Disposition of municipal property for  
 22 affordable housing.--

23           (1) By July 1, 2007, and every 3 years thereafter,  
 24 each municipality shall prepare an inventory list of all real  
 25 property within its jurisdiction to which the municipality  
 26 holds fee simple title that is appropriate for use as  
 27 affordable housing. The inventory list must include the  
 28 address and legal description of each such property and  
 29 specify whether the property is vacant or improved. The  
 30 governing body of the municipality must review the inventory  
 31 list at a public hearing and may revise it at the conclusion

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 of the public hearing. Following the public hearing, the  
2 governing body of the municipality shall adopt a resolution  
3 that includes an inventory list of such property.

4       (2) The properties identified as appropriate for use  
5 as affordable housing on the inventory list adopted by the  
6 municipality may be offered for sale and the proceeds may be  
7 used to purchase land for the development of affordable  
8 housing or to increase the local government fund earmarked for  
9 affordable housing, or may be sold with a restriction that  
10 requires the development of the property as permanent  
11 affordable housing, or may be donated to a nonprofit housing  
12 organization for the construction of permanent affordable  
13 housing. Alternatively, the municipality may otherwise make  
14 the property available for use for the production and  
15 preservation of permanent affordable housing. For purposes of  
16 this section, the term "affordable" has the same meaning as in  
17 s. 420.0004(3).

18       Section 5. The Legislature finds that providing  
19 affordable housing is vitally important to the health, safety,  
20 and welfare of the residents of this state. Furthermore, the  
21 Legislature finds that escalating property values and  
22 development costs have contributed to the inadequate supply of  
23 housing for low- and moderate-income residents of this state.  
24 The Legislature further finds that there is a shortage of  
25 sites available for housing for persons and families with low  
26 and moderate incomes and that surplus government land, when  
27 appropriate, should be made available for that purpose.  
28 Therefore, the Legislature determines and declares that this  
29 act fulfills an important state interest.

30       Section 6. Subsection (6) is added to section  
31 189.4155, Florida Statutes, to read:



Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 189.4155 Activities of special districts; local  
2 government comprehensive planning.--

3 (6) Any independent district created under a special  
4 act or general law, including, but not limited to, chapter  
5 189, chapter 190, chapter 191, or chapter 298, for the purpose  
6 of providing urban infrastructure of services may provide  
7 housing and housing assistance for its employed personnel  
8 whose total annual household income does not exceed 140  
9 percent of the area median income, adjusted for family size.

10 Section 7. Subsection (19) is added to section  
11 191.006, Florida Statutes, to read:

12 191.006 General powers.--The district shall have, and  
13 the board may exercise by majority vote, the following powers:

14 (19) To provide housing or housing assistance for its  
15 employed personnel whose total annual household income does  
16 not exceed 140 percent of the area median income, adjusted for  
17 family size.

18 Section 8. Paragraph (b) of subsection (2) and  
19 subsection (4) of section 197.252, Florida Statutes, are  
20 amended to read:

21 197.252 Homestead tax deferral.--

22 (2)

23 (b) If ~~In the event~~ the applicant is entitled to claim  
24 the increased exemption by reason of age and residency as  
25 provided in s. 196.031(3)(a), approval of the ~~such~~ application  
26 shall defer that portion of the ~~such~~ ad valorem taxes plus  
27 non-ad valorem assessments which exceeds 3 percent of the  
28 applicant's household ~~household's~~ income for the prior  
29 calendar year. If any ~~such~~ applicant's household income for  
30 the prior calendar year is less than \$10,000, or is less than  
31 the amount of the household income designated for the

1 additional homestead exemption pursuant to s. 196.075, and the  
 2 ~~\$12,000 if such~~ applicant is 65 ~~70~~ years of age or older,  
 3 approval of the ~~such~~ application shall defer the ~~such~~ ad  
 4 valorem taxes plus non-ad valorem assessments in their  
 5 entirety.

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

14 Section 9. Paragraph (f) of subsection (6) of section  
 15 253.034, Florida Statutes, is amended to read:

16 253.034 State-owned lands; uses.--

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

30 (f)1. In reviewing lands owned by the board, the  
 31 council shall consider whether such lands would be more

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 | appropriately owned or managed by the county or other unit of  
2 | local government in which the land is located. The council  
3 | shall recommend to the board whether a sale, lease, or other  
4 | conveyance to a local government would be in the best  
5 | interests of the state and local government. The provisions of  
6 | this paragraph in no way limit the provisions of ss. 253.111  
7 | and 253.115. Such lands shall be offered to the state, county,  
8 | or local government for a period of 30 days. Permittable uses  
9 | for such surplus lands may include public schools; public  
10 | libraries; fire or law enforcement substations; ~~and~~  
11 | governmental, judicial, or recreational centers; and  
12 | affordable housing meeting the criteria of s. 420.0004(3).

13 | County or local government requests for surplus lands shall be  
14 | expedited throughout the surplusing process. If the county or  
15 | local government does not elect to purchase such lands in  
16 | accordance with s. 253.111, then any surplusing determination  
17 | involving other governmental agencies shall be made upon the  
18 | board deciding the best public use of the lands. Surplus  
19 | properties in which governmental agencies have expressed no  
20 | interest shall then be available for sale on the private  
21 | market.

22 |         2. Notwithstanding subparagraph 1., any surplus lands  
23 | that were acquired by the state prior to 1958 by a gift or  
24 | other conveyance for no consideration from a municipality, and  
25 | which the department has filed by July 1, 2006, a notice of  
26 | its intent to surplus, shall be first offered for reconveyance  
27 | to such municipality at no cost, but for the fair market value  
28 | of any building or other improvements to the land, unless  
29 | otherwise provided in a deed restriction of record. This  
30 | subparagraph expires July 1, 2006.

31 |         Section 10. Section 253.0341, Florida Statutes, is

1 amended to read:

2           253.0341 Surplus of state-owned lands to counties or  
3 local governments.--Counties and local governments may submit  
4 surplus requests for state-owned lands directly to the  
5 board of trustees. County or local government requests for the  
6 state to surplus conservation or nonconservation lands,  
7 whether for purchase or exchange, shall be expedited  
8 throughout the surplus process. Property jointly acquired  
9 by the state and other entities shall not be surplus without  
10 the consent of all joint owners.

11           (1) The decision to surplus state-owned  
12 nonconservation lands may be made by the board without a  
13 review of, or a recommendation on, the request from the  
14 Acquisition and Restoration Council or the Division of State  
15 Lands. Such requests for nonconservation lands shall be  
16 considered by the board within 60 days of the board's receipt  
17 of the request.

18           (2) County or local government requests for the  
19 surplus of state-owned conservation lands are subject to  
20 review of, and recommendation on, the request to the board by  
21 the Acquisition and Restoration Council. Requests to surplus  
22 conservation lands shall be considered by the board within 120  
23 days of the board's receipt of the request.

24           (3) A local government may request that state lands be  
25 specifically declared surplus lands for the purpose of  
26 providing affordable housing. The request shall comply with  
27 the requirements of subsection (1) if the lands are  
28 nonconservation lands or subsection (2) if the lands are  
29 conservation lands. Surplus lands that are conveyed to a local  
30 government for affordable housing shall be disposed of by the  
31 local government under the provisions of s. 125.379 or s.

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 166.0451.

2 Section 11. Section 295.16, Florida Statutes, is  
3 amended to read:

4 295.16 Disabled veterans exempt from certain license  
5 or permit fee.--No totally and permanently disabled veteran  
6 who is a resident of Florida and honorably discharged from the  
7 Armed Forces, who has been issued a valid identification card  
8 by the Department of Veterans' Affairs in accordance with s.  
9 295.17 or has been determined by the United States Department  
10 of Veterans Affairs or its predecessor to have a  
11 service-connected 100-percent disability rating for  
12 compensation, or who has been determined to have a  
13 service-connected disability rating of 100 percent and is in  
14 receipt of disability retirement pay from any branch of the  
15 uniformed armed services, shall be required to pay any license  
16 or permit fee, by whatever name known, to any county or  
17 municipality in order to make improvements upon a dwelling  
18 ~~mobile home~~ owned by the veteran which is used as the  
19 veteran's residence, provided such improvements are limited to  
20 ramps, widening of doors, and similar improvements for the  
21 purpose of making the dwelling ~~mobile home~~ habitable for  
22 veterans confined to wheelchairs.

23 Section 12. Paragraphs (b) and (e) of subsection (19)  
24 of section 380.06, Florida Statutes, are amended, and  
25 paragraph (i) is added to that subsection, to read:

26 380.06 Developments of regional impact.--

27 (19) SUBSTANTIAL DEVIATIONS.--

28 (b) Any proposed change to a previously approved  
29 development of regional impact or development order condition  
30 which, either individually or cumulatively with other changes,  
31 exceeds any of the following criteria shall constitute a

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 substantial deviation and shall cause the development to be  
2 subject to further development-of-regional-impact review  
3 without the necessity for a finding of same by the local  
4 government:

5           1. An increase in the number of parking spaces at an  
6 attraction or recreational facility by 5 percent or 300  
7 spaces, whichever is greater, or an increase in the number of  
8 spectators that may be accommodated at such a facility by 5  
9 percent or 1,000 spectators, whichever is greater.

10           2. A new runway, a new terminal facility, a 25-percent  
11 lengthening of an existing runway, or a 25-percent increase in  
12 the number of gates of an existing terminal, but only if the  
13 increase adds at least three additional gates.

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

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

18           5. An increase in the average annual acreage mined by  
19 5 percent or 10 acres, whichever is greater, or an increase in  
20 the average daily water consumption by a mining operation by 5  
21 percent or 300,000 gallons, whichever is greater. An increase  
22 in the size of the mine by 5 percent or 750 acres, whichever  
23 is less. An increase in the size of a heavy mineral mine as  
24 defined in s. 378.403(7) will only constitute a substantial  
25 deviation if the average annual acreage mined is more than 500  
26 acres and consumes more than 3 million gallons of water per  
27 day.

28           6. An increase in land area for office development by  
29 5 percent or an increase of gross floor area of office  
30 development by 5 percent or 60,000 gross square feet,  
31 whichever is greater.

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1           7. An increase in the storage capacity for chemical or  
2 petroleum storage facilities by 5 percent, 20,000 barrels, or  
3 7 million pounds, whichever is greater.

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

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

12           10. An increase in the number of dwelling units by 50  
13 percent, or 200 units, whichever is greater, provided that 15  
14 percent of the proposed additional dwelling units are  
15 dedicated to affordable workforce housing, subject to a  
16 recorded land use restriction that shall be for a period of  
17 not less than 20 years and that includes resale provisions to  
18 ensure long-term affordability for income-eligible homeowners  
19 and renters and provisions for the workforce housing to be  
20 commenced prior to the completion of 50 percent of the market  
21 rate dwelling. For purposes of this subparagraph, the term  
22 "affordable workforce housing" means housing that is  
23 affordable to a person who earns less than 120 percent of the  
24 area median income, or less than 140 percent of the area  
25 median income if located in a county in which the median  
26 purchase price for a single-family existing home exceeds the  
27 statewide median purchase price of a single-family existing  
28 home. For purposes of this subparagraph, the term "statewide  
29 median purchase price of a single-family existing home" means  
30 the statewide purchase price as determined in the Florida  
31 Sales Report, Single-Family Existing Homes, released each

1 January by the Florida Association of Realtors and the  
2 University of Florida Real Estate Research Center.

3 ~~11.10.~~ An increase in commercial development by 50,000  
4 square feet of gross floor area or of parking spaces provided  
5 for customers for 300 cars or a 5-percent increase of either  
6 of these, whichever is greater.

7 ~~12.11.~~ An increase in hotel or motel facility units by  
8 5 percent or 75 units, whichever is greater.

9 ~~13.12.~~ An increase in a recreational vehicle park area  
10 by 5 percent or 100 vehicle spaces, whichever is less.

11 ~~14.13.~~ A decrease in the area set aside for open space  
12 of 5 percent or 20 acres, whichever is less.

13 ~~15.14.~~ A proposed increase to an approved multiuse  
14 development of regional impact where the sum of the increases  
15 of each land use as a percentage of the applicable substantial  
16 deviation criteria is equal to or exceeds 100 percent. The  
17 percentage of any decrease in the amount of open space shall  
18 be treated as an increase for purposes of determining when 100  
19 percent has been reached or exceeded.

20 ~~16.15.~~ A 15-percent increase in the number of external  
21 vehicle trips generated by the development above that which  
22 was projected during the original  
23 development-of-regional-impact review.

24 ~~17.16.~~ Any change which would result in development of  
25 any area which was specifically set aside in the application  
26 for development approval or in the development order for  
27 preservation or special protection of endangered or threatened  
28 plants or animals designated as endangered, threatened, or  
29 species of special concern and their habitat, primary dunes,  
30 or archaeological and historical sites designated as  
31 significant by the Division of Historical Resources of the



Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 Department of State. The further refinement of such areas by  
2 survey shall be considered under sub-subparagraph (e)5.b.

3  
4 The substantial deviation numerical standards in subparagraphs  
5 4., 6., 10., 11., and 15. ~~14.~~, excluding residential uses, and  
6 16. ~~15.~~, are increased by 100 percent for a project certified  
7 under s. 403.973 which creates jobs and meets criteria  
8 established by the Office of Tourism, Trade, and Economic  
9 Development as to its impact on an area's economy, employment,  
10 and prevailing wage and skill levels. The substantial  
11 deviation numerical standards in subparagraphs 4., 6., 9.,  
12 10., 11., 12., and 15. ~~14.~~ are increased by 50 percent for a  
13 project located wholly within an urban infill and  
14 redevelopment area designated on the applicable adopted local  
15 comprehensive plan future land use map and not located within  
16 the coastal high hazard area.

17 (e)1. Except for a development order rendered pursuant  
18 to subsection (22) or subsection (25), a proposed change to a  
19 development order that individually or cumulatively with any  
20 previous change is less than any numerical criterion contained  
21 in subparagraphs (b)1.-16. ~~(b)1.-15.~~ and does not exceed any  
22 other criterion, or that involves an extension of the buildout  
23 date of a development, or any phase thereof, of less than 5  
24 years is not subject to the public hearing requirements of  
25 subparagraph (f)3., and is not subject to a determination  
26 pursuant to subparagraph (f)5. Notice of the proposed change  
27 shall be made to the regional planning council and the state  
28 land planning agency. Such notice shall include a description  
29 of previous individual changes made to the development,  
30 including changes previously approved by the local government,  
31 and shall include appropriate amendments to the development

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 order.

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

4           a. Changes in the name of the project, developer,  
5 owner, or monitoring official.

6           b. Changes to a setback that do not affect noise  
7 buffers, environmental protection or mitigation areas, or  
8 archaeological or historical resources.

9           c. Changes to minimum lot sizes.

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

12           e. Changes to the building design or orientation that  
13 stay approximately within the approved area designated for  
14 such building and parking lot, and which do not affect  
15 historical buildings designated as significant by the Division  
16 of Historical Resources of the Department of State.

17           f. Changes to increase the acreage in the development,  
18 provided that no development is proposed on the acreage to be  
19 added.

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

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

25           i. Any renovation or redevelopment of development  
26 within a previously approved development of regional impact  
27 which does not change land use or increase density or  
28 intensity of use.

29           j. Any other change which the state land planning  
30 agency agrees in writing is similar in nature, impact, or  
31 character to the changes enumerated in sub-subparagraphs a.-i.

1 and which does not create the likelihood of any additional  
2 regional impact.

3  
4 This subsection does not require a development order amendment  
5 for any change listed in sub-subparagraphs a.-j. unless such  
6 issue is addressed either in the existing development order or  
7 in the application for development approval, but, in the case  
8 of the application, only if, and in the manner in which, the  
9 application is incorporated in the development order.

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

16           4. Any submittal of a proposed change to a previously  
17 approved development shall include a description of individual  
18 changes previously made to the development, including changes  
19 previously approved by the local government. The local  
20 government shall consider the previous and current proposed  
21 changes in deciding whether such changes cumulatively  
22 constitute a substantial deviation requiring further  
23 development-of-regional-impact review.

24           5. The following changes to an approved development of  
25 regional impact shall be presumed to create a substantial  
26 deviation. Such presumption may be rebutted by clear and  
27 convincing evidence.

28           a. A change proposed for 15 percent or more of the  
29 acreage to a land use not previously approved in the  
30 development order. Changes of less than 15 percent shall be  
31 presumed not to create a substantial deviation.

Barcode 963696

1           b. Except for the types of uses listed in subparagraph  
 2 (b)17. ~~(b)16.~~, any change which would result in the  
 3 development of any area which was specifically set aside in  
 4 the application for development approval or in the development  
 5 order for preservation, buffers, or special protection,  
 6 including habitat for plant and animal species, archaeological  
 7 and historical sites, dunes, and other special areas.

8           c. Notwithstanding any provision of paragraph (b) to  
 9 the contrary, a proposed change consisting of simultaneous  
 10 increases and decreases of at least two of the uses within an  
 11 authorized multiuse development of regional impact which was  
 12 originally approved with three or more uses specified in s.  
 13 380.0651(3)(c), (d), (f), and (g) and residential use.

14           (i) An increase in the number of residential dwelling  
 15 units shall not constitute a substantial deviation and shall  
 16 not be subject to development-of-regional-impact review for  
 17 additional impacts, provided that all the residential dwelling  
 18 units are dedicated to affordable workforce housing and the  
 19 total number of new residential units does not exceed 200  
 20 percent of the substantial deviation threshold. The affordable  
 21 workforce housing shall be subject to a recorded land use  
 22 restriction that shall be for a period of not less than 20  
 23 years and that includes resale provisions to ensure long-term  
 24 affordability for income-eligible homeowners and renters. For  
 25 purposes of this paragraph, the term "affordable workforce  
 26 housing" means housing that is affordable to a person who  
 27 earns less than 120 percent of the area median income, or less  
 28 than 140 percent of the area median income if located in a  
 29 county in which the median purchase price for a single-family  
 30 existing home exceeds the statewide median purchase price of a  
 31 single-family existing home. For purposes of this paragraph,

Barcode 963696

1 the term "statewide median purchase price of a single-family  
 2 existing home" means the statewide purchase price as  
 3 determined in the Florida Sales Report, Single-Family Existing  
 4 Homes, released each January by the Florida Association of  
 5 Realtors and the University of Florida Real Estate Research  
 6 Center.

7 Section 13. Paragraph (k) of subsection (3) of section  
 8 380.0651, Florida Statutes, is redesignated as paragraph (l),  
 9 and a new paragraph (k) is added to that subsection, to read:

10 380.0651 Statewide guidelines and standards.--

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

15 (k) Workforce housing.--The applicable guidelines for  
 16 residential development and the residential component for  
 17 multiuse development shall be increased by 50 percent where  
 18 the developer demonstrates that at least 15 percent of the  
 19 total residential dwelling units authorized within the  
 20 development of regional impact will be dedicated to affordable  
 21 workforce housing, subject to a recorded land use restriction  
 22 that shall be for a period of not less than 20 years and that  
 23 includes resale provisions to ensure long-term affordability  
 24 for income-eligible homeowners and renters and provisions for  
 25 the workforce housing to be commenced prior to the completion  
 26 of 50 percent of the market rate dwelling. For purposes of  
 27 this paragraph, the term "affordable workforce housing" means  
 28 housing that is affordable to a person who earns less than 120  
 29 percent of the area median income, or less than 140 percent of  
 30 the area median income if located in a county in which the  
 31 median purchase price for a single-family existing home

Barcode 963696

1 exceeds the statewide median purchase price of a single-family  
 2 existing home. For the purposes of this paragraph, the term  
 3 "statewide median purchase price of a single-family existing  
 4 home" means the statewide purchase price as determined in the  
 5 Florida Sales Report, Single-Family Existing Homes, released  
 6 each January by the Florida Association of Realtors and the  
 7 University of Florida Real Estate Research Center.

8 Section 14. Section 420.0004, Florida Statutes, is  
 9 amended to read:

10 420.0004 Definitions.--As used in this part, unless  
 11 the context otherwise indicates:

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

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

27 (3) "Affordable" means that monthly rents or monthly  
 28 mortgage payments including taxes, insurance, and utilities do  
 29 not exceed 30 percent of that amount which represents the  
 30 percentage of the median adjusted gross annual income for the  
 31 households as indicated in subsection (8), subsection(10)

Barcode 963696

1 ~~(9)~~, subsection~~(11)~~ ~~(10)~~, or subsection~~(15)~~ ~~(14)~~.

2 (4) "Corporation" means the Florida Housing Finance  
3 Corporation.

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

10 (6) "Department" means the Department of Community  
11 Affairs.

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

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

24 ~~(9)(8)~~ "Local public body" means any county,  
25 municipality, or other political subdivision, or any housing  
26 authority as provided by chapter 421, which is eligible to  
27 sponsor or develop housing for farmworkers and very-low-income  
28 and low-income persons within its jurisdiction.

29 ~~(10)(9)~~ "Low-income persons" means one or more natural  
30 persons or a family, the total annual adjusted gross household  
31 income of which does not exceed 80 percent of the median

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 annual adjusted gross income for households within the state,  
2 or 80 percent of the median annual adjusted gross income for  
3 households within the metropolitan statistical area (MSA) or,  
4 if not within an MSA, within the county in which the person or  
5 family resides, whichever is greater.

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

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

20 ~~(13)(12)~~ "Substandard" means:

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

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

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

30 ~~(14)(13)~~ "Substantial rehabilitation" means repair or  
31 restoration of a dwelling unit where the value of such repair



Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 or restoration exceeds 40 percent of the value of the  
2 dwelling.

3 ~~(15)(14)~~ "Very-low-income persons" means one or more  
4 natural persons or a family, not including students, the total  
5 annual adjusted gross household income of which does not  
6 exceed 50 percent of the median annual adjusted gross income  
7 for households within the state, or 50 percent of the median  
8 annual adjusted gross income for households within the  
9 metropolitan statistical area (MSA) or, if not within an MSA,  
10 within the county in which the person or family resides,  
11 whichever is greater.

12 Section 15. Subsection (18) of section 420.503,  
13 Florida Statutes, is amended to read:

14 420.503 Definitions.--As used in this part, the term:

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

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

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

31 2.(b) Establish that she or he was previously employed

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 as a farmworker.

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

9 Section 16. Section 420.5061, Florida Statutes, is  
 10 amended to read:

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

Barcode 963696

1 the Housing Predevelopment Loan Fund established by s.  
 2 420.525(1) were each trust funds. For purposes of s. 112.313,  
 3 the corporation is deemed to be a continuation of the agency,  
 4 and the provisions thereof are deemed to apply as if the same  
 5 entity remained in place. Any employees of the agency and  
 6 agency board members covered by s. 112.313(9)(a)6. shall  
 7 continue to be entitled to the exemption in that subparagraph,  
 8 notwithstanding being hired by the corporation or appointed as  
 9 board members of the corporation. Effective January 1, 1998,  
 10 all state property in use by the agency shall be transferred  
 11 to and become the property of the corporation.

12 Section 17. Subsections (22), (23), and (40) of  
 13 section 420.507, Florida Statutes, are amended, and  
 14 subsections (44) and (45) are added to that section, to read:

15 420.507 Powers of the corporation.--The corporation  
 16 shall have all the powers necessary or convenient to carry out  
 17 and effectuate the purposes and provisions of this part,  
 18 including the following powers which are in addition to all  
 19 other powers granted by other provisions of this part:

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

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

1 Mortgage loans shall be made available at the following rates  
2 of interest:

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

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

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

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

18 (c) Forgive indebtedness for a share of the loan  
19 attributable to the units in a project reserved for  
20 extremely-low-income persons.

21 (d)~~(b)~~ Geographically and demographically target the  
22 utilization of loans.

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

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

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

31 (h)~~(f)~~ Establish, by rule, the procedure for

Barcode 963696

1 evaluating, scoring, and competitively ranking all  
 2 applications based on the criteria set forth in s.  
 3 420.5087(6)(c); determining actual loan amounts; making and  
 4 servicing loans; and exercising the powers authorized in this  
 5 subsection.

6 ~~(i)(g)~~ Establish a loan loss insurance reserve to be  
 7 used to protect the outstanding program investment in case of  
 8 a default, deed in lieu of foreclosure, or foreclosure of a  
 9 program loan.

10 (23) To develop and administer the Florida  
 11 Homeownership Assistance Program. In developing and  
 12 administering the program, the corporation may:

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

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

18 3. Make subordinated loans to nonprofit sponsors or  
 19 developers of housing for purchase of property, for  
 20 construction, or for financing of housing to be offered for  
 21 sale to eligible borrowers as a primary residence at an  
 22 affordable price.

23 (b) Establish a loan loss insurance reserve to  
 24 supplement existing sources of mortgage insurance with  
 25 appropriated funds.

26 (c) Geographically and demographically target the  
 27 utilization of loans.

28 (d) Defer repayment of loans for the term of the first  
 29 mortgage.

30 (e) Establish flexible terms for loans with an  
 31 interest rate not to exceed 3 percent per annum and which are

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 nonamortizing for the term of the first mortgage.

2 (f) Require repayment of loans upon sale, transfer,  
3 refinancing, or rental of secured property, unless otherwise  
4 approved by the corporation.

5 (g) Accelerate a loan for monetary default, for  
6 failure to provide the benefits of the loans to eligible  
7 borrowers, or for violation of any other restriction placed  
8 upon the loan.

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

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

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

31 (45) To establish by rule requirements for periodic

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 reporting of data, including, but not limited to, financial  
 2 data, housing market data, detailed economic and physical  
 3 occupancy on multifamily projects, and demographic data on all  
 4 housing financed through corporation programs and for  
 5 participation in a housing locator system.

6 Section 18. Subsections (1), (3), (5), and (6) of  
 7 section 420.5087, Florida Statutes, are amended to read:

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

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

- 25 (a) Counties that have a population of 825,000 or  
 26 more. ~~more than 500,000 people;~~
- 27 (b) Counties that have a population of more than  
 28 ~~between~~ 100,000 but less than 825,000. ~~and 500,000 people; and~~
- 29 (c) Counties that have a population of 100,000 or  
 30 less.

31

Barcode 963696

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

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

- 28 (a) Commercial fishing workers and farmworkers;
- 29 (b) Families;
- 30 (c) Persons who are homeless; and
- 31 (d) Elderly persons. Ten percent of the amount



Bill No. HB 1363, 2nd Eng.

Barcode 963696

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

27 (5) The amount of the mortgage provided under this  
 28 program combined with any other mortgage in a superior  
 29 position shall be less than the value of the project without  
 30 the housing set-aside required by subsection (2). However, the  
 31 corporation may waive this requirement for projects in rural

Barcode 963696

1 areas or urban infill areas which have market rate rents that  
 2 are less than the allowable rents pursuant to applicable state  
 3 and federal guidelines, and for projects which reserve units  
 4 for extremely-low-income persons. In no event shall the  
 5 mortgage provided under this program combined with any other  
 6 mortgage in a superior position exceed total project cost.

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

12 (a) The corporation shall establish two interest rates  
 13 in accordance with s. 420.507(22)(a)1. and 3. ~~2.~~

14 (b) The corporation shall publish a notice of fund  
 15 availability in a publication of general circulation  
 16 throughout the state. Such notice shall be published at least  
 17 60 days prior to the application deadline and shall provide  
 18 notice of the temporary reservations of funds established in  
 19 subsection (3).

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

26 1. Tenant income and demographic targeting objectives  
 27 of the corporation.

28 2. Targeting objectives of the corporation which will  
 29 ensure an equitable distribution of loans between rural and  
 30 urban areas.

31 3. Sponsor's agreement to reserve the units for

Barcode 963696

1 persons or families who have incomes below 50 percent of the  
2 state or local median income, whichever is higher, for a time  
3 period to exceed the minimum required by federal law or the  
4 provisions of this part.

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

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

10 b. Forty percent of the units in the project for  
11 persons or families who have incomes that do not exceed 60  
12 percent of the state or local median income, whichever is  
13 higher, without requiring a greater amount of the loans as  
14 provided in this section.

15 5. Provision for tenant counseling.

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

22 7. Projects requiring the least amount of a state  
23 apartment incentive loan compared to overall project cost  
24 except that the share of the loan attributable to units  
25 serving extremely-low-income persons shall be excluded from  
26 this requirement.

27 8. Local government contributions and local government  
28 comprehensive planning and activities that promote affordable  
29 housing.

30 9. Project feasibility.

31 10. Economic viability of the project.

Bill No. HB 1363, 2nd Eng.

Barcode 963696

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

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

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

10 (e) The corporation may approve and reject  
 11 applications for the purpose of achieving geographic  
 12 targeting.

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

27 (g) The loan term shall be for a period of not more  
 28 than 15 years; however, if both a program loan and federal  
 29 low-income housing tax credits are to be used to assist a  
 30 project, the corporation may set the loan term for a period  
 31 commensurate with the investment requirements associated with

Barcode 963696

1 the tax credit syndication. The term of the loan may also  
 2 exceed 15 years; however, if the lien of the corporation's  
 3 encumbrance is subordinate to the lien of another mortgagee,  
 4 then the term may be made coterminous with the longest term of  
 5 the superior lien ~~necessary to conform to requirements of the~~  
 6 ~~Federal National Mortgage Association.~~ The corporation may  
 7 renegotiate and extend the loan in order to extend the  
 8 availability of housing for the targeted population. The term  
 9 of a loan may not extend beyond the period for which the  
 10 sponsor agrees to provide the housing set-aside required by  
 11 subsection (2).

12 (h) The loan shall be subject to sale, transfer, or  
 13 refinancing. The sale, transfer, or refinancing of the loan  
 14 shall be consistent with fiscal program goals and the  
 15 preservation or advancement of affordable housing for the  
 16 state. ~~However, all requirements and conditions of the loan~~  
 17 ~~shall remain following sale, transfer, or refinancing.~~

18 (i) The discrimination provisions of s. 420.516 shall  
 19 apply to all loans.

20 (j) The corporation may require units dedicated for  
 21 the elderly.

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

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

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 (m) Sponsors shall annually certify the adjusted gross  
2 income of all persons or families qualified under subsection  
3 (2) at the time of initial occupancy, who are residing in a  
4 project funded by this program. All persons or families  
5 qualified under subsection (2) may continue to qualify under  
6 subsection (2) in a project funded by this program if the  
7 adjusted gross income of those persons or families at the time  
8 of annual recertification meets the requirements established  
9 in s. 142(d)(3)(B) of the Internal Revenue Code of 1986, as  
10 amended. If the annual recertification of persons or families  
11 qualifying under subsection (2) results in noncompliance with  
12 income occupancy requirements, the next available unit must be  
13 rented to a person or family qualifying under subsection (2)  
14 in order to ensure continuing compliance of the project. The  
15 corporation may waive the annual recertification if 100  
16 percent of the units are set aside as affordable.

17 (n) Upon submission and approval of a marketing plan  
18 which demonstrates a good faith effort of a sponsor to rent a  
19 unit or units to persons or families reserved under subsection  
20 (3) and qualified under subsection (2), the sponsor may rent  
21 such unit or units to any person or family qualified under  
22 subsection (2) notwithstanding the reservation.

23 (o) Sponsors may participate in federal mortgage  
24 insurance programs and must abide by the requirements of those  
25 programs. If a conflict occurs between the requirements of  
26 federal mortgage insurance programs and the requirements of  
27 this section, the requirements of federal mortgage insurance  
28 programs shall take precedence.

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

31 420.5088 Florida Homeownership Assistance

Barcode 963696

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

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

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

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

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

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

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

30 (b) Preference must be given ~~to community development~~  
 31 ~~corporations as defined in s. 290.033 and to community-based~~

Barcode 963696

1 organizations as defined in s. 420.503.

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

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

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

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

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

26 (h) The corporation shall provide, by rule, for the  
27 establishment of a review committee composed of corporation  
28 staff and shall establish, by rule, a scoring system for  
29 evaluating and ranking applications submitted for construction  
30 loans under this subsection, including, but not limited to,  
31 the following criteria:



Bill No. HB 1363, 2nd Eng.

Barcode 963696

- 1           1. The affordability of the housing proposed to be
- 2 built.
- 3           2. The direct benefits of the assistance to the
- 4 persons who will reside in the proposed housing.
- 5           3. The demonstrated capacity of the applicant to carry
- 6 out the proposal, including the experience of the development
- 7 team.
- 8           4. The economic feasibility of the proposal.
- 9           5. The extent to which the applicant demonstrates
- 10 potential cost savings by combining the benefits of different
- 11 governmental programs and private initiatives, including the
- 12 local government contributions and local government
- 13 comprehensive planning and activities that promote affordable
- 14 housing.
- 15           6. The use of the least amount of program loan funds
- 16 compared to overall project cost.
- 17           7. The provision of homeownership counseling.
- 18           8. The applicant's agreement to exceed the
- 19 requirements of paragraph (e).
- 20           9. The commitment of first mortgage financing for the
- 21 balance of the construction loan and for the permanent loans
- 22 to the purchasers of the housing.
- 23           10. The applicant's ability to proceed with
- 24 construction.
- 25           11. The targeting objectives of the corporation which
- 26 will ensure an equitable distribution of loans between rural
- 27 and urban areas.
- 28           12. The extent to which the proposal will further the
- 29 purposes of this program.
- 30           (i) The corporation may reject any and all
- 31 applications.

Barcode 963696

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

12           (3) The corporation shall publish a notice of fund  
 13 availability in a publication of general circulation  
 14 throughout the state at least 60 days prior to the anticipated  
 15 availability of funds.

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

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

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

21 and

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

24  
 25 ~~If the application of these percentages would cause the~~  
 26 ~~reservation of program funds under paragraph (a) to be less~~  
 27 ~~than \$1 million, the reservation for paragraph (a) shall be~~  
 28 ~~increased to \$1 million or all available funds, whichever~~  
 29 ~~amount is less, with the increase to be accomplished by~~  
 30 ~~reducing the reservation for paragraph (b) and, if necessary,~~  
 31 ~~paragraph (c).~~

Bill No. HB 1363, 2nd Eng.

Barcode 963696

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

27           ~~(5)(6)~~ No more than one-fifth of the funds available  
28 in the Florida Homeownership Assistance Fund may be made  
29 available to provide loan loss insurance reserve funds to  
30 facilitate homeownership for eligible persons.

31           Section 20. Sections 420.37 and 420.530, Florida

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 Statutes, are repealed.

2 Section 21. Subsection (25) of section 420.9071,  
3 Florida Statutes, is amended to read:

4 420.9071 Definitions.--As used in ss.  
5 420.907-420.9079, the term:

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

12 Section 22. Subsection (2) of section 420.9072,  
13 Florida Statutes, is amended to read:

14 420.9072 State Housing Initiatives Partnership  
15 Program.--The State Housing Initiatives Partnership Program is  
16 created for the purpose of providing funds to counties and  
17 eligible municipalities as an incentive for the creation of  
18 local housing partnerships, to expand production of and  
19 preserve affordable housing, to further the housing element of  
20 the local government comprehensive plan specific to affordable  
21 housing, and to increase housing-related employment.

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

24 1. Submit to the corporation its local housing  
25 assistance plan describing the local housing assistance  
26 strategies established pursuant to s. 420.9075;

27 2. Within 12 months after adopting the local housing  
28 assistance plan, amend the plan to incorporate the local  
29 housing incentive strategies defined in s. 420.9071(16) and  
30 described in s. 420.9076; and

31 3. Within 24 months after adopting the amended local

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 housing assistance plan to incorporate the local housing  
 2 incentive strategies, amend its land development regulations  
 3 or establish local policies and procedures, as necessary, to  
 4 implement the local housing incentive strategies adopted by  
 5 the local governing body. A county or an eligible municipality  
 6 that has adopted a housing incentive strategy pursuant to s.  
 7 420.9076 before the effective date of this act shall review  
 8 the status of implementation of the plan according to its  
 9 adopted schedule for implementation and report its findings in  
 10 the annual report required by s. 420.9075(10)(~~9~~). If as a  
 11 result of the review, a county or an eligible municipality  
 12 determines that the implementation is complete and in  
 13 accordance with its schedule, no further action is necessary.  
 14 If a county or an eligible municipality determines that  
 15 implementation according to its schedule is not complete, it  
 16 must amend its land development regulations or establish local  
 17 policies and procedures, as necessary, to implement the  
 18 housing incentive plan within 12 months after the effective  
 19 date of this act, or if extenuating circumstances prevent  
 20 implementation within 12 months, pursuant to s.  
 21 420.9075(13)(~~12~~), enter into an extension agreement with the  
 22 corporation.

23 (b) A county or an eligible municipality seeking  
 24 approval to receive its share of the local housing  
 25 distribution must adopt an ordinance containing the following  
 26 provisions:

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

29 2. Adoption by resolution of a local housing  
 30 assistance plan as defined in s. 420.9071(14) to be  
 31 implemented through a local housing partnership as defined in

1 s. 420.9071(18).

2 3. Designation of the responsibility for the  
3 administration of the local housing assistance plan. Such  
4 ordinance may also provide for the contracting of all or part  
5 of the administrative or other functions of the program to a  
6 third person or entity.

7 4. Creation of the affordable housing advisory  
8 committee as provided in s. 420.9076.

9  
10 The ordinance must not take effect until at least 30 days  
11 after the date of formal adoption. Ordinances in effect prior  
12 to the effective date of amendments to this section shall be  
13 amended as needed to conform to new provisions.

14 Section 23. Paragraph (c) of present subsection (4) of  
15 section 420.9075, Florida Statutes, is amended, subsections  
16 (3) through (12) are renumbered as subsections (4) through  
17 (13), respectively, and a new subsection (3) is added to that  
18 section, to read:

19 420.9075 Local housing assistance plans;  
20 partnerships.--

21 (3)(a) Each local housing assistance plan shall  
22 include a definition of essential service personnel for the  
23 county or eligible municipality, including, but not limited  
24 to, teachers and educators, other school district, community  
25 college, and university employees, police and fire personnel,  
26 health care personnel, skilled building trades personnel, and  
27 other job categories.

28 (b) Each county and each eligible municipality is  
29 encouraged to develop a strategy within its local housing  
30 assistance plan that emphasizes the recruitment and retention  
31 of essential service personnel. The local government is

Barcode 963696

1 encouraged to involve public and private sector employers.  
 2 Compliance with the eligibility criteria established under  
 3 this strategy shall be verified by the county or eligible  
 4 municipality.

5 (c) Each county and each eligible municipality is  
 6 encouraged to develop a strategy within its local housing  
 7 assistance plan that addresses the needs of persons who are  
 8 deprived of affordable housing due to the closure of a mobile  
 9 home park or the conversion of affordable rental units to  
 10 condominiums.

11 (5)(4) The following criteria apply to awards made to  
 12 eligible sponsors or eligible persons for the purpose of  
 13 providing eligible housing:

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

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

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 paragraphs (a) and (d) of this subsection.

2 Section 24. Subsection (6) of section 420.9076,  
3 Florida Statutes, is amended to read:

4 420.9076 Adoption of affordable housing incentive  
5 strategies; committees.--

6 (6) Within 90 days after the date of receipt of the  
7 local housing incentive strategies recommendations from the  
8 advisory committee, the governing body of the appointing local  
9 government shall adopt an amendment to its local housing  
10 assistance plan to incorporate the local housing incentive  
11 strategies it will implement within its jurisdiction. The  
12 amendment must include, at a minimum, the local housing  
13 incentive strategies specified ~~as defined~~ in paragraphs  
14 (4)(a)-(j) ~~s. 420.9071(16)~~.

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

17 420.9079 Local Government Housing Trust Fund.--

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



Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 Section 26. Subsection (12) of section 1001.43,  
2 Florida Statutes, is renumbered as subsection (13), and a new  
3 subsection (12) is added to that section, to read:

4 1001.43 Supplemental powers and duties of district  
5 school board.--The district school board may exercise the  
6 following supplemental powers and duties as authorized by this  
7 code or State Board of Education rule.

8 (12) AFFORDABLE HOUSING.--A district school board may  
9 use portions of school sites purchased within the guidelines  
10 of the State Requirements for Educational Facilities, land  
11 deemed not usable for educational purposes because of location  
12 or other factors, or land declared as surplus by the board to  
13 provide sites for affordable housing for teachers and other  
14 district personnel independently or in conjunction with other  
15 agencies as described in subsection (5).

16 Section 27. Community Workforce Housing Innovation  
17 Pilot Program.--

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

26 (2) The Community Workforce Housing Innovation Pilot  
27 Program is created to provide affordable rental and home  
28 ownership community workforce housing for essential services  
29 personnel affected by the high cost of housing, using  
30 regulatory incentives and state and local funds to promote  
31 local public-private partnerships and leverage government and

1 private resources.

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

4 (a) "Workforce housing" means housing affordable to  
5 natural persons or families whose total annual household  
6 income does not exceed 140 percent of the area median income,  
7 adjusted for household size, or 150 percent of area median  
8 income, adjusted for household size, in areas of critical  
9 state concern designated under s. 380.05, Florida Statutes,  
10 for which the Legislature has declared its intent to provide  
11 affordable housing, and areas that were designated as areas of  
12 critical state concern for at least 20 consecutive years prior  
13 to removal of the designation.

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

20 (c) "Public-private partnership" means any form of  
21 business entity that includes substantial involvement of at  
22 least one county, one municipality, or one public sector  
23 entity, such as a school district or other unit of local  
24 government in which the project is to be located, and at least  
25 one private sector for-profit or not-for-profit business or  
26 charitable entity, and may be any form of business entity,  
27 including a joint venture or contractual agreement.

28 (4) The Florida Housing Finance Corporation is  
29 authorized to provide Community Workforce Housing Innovation  
30 Pilot Program loans to an applicant for construction or  
31 rehabilitation of workforce housing in eligible areas. The

1 corporation shall establish a funding process and selection  
 2 criteria by rule or request for proposals. This funding is  
 3 intended to be used with other public and private sector  
 4 resources.

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

10 (6) Funding shall be targeted to projects in areas  
 11 where the disparity between the area median income and the  
 12 median sales price for a single-family home is greatest, and  
 13 for projects in areas where population growth as a percentage  
 14 rate of increase is greatest. The corporation may also fund  
 15 projects in areas where innovative regulatory and financial  
 16 incentives are made available. The corporation shall fund at  
 17 least one eligible project in as many counties as possible.

18 (7) Projects shall receive priority consideration for  
 19 funding where:

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

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1       (b) Projects are innovative and include new  
 2 construction or rehabilitation, mixed-income housing, or  
 3 commercial and housing mixed-use elements and those that  
 4 promote homeownership. The program funding shall not exceed  
 5 the costs attributable to the portion of the project that is  
 6 set aside to provide housing for the targeted population.

7       (c) Projects that set aside at least 80 percent of  
 8 units for workforce housing and at least 50 percent for  
 9 essential services personnel and for projects that require the  
 10 least amount of program funding compared to the overall  
 11 housing costs for the project.

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

1 package is complete.

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

8 (10) All eligible applications shall:

9 (a) For home ownership, limit the sales price of a  
10 detached unit, townhome, or condominium unit to not more than  
11 80 percent of the median sales price for that type of unit in  
12 that county, or the statewide median sales price for that type  
13 of unit, whichever is higher, and require that all eligible  
14 purchasers of home ownership units occupy the homes as their  
15 primary residence.

16 (b) For rental units, restrict rents for all workforce  
17 housing serving those with incomes at or below 120 percent of  
18 area median income at the appropriate income level using the  
19 restricted rents for the federal low-income housing tax credit  
20 program and, for workforce housing units serving those with  
21 incomes above 120 percent of area median income, restrict  
22 rents to those established by the corporation, not to exceed  
23 30 percent of the maximum household income adjusted to unit  
24 size.

25 (c) Demonstrate that the applicant is a public-private  
26 partnership.

27 (d) Have grants, donations of land, or contributions  
28 from the public-private partnership or other sources  
29 collectively totaling at least 15 percent of the total  
30 development cost. Such grants, donations of land, or  
31 contributions must be evidenced by a letter of commitment only

1 at the time of application. Grants, donations of land, or  
2 contributions in excess of 15 percent of the development cost  
3 shall increase the application score.

4 (e) Demonstrate how the applicant will use the  
5 regulatory incentives and financial strategies outlined in  
6 paragraph (7)(a) from the local jurisdiction in which the  
7 proposed project is to be located. The corporation may consult  
8 with the Department of Community Affairs in evaluating the use  
9 of regulatory incentives by applicants.

10 (f) Demonstrate that the applicant possesses title to  
11 or site control of land and evidences availability of required  
12 infrastructure.

13 (g) Demonstrate the applicant's affordable housing  
14 development and management experience.

15 (h) Provide any research or facts available supporting  
16 the demand and need for rental or home ownership workforce  
17 housing for eligible persons in the market in which the  
18 project is proposed.

19 (11) When ownership of the land or property utilized  
20 for development in conjunction with the Community Workforce  
21 Housing Innovation Pilot Program grant is to be held by any  
22 public sector entity, as described in this section, the  
23 applicant may choose to use a nonprofit or public entity to  
24 manage the resulting housing program and must demonstrate that  
25 such management entity:

26 (a) Has experience and is proficient in the management  
27 of affordable housing programs.

28 (b) Has regularly conducted independent audits.

29 (12) Projects may include manufactured housing  
30 constructed after June 1994 and installed in accordance with  
31 mobile home installation standards of the Department of

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 Highway Safety and Motor Vehicles.

2       (13) The corporation may adopt rules pursuant to ss.  
3 120.536(1) and 120.54, Florida Statutes, to implement the  
4 provisions of this section.

5       (14) The corporation may use a maximum of 2 percent of  
6 the annual appropriation for administration and compliance  
7 monitoring.

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

17       Section 28. Affordable housing land donation density  
18 bonus incentives.--

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

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

1 Statutes.

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

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

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

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



Bill No. HB 1363, 2nd Eng.

Barcode 963696

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

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

8 Section 29. Section 196.1978, Florida Statutes, is  
9 amended to read:

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

31 Section 30. Paragraph (o) of subsection (5) of section

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 212.08, Florida Statutes, is amended to read:

2           212.08 Sales, rental, use, consumption, distribution,  
3 and storage tax; specified exemptions.--The sale at retail,  
4 the rental, the use, the consumption, the distribution, and  
5 the storage to be used or consumed in this state of the  
6 following are hereby specifically exempt from the tax imposed  
7 by this chapter.

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

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

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

11           a. "Building materials" means tangible personal  
12 property that becomes a component part of a housing project or  
13 a mixed-use project.

14           b. "Housing project" means the conversion of an  
15 existing manufacturing or industrial building to housing units  
16 in an urban high-crime area, enterprise zone, empowerment  
17 zone, Front Porch Community, designated brownfield area, or  
18 urban infill area and in which the developer agrees to set  
19 aside at least 20 percent of the housing units in the project  
20 for low-income and moderate-income persons or the construction  
21 in a designated brownfield area of affordable housing for  
22 persons described in s. 420.0004(8), (10), (11), or (15) ~~s.~~  
23 ~~420.0004(9), (10), or (14)~~, or in s. 159.603(7).

24           c. "Mixed-use project" means the conversion of an  
25 existing manufacturing or industrial building to mixed-use  
26 units that include artists' studios, art and entertainment  
27 services, or other compatible uses. A mixed-use project must  
28 be located in an urban high-crime area, enterprise zone,  
29 empowerment zone, Front Porch Community, designated brownfield  
30 area, or urban infill area, and the developer must agree to  
31 set aside at least 20 percent of the square footage of the

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 project for low-income and moderate-income housing.

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

4 2. Building materials used in the construction of a  
5 housing project or mixed-use project are exempt from the tax  
6 imposed by this chapter upon an affirmative showing to the  
7 satisfaction of the department that the requirements of this  
8 paragraph have been met. This exemption inures to the owner  
9 through a refund of previously paid taxes. To receive this  
10 refund, the owner must file an application under oath with the  
11 department which includes:

12 a. The name and address of the owner.

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

15 c. A copy of the building permit issued for the  
16 project.

17 d. A certification by the local building code  
18 inspector that the project is substantially completed.

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

29 3. An application for a refund under this paragraph  
30 must be submitted to the department within 6 months after the  
31 date the project is deemed to be substantially completed by

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 the local building code inspector. Within 30 working days  
 2 after receipt of the application, the department shall  
 3 determine if it meets the requirements of this paragraph. A  
 4 refund approved pursuant to this paragraph shall be made  
 5 within 30 days after formal approval of the application by the  
 6 department. The provisions of s. 212.095 do not apply to any  
 7 refund application made under this paragraph.

8           4. The department shall establish by rule an  
 9 application form and criteria for establishing eligibility for  
 10 exemption under this paragraph.

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

13           Section 31. The Florida Housing Finance Corporation is  
 14 authorized to provide funds to eligible entities for  
 15 affordable housing recovery in those areas of the state which  
 16 sustained housing damage due to hurricanes during 2004 and  
 17 2005. The Florida Housing Finance Corporation shall utilize  
 18 data provided by the Federal Emergency Management Agency to  
 19 assist in its allocation of funds to local jurisdictions. To  
 20 administer these programs, the Florida Housing Finance  
 21 Corporation shall be guided by the "Hurricane Housing Work  
 22 Group Recommendations to Assist in Florida's Long Term Housing  
 23 Recovery Efforts" report dated February 16, 2005, and may  
 24 adopt emergency rules pursuant to s. 120.54, Florida Statutes.  
 25 The Legislature finds that emergency rules adopted pursuant to  
 26 this section meet the health, safety, and welfare requirement  
 27 of s. 120.54(4), Florida Statutes. The Legislature finds that  
 28 such emergency rulemaking power is necessary for the  
 29 preservation of the rights and welfare of the people in order  
 30 to provide additional funds to assist those areas of the state  
 31 that sustained housing damage due to hurricanes during 2004

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 and 2005. Therefore, in adopting such emergency rules, the  
 2 corporation need not make the findings required by s.  
 3 120.54(4)(a), Florida Statutes. Emergency rules adopted under  
 4 this section are exempt from s. 120.54(4)(c), Florida  
 5 Statutes. The sum of \$15 million is appropriated from the  
 6 Local Government Housing Trust Fund to the Florida Housing  
 7 Finance Corporation for the Farmworker Housing Recovery  
 8 Program and the Special Housing Assistance and Development  
 9 Program, the sum of \$100,000 for technical and training  
 10 assistance, and the sum of \$60.9 million for the Rental  
 11 Recovery Loan Program. An additional \$32 million is  
 12 appropriated from the State Housing Trust Fund to the Florida  
 13 Housing Finance Corporation for the Rental Recovery Loan  
 14 Program.

15       Section 32. The sum of \$82,904,000 is appropriated  
 16 from the Florida Small Cities Community Development Block  
 17 Grant Program Fund to the Department of Community Affairs.  
 18 These funds shall be used consistent with the Federal  
 19 Register, Vol. 71, No. 29, February 13, 2006, Docket No.  
 20 FR-5051-N-01, and the Action Plan for Disaster Recovery  
 21 approved by the United States Department of Housing and Urban  
 22 Development to meet the needs of communities impacted by  
 23 Hurricanes Wilma and Katrina, with a prioritization toward  
 24 affordable housing in the most impacted areas of the state.

25       Section 33. The sum of \$50 million is appropriated  
 26 from the Local Government Housing Trust Fund to the Florida  
 27 Housing Finance Corporation for fiscal year 2006-2007 to  
 28 implement the Community Workforce Housing Innovation Pilot  
 29 Program.

30       Section 34. The sum of \$30 million is appropriated  
 31 from the Local Government Housing Trust Fund to the Florida

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 Housing Finance Corporation for fiscal year 2006-2007 to  
 2 assist in the production of housing units for  
 3 extremely-low-income persons as defined in s. 420.0004(8),  
 4 Florida Statutes.

5           Section 35. The sum of \$250,000 of recurring funds and  
 6 \$300,000 of nonrecurring funds is appropriated from the Grants  
 7 and Donations Trust Fund to the Department of Community  
 8 Affairs for the purpose of implementing the provisions of this  
 9 act relating to the Century Commission for a Sustainable  
 10 Florida during the 2006-2007 fiscal year.

11           Section 36. Except as otherwise expressly provided in  
 12 this act, this act shall take effect July 1, 2006.

13  
14

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

16 And the title is amended as follows:

17           Delete everything before the enacting clause

18

19 and insert:

20                                   A bill to be entitled  
 21           An act relating to affordable housing; creating  
 22           s. 125.379, F.S.; providing for disposition of  
 23           county property for affordable housing;  
 24           amending s. 163.31771, F.S., relating to  
 25           accessory dwelling units; revising legislative  
 26           findings and definitions; conforming  
 27           cross-references; amending s. 163.3187, F.S. ;  
 28           revising a limitation relating to small scale  
 29           comprehensive plan amendments involving the  
 30           construction of affordable housing units;  
 31           creating s. 166.0451, F.S.; providing for

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 disposition of municipal property for  
2 affordable housing; providing a statement of  
3 important state interest; amending s. 189.4155,  
4 F.S.; authorizing independent special districts  
5 to provide for housing and housing assistance;  
6 amending s. 191.006, F.S.; authorizing  
7 independent special fire control districts to  
8 provide employee housing and housing  
9 assistance; amending s. 197.252, F.S.;  
10 decreasing the age and increasing the income  
11 threshold required for eligibility to defer ad  
12 valorem property taxes; decreasing the maximum  
13 interest rate that may be charged on deferred  
14 ad valorem taxes; amending s. 253.034, F.S.;  
15 providing for the disposition of state lands  
16 for affordable housing; amending s. 253.0341,  
17 F.S.; authorizing local governments to request  
18 state lands be declared surplus for the purpose  
19 of affordable housing; providing for use of  
20 lands that are declared surplus; amending s.  
21 295.16, F.S.; expanding the disabled veteran  
22 exemption from certain license and permit fees  
23 relating to dwelling improvements; amending s.  
24 380.06, F.S.; providing a greater substantial  
25 deviation threshold for the provision of  
26 affordable housing in a development of regional  
27 impact; conforming cross-references; amending  
28 s. 380.0651, F.S.; providing a statewide  
29 guidelines and standards bonus for the  
30 provision of workforce housing; amending s.  
31 420.0004, F.S.; defining the term

Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 "extremely-low-income persons"; conforming  
2 cross-references; amending s. 420.503, F.S.;  
3 revising the definition of the term  
4 "farmworker" under the Florida Housing Finance  
5 Corporation Act; providing rulemaking  
6 authority; amending s. 420.5061, F.S.;  
7 conforming a cross-reference; amending s.  
8 420.507, F.S.; revising and expanding the  
9 powers of the Florida Housing Finance  
10 Corporation relating to mortgage loan interest  
11 rates, loans, loan relief, uses of loan funds,  
12 subsidiary business entities, and data  
13 reporting; providing rulemaking authority;  
14 amending s. 420.5087, F.S.; increasing the  
15 population criteria for the State Apartment  
16 Incentive Loan Program; revising criteria for  
17 loans; conforming cross-references; amending s.  
18 420.5088, F.S.; expanding the scope of the  
19 Florida Homeownership Assistance Program;  
20 revising loan requirements; deleting a  
21 provision reserving program funds for certain  
22 borrowers; repealing ss. 420.37 and 420.530,  
23 F.S., relating to the State Farm Worker Housing  
24 Pilot Loan Program; amending s. 420.9071, F.S.;  
25 conforming a cross-reference; amending s.  
26 420.9072, F.S.; conforming cross-references;  
27 amending s. 420.9075, F.S.; requiring local  
28 housing assistance plans to define essential  
29 service personnel for the county or eligible  
30 municipality and to contain a strategy for the  
31 recruitment and retention of such personnel;



Bill No. HB 1363, 2nd Eng.

Barcode 963696

1 amending s. 420.9076, F.S.; conforming a  
2 cross-reference; amending s. 420.9079, F.S.;  
3 revising the maximum appropriation the Florida  
4 Housing Finance Corporation may request each  
5 state fiscal year; conforming a  
6 cross-reference; amending s. 1001.43, F.S.;  
7 authorizing district school boards to provide  
8 affordable housing for teachers and other  
9 district personnel; creating the Community  
10 Workforce Housing Innovation Pilot Program;  
11 provides legislative findings; providing  
12 definitions; providing the Florida Housing  
13 Finance Corporation with certain powers and  
14 responsibilities relating to the program;  
15 requiring the program to target certain  
16 entities; providing application requirements;  
17 authorizing an applicant to use a nonprofit or  
18 public entity to manage its housing program;  
19 providing incentives for program applicants;  
20 providing rulemaking authority; requires a  
21 report to the Governor and Legislature;  
22 authorizing local governments to provide  
23 density bonus incentives to landowners who  
24 donate fee simple interest in real property to  
25 the local government for the purpose of  
26 assisting the local government in providing  
27 affordable housing; providing definitions and  
28 requirements governing such donations and  
29 density bonuses; amending s. 196.1978, F.S.,  
30 correcting cross-references; amending s.  
31 212.08, F.S.; correcting cross-references;

Bill No. HB 1363, 2nd Eng.

Barcode 963696

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