

## CHAMBER ACTION

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1 The Local Government Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to affordable housing; creating s.  
7 125.379, F.S.; providing for disposition of county  
8 property for affordable housing; amending s. 163.31771,  
9 F.S.; conforming cross-references; amending s. 163.3187,  
10 F.S.; revising a limitation relating to small scale  
11 comprehensive plan amendments involving the construction  
12 of affordable housing units; creating s. 166.0451, F.S.;  
13 providing for disposition of municipal property for  
14 affordable housing; amending s. 189.4155, F.S.;  
15 authorizing independent special districts to provide for  
16 employee housing and housing assistance; amending s.  
17 191.006, F.S.; authorizing independent special fire  
18 control districts to provide employee housing and housing  
19 assistance; amending s. 193.017, F.S.; authorizing the  
20 Florida Housing Finance Corporation and the Department of  
21 Revenue to annually set the capitalization rate used for  
22 assessing just valuation of affordable housing properties;  
23 creating s. 193.018, F.S.; creating the Manny Diaz

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24 Affordable Housing Property Tax Relief Initiative;  
25 providing criteria for assessing just valuation of  
26 affordable housing properties serving persons of low,  
27 moderate, very-low, and extremely low incomes; amending s.  
28 196.1978, F.S.; specifying what constitutes a nonprofit  
29 entity for purposes of affordable housing property tax  
30 exemption; conforming cross-references; amending s.  
31 201.15, F.S.; removing a cap on certain funds distributed  
32 to the State Housing Trust Fund; amending ss. 212.08,  
33 220.183, and 624.5105, F.S.; increasing the amount of  
34 available tax credits against the sales tax, corporate  
35 income tax, and insurance premium tax, respectively, for  
36 projects under the community contribution tax credit  
37 program and providing separate annual limitations for  
38 certain projects; revising requirements and procedures for  
39 the Office of Tourism, Trade, and Economic Development in  
40 granting tax credits under the program; conforming cross-  
41 references; amending s. 253.034, F.S.; providing for the  
42 disposition of state lands for affordable housing;  
43 amending s. 295.16, F.S.; expanding the disabled veteran  
44 exemption from certain license and permit fees relating to  
45 dwelling improvements; amending s. 380.06, F.S.; providing  
46 a greater substantial deviation threshold for the  
47 provision of affordable housing in a development of  
48 regional impact; conforming cross-references; amending s.  
49 380.0651, F.S.; providing a statewide guidelines and  
50 standards bonus for the provision of workforce housing;  
51 amending s. 420.0004, F.S.; defining the term "extremely

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 | low-income persons"; conforming cross-references;  
53 | repealing s. 420.37, F.S., relating to additional powers  
54 | of the Florida Housing Finance Corporation; amending s.  
55 | 420.503, F.S.; revising the definition of the term  
56 | "farmworker" under the Florida Housing Finance Corporation  
57 | Act; providing rulemaking authority; amending s. 420.5061,  
58 | F.S.; conforming a cross-reference; amending s. 420.507,  
59 | F.S.; revising and expanding the powers of the Florida  
60 | Housing Finance Corporation relating to mortgage loan  
61 | interest rates, loans, loan relief, uses of loan funds,  
62 | subsidiary business entities, data reporting, and disaster  
63 | recovery and reconstruction; providing certain emergency  
64 | rulemaking authority; amending s. 420.5087, F.S.;  
65 | increasing the population criteria for the State Apartment  
66 | Incentive Loan Program; revising criteria for loans;  
67 | conforming cross-references; amending s. 420.5088, F.S.;  
68 | expanding the scope of the Florida Homeownership  
69 | Assistance Program; revising loan requirements; deleting a  
70 | provision reserving program funds for certain borrowers;  
71 | creating s. 420.5095, F.S.; creating the Community  
72 | Workforce Housing Innovation Program; providing the  
73 | Florida Housing Finance Corporation with certain powers  
74 | and responsibilities relating to the program; requiring  
75 | the program to target certain entities; requiring the  
76 | program to supplement existing affordable housing  
77 | programs; providing application requirements; providing  
78 | incentives for program applicants; amending s. 420.9071,  
79 | F.S.; conforming a cross-reference; amending s. 420.9072,

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80 F.S.; conforming cross-references; amending s. 420.9075,  
 81 F.S.; requiring local housing assistance plans to define  
 82 essential service personnel for the county or eligible  
 83 municipality and to contain a strategy for the recruitment  
 84 and retention of such personnel; providing a goal for  
 85 provision of funds for homeownership for very-low-income  
 86 individuals; amending s. 420.9076, F.S.; revising a cross-  
 87 reference; amending s. 420.9079, F.S.; revising the  
 88 maximum appropriation the Florida Housing Finance  
 89 Corporation may request each state fiscal year; conforming  
 90 a cross-reference; amending s. 1001.42, F.S.; authorizing  
 91 district school boards to provide affordable housing for  
 92 certain teachers and other instructional personnel;  
 93 amending s. 1013.01, F.S.; providing that certain  
 94 affordable and workforce housing for teachers and other  
 95 school personnel may qualify as educational facilities;  
 96 amending s. 1013.15, F.S.; authorizing the board to rent  
 97 or lease certain property to school and instructional  
 98 personnel; providing appropriations; providing effective  
 99 dates.

100  
 101 Be It Enacted by the Legislature of the State of Florida:

102  
 103 Section 1. Section 125.379, Florida Statutes, is created  
 104 to read:

105 125.379 Disposition of county property for affordable  
 106 housing.--

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107       (1) By January 1, 2007, and every 3 years thereafter, each  
108 county shall prepare an inventory list of all real property  
109 within its jurisdiction to which the county holds fee simple  
110 title. The inventory list must include the address and legal  
111 description of each real property and specify whether the  
112 property is vacant or improved. County planning staff shall  
113 review the inventory list and identify each property that is  
114 appropriate for use as affordable housing. The time for  
115 preparing the inventory list and its review by county planning  
116 staff may not exceed 6 months. The properties identified as  
117 appropriate for use as affordable housing may be offered for  
118 sale and the proceeds used to purchase land for the development  
119 of affordable housing or donated to the local housing trust  
120 fund, sold with a restriction that requires any development on  
121 the property to include a specified percentage of permanent  
122 affordable housing, or donated to a nonprofit housing  
123 organization for the construction of permanent affordable  
124 housing.

125       (2) After completing an inventory list, the board of  
126 county commissioners shall hold at least two public hearings to  
127 discuss the inventory list and staff's recommendation concerning  
128 which properties are appropriate for use as affordable housing.  
129 The board shall comply with the provisions of s. 125.66(4)(b)1.  
130 regarding the advertisement of the public hearings and shall  
131 hold the first hearing no later than 30 days after completing  
132 the inventory list. The board shall approve the inventory list  
133 through the adoption of a resolution at the second hearing no  
134 later than 6 months after completing the inventory list.

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135       (3) After the inventory list has been approved by  
136 resolution, the board of county commissioners shall immediately  
137 make available any real property that has been identified in the  
138 inventory list as appropriate for use as affordable housing. The  
139 county shall make the surplus real property available to:

140       (a) A private developer if the purchase price paid by the  
141 developer is not less than the appraised value of the property  
142 based on its highest and best use and the real property is sold  
143 with deed restrictions that require a specified percentage of  
144 any project developed on the real property to provide affordable  
145 housing for low-income and moderate-income persons, with a  
146 minimum of 10 percent of the units in the project available for  
147 low-income persons and another 10 percent of the units available  
148 for moderate-income persons for a total minimum of 20 percent,  
149 or, if providing rental housing or a combination of rental  
150 housing and homeownership, an additional 5 percent of the units  
151 available for very-low-income persons for a total minimum of 25  
152 percent;

153       (b) A private developer without any requirement that a  
154 percentage of the units built on the real property be affordable  
155 if the purchase price paid by the developer is not less than the  
156 appraised value of the property based on its highest and best  
157 use, in which case the county must use the funds received from  
158 the developer to acquire real property on which affordable  
159 housing will be built or donate the funds to the local housing  
160 trust fund for the purpose of implementing the programs  
161 described in ss. 420.907-420.9079; or

162           (c) A nonprofit housing organization, such as a community  
 163 land trust, housing authority, or community redevelopment agency  
 164 to be used for the production and preservation of permanent  
 165 affordable housing.

166           (4) The deed restrictions required under paragraph (3) (a)  
 167 for an affordable housing unit must also prohibit the sale of  
 168 the unit at a price that exceeds the threshold for housing that  
 169 is affordable for low-income or moderate-income persons or to a  
 170 buyer who is not eligible due to his or her income under chapter  
 171 420. The deed restrictions may allow the affordable housing  
 172 units created under paragraph (3) (a) to be rented to extremely  
 173 low-income, very-low-income, low-income, or moderate-income  
 174 persons.

175           (5) For purposes of this section, the terms "affordable,"  
 176 "low-income persons," "moderate-income persons," "very-low-  
 177 income persons", and "extremely low-income persons" have the  
 178 same meaning as in s. 420.0004.

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

181           163.31771 Accessory dwelling units.--

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

183           (d) "Low-income persons" has the same meaning as in s.  
 184 420.0004 (10) ~~(9)~~.

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

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

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189 Section 3. Paragraph (c) of subsection (1) of section  
190 163.3187, Florida Statutes, is amended to read:

191 163.3187 Amendment of adopted comprehensive plan.--

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

195 (c) Any local government comprehensive plan amendments  
196 directly related to proposed small scale development activities  
197 may be approved without regard to statutory limits on the  
198 frequency of consideration of amendments to the local  
199 comprehensive plan. A small scale development amendment may be  
200 adopted only under the following conditions:

201 1. The proposed amendment involves a use of 10 acres or  
202 fewer and:

203 a. The cumulative annual effect of the acreage for all  
204 small scale development amendments adopted by the local  
205 government shall not exceed:

206 (I) A maximum of 120 acres in a local government that  
207 contains areas specifically designated in the local  
208 comprehensive plan for urban infill, urban redevelopment, or  
209 downtown revitalization as defined in s. 163.3164, urban infill  
210 and redevelopment areas designated under s. 163.2517,  
211 transportation concurrency exception areas approved pursuant to  
212 s. 163.3180(5), or regional activity centers and urban central  
213 business districts approved pursuant to s. 380.06(2)(e);  
214 however, amendments under this paragraph may be applied to no  
215 more than 60 acres annually of property outside the designated  
216 areas listed in this sub-sub-subparagraph. Amendments adopted



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217 | pursuant to paragraph (k) shall not be counted toward the  
218 | acreage limitations for small scale amendments under this  
219 | paragraph.

220 |         (II) A maximum of 80 acres in a local government that does  
221 | not contain any of the designated areas set forth in sub-sub-  
222 | subparagraph (I).

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

225 |         b. The proposed amendment does not involve the same  
226 | property granted a change within the prior 12 months.

227 |         c. The proposed amendment does not involve the same  
228 | owner's property within 200 feet of property granted a change  
229 | within the prior 12 months.

230 |         d. The proposed amendment does not involve a text change  
231 | to the goals, policies, and objectives of the local government's  
232 | comprehensive plan, but only proposes a land use change to the  
233 | future land use map for a site-specific small scale development  
234 | activity.

235 |         e. The property that is the subject of the proposed  
236 | amendment is not located within an area of critical state  
237 | concern, unless the project subject to the proposed amendment  
238 | involves the construction of affordable housing units meeting  
239 | the criteria of s. 420.0004(3), and is located within an area of  
240 | critical state concern designated by s. 380.0552 or by the  
241 | Administration Commission pursuant to s. 380.05(1). Such  
242 | amendment is not subject to the density limitations of sub-  
243 | subparagraph f., and shall be reviewed by the state land  
244 | planning agency for consistency with the principles for guiding

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245 development applicable to the area of critical state concern  
246 where the amendment is located and shall not become effective  
247 until a final order is issued under s. 380.05(6).

248 f. If the proposed amendment involves a residential land  
249 use, the residential land use has a density of 10 units or less  
250 per acre or the proposed future land use category allows a  
251 maximum residential density of the same or less than the maximum  
252 residential density allowable under the existing future land use  
253 category, except that this limitation does not apply to small  
254 scale amendments involving the construction of affordable  
255 housing units meeting the criteria of s. 420.0004(3) on property  
256 which will be the subject of a land use restriction agreement ~~or~~  
257 ~~extended use agreement recorded in conjunction with the issuance~~  
258 ~~of tax exempt bond financing or an allocation of federal tax~~  
259 ~~credits issued through the Florida Housing Finance Corporation~~  
260 ~~or a local housing finance authority authorized by the Division~~  
261 ~~of Bond Finance of the State Board of Administration~~, or small  
262 scale amendments described in sub-sub-subparagraph a.(I) that  
263 are designated in the local comprehensive plan for urban infill,  
264 urban redevelopment, or downtown revitalization as defined in s.  
265 163.3164, urban infill and redevelopment areas designated under  
266 s. 163.2517, transportation concurrency exception areas approved  
267 pursuant to s. 163.3180(5), or regional activity centers and  
268 urban central business districts approved pursuant to s.  
269 380.06(2)(e).

270 2.a. A local government that proposes to consider a plan  
271 amendment pursuant to this paragraph is not required to comply  
272 with the procedures and public notice requirements of s.

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273 | 163.3184(15)(c) for such plan amendments if the local government  
274 | complies with the provisions in s. 125.66(4)(a) for a county or  
275 | in s. 166.041(3)(c) for a municipality. If a request for a plan  
276 | amendment under this paragraph is initiated by other than the  
277 | local government, public notice is required.

278 |       b. The local government shall send copies of the notice  
279 | and amendment to the state land planning agency, the regional  
280 | planning council, and any other person or entity requesting a  
281 | copy. This information shall also include a statement  
282 | identifying any property subject to the amendment that is  
283 | located within a coastal high-hazard area as identified in the  
284 | local comprehensive plan.

285 |       3. Small scale development amendments adopted pursuant to  
286 | this paragraph require only one public hearing before the  
287 | governing board, which shall be an adoption hearing as described  
288 | in s. 163.3184(7), and are not subject to the requirements of s.  
289 | 163.3184(3)-(6) unless the local government elects to have them  
290 | subject to those requirements.

291 |       4. If the small scale development amendment involves a  
292 | site within an area that is designated by the Governor as a  
293 | rural area of critical economic concern under s. 288.0656(7) for  
294 | the duration of such designation, the 10-acre limit listed in  
295 | subparagraph 1. shall be increased by 100 percent to 20 acres.  
296 | The local government approving the small scale plan amendment  
297 | shall certify to the Office of Tourism, Trade, and Economic  
298 | Development that the plan amendment furthers the economic  
299 | objectives set forth in the executive order issued under s.  
300 | 288.0656(7), and the property subject to the plan amendment

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301 shall undergo public review to ensure that all concurrency  
302 requirements and federal, state, and local environmental permit  
303 requirements are met.

304 Section 4. Section 166.0451, Florida Statutes, is created  
305 to read:

306 166.0451 Disposition of municipal property for affordable  
307 housing.--

308 (1) By January 1, 2007, and every 3 years thereafter, each  
309 municipality shall prepare an inventory list of all real  
310 property within its jurisdiction to which the municipality holds  
311 fee simple title. The inventory list must include the address  
312 and legal description of each property and specify whether the  
313 property is vacant or improved. Municipal planning staff shall  
314 review the inventory list and identify each real property that  
315 is appropriate for use as affordable housing. The time for  
316 preparing the inventory list and its review by municipal  
317 planning staff may not exceed 6 months. The properties  
318 identified as appropriate for use as affordable housing may be  
319 offered for sale and the proceeds used to purchase land for the  
320 development of affordable housing or donated to the local  
321 housing trust fund, sold with a restriction that requires any  
322 development on the property to include a specified percentage of  
323 permanent affordable housing, or donated to a nonprofit housing  
324 organization for the construction of permanent affordable  
325 housing.

326 (2) Upon completing an inventory list in compliance with  
327 this section, the governing body of the municipality shall hold  
328 at least two public hearings to discuss the inventory list and

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329 the recommendation of the staff concerning which properties are  
330 appropriate for use as affordable housing. The governing body  
331 shall comply with s. 166.041(3)(c)2.a. regarding the  
332 advertisement of the public hearings and shall hold the first  
333 hearing no later than 30 days after completing the inventory  
334 list. The governing body shall approve the inventory list  
335 through the adoption of a resolution at the second hearing no  
336 later than 6 months after completing the inventory list.

337 (3) After the inventory list has been approved by  
338 resolution, the governing body of the municipality shall  
339 immediately make available any real property that has been  
340 identified in the inventory list as appropriate for use as  
341 affordable housing. The municipality shall make the surplus real  
342 property available to:

343 (a) A private developer if the purchase price paid by the  
344 developer is not less than the appraised value of the property  
345 based on its highest and best use and the real property is sold  
346 with deed restrictions that require a specified percentage of  
347 any project developed on the real property to provide affordable  
348 housing for low-income and moderate-income persons, with a  
349 minimum of 10 percent of the units in the project available for  
350 low-income persons and another 10 percent of the units available  
351 for moderate-income persons for a total minimum of 20 percent,  
352 or, if providing rental housing or a combination of rental  
353 housing and homeownership, an additional 5 percent of the units  
354 available for very-low-income persons for a total minimum of 25  
355 percent;

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356       (b) A private developer without any requirement that a  
357 percentage of the units built on the real property be affordable  
358 if the purchase price paid by the developer is not less than the  
359 appraised value of the property based on its highest and best  
360 use, in which case the municipality must use the funds received  
361 from the developer to acquire real property on which affordable  
362 housing will be built or donate the funds to the local housing  
363 trust fund for the purpose of implementing the programs  
364 described in ss. 420.907-420.9079; or

365       (c) A nonprofit housing organization, such as a community  
366 land trust, housing authority, or community land trust, housing  
367 authority, or community redevelopment agency to be used for the  
368 production and preservation of permanently affordable housing.

369       (4) The deed restrictions required under paragraph (3) (a)  
370 for an affordable housing unit must also prohibit the sale of  
371 the unit at a price that exceeds the threshold for housing that  
372 is affordable for low-income or moderate-income persons or to a  
373 buyer who is not eligible due to his or her income under chapter  
374 420. The deed restrictions may allow the affordable housing  
375 units created under paragraph (3) (a) to be rented to extremely  
376 low-income, very-low-income, low-income, or moderate-income  
377 persons.

378       (5) For purposes of this section, the terms "affordable,"  
379 "extremely low-income persons," "low-income persons," "moderate-  
380 income persons," and "very-low-income persons" have the same  
381 meaning as in s. 420.0004.

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

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384 189.4155 Activities of special districts; local government  
385 comprehensive planning.--

386 (6) Any independent special district created pursuant to  
387 special act or general law, including, but not limited to, this  
388 chapter and chapters 190, 191, and 298, for the purpose of  
389 providing urban infrastructure of services, is authorized to  
390 provide housing and housing assistance for persons eligible  
391 under s. 420.5095.

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

394 191.006 General powers.--The district shall have, and the  
395 board may exercise by majority vote, the following powers:

396 (19) To provide housing and housing assistance for persons  
397 eligible under s. 420.5095.

398 Section 7. Subsection (5) is added to section 193.017,  
399 Florida Statutes, to read:

400 193.017 Low-income housing tax credit.--Property used for  
401 affordable housing which has received a low-income housing tax  
402 credit from the Florida Housing Finance Corporation, as  
403 authorized by s. 420.5099, shall be assessed under s. 193.011  
404 and, consistent with s. 420.5099(5) and (6), pursuant to this  
405 section.

406 (5) If a capitalization rate is used to assess just  
407 valuation for the affordable housing property, the appraiser  
408 shall use a capitalization rate that is comparable to a rate  
409 used for nonaffordable market-based properties.

410 Section 8. Section 193.018, Florida Statutes, is created  
411 to read:

412           193.018 The Manny Diaz Affordable Housing Property Tax  
413 Relief Initiative.--

414           (1) For the purpose of assessing just valuation of  
415 affordable housing properties serving persons with income limits  
416 defined as extremely low, low, moderate, and very low, as  
417 specified in s. 420.0004(8), (10), (11), and (15), the actual  
418 rental income from rent-restricted units in such a property  
419 shall be recognized by the property appraiser for assessment  
420 purposes, and a rental income approach pursuant to s. 193.011(7)  
421 shall be used for assessment of the rents for the following  
422 affordable housing properties:

423           (a) Property that is funded by the United States  
424 Department of Housing and Urban Development under s. 8 of the  
425 United States Housing Act of 1937 that is used to provide  
426 affordable housing serving eligible persons as defined by s.  
427 159.603(7) and elderly persons, extremely low-income persons,  
428 and very-low-income persons as defined by s. 420.0004(7), (8),  
429 and (15) and that has undergone financial restructuring as  
430 provided in s. 501, Title V, Subtitle A of the Multifamily  
431 Assisted Housing Reform and Affordability Act of 1997;

432           (b) Multifamily, farmworker, or elderly rental properties  
433 that are funded by the Florida Housing Finance Corporation under  
434 ss. 420.5087 and 420.5089 and the State Housing Initiatives  
435 Partnership Program under ss. 420.9072 and 420.9075, s. 42 of  
436 the Internal Revenue Code; the HOME Investment Partnership  
437 Program under the Cranston-Gonzalez National Affordable Housing  
438 Act, 42 U.S.C. s. 12741 et seq.; or the Federal Home Loan Banks'  
439 Affordable Housing Program established pursuant to the Financial



440 Institutions Reform, Recovery and Enforcement Act of 1989, Pub.  
441 L. No. 101-73; or

442 (c) Multifamily residential rental properties of 10 or  
443 more units that are certified by the local housing agency as  
444 having at least 95 percent of its units providing affordable  
445 housing to extremely low-income persons, very-low-income  
446 persons, low-income persons, and moderate-income persons as  
447 defined by s. 420.0004(8), (15), (10), and (11).

448 (2) Properties used for affordable housing which have  
449 received a low-income housing tax credit from the Florida  
450 Housing Finance Corporation, as authorized by s. 420.5099, shall  
451 be assessed with priority consideration given to the rental  
452 income approach under s. 193.011(7) and, consistent with s.  
453 420.5099(5) and (6), pursuant to this section, the following  
454 assumptions shall apply:

455 (a) The tax credits granted and the financing generated by  
456 the tax credits may not be considered as income to the property.

457 (b) The actual rental income from rent-restricted units in  
458 such a property shall be recognized by the property appraiser as  
459 the real rents for assessing just value.

460 (c) Any costs paid for by tax credits and costs paid for  
461 by additional financing proceeds received under chapter 420 may  
462 not be included in the valuation of the property.

463 (d) If an extended low-income housing agreement is filed  
464 in the official public records of the county in which the  
465 property is located, the agreement, and any recorded amendment  
466 or supplement thereto, shall be considered a land-use regulation

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467 and a limitation on the highest and best use of the property  
 468 during the term of the agreement, amendment, or supplement.

469 Section 9. Section 196.1978, Florida Statutes, is amended  
 470 to read:

471 196.1978 Affordable housing property exemption.--

472 (1) Property used to provide affordable housing serving  
 473 eligible persons as defined by s. 159.603(7) and persons meeting  
 474 income limits specified in s. 420.0004(10)-(9), (11)-(10), and  
 475 (15)-(14), which property is owned entirely by a nonprofit entity  
 476 which is qualified as charitable under s. 501(c)(3) of the  
 477 Internal Revenue Code and which complies with Rev. Proc. 96-32,  
 478 1996-1 C.B. 717, shall be considered property owned by an exempt  
 479 entity and used for a charitable purpose, and those portions of  
 480 the affordable housing property which provide housing to  
 481 individuals with incomes as defined in s. 420.0004(10)-(9) and  
 482 (15)-(14) shall be exempt from ad valorem taxation to the extent  
 483 authorized in s. 196.196.

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

486 (a) A corporation not for profit; or

487 (b) A Florida limited partnership the sole general partner  
 488 of which is either a corporation not for profit or a Florida  
 489 limited liability company or corporation the sole member or  
 490 shareholder, respectively, of which is a corporation not for  
 491 profit.

492 (3) All property owned by a nonprofit entity identified in  
 493 this section shall comply with the criteria for determination of  
 494 exempt status to be applied by property appraisers on an annual

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495 basis as defined in s. 196.195. The Legislature intends that any  
 496 property owned by a limited liability company which is  
 497 disregarded as an entity for federal income tax purposes  
 498 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be  
 499 treated as owned by its sole member.

500 Section 10. Effective July 1, 2007, subsections (9) and  
 501 (10) of section 201.15, Florida Statutes, as amended by section  
 502 1 of chapter 2005-92, Laws of Florida, are amended to read:

503 201.15 Distribution of taxes collected.--All taxes  
 504 collected under this chapter shall be distributed as follows and  
 505 shall be subject to the service charge imposed in s. 215.20(1),  
 506 except that such service charge shall not be levied against any  
 507 portion of taxes pledged to debt service on bonds to the extent  
 508 that the amount of the service charge is required to pay any  
 509 amounts relating to the bonds:

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

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

518 (b) Half of that amount shall be paid into the State  
 519 Treasury to the credit of the Local Government Housing Trust  
 520 Fund and shall be used for the purposes for which the Local  
 521 Government Housing Trust Fund was created and exists by law.

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

527           (a) Twelve and one-half percent of that amount shall be  
528 deposited into the State Housing Trust Fund and be expended by  
529 the Department of Community Affairs and by the Florida Housing  
530 Finance Corporation for the purposes for which the State Housing  
531 Trust Fund was created and exists by law.

532           (b) Eighty-seven and one-half percent of that amount shall  
533 be distributed to the Local Government Housing Trust Fund and  
534 shall be used for the purposes for which the Local Government  
535 Housing Trust Fund was created and exists by law. Funds from  
536 this category may also be used to provide for state and local  
537 services to assist the homeless.

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

540           212.08 Sales, rental, use, consumption, distribution, and  
541 storage tax; specified exemptions.--The sale at retail, the  
542 rental, the use, the consumption, the distribution, and the  
543 storage to be used or consumed in this state of the following  
544 are hereby specifically exempt from the tax imposed by this  
545 chapter.

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

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

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

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549 a. "Building materials" means tangible personal property  
550 that becomes a component part of a housing project or a mixed-  
551 use project.

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

561 c. "Mixed-use project" means the conversion of an existing  
562 manufacturing or industrial building to mixed-use units that  
563 include artists' studios, art and entertainment services, or  
564 other compatible uses. A mixed-use project must be located in an  
565 urban high-crime area, enterprise zone, empowerment zone, Front  
566 Porch Community, designated brownfield area, or urban infill  
567 area, and the developer must agree to set aside at least 20  
568 percent of the square footage of the project for low-income and  
569 moderate-income housing.

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

572 2. Building materials used in the construction of a  
573 housing project or mixed-use project are exempt from the tax  
574 imposed by this chapter upon an affirmative showing to the  
575 satisfaction of the department that the requirements of this  
576 paragraph have been met. This exemption inures to the owner

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577 through a refund of previously paid taxes. To receive this  
578 refund, the owner must file an application under oath with the  
579 department which includes:

580 a. The name and address of the owner.

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

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

584 d. A certification by the local building code inspector  
585 that the project is substantially completed.

586 e. A sworn statement, under penalty of perjury, from the  
587 general contractor licensed in this state with whom the owner  
588 contracted to construct the project, which statement lists the  
589 building materials used in the construction of the project and  
590 the actual cost thereof, and the amount of sales tax paid on  
591 these materials. If a general contractor was not used, the owner  
592 shall provide this information in a sworn statement, under  
593 penalty of perjury. Copies of invoices evidencing payment of  
594 sales tax must be attached to the sworn statement.

595 3. An application for a refund under this paragraph must  
596 be submitted to the department within 6 months after the date  
597 the project is deemed to be substantially completed by the local  
598 building code inspector. Within 30 working days after receipt of  
599 the application, the department shall determine if it meets the  
600 requirements of this paragraph. A refund approved pursuant to  
601 this paragraph shall be made within 30 days after formal  
602 approval of the application by the department. The provisions of  
603 s. 212.095 do not apply to any refund application made under  
604 this paragraph.

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605 4. The department shall establish by rule an application  
606 form and criteria for establishing eligibility for exemption  
607 under this paragraph.

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

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

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

616 a. The credit shall be computed as 50 percent of the  
617 person's approved annual community contribution.†

618 b. The credit shall be granted as a refund against state  
619 sales and use taxes reported on returns and remitted in the 12  
620 months preceding the date of application to the department for  
621 the credit as required in sub-subparagraph 3.c. If the annual  
622 credit is not fully used through such refund because of  
623 insufficient tax payments during the applicable 12-month period,  
624 the unused amount may be included in an application for a refund  
625 made pursuant to sub-subparagraph 3.c. in subsequent years  
626 against the total tax payments made for such year. Carryover  
627 credits may be applied for a 3-year period without regard to any  
628 time limitation that would otherwise apply under s. 215.26.†

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

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632 d. All proposals for the granting of the tax credit  
633 require the prior approval of the Office of Tourism, Trade, and  
634 Economic Development.~~†~~

635 e. The total amount of tax credits which may be granted  
636 for all programs approved under this paragraph, s. 220.183, and  
637 s. 624.5105 is \$10 ~~\$12~~ million annually for projects that  
638 provide homeownership opportunities for low-income or very-low-  
639 income persons as defined in s. 420.9071(19) and (28) and \$3  
640 million annually for all other projects.~~† and~~

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

644 2. Eligibility requirements.--

645 a. A community contribution by a person must be in the  
646 following form:

647 (I) Cash or other liquid assets;

648 (II) Real property;

649 (III) Goods or inventory; or

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

652 b. All community contributions must be reserved  
653 exclusively for use in a project. As used in this sub-  
654 subparagraph, the term "project" means any activity undertaken  
655 by an eligible sponsor which is designed to construct, improve,  
656 or substantially rehabilitate housing that is affordable to low-  
657 income or very-low-income households as defined in s.  
658 420.9071(19) and (28); designed to provide commercial,  
659 industrial, or public resources and facilities; or designed to



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660 improve entrepreneurial and job-development opportunities for  
661 low-income persons. A project may be the investment necessary to  
662 increase access to high-speed broadband capability in rural  
663 communities with enterprise zones, including projects that  
664 result in improvements to communications assets that are owned  
665 by a business. A project may include the provision of museum  
666 educational programs and materials that are directly related to  
667 any project approved between January 1, 1996, and December 31,  
668 1999, and located in an enterprise zone designated pursuant to  
669 s. 290.0065. This paragraph does not preclude projects that  
670 propose to construct or rehabilitate housing for low-income or  
671 very-low-income households on scattered sites. With respect to  
672 housing, contributions may be used to pay the following eligible  
673 low-income and very-low-income housing-related activities:

674 (I) Project development impact and management fees for  
675 low-income or very-low-income housing projects;

676 (II) Down payment and closing costs for eligible persons,  
677 as defined in s. 420.9071(19) and (28);

678 (III) Administrative costs, including housing counseling  
679 and marketing fees, not to exceed 10 percent of the community  
680 contribution, directly related to low-income or very-low-income  
681 projects; and

682 (IV) Removal of liens recorded against residential  
683 property by municipal, county, or special district local  
684 governments when satisfaction of the lien is a necessary  
685 precedent to the transfer of the property to an eligible person,  
686 as defined in s. 420.9071(19) and (28), for the purpose of

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687 promoting home ownership. Contributions for lien removal must be  
688 received from a nonrelated third party.

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

691 (I) A community action program;

692 (II) A nonprofit community-based development organization  
693 whose mission is the provision of housing for low-income or  
694 very-low-income households or increasing entrepreneurial and  
695 job-development opportunities for low-income persons;

696 (III) A neighborhood housing services corporation;

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

698 (V) A community redevelopment agency created under s.  
699 163.356;

700 (VI) The Florida Industrial Development Corporation;

701 (VII) A historic preservation district agency or  
702 organization;

703 (VIII) A regional workforce board;

704 (IX) A direct-support organization as provided in s.  
705 1009.983;

706 (X) An enterprise zone development agency created under s.  
707 290.0056;

708 (XI) A community-based organization incorporated under  
709 chapter 617 which is recognized as educational, charitable, or  
710 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code  
711 and whose bylaws and articles of incorporation include  
712 affordable housing, economic development, or community  
713 development as the primary mission of the corporation;

714 (XII) Units of local government;

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715 (XIII) Units of state government; or  
 716 (XIV) Any other agency that the Office of Tourism, Trade,  
 717 and Economic Development designates by rule.

718  
 719 In no event may a contributing person have a financial interest  
 720 in the eligible sponsor.

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

730 e. (I) ~~For the first 6 months of the fiscal year, the~~  
 731 ~~Office of Tourism, Trade, and Economic Development shall reserve~~  
 732 ~~80 percent of the first \$10 million in available annual tax~~  
 733 ~~credits and 70 percent of any available annual tax credits in~~  
 734 ~~excess of \$10 million for donations made to eligible sponsors~~  
 735 ~~for projects that provide homeownership opportunities for low-~~  
 736 ~~income or very low income households as defined in s.~~  
 737 ~~420.9071(19) and (28). If any such reserved annual tax credits~~  
 738 ~~remain after the first 6 months of the fiscal year, the office~~  
 739 ~~may approve the balance of these available credits for donations~~  
 740 ~~made to eligible sponsors for projects other than those that~~  
 741 ~~provide homeownership opportunities for low income or very low-~~  
 742 ~~income households.~~

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743 ~~(II) For the first 6 months of the fiscal year, the office~~  
744 ~~shall reserve 20 percent of the first \$10 million in available~~  
745 ~~annual tax credits and 30 percent of any available annual tax~~  
746 ~~credits in excess of \$10 million for donations made to eligible~~  
747 ~~sponsors for projects other than those that provide~~  
748 ~~homeownership opportunities for low income or very low income~~  
749 ~~households as defined in s. 420.9071(19) and (28). If any~~  
750 ~~reserved annual tax credits remain after the first 6 months of~~  
751 ~~the fiscal year, the office may approve the balance of these~~  
752 ~~available credits for donations made to eligible sponsors for~~  
753 ~~projects that provide homeownership opportunities for low income~~  
754 ~~or very low income households.~~

755 (III) If, during the first 10 business days of the state  
756 fiscal year, eligible tax credit applications for projects that  
757 provide homeownership opportunities for low-income or very-low-  
758 income persons as defined in s. 420.9071(19) and (28) are  
759 received for less than the available annual tax credits  
760 available for those projects reserved under sub-sub-subparagraph  
761 ~~(I)~~, the office shall grant tax credits for those applications  
762 and shall grant remaining tax credits on a first-come, first-  
763 served basis for any subsequent eligible applications received  
764 before the end of the ~~first 6 months of the state fiscal year.~~  
765 If, during the first 10 business days of the state fiscal year,  
766 eligible tax credit applications for projects that provide  
767 homeownership opportunities for low-income or very-low-income  
768 persons as defined in s. 420.9071(19) and (28) are received for  
769 more than the available annual tax credits available for those  
770 projects reserved under sub-sub-subparagraph (I), the office

771 shall grant the tax credits for those ~~the~~ applications as  
772 follows:

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

777 (B) If tax credit applications submitted for approved  
778 projects of an eligible sponsor exceed \$200,000 in total, the  
779 amount of tax credits granted pursuant to sub-sub-sub-  
780 subparagraph (A) shall be subtracted from the amount of  
781 available tax credits ~~under sub-sub-subparagraph (I)~~, and the  
782 remaining credits shall be granted to each approved tax credit  
783 application on a pro rata basis.

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

791 ~~(II)-(IV)~~ If, during the first 10 business days of the  
792 state fiscal year, eligible tax credit applications for projects  
793 other than those that provide homeownership opportunities for  
794 low-income or very-low-income persons as defined in s.  
795 420.9071(19) and (28) are received for less than the available  
796 annual tax credits available for those projects ~~reserved under~~  
797 ~~sub-sub-subparagraph (II)~~, the office shall grant tax credits  
798 for those applications and shall grant remaining tax credits on

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799 a first-come, first-served basis for any subsequent eligible  
800 applications received before the end of ~~the first 6 months of~~  
801 the state fiscal year. If, during the first 10 business days of  
802 the state fiscal year, eligible tax credit applications for  
803 projects other than those that provide homeownership  
804 opportunities for low-income or very-low-income persons as  
805 defined in s. 420.9071(19) and (28) are received for more than  
806 the ~~available~~ annual tax credits available for those projects  
807 ~~reserved under sub-sub-subparagraph (II)~~, the office shall grant  
808 the tax credits for those ~~the~~ applications on a pro rata basis.  
809 ~~If, after the first 6 months of the fiscal year, additional~~  
810 ~~credits become available under sub-sub-subparagraph (I), the~~  
811 ~~office shall grant the tax credits by first granting to those~~  
812 ~~who received a pro rata reduction up to the full amount of their~~  
813 ~~request and, if there are remaining credits, granting credits to~~  
814 ~~those who applied on or after the 11th business day of the state~~  
815 ~~fiscal year on a first come, first served basis.~~

816 3. Application requirements.--

817 a. Any eligible sponsor seeking to participate in this  
818 program must submit a proposal to the Office of Tourism, Trade,  
819 and Economic Development which sets forth the name of the  
820 sponsor, a description of the project, and the area in which the  
821 project is located, together with such supporting information as  
822 is prescribed by rule. The proposal must also contain a  
823 resolution from the local governmental unit in which the project  
824 is located certifying that the project is consistent with local  
825 plans and regulations.

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826           b. Any person seeking to participate in this program must  
827 submit an application for tax credit to the office ~~of Tourism,~~  
828 ~~Trade, and Economic Development~~ which sets forth the name of the  
829 sponsor, a description of the project, and the type, value, and  
830 purpose of the contribution. The sponsor shall verify the terms  
831 of the application and indicate its receipt of the contribution,  
832 which verification must be in writing and accompany the  
833 application for tax credit. The person must submit a separate  
834 tax credit application to the office for each individual  
835 contribution that it makes to each individual project.

836           c. Any person who has received notification from the  
837 office ~~of Tourism, Trade, and Economic Development~~ that a tax  
838 credit has been approved must apply to the department to receive  
839 the refund. Application must be made on the form prescribed for  
840 claiming refunds of sales and use taxes and be accompanied by a  
841 copy of the notification. A person may submit only one  
842 application for refund to the department within any 12-month  
843 period.

844           4. Administration.--

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

849           b. The decision of the office ~~of Tourism, Trade, and~~  
850 ~~Economic Development~~ must be in writing, and, if approved, the  
851 notification shall state the maximum credit allowable to the  
852 person. Upon approval, the office shall transmit a copy of the  
853 decision to the Department of Revenue.

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

859 d. ~~The office of Tourism, Trade, and Economic Development~~  
860 shall, in consultation with the Department of Community Affairs,  
861 ~~the Florida Housing Finance Corporation,~~ and the statewide and  
862 regional housing and financial intermediaries, market the  
863 availability of the community contribution tax credit program to  
864 community-based organizations.

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

869 Section 12. Paragraph (c) of subsection (1) and paragraph  
870 (b) of subsection (2) of section 220.183, Florida Statutes, are  
871 amended to read:

872 220.183 Community contribution tax credit.--

873 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX  
874 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM  
875 SPENDING.--

876 (c) The total amount of tax credit which may be granted  
877 for all programs approved under this section, s. 212.08(5)(q),  
878 and s. 624.5105 is \$10 ~~\$12~~ million annually for projects that  
879 provide homeownership opportunities for low-income or very-low-  
880 income persons as defined in s. 420.9071(19) and (28) and \$3  
881 million annually for all other projects.



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882 (2) ELIGIBILITY REQUIREMENTS.--

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

885 ~~2. For the first 6 months of the fiscal year, the Office~~  
886 ~~of Tourism, Trade, and Economic Development shall reserve 80~~  
887 ~~percent of the first \$10 million in available annual tax~~  
888 ~~credits, and 70 percent of any available annual tax credits in~~  
889 ~~excess of \$10 million, for donations made to eligible sponsors~~  
890 ~~for projects that provide homeownership opportunities for low-~~  
891 ~~income or very low income households as defined in s.~~  
892 ~~420.9071(19) and (28). If any reserved annual tax credits remain~~  
893 ~~after the first 6 months of the fiscal year, the office may~~  
894 ~~approve the balance of these available credits for donations~~  
895 ~~made to eligible sponsors for projects other than those that~~  
896 ~~provide homeownership opportunities for low income or very low-~~  
897 ~~income households.~~

898 ~~3. For the first 6 months of the fiscal year, the office~~  
899 ~~shall reserve 20 percent of the first \$10 million in available~~  
900 ~~annual tax credits, and 30 percent of any available annual tax~~  
901 ~~credits in excess of \$10 million, for donations made to eligible~~  
902 ~~sponsors for projects other than those that provide~~  
903 ~~homeownership opportunities for low income or very low income~~  
904 ~~households as defined in s. 420.9071(19) and (28). If any~~  
905 ~~reserved annual tax credits remain after the first 6 months of~~  
906 ~~the fiscal year, the office may approve the balance of these~~  
907 ~~available credits for donations made to eligible sponsors for~~  
908 ~~projects that provide homeownership opportunities for low income~~  
909 ~~or very low income households.~~

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910        2.4- If, during the first 10 business days of the state  
911 fiscal year, eligible tax credit applications for projects that  
912 provide homeownership opportunities for low-income or very-low-  
913 income persons as defined in s. 420.9071(19) and (28) are  
914 received for less than the ~~available~~ annual tax credits  
915 available for those projects reserved under subparagraph 2-, the  
916 office shall grant tax credits for those applications and shall  
917 grant remaining tax credits on a first-come, first-served basis  
918 for any subsequent eligible applications received before the end  
919 of the ~~first 6 months of the~~ state fiscal year. If, during the  
920 first 10 business days of the state fiscal year, eligible tax  
921 credit applications for projects that provide homeownership  
922 opportunities for low-income or very-low-income persons as  
923 defined in s. 420.9071(19) and (28) are received for more than  
924 the ~~available~~ annual tax credits available for those projects  
925 ~~reserved under subparagraph 2-~~, the office shall grant the tax  
926 credits for those such applications as follows:

927        a. If tax credit applications submitted for approved  
928 projects of an eligible sponsor do not exceed \$200,000 in total,  
929 the credit shall be granted in full if the tax credit  
930 applications are approved, ~~subject to the provisions of~~  
931 ~~subparagraph 2-~~.

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

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938 ~~e. If, after the first 6 months of the fiscal year,~~  
939 ~~additional credits become available pursuant to subparagraph 3.,~~  
940 ~~the office shall grant the tax credits by first granting to~~  
941 ~~those who received a pro rata reduction up to the full amount of~~  
942 ~~their request and, if there are remaining credits, granting~~  
943 ~~credits to those who applied on or after the 11th business day~~  
944 ~~of the state fiscal year on a first come, first served basis.~~

945 3.5. If, during the first 10 business days of the state  
946 fiscal year, eligible tax credit applications for projects other  
947 than those that provide homeownership opportunities for low-  
948 income or very-low-income persons as defined in s. 420.9071(19)  
949 and (28) are received for less than the available annual tax  
950 credits available for those projects ~~reserved under subparagraph~~  
951 ~~3.~~, the office shall grant tax credits for those applications  
952 and shall grant remaining tax credits on a first-come, first-  
953 served basis for any subsequent eligible applications received  
954 before the end of the ~~first 6 months of the~~ state fiscal year.  
955 If, during the first 10 business days of the state fiscal year,  
956 eligible tax credit applications for projects other than those  
957 that provide homeownership opportunities for low-income or very-  
958 low-income persons as defined in s. 420.9071(19) and (28) are  
959 received for more than the available annual tax credits  
960 available for those projects ~~reserved under subparagraph 3.~~, the  
961 office shall grant the tax credits for those ~~such~~ applications  
962 on a pro rata basis. ~~If, after the first 6 months of the fiscal~~  
963 ~~year, additional credits become available under subparagraph 2.,~~  
964 ~~the office shall grant the tax credits by first granting to~~  
965 ~~those who received a pro rata reduction up to the full amount of~~

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966 ~~their request and, if there are remaining credits, granting~~  
967 ~~credits to those who applied on or after the 11th business day~~  
968 ~~of the state fiscal year on a first come, first served basis.~~

969 Section 13. Paragraph (f) of subsection (6) of section  
970 253.034, Florida Statutes, is amended to read:

971 253.034 State-owned lands; uses.--

972 (6) The Board of Trustees of the Internal Improvement  
973 Trust Fund shall determine which lands, the title to which is  
974 vested in the board, may be surplus. For conservation lands,  
975 the board shall make a determination that the lands are no  
976 longer needed for conservation purposes and may dispose of them  
977 by an affirmative vote of at least three members. In the case of  
978 a land exchange involving the disposition of conservation lands,  
979 the board must determine by an affirmative vote of at least  
980 three members that the exchange will result in a net positive  
981 conservation benefit. For all other lands, the board shall make  
982 a determination that the lands are no longer needed and may  
983 dispose of them by an affirmative vote of at least three  
984 members.

985 (f)1. In reviewing lands owned by the board, the council  
986 shall consider whether such lands would be more appropriately  
987 owned or managed by the county or other unit of local government  
988 in which the land is located. A local government may request  
989 that state lands be specifically declared surplus lands for the  
990 purpose of providing affordable housing. The council shall  
991 recommend to the board whether a sale, lease, or other  
992 conveyance to a local government would be in the best interests  
993 of the state and local government. The provisions of this

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994 paragraph in no way limit the provisions of ss. 253.111 and  
 995 253.115. Such lands shall be offered to the state, county, or  
 996 local government for a period of 30 days. Permittable uses for  
 997 such surplus lands may include public schools; public libraries;  
 998 fire or law enforcement substations; ~~and~~ governmental, judicial,  
 999 or recreational centers; and affordable housing. County or local  
 1000 government requests for surplus lands shall be expedited  
 1001 throughout the surplus process. Surplus lands that are  
 1002 conveyed to a local government for affordable housing shall be  
 1003 disposed of under the provisions of s. 125.379 or s. 166.0451.  
 1004 If the county or local government does not elect to purchase  
 1005 such lands in accordance with s. 253.111, then any surplus  
 1006 determination involving other governmental agencies shall be  
 1007 made upon the board deciding the best public use of the lands.  
 1008 Surplus properties in which governmental agencies have expressed  
 1009 no interest shall then be available for sale on the private  
 1010 market.

1011 2. Notwithstanding subparagraph 1., any surplus lands that  
 1012 were acquired by the state prior to 1958 by a gift or other  
 1013 conveyance for no consideration from a municipality, and which  
 1014 the department has filed by July 1, 2006, a notice of its intent  
 1015 to surplus, shall be first offered for reconveyance to such  
 1016 municipality at no cost, but for the fair market value of any  
 1017 building or other improvements to the land, unless otherwise  
 1018 provided in a deed restriction of record. This subparagraph  
 1019 expires July 1, 2006.

1020 Section 14. Section 295.16, Florida Statutes, is amended  
 1021 to read:

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1022           295.16 Disabled veterans exempt from certain license or  
 1023 permit fee.--No totally and permanently disabled veteran who is  
 1024 a resident of Florida and honorably discharged from the Armed  
 1025 Forces, who has been issued a valid identification card by the  
 1026 Department of Veterans' Affairs in accordance with s. 295.17 or  
 1027 has been determined by the United States Department of Veterans  
 1028 Affairs or its predecessor to have a service-connected 100-  
 1029 percent disability rating for compensation, or who has been  
 1030 determined to have a service-connected disability rating of 100  
 1031 percent and is in receipt of disability retirement pay from any  
 1032 branch of the uniformed armed services, shall be required to pay  
 1033 any license or permit fee, by whatever name known, to any county  
 1034 or municipality in order to make improvements upon a dwelling  
 1035 ~~mobile home~~ owned by the veteran which is used as the veteran's  
 1036 residence, provided such improvements are limited to ramps,  
 1037 widening of doors, and similar improvements for the purpose of  
 1038 making the dwelling ~~mobile home~~ habitable for veterans confined  
 1039 to wheelchairs.

1040           Section 15. Paragraphs (b) and (e) of subsection (19) of  
 1041 section 380.06, Florida Statutes, are amended to read:

1042           380.06 Developments of regional impact.--

1043           (19) SUBSTANTIAL DEVIATIONS.--

1044           (b) Any proposed change to a previously approved  
 1045 development of regional impact or development order condition  
 1046 which, either individually or cumulatively with other changes,  
 1047 exceeds any of the following criteria shall constitute a  
 1048 substantial deviation and shall cause the development to be

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1049 | subject to further development-of-regional-impact review without  
1050 | the necessity for a finding of same by the local government:

1051 |         1. An increase in the number of parking spaces at an  
1052 | attraction or recreational facility by 5 percent or 300 spaces,  
1053 | whichever is greater, or an increase in the number of spectators  
1054 | that may be accommodated at such a facility by 5 percent or  
1055 | 1,000 spectators, whichever is greater.

1056 |         2. A new runway, a new terminal facility, a 25-percent  
1057 | lengthening of an existing runway, or a 25-percent increase in  
1058 | the number of gates of an existing terminal, but only if the  
1059 | increase adds at least three additional gates.

1060 |         3. An increase in the number of hospital beds by 5 percent  
1061 | or 60 beds, whichever is greater.

1062 |         4. An increase in industrial development area by 5 percent  
1063 | or 32 acres, whichever is greater.

1064 |         5. An increase in the average annual acreage mined by 5  
1065 | percent or 10 acres, whichever is greater, or an increase in the  
1066 | average daily water consumption by a mining operation by 5  
1067 | percent or 300,000 gallons, whichever is greater. An increase in  
1068 | the size of the mine by 5 percent or 750 acres, whichever is  
1069 | less. An increase in the size of a heavy mineral mine as defined  
1070 | in s. 378.403(7) will only constitute a substantial deviation if  
1071 | the average annual acreage mined is more than 500 acres and  
1072 | consumes more than 3 million gallons of water per day.

1073 |         6. An increase in land area for office development by 5  
1074 | percent or an increase of gross floor area of office development  
1075 | by 5 percent or 60,000 gross square feet, whichever is greater.

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1076           7. An increase in the storage capacity for chemical or  
1077 petroleum storage facilities by 5 percent, 20,000 barrels, or 7  
1078 million pounds, whichever is greater.

1079           8. An increase of development at a waterport of wet  
1080 storage for 20 watercraft, dry storage for 30 watercraft, or  
1081 wet/dry storage for 60 watercraft in an area identified in the  
1082 state marina siting plan as an appropriate site for additional  
1083 waterport development or a 5-percent increase in watercraft  
1084 storage capacity, whichever is greater.

1085           9. An increase in the number of dwelling units by 5  
1086 percent or 50 dwelling units, whichever is greater.

1087           10. An increase in the number of dwelling units by 15  
1088 percent or 100 units, whichever is greater, provided that 20  
1089 percent of the increase in the number of dwelling units is  
1090 dedicated to the construction of workforce housing. For purposes  
1091 of this subparagraph, the term "workforce housing" means housing  
1092 that is affordable to a person who earns less than 150 percent  
1093 of the area median income.

1094           ~~11.10.~~ An increase in commercial development by 50,000  
1095 square feet of gross floor area or of parking spaces provided  
1096 for customers for 300 cars or a 5-percent increase of either of  
1097 these, whichever is greater.

1098           ~~12.11.~~ An increase in hotel or motel facility units by 5  
1099 percent or 75 units, whichever is greater.

1100           ~~13.12.~~ An increase in a recreational vehicle park area by  
1101 5 percent or 100 vehicle spaces, whichever is less.

1102           ~~14.13.~~ A decrease in the area set aside for open space of  
1103 5 percent or 20 acres, whichever is less.



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1104        15.14. A proposed increase to an approved multiuse  
 1105 development of regional impact where the sum of the increases of  
 1106 each land use as a percentage of the applicable substantial  
 1107 deviation criteria is equal to or exceeds 100 percent. The  
 1108 percentage of any decrease in the amount of open space shall be  
 1109 treated as an increase for purposes of determining when 100  
 1110 percent has been reached or exceeded.

1111        16.15. A 15-percent increase in the number of external  
 1112 vehicle trips generated by the development above that which was  
 1113 projected during the original development-of-regional-impact  
 1114 review.

1115        17.16. Any change which would result in development of any  
 1116 area which was specifically set aside in the application for  
 1117 development approval or in the development order for  
 1118 preservation or special protection of endangered or threatened  
 1119 plants or animals designated as endangered, threatened, or  
 1120 species of special concern and their habitat, primary dunes, or  
 1121 archaeological and historical sites designated as significant by  
 1122 the Division of Historical Resources of the Department of State.  
 1123 The further refinement of such areas by survey shall be  
 1124 considered under sub-subparagraph (e)5.b.

1125  
 1126 The substantial deviation numerical standards in subparagraphs  
 1127 4., 6., 10., 11., and 15. 14., excluding residential uses, and  
 1128 16. 15., are increased by 100 percent for a project certified  
 1129 under s. 403.973 which creates jobs and meets criteria  
 1130 established by the Office of Tourism, Trade, and Economic  
 1131 Development as to its impact on an area's economy, employment,

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1132 and prevailing wage and skill levels. The substantial deviation  
1133 numerical standards in subparagraphs 4., 6., 9., 10., 11., 12.,  
1134 and 15. ~~14.~~ are increased by 50 percent for a project located  
1135 wholly within an urban infill and redevelopment area designated  
1136 on the applicable adopted local comprehensive plan future land  
1137 use map and not located within the coastal high hazard area.

1138 (e)1. Except for a development order rendered pursuant to  
1139 subsection (22) or subsection (25), a proposed change to a  
1140 development order that individually or cumulatively with any  
1141 previous change is less than any numerical criterion contained  
1142 in subparagraphs (b)1.-16. ~~(b)1.-15.~~ and does not exceed any  
1143 other criterion, or that involves an extension of the buildout  
1144 date of a development, or any phase thereof, of less than 5  
1145 years is not subject to the public hearing requirements of  
1146 subparagraph (f)3., and is not subject to a determination  
1147 pursuant to subparagraph (f)5. Notice of the proposed change  
1148 shall be made to the regional planning council and the state  
1149 land planning agency. Such notice shall include a description of  
1150 previous individual changes made to the development, including  
1151 changes previously approved by the local government, and shall  
1152 include appropriate amendments to the development order.

1153 2. The following changes, individually or cumulatively  
1154 with any previous changes, are not substantial deviations:

1155 a. Changes in the name of the project, developer, owner,  
1156 or monitoring official.

1157 b. Changes to a setback that do not affect noise buffers,  
1158 environmental protection or mitigation areas, or archaeological  
1159 or historical resources.

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- 1160 c. Changes to minimum lot sizes.
- 1161 d. Changes in the configuration of internal roads that do
- 1162 not affect external access points.
- 1163 e. Changes to the building design or orientation that stay
- 1164 approximately within the approved area designated for such
- 1165 building and parking lot, and which do not affect historical
- 1166 buildings designated as significant by the Division of
- 1167 Historical Resources of the Department of State.
- 1168 f. Changes to increase the acreage in the development,
- 1169 provided that no development is proposed on the acreage to be
- 1170 added.
- 1171 g. Changes to eliminate an approved land use, provided
- 1172 that there are no additional regional impacts.
- 1173 h. Changes required to conform to permits approved by any
- 1174 federal, state, or regional permitting agency, provided that
- 1175 these changes do not create additional regional impacts.
- 1176 i. Any renovation or redevelopment of development within a
- 1177 previously approved development of regional impact which does
- 1178 not change land use or increase density or intensity of use.
- 1179 j. Any other change which the state land planning agency
- 1180 agrees in writing is similar in nature, impact, or character to
- 1181 the changes enumerated in sub-subparagraphs a.-i. and which does
- 1182 not create the likelihood of any additional regional impact.
- 1183
- 1184 This subsection does not require a development order amendment
- 1185 for any change listed in sub-subparagraphs a.-j. unless such
- 1186 issue is addressed either in the existing development order or
- 1187 in the application for development approval, but, in the case of

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1188 | the application, only if, and in the manner in which, the  
1189 | application is incorporated in the development order.

1190 |         3. Except for the change authorized by sub-subparagraph  
1191 | 2.f., any addition of land not previously reviewed or any change  
1192 | not specified in paragraph (b) or paragraph (c) shall be  
1193 | presumed to create a substantial deviation. This presumption may  
1194 | be rebutted by clear and convincing evidence.

1195 |         4. Any submittal of a proposed change to a previously  
1196 | approved development shall include a description of individual  
1197 | changes previously made to the development, including changes  
1198 | previously approved by the local government. The local  
1199 | government shall consider the previous and current proposed  
1200 | changes in deciding whether such changes cumulatively constitute  
1201 | a substantial deviation requiring further development-of-  
1202 | regional-impact review.

1203 |         5. The following changes to an approved development of  
1204 | regional impact shall be presumed to create a substantial  
1205 | deviation. Such presumption may be rebutted by clear and  
1206 | convincing evidence.

1207 |         a. A change proposed for 15 percent or more of the acreage  
1208 | to a land use not previously approved in the development order.  
1209 | Changes of less than 15 percent shall be presumed not to create  
1210 | a substantial deviation.

1211 |         b. Except for the types of uses listed in subparagraph  
1212 | (b)17. ~~(b)16.~~, any change which would result in the development  
1213 | of any area which was specifically set aside in the application  
1214 | for development approval or in the development order for  
1215 | preservation, buffers, or special protection, including habitat

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1216 | for plant and animal species, archaeological and historical  
1217 | sites, dunes, and other special areas.

1218 |       c. Notwithstanding any provision of paragraph (b) to the  
1219 | contrary, a proposed change consisting of simultaneous increases  
1220 | and decreases of at least two of the uses within an authorized  
1221 | multiuse development of regional impact which was originally  
1222 | approved with three or more uses specified in s. 380.0651(3)(c),  
1223 | (d), (f), and (g) and residential use.

1224 |       Section 16. Paragraph (k) of subsection (3) of section  
1225 | 380.0651, Florida Statutes, is redesignated as paragraph (l),  
1226 | and a new paragraph (k) is added to that subsection to read:

1227 |       380.0651 Statewide guidelines and standards.--

1228 |       (3) The following statewide guidelines and standards shall  
1229 | be applied in the manner described in s. 380.06(2) to determine  
1230 | whether the following developments shall be required to undergo  
1231 | development-of-regional-impact review:

1232 |       (k) Workforce housing.--The applicable guidelines for  
1233 | residential development and the residential component for  
1234 | multiuse development shall be increased by 20 percent where the  
1235 | developer demonstrates that at least 15 percent of the  
1236 | residential dwelling units will be dedicated to workforce  
1237 | housing. For purposes of this subparagraph, the term "workforce  
1238 | housing" means housing that is affordable to a person who earns  
1239 | less than 150 percent of the area median income.

1240 |       Section 17. Section 420.0004, Florida Statutes, is amended  
1241 | to read:

1242 |       420.0004 Definitions.--As used in this part, unless the  
1243 | context otherwise indicates:

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1244 (1) "Adjusted for family size" means adjusted in a manner  
1245 which results in an income eligibility level which is lower for  
1246 households with fewer than four people, or higher for households  
1247 with more than four people, than the base income eligibility  
1248 determined as provided in subsection (10) ~~(9)~~, subsection (11)  
1249 ~~(10)~~, or subsection (15) ~~(14)~~, based upon a formula as  
1250 established by the United States Department of Housing and Urban  
1251 Development.

1252 (2) "Adjusted gross income" means all wages, assets,  
1253 regular cash or noncash contributions or gifts from persons  
1254 outside the household, and such other resources and benefits as  
1255 may be determined to be income by the United States Department  
1256 of Housing and Urban Development, adjusted for family size, less  
1257 deductions allowable under s. 62 of the Internal Revenue Code.

1258 (3) "Affordable" means that monthly rents or monthly  
1259 mortgage payments including taxes, insurance, and utilities do  
1260 not exceed 30 percent of that amount which represents the  
1261 percentage of the median adjusted gross annual income for the  
1262 households as indicated in subsection (8), subsection (10) ~~(9)~~,  
1263 subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~.

1264 (4) "Corporation" means the Florida Housing Finance  
1265 Corporation.

1266 (5) "Community-based organization" or "nonprofit  
1267 organization" means a private corporation organized under  
1268 chapter 617 to assist in the provision of housing and related  
1269 services on a not-for-profit basis and which is acceptable to  
1270 federal and state agencies and financial institutions as a  
1271 sponsor of low-income housing.

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1272           (6) "Department" means the Department of Community  
 1273 Affairs.  
 1274           (7) "Elderly" describes persons 62 years of age or older.  
 1275           (8) "Extremely low-income persons" means one or more  
 1276 natural persons or a family whose total annual household income  
 1277 does not exceed 30 percent of the median annual adjusted gross  
 1278 income for households within the state. The Florida Housing  
 1279 Finance Corporation may adjust this amount annually by rule to  
 1280 provide that in lower income counties extremely low income may  
 1281 exceed 30 percent of area median income and that in higher  
 1282 income counties extremely low income may be less than 30 percent  
 1283 of area median income.  
 1284           (9)~~(8)~~ "Local public body" means any county, municipality,  
 1285 or other political subdivision, or any housing authority as  
 1286 provided by chapter 421, which is eligible to sponsor or develop  
 1287 housing for farmworkers and very-low-income and low-income  
 1288 persons within its jurisdiction.  
 1289           (10)~~(9)~~ "Low-income persons" means one or more natural  
 1290 persons or a family, the total annual adjusted gross household  
 1291 income of which does not exceed 80 percent of the median annual  
 1292 adjusted gross income for households within the state, or 80  
 1293 percent of the median annual adjusted gross income for  
 1294 households within the metropolitan statistical area (MSA) or, if  
 1295 not within an MSA, within the county in which the person or  
 1296 family resides, whichever is greater.  
 1297           (11)~~(10)~~ "Moderate-income persons" means one or more  
 1298 natural persons or a family, the total annual adjusted gross  
 1299 household income of which is less than 120 percent of the median

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1300 annual adjusted gross income for households within the state, or  
 1301 120 percent of the median annual adjusted gross income for  
 1302 households within the metropolitan statistical area (MSA) or, if  
 1303 not within an MSA, within the county in which the person or  
 1304 family resides, whichever is greater.

1305 (12)~~(11)~~ "Student" means any person not living with his or  
 1306 her parent or guardian who is eligible to be claimed by his or  
 1307 her parent or guardian as a dependent under the federal income  
 1308 tax code and who is enrolled on at least a half-time basis in a  
 1309 secondary school, career center, community college, college, or  
 1310 university.

1311 (13)~~(12)~~ "Substandard" means:

1312 (a) Any unit lacking complete plumbing or sanitary  
 1313 facilities for the exclusive use of the occupants;

1314 (b) A unit which is in violation of one or more major  
 1315 sections of an applicable housing code and where such violation  
 1316 poses a serious threat to the health of the occupant; or

1317 (c) A unit that has been declared unfit for human  
 1318 habitation but that could be rehabilitated for less than 50  
 1319 percent of the property value.

1320 (14)~~(13)~~ "Substantial rehabilitation" means repair or  
 1321 restoration of a dwelling unit where the value of such repair or  
 1322 restoration exceeds 40 percent of the value of the dwelling.

1323 (15)~~(14)~~ "Very-low-income persons" means one or more  
 1324 natural persons or a family, not including students, the total  
 1325 annual adjusted gross household income of which does not exceed  
 1326 50 percent of the median annual adjusted gross income for  
 1327 households within the state, or 50 percent of the median annual



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1328 | adjusted gross income for households within the metropolitan  
 1329 | statistical area (MSA) or, if not within an MSA, within the  
 1330 | county in which the person or family resides, whichever is  
 1331 | greater.

1332 |       Section 18. Section 420.37, Florida Statutes, is repealed.

1333 |       Section 19. Subsection (18) of section 420.503, Florida  
 1334 | Statutes, is amended to read:

1335 |       420.503 Definitions.--As used in this part, the term:

1336 |       (18) (a) "Farmworker" means a laborer who is employed on a  
 1337 | seasonal, temporary, or permanent basis in the planting,  
 1338 | cultivating, harvesting, or processing of agricultural or  
 1339 | aquacultural products and who derived at least 50 percent of her  
 1340 | or his income in the immediately preceding 12 months from such  
 1341 | employment.

1342 |       (b) "Farmworker" ~~also~~ includes a person who has retired as  
 1343 | a laborer due to age, disability, or illness. In order to be  
 1344 | considered retired as a farmworker due to age under this part, a  
 1345 | person must be 50 years of age or older and must have been  
 1346 | employed for a minimum of 5 years as a farmworker before  
 1347 | retirement. In order to be considered retired as a farmworker  
 1348 | due to disability or illness, a person must:

1349 |       1.(a) Establish medically that she or he is unable to be  
 1350 | employed as a farmworker due to that disability or illness.

1351 |       2.(b) Establish that she or he was previously employed as  
 1352 | a farmworker.

1353 |       (c) Notwithstanding paragraphs (a) and (b), when  
 1354 | corporation-administered funds are used in conjunction with  
 1355 | United States Department of Agriculture Rural Development funds,

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1356 | the term "farmworker" may mean a laborer who meets, at a  
 1357 | minimum, the definition of "domestic farm laborer" as found in 7  
 1358 | C.F.R. s. 3560.11, as amended. The corporation may establish  
 1359 | additional criteria by rule.

1360 | Section 20. Section 420.5061, Florida Statutes, is amended  
 1361 | to read:

1362 | 420.5061 Transfer of agency assets and  
 1363 | liabilities.--Effective January 1, 1998, all assets and  
 1364 | liabilities and rights and obligations, including any  
 1365 | outstanding contractual obligations, of the agency shall be  
 1366 | transferred to the corporation as legal successor in all  
 1367 | respects to the agency. The corporation shall thereupon become  
 1368 | obligated to the same extent as the agency under any existing  
 1369 | agreements and be entitled to any rights and remedies previously  
 1370 | afforded the agency by law or contract, including specifically  
 1371 | the rights of the agency under chapter 201 and part VI of  
 1372 | chapter 159. The corporation is a state agency for purposes of  
 1373 | s. 159.807(4) (a). Effective January 1, 1998, all references  
 1374 | under Florida law to the agency are deemed to mean the  
 1375 | corporation. The corporation shall transfer to the General  
 1376 | Revenue Fund an amount which otherwise would have been deducted  
 1377 | as a service charge pursuant to s. 215.20(1) if the Florida  
 1378 | Housing Finance Corporation Fund established by s. 420.508(5),  
 1379 | the State Apartment Incentive Loan Fund established by s.  
 1380 | 420.5087(7), the Florida Homeownership Assistance Fund  
 1381 | established by s. 420.5088 (4) ~~(5)~~, the HOME Investment  
 1382 | Partnership Fund established by s. 420.5089(1), and the Housing  
 1383 | Predevelopment Loan Fund established by s. 420.525(1) were each

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1384 trust funds. For purposes of s. 112.313, the corporation is  
 1385 deemed to be a continuation of the agency, and the provisions  
 1386 thereof are deemed to apply as if the same entity remained in  
 1387 place. Any employees of the agency and agency board members  
 1388 covered by s. 112.313(9)(a)6. shall continue to be entitled to  
 1389 the exemption in that subparagraph, notwithstanding being hired  
 1390 by the corporation or appointed as board members of the  
 1391 corporation. Effective January 1, 1998, all state property in  
 1392 use by the agency shall be transferred to and become the  
 1393 property of the corporation.

1394 Section 21. Subsections (22), (23), and (40) of section  
 1395 420.507, Florida Statutes, are amended, and subsections (44),  
 1396 (45), and (46) are added to that section, to read:

1397 420.507 Powers of the corporation.--The corporation shall  
 1398 have all the powers necessary or convenient to carry out and  
 1399 effectuate the purposes and provisions of this part, including  
 1400 the following powers which are in addition to all other powers  
 1401 granted by other provisions of this part:

1402 (22) To develop and administer the State Apartment  
 1403 Incentive Loan Program. In developing and administering that  
 1404 program, the corporation may:

1405 (a) Make first, second, and other subordinated mortgage  
 1406 loans including variable or fixed rate loans subject to  
 1407 contingent interest for all State Apartment Incentive Loans  
 1408 provided for in this chapter based upon available cash flow of  
 1409 the projects. The corporation shall make loans exceeding 25  
 1410 percent of project cost available only to nonprofit  
 1411 organizations and public bodies which are able to secure grants,

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1412 donations of land, or contributions from other sources and to  
1413 projects meeting the criteria of subparagraph 1. Mortgage loans  
1414 shall be made available at the following rates of interest:

1415 1. Zero to 3 percent interest for sponsors of projects  
1416 that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~ of  
1417 their total units for residents qualifying as farmworkers as  
1418 defined in this part ~~s. 420.503(18)~~, or commercial fishing  
1419 workers as defined in this part ~~s. 420.503(5)~~, or the homeless  
1420 as defined in s. 420.621(4) over the life of the loan.

1421 2. The board may set the interest rate based on the pro  
1422 rata share of units set aside for homeless residents if the  
1423 total of such units is less than 80 percent of the units in the  
1424 borrower's project.

1425 3. One ~~Three~~ to 3 ~~9~~ percent interest for sponsors of  
1426 projects targeted at populations other than farmworkers,  
1427 commercial fishing workers, and the homeless.

1428 (b) Make loans exceeding 25 percent of project cost when  
1429 the project serves extremely low-income persons.

1430 (c) Forgive indebtedness for a share of the loan  
1431 attributable to the units in a project reserved for extremely  
1432 low-income persons.

1433 (d) ~~(b)~~ Geographically and demographically target the  
1434 utilization of loans.

1435 (e) ~~(e)~~ Underwrite credit, and reject projects which do not  
1436 meet the established standards of the corporation.

1437 (f) ~~(d)~~ Negotiate with governing bodies within the state  
1438 after a loan has been awarded to obtain local government  
1439 contributions.

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1440        (g)~~(e)~~ Inspect any records of a sponsor at any time during  
1441 the life of the loan or the agreed period for maintaining the  
1442 provisions of s. 420.5087.

1443        (h)~~(f)~~ Establish, by rule, the procedure for evaluating,  
1444 scoring, and competitively ranking all applications based on the  
1445 criteria set forth in s. 420.5087(6)(c); determining actual loan  
1446 amounts; making and servicing loans; and exercising the powers  
1447 authorized in this subsection.

1448        (i)~~(g)~~ Establish a loan loss insurance reserve to be used  
1449 to protect the outstanding program investment in case of a  
1450 default, deed in lieu of foreclosure, or foreclosure of a  
1451 program loan.

1452        (23) To develop and administer the Florida Homeownership  
1453 Assistance Program. In developing and administering the program,  
1454 the corporation may:

1455        (a)1. Make subordinated loans to eligible borrowers for  
1456 down payments or closing costs related to the purchase of the  
1457 borrower's primary residence.

1458        2. Make permanent loans to eligible borrowers related to  
1459 the purchase of the borrower's primary residence.

1460        3. Make subordinated loans to nonprofit sponsors or  
1461 developers of housing for purchase of property, for  
1462 construction, or for financing of housing to be offered for sale  
1463 to eligible borrowers as a primary residence at an affordable  
1464 price.

1465        (b) Establish a loan loss insurance reserve to supplement  
1466 existing sources of mortgage insurance with appropriated funds.

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1467 (c) Geographically and demographically target the  
 1468 utilization of loans.

1469 (d) Defer repayment of loans for the term of the first  
 1470 mortgage.

1471 (e) Establish flexible terms for loans with an interest  
 1472 rate not to exceed 3 percent per annum and which are  
 1473 nonamortizing for the term of the first mortgage.

1474 (f) Require repayment of loans upon sale, transfer,  
 1475 refinancing, or rental of secured property, unless otherwise  
 1476 approved by the corporation.

1477 (g) Accelerate a loan for monetary default, for failure to  
 1478 provide the benefits of the loans to eligible borrowers, or for  
 1479 violation of any other restriction placed upon the loan.

1480 (h) Adopt rules for the program and exercise the powers  
 1481 authorized in this subsection.

1482 (40) To establish subsidiary business entities  
 1483 ~~corporations~~ for the purpose of taking title to and managing and  
 1484 disposing of property acquired by the corporation. Such  
 1485 subsidiary business entities ~~corporations~~ shall be public  
 1486 business entities ~~corporations~~ wholly owned by the corporation;  
 1487 shall be entitled to own, mortgage, and sell property on the  
 1488 same basis as the corporation; and shall be deemed business  
 1489 entities ~~corporations~~ primarily acting as an agent ~~agents~~ of the  
 1490 state, within the meaning of s. 768.28, on the same basis as the  
 1491 corporation. Any subsidiary business entity created by the  
 1492 corporation shall be subject to chapters 119, 120, and 286 to  
 1493 the same extent as the corporation. The subsidiary business

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1494 entities shall have authority to make rules necessary to conduct  
 1495 business and to carry out the purposes of this subsection.

1496 (44) To adopt rules whereby the corporation may intervene,  
 1497 negotiate terms, or undertake other actions which the  
 1498 corporation deems necessary to further program goals or avoid  
 1499 default of a program loan. Such rules must consider fiscal  
 1500 program goals and the preservation or advancement of affordable  
 1501 housing for the state.

1502 (45) To establish by rule requirements for periodic  
 1503 reporting of data, including, but not limited to, financial  
 1504 data, housing market data, detailed economic and physical  
 1505 occupancy on multifamily projects, and demographic data on all  
 1506 housing financed through corporation programs and for  
 1507 participation in a housing locator system.

1508 (46) In order to administer funds appropriated for  
 1509 disaster recovery and reconstruction following a declaration of  
 1510 emergency pursuant to s. 252.36, to create programs to repair,  
 1511 rehabilitate, and construct multifamily and single-family  
 1512 dwelling. To administer this subsection, the corporation may  
 1513 adopt emergency rules pursuant to s. 120.54. The Legislature  
 1514 finds that emergency rules adopted pursuant to this subsection  
 1515 meet the health, safety, and welfare requirement of s.  
 1516 120.54(4). The Legislature finds that such emergency rulemaking  
 1517 power is necessary for the preservation of the rights and  
 1518 welfare of the people in order to provide additional funds to  
 1519 assist those areas of the state that sustain housing damage due  
 1520 to the occurrence of a disaster, as defined in s. 252.34(1).

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1521 Emergency rules adopted under this subsection are exempt from s.  
1522 120.54(4)(a) and (c).

1523 Section 22. Subsections (1), (3), (5), and (6) of section  
1524 420.5087, Florida Statutes, are amended to read:

1525 420.5087 State Apartment Incentive Loan Program.--There is  
1526 hereby created the State Apartment Incentive Loan Program for  
1527 the purpose of providing first, second, or other subordinated  
1528 mortgage loans or loan guarantees to sponsors, including for-  
1529 profit, nonprofit, and public entities, to provide housing  
1530 affordable to very-low-income persons.

1531 (1) Program funds shall be distributed over successive 3-  
1532 year periods in a manner that meets the need and demand for  
1533 very-low-income housing throughout the state. That need and  
1534 demand must be determined by using the most recent statewide  
1535 low-income rental housing market studies available at the  
1536 beginning of each 3-year period. However, at least 10 percent of  
1537 the program funds distributed during a 3-year period must be  
1538 allocated to each of the following categories of counties, as  
1539 determined by using the population statistics published in the  
1540 most recent edition of the Florida Statistical Abstract:

1541 (a) Counties that have a population of 825,000 or more.  
1542 ~~more than 500,000 people;~~

1543 (b) Counties that have a population of more than ~~between~~  
1544 100,000 but less than 825,000. ~~and 500,000 people; and~~

1545 (c) Counties that have a population of 100,000 or less.

1546  
1547 Any increase in funding required to reach the 10-percent minimum  
1548 shall be taken from the county category that has the largest



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1549 allocation. The corporation shall adopt rules which establish an  
1550 equitable process for distributing any portion of the 10 percent  
1551 of program funds allocated to the county categories specified in  
1552 this subsection which remains unallocated at the end of a 3-year  
1553 period. Counties that have a population of 100,000 or less shall  
1554 be given preference under these rules.

1555 (3) During the first 6 months of loan or loan guarantee  
1556 availability, program funds shall be reserved for use by  
1557 sponsors who provide the housing set-aside required in  
1558 subsection (2) for the tenant groups designated in this  
1559 subsection. The reservation of funds to each of these groups  
1560 shall be determined using the most recent statewide very-low-  
1561 income rental housing market study available at the time of  
1562 publication of each notice of fund availability required by  
1563 paragraph (6)(b). The reservation of funds within each notice of  
1564 fund availability to the tenant groups in paragraphs (a), (b),  
1565 and (d) may not be less than 10 percent of the funds available  
1566 at that time. Any increase in funding required to reach the 10-  
1567 percent minimum shall be taken from the tenant group that has  
1568 the largest reservation. The reservation of funds within each  
1569 notice of fund availability to the tenant group in paragraph (c)  
1570 may not be less than 5 percent of the funds available at that  
1571 time. The tenant groups are:

- 1572 (a) Commercial fishing workers and farmworkers;  
1573 (b) Families;  
1574 (c) Persons who are homeless; and  
1575 (d) Elderly persons. Ten percent of the amount reserved  
1576 for the elderly shall be reserved to provide loans to sponsors

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1577 of housing for the elderly for the purpose of making building  
 1578 preservation, health, or sanitation repairs or improvements  
 1579 which are required by federal, state, or local regulation or  
 1580 code, or lifesafety or security-related repairs or improvements  
 1581 to such housing. Such a loan may not exceed \$750,000 per housing  
 1582 community for the elderly. In order to receive the loan, the  
 1583 sponsor of the housing community must make a commitment to match  
 1584 at least 5 ~~15~~ percent of the loan amount to pay the cost of such  
 1585 repair or improvement. The corporation shall establish the rate  
 1586 of interest on the loan, which may not exceed 3 percent, and the  
 1587 term of the loan, which may not exceed 15 years; however, if the  
 1588 lien of the corporation's encumbrance is subordinate to the lien  
 1589 of another mortgagee, then the term may be made coterminous with  
 1590 the longest term of the superior lien. The term of the loan  
 1591 shall be established on the basis of a credit analysis of the  
 1592 applicant. The corporation shall establish, by rule, the  
 1593 procedure and criteria for receiving, evaluating, and  
 1594 competitively ranking all applications for loans under this  
 1595 paragraph. A loan application must include evidence of the first  
 1596 mortgagee's having reviewed and approved the sponsor's intent to  
 1597 apply for a loan. A nonprofit organization or sponsor may not  
 1598 use the proceeds of the loan to pay for administrative costs,  
 1599 routine maintenance, or new construction.

1600 (5) The amount of the mortgage provided under this program  
 1601 combined with any other mortgage in a superior position shall be  
 1602 less than the value of the project without the housing set-aside  
 1603 required by subsection (2). However, the corporation may waive  
 1604 this requirement for projects in rural areas or urban infill

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1605 | areas which have market rate rents that are less than the  
 1606 | allowable rents pursuant to applicable state and federal  
 1607 | guidelines, and for projects which reserve units for extremely  
 1608 | low-income persons. In no event shall the mortgage provided  
 1609 | under this program combined with any other mortgage in a  
 1610 | superior position exceed total project cost.

1611 |         (6) On all state apartment incentive loans, except loans  
 1612 | made to housing communities for the elderly to provide for  
 1613 | lifesafety, building preservation, health, sanitation, or  
 1614 | security-related repairs or improvements, the following  
 1615 | provisions shall apply:

1616 |             (a) The corporation shall establish two interest rates in  
 1617 | accordance with s. 420.507(22)(a)1. and 3. ~~2.~~

1618 |             (b) The corporation shall publish a notice of fund  
 1619 | availability in a publication of general circulation throughout  
 1620 | the state. Such notice shall be published at least 60 days prior  
 1621 | to the application deadline and shall provide notice of the  
 1622 | temporary reservations of funds established in subsection (3).

1623 |             (c) The corporation shall provide by rule for the  
 1624 | establishment of a review committee composed of the department  
 1625 | and corporation staff and shall establish by rule a scoring  
 1626 | system for evaluation and competitive ranking of applications  
 1627 | submitted in this program, including, but not limited to, the  
 1628 | following criteria:

1629 |                 1. Tenant income and demographic targeting objectives of  
 1630 | the corporation.

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1631           2. Targeting objectives of the corporation which will  
1632 ensure an equitable distribution of loans between rural and  
1633 urban areas.

1634           3. Sponsor's agreement to reserve the units for persons or  
1635 families who have incomes below 50 percent of the state or local  
1636 median income, whichever is higher, for a time period to exceed  
1637 the minimum required by federal law or the provisions of this  
1638 part.

1639           4. Sponsor's agreement to reserve more than:

1640           a. Twenty percent of the units in the project for persons  
1641 or families who have incomes that do not exceed 50 percent of  
1642 the state or local median income, whichever is higher; or

1643           b. Forty percent of the units in the project for persons  
1644 or families who have incomes that do not exceed 60 percent of  
1645 the state or local median income, whichever is higher, without  
1646 requiring a greater amount of the loans as provided in this  
1647 section.

1648           5. Provision for tenant counseling.

1649           6. Sponsor's agreement to accept rental assistance  
1650 certificates or vouchers as payment for rent; however, when  
1651 certificates or vouchers are accepted as payment for rent on  
1652 units set aside for persons with incomes under 50 percent of the  
1653 state or local median income, whichever is higher, these units  
1654 shall only be considered to satisfy the sponsor's agreement to  
1655 serve persons at or above 50 percent of state or local median  
1656 income pursuant to subsection (2), the benefit must be divided  
1657 between the corporation and the sponsor, as provided by  
1658 corporation rule.

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1659           7. Projects requiring the least amount of a state  
1660 apartment incentive loan compared to overall project cost except  
1661 that the share of the loan attributable to units serving  
1662 extremely low-income persons shall be excluded from this  
1663 requirement.

1664           8. Local government contributions and local government  
1665 comprehensive planning and activities that promote affordable  
1666 housing.

1667           9. Project feasibility.

1668           10. Economic viability of the project.

1669           11. Commitment of first mortgage financing.

1670           12. Sponsor's prior experience.

1671           13. Sponsor's ability to proceed with construction.

1672           14. Projects that directly implement or assist welfare-to-  
1673 work transitioning.

1674           15. Projects that reserve units for extremely low-income  
1675 persons.

1676           (d) The corporation may reject any and all applications.

1677           (e) The corporation may approve and reject applications  
1678 for the purpose of achieving geographic targeting.

1679           (f) The review committee established by corporation rule  
1680 pursuant to this subsection shall make recommendations to the  
1681 board of directors of the corporation regarding program  
1682 participation under the State Apartment Incentive Loan Program.  
1683 The corporation board shall make the final ranking and the  
1684 decisions regarding which applicants shall become program  
1685 participants based on the scores received in the competitive  
1686 ranking, further review of applications, and the recommendations

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1687 of the review committee. The corporation board shall approve or  
 1688 reject applications for loans and shall determine the tentative  
 1689 loan amount available to each applicant selected for  
 1690 participation in the program. The actual loan amount shall be  
 1691 determined pursuant to rule adopted pursuant to s.  
 1692 420.507(22) (h) ~~(f)~~.

1693 (g) The loan term shall be for a period of not more than  
 1694 15 years; however, if both a program loan and federal low-income  
 1695 housing tax credits are to be used to assist a project, the  
 1696 corporation may set the loan term for a period commensurate with  
 1697 the investment requirements associated with the tax credit  
 1698 syndication. The term of the loan may also exceed 15 years if  
 1699 necessary to conform to requirements of the Federal National  
 1700 Mortgage Association. The corporation may renegotiate and extend  
 1701 the loan in order to extend the availability of housing for the  
 1702 targeted population. The term of a loan may not extend beyond  
 1703 the period for which the sponsor agrees to provide the housing  
 1704 set-aside required by subsection (2).

1705 (h) The loan shall be subject to sale, transfer, or  
 1706 refinancing. The sale, transfer, or refinancing of the loan  
 1707 shall be consistent with fiscal program goals and the  
 1708 preservation or advancement of affordable housing for the state.  
 1709 ~~However, all requirements and conditions of the loan shall~~  
 1710 ~~remain following sale, transfer, or refinancing.~~

1711 (i) The discrimination provisions of s. 420.516 shall  
 1712 apply to all loans.

1713 (j) The corporation may require units dedicated for the  
 1714 elderly.

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1715 (k) Rent controls shall not be allowed on any project  
1716 except as required in conjunction with the issuance of tax-  
1717 exempt bonds or federal low-income housing tax credits, and  
1718 except when the sponsor has committed to set aside units for  
1719 extremely low-income persons, in which case rents shall be  
1720 restricted at the level applicable for federal low-income tax  
1721 credits.

1722 (l) The proceeds of all loans shall be used for new  
1723 construction or substantial rehabilitation which creates  
1724 affordable, safe, and sanitary housing units.

1725 (m) Sponsors shall annually certify the adjusted gross  
1726 income of all persons or families qualified under subsection (2)  
1727 at the time of initial occupancy, who are residing in a project  
1728 funded by this program. All persons or families qualified under  
1729 subsection (2) may continue to qualify under subsection (2) in a  
1730 project funded by this program if the adjusted gross income of  
1731 those persons or families at the time of annual recertification  
1732 meets the requirements established in s. 142(d)(3)(B) of the  
1733 Internal Revenue Code of 1986, as amended. If the annual  
1734 recertification of persons or families qualifying under  
1735 subsection (2) results in noncompliance with income occupancy  
1736 requirements, the next available unit must be rented to a person  
1737 or family qualifying under subsection (2) in order to ensure  
1738 continuing compliance of the project. The corporation may waive  
1739 the annual recertification if 100 percent of the units are set  
1740 aside as affordable.

1741 (n) Upon submission and approval of a marketing plan which  
1742 demonstrates a good faith effort of a sponsor to rent a unit or

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1743 units to persons or families reserved under subsection (3) and  
 1744 qualified under subsection (2), the sponsor may rent such unit  
 1745 or units to any person or family qualified under subsection (2)  
 1746 notwithstanding the reservation.

1747 (o) Sponsors may participate in federal mortgage insurance  
 1748 programs and must abide by the requirements of those programs.  
 1749 If a conflict occurs between the requirements of federal  
 1750 mortgage insurance programs and the requirements of this  
 1751 section, the requirements of federal mortgage insurance programs  
 1752 shall take precedence.

1753 Section 23. Section 420.5088, Florida Statutes, is amended  
 1754 to read:

1755 420.5088 Florida Homeownership Assistance Program.--There  
 1756 is created the Florida Homeownership Assistance Program for the  
 1757 purpose of assisting low-income and moderate-income persons in  
 1758 purchasing a home as their primary residence by reducing the  
 1759 cost of the home with below-market construction financing, by  
 1760 reducing the amount of down payment and closing costs paid by  
 1761 the borrower to a maximum of 5 percent of the purchase price, or  
 1762 by reducing the monthly payment to an affordable amount for the  
 1763 purchaser. Loans shall be made available at an interest rate  
 1764 that does not exceed 3 percent. The balance of any loan is due  
 1765 at closing if the property is sold, refinanced, rented, or  
 1766 transferred, unless otherwise approved by the corporation.

1767 (1) For loans made available pursuant to s.  
 1768 420.507(23)(a)1. or 2.:

1769 (a) The corporation may underwrite and make those mortgage  
 1770 loans through the program to persons or families who have



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1771 incomes that do not exceed 120 ~~80~~ percent of the state or local  
1772 median income, whichever is greater, adjusted for family size.

1773 (b) Loans shall be made available for the term of the  
1774 first mortgage.

1775 (c) Loans may not exceed ~~are limited to~~ the lesser of 35  
1776 ~~25~~ percent of the purchase price of the home or the amount  
1777 necessary to enable the purchaser to meet credit underwriting  
1778 criteria.

1779 (2) For loans made pursuant to s. 420.507(23)(a)3.:

1780 (a) Availability is limited to nonprofit sponsors or  
1781 developers who are selected for program participation pursuant  
1782 to this subsection.

1783 (b) Preference must be given ~~to community development~~  
1784 ~~corporations as defined in s. 290.033~~ and to community-based  
1785 organizations as defined in s. 420.503.

1786 (c) Priority must be given to projects that have received  
1787 state assistance in funding project predevelopment costs.

1788 (d) The benefits of making such loans shall be  
1789 contractually provided to the persons or families purchasing  
1790 homes financed under this subsection.

1791 (e) At least 30 percent of the units in a project financed  
1792 pursuant to this subsection must be sold to persons or families  
1793 who have incomes that do not exceed 80 percent of the state or  
1794 local median income, whichever amount is greater, adjusted for  
1795 family size; and at least another 30 percent of the units in a  
1796 project financed pursuant to this subsection must be sold to  
1797 persons or families who have incomes that do not exceed 65 ~~50~~

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1798 | percent of the state or local median income, whichever amount is  
1799 | greater, adjusted for family size.

1800 |         (f) The maximum loan amount may not exceed 33 percent of  
1801 | the total project cost.

1802 |         (g) A person who purchases a home in a project financed  
1803 | under this subsection is eligible for a loan authorized by s.  
1804 | 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the  
1805 | construction loan made pursuant to this subsection. The home  
1806 | purchaser must meet all the requirements for loan recipients  
1807 | established pursuant to the applicable loan program.

1808 |         (h) The corporation shall provide, by rule, for the  
1809 | establishment of a review committee composed of corporation  
1810 | staff and shall establish, by rule, a scoring system for  
1811 | evaluating and ranking applications submitted for construction  
1812 | loans under this subsection, including, but not limited to, the  
1813 | following criteria:

1814 |             1. The affordability of the housing proposed to be built.

1815 |             2. The direct benefits of the assistance to the persons  
1816 | who will reside in the proposed housing.

1817 |             3. The demonstrated capacity of the applicant to carry out  
1818 | the proposal, including the experience of the development team.

1819 |             4. The economic feasibility of the proposal.

1820 |             5. The extent to which the applicant demonstrates  
1821 | potential cost savings by combining the benefits of different  
1822 | governmental programs and private initiatives, including the  
1823 | local government contributions and local government  
1824 | comprehensive planning and activities that promote affordable  
1825 | housing.

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- 1826           6. The use of the least amount of program loan funds  
1827 compared to overall project cost.
- 1828           7. The provision of homeownership counseling.
- 1829           8. The applicant's agreement to exceed the requirements of  
1830 paragraph (e).
- 1831           9. The commitment of first mortgage financing for the  
1832 balance of the construction loan and for the permanent loans to  
1833 the purchasers of the housing.
- 1834           10. The applicant's ability to proceed with construction.
- 1835           11. The targeting objectives of the corporation which will  
1836 ensure an equitable distribution of loans between rural and  
1837 urban areas.
- 1838           12. The extent to which the proposal will further the  
1839 purposes of this program.
- 1840           (i) The corporation may reject any and all applications.
- 1841           (j) The review committee established by corporation rule  
1842 pursuant to this subsection shall make recommendations to the  
1843 corporation board regarding program participation under this  
1844 subsection. The corporation board shall make the final ranking  
1845 for participation based on the scores received in the ranking,  
1846 further review of the applications, and the recommendations of  
1847 the review committee. The corporation board shall approve or  
1848 reject applicants for loans and shall determine the tentative  
1849 loan amount available to each program participant. The final  
1850 loan amount shall be determined pursuant to rule adopted under  
1851 s. 420.507(23)(h).
- 1852           (3) The corporation shall publish a notice of fund  
1853 availability in a publication of general circulation throughout

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1854 the state at least 60 days prior to the anticipated availability  
1855 of funds.

1856 ~~(4) During the first 9 months of fund availability:~~

1857 ~~(a) Sixty percent of the program funds shall be reserved~~  
1858 ~~for use by borrowers pursuant to s. 420.507(23)(a)1.;~~

1859 ~~(b) Twenty percent of the program funds shall be reserved~~  
1860 ~~for use by borrowers pursuant to s. 420.507(23)(a)2.; and~~

1861 ~~(c) Twenty percent of the program funds shall be reserved~~  
1862 ~~for use by borrowers pursuant to s. 420.507(23)(a)3.~~

1863

1864 ~~If the application of these percentages would cause the~~  
1865 ~~reservation of program funds under paragraph (a) to be less than~~  
1866 ~~\$1 million, the reservation for paragraph (a) shall be increased~~  
1867 ~~to \$1 million or all available funds, whichever amount is less,~~  
1868 ~~with the increase to be accomplished by reducing the reservation~~  
1869 ~~for paragraph (b) and, if necessary, paragraph (c).~~

1870 (4)~~(5)~~ There is authorized to be established by the  
1871 corporation with a qualified public depository meeting the  
1872 requirements of chapter 280 the Florida Homeownership Assistance  
1873 Fund to be administered by the corporation according to the  
1874 provisions of this program. Any amounts held in the Florida  
1875 Homeownership Assistance Trust Fund for such purposes as of  
1876 January 1, 1998, must be transferred to the corporation for  
1877 deposit in the Florida Homeownership Assistance Fund, whereupon  
1878 the Florida Homeownership Assistance Trust Fund must be closed.  
1879 There shall be deposited in the fund moneys from the State  
1880 Housing Trust Fund created by s. 420.0005, or moneys received  
1881 from any other source, for the purpose of this program and all

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1882 | proceeds derived from the use of such moneys. In addition, all  
 1883 | unencumbered funds, loan repayments, proceeds from the sale of  
 1884 | any property, and any other proceeds that would otherwise accrue  
 1885 | pursuant to the activities of the programs described in this  
 1886 | section shall be transferred to this fund. In addition, all loan  
 1887 | repayments, proceeds from the sale of any property, and any  
 1888 | other proceeds that would otherwise accrue pursuant to the  
 1889 | activities conducted under the provisions of the Florida  
 1890 | Homeownership Assistance Program shall be deposited in the fund  
 1891 | and shall not revert to the General Revenue Fund. Expenditures  
 1892 | from the Florida Homeownership Assistance Fund shall not be  
 1893 | required to be included in the corporation's budget request or  
 1894 | be subject to appropriation by the Legislature.

1895 |       ~~(5)-(6)~~ No more than one-fifth of the funds available in  
 1896 | the Florida Homeownership Assistance Fund may be made available  
 1897 | to provide loan loss insurance reserve funds to facilitate  
 1898 | homeownership for eligible persons.

1899 |       Section 24. Section 420.5095, Florida Statutes, is created  
 1900 | to read:

1901 |       420.5095 Community Workforce Housing Innovation Program.--

1902 |       (1) The Community Workforce Housing Innovation Program is  
 1903 | created for the purpose of providing regulatory incentives and  
 1904 | state and local funds to promote local public-private  
 1905 | partnerships and leverage government and private resources to  
 1906 | provide affordable rental and home ownership community workforce  
 1907 | housing for essential services personnel with medium incomes in  
 1908 | high-cost and high-growth counties in this state.

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1909        (2) Subject to the availability of funds appropriated by  
1910 the Legislature to fund the Community Workforce Housing  
1911 Innovation Program, the Florida Housing Finance Corporation  
1912 shall have the authority to provide Community Workforce Housing  
1913 Innovation Program loans, which may be forgivable, to an  
1914 applicant for construction or rehabilitation of rental or home  
1915 ownership workforce housing in targeted high-cost and high-  
1916 growth counties, areas of critical state concern, or areas that  
1917 were designated as areas of critical state concern for at least  
1918 20 consecutive years prior to removal of the designation. The  
1919 corporation shall establish a funding process and selection  
1920 criteria by rule or request for proposals to distribute annually  
1921 appropriated funds under this section. Funding may be used with  
1922 other corporation and private sector resources.

1923        (3) The corporation shall provide incentives for local  
1924 governments in these counties to use local affordable housing  
1925 funds, such as those from the State Housing Initiatives  
1926 Partnership Program to assist in meeting the affordable housing  
1927 needs of persons eligible under this program.

1928        (4) The Community Workforce Housing Innovation Program  
1929 projects shall target:

1930        (a) "High-cost counties," defined as those counties in  
1931 which the median sales price of a single-family home using the  
1932 most recent county level statistics is above the state median  
1933 sales price of a single-family home, areas of critical state  
1934 concern designated under s. 380.05 for which the Legislature has  
1935 declared its intent to provide affordable housing, and areas  
1936 that were designated as areas of critical state concern for at

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1937 | least 20 consecutive years prior to removal of the designation.  
 1938 | The corporation shall develop the list of high-cost counties on  
 1939 | an annual basis.

1940 |       (b) "High-growth counties," defined as those counties that  
 1941 | demonstrate significantly high rates of growth in K-12 public  
 1942 | school students and a substantial number of open teaching  
 1943 | positions currently and projected for the next school year. To  
 1944 | qualify under these criteria of high growth and need to fill  
 1945 | public school teaching positions, a county's school district  
 1946 | must have been in the top 10 school districts in the state for  
 1947 | the fastest student population growth as a percentage rate of  
 1948 | increase for the previous 5 years, as defined by the Department  
 1949 | of Education. Counties with school districts having the greatest  
 1950 | number of teaching position vacancies shall be prioritized.

1951 |       (c) "Public-private partnerships," defined to include  
 1952 | substantial involvement of at least one county, one  
 1953 | municipality, or one public sector entity, such as a school  
 1954 | district or other unit of local government in which the project  
 1955 | is to be located, and at least one private not-for-profit or  
 1956 | for-profit project partner. Partnerships are encouraged to  
 1957 | include one or more private sector business or charitable  
 1958 | entities.

1959 |       (d) "Workforce housing," defined as housing affordable to  
 1960 | natural persons or families whose total annual household income  
 1961 | does not exceed 150 percent of the area median income, adjusted  
 1962 | for household size, in prioritized areas included in this  
 1963 | subsection, or a higher area median income, adjusted for  
 1964 | household size, in areas of critical state concern or in areas

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1965 that were designated as areas of critical state concern for at  
 1966 least 20 consecutive years prior to removal of the designation.

1967 (e) Essential services personnel in need of affordable  
 1968 housing who are employed in areas in which they are considered  
 1969 essential services personnel, including, but not limited to,  
 1970 teachers and educators, police and fire personnel, skilled  
 1971 construction trades personnel, and health care personnel, and in  
 1972 other job categories in which the personnel are defined as  
 1973 essential services personnel, as locally defined by each county  
 1974 and eligible municipality within its local housing assistance  
 1975 plan pursuant to s. 420.9075.

1976 (f) Innovative projects that include new construction or  
 1977 rehabilitation of existing housing, mixed-income housing, or  
 1978 commercial and housing mixed-use elements.

1979  
 1980 The corporation shall seek to achieve a 70-percent high-cost,  
 1981 30-percent high-growth ratio in its annual funding of projects.

1982 (5) The Community Workforce Housing Innovation Program  
 1983 shall supplement and not supplant the existing affordable  
 1984 housing programs funded under chapter 420.

1985 (6) On an annual basis, the corporation shall review the  
 1986 success of the Community Workforce Housing Innovation Program to  
 1987 ascertain whether the program is meeting the housing needs of  
 1988 high-cost and high-growth counties. The corporation shall submit  
 1989 any recommendations for strengthening the program to the  
 1990 Governor, the Speaker of the House of Representatives, and the  
 1991 President of the Senate not later than 2 months after the end of  
 1992 the corporation's fiscal year.



1993           (7) The corporation shall review ways to improve public  
 1994 sector and private sector incentives and barriers to affordable  
 1995 and community workforce housing and make any recommendations  
 1996 necessary to improve these incentives in a report to the  
 1997 Governor, the Speaker of the House of Representatives, and the  
 1998 President of the Senate not later than 2 months after the end of  
 1999 the corporation's fiscal year. The corporation may request the  
 2000 assistance of the Department of Community Affairs or the  
 2001 Shimberg Center for Affordable Housing.

2002           (8) (a) Projects approved or funded by the Community  
 2003 Workforce Housing Innovation Program as Community Workforce  
 2004 Housing Innovation Program projects shall be eligible for the  
 2005 following workforce housing incentives to promote the financial  
 2006 viability, successful development, and ongoing maintenance of  
 2007 these housing developments:

2008           1. The processing of approvals of development orders or  
 2009 development permits, as defined in s. 163.3164(7) and (8), for  
 2010 affordable housing projects shall be expedited to a greater  
 2011 degree than other projects.

2012           2. Impact fees shall be reduced by 50 percent or may be  
 2013 waived entirely by the local government, or an applicant shall  
 2014 be provided with an alternative method of fee payment by the  
 2015 local government in which the proposed project is to be located.

2016           3. Increased density levels of up to 16 units or higher  
 2017 density per acre shall be allowed, except in coastal high-hazard  
 2018 areas, if approved by the local government, for community  
 2019 workforce housing.

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2020           4. The infrastructure capacity in the local comprehensive  
2021 plan for affordable housing shall be reserved for these  
2022 communities.

2023           5. Additional affordable residential units in residential  
2024 zoning districts shall be allowed.

2025           6. Open space and setback requirements for affordable  
2026 housing shall be reduced by 50 percent.

2027           7. Zero-lot-line configurations shall be allowed.

2028           8. Traffic concurrency requirements shall be modified or  
2029 reduced by up to 25 percent.

2030           9. Local transportation infrastructure funding shall be  
2031 considered eligible for prioritization from metropolitan  
2032 planning organizations.

2033           (b) The regulatory incentives for approved Community  
2034 Workforce Housing Innovation Program projects shall be  
2035 considered acceptable by the respective local government  
2036 maintaining jurisdiction over the site of the project, if:

2037           1. The applicant receives a letter of support from the  
2038 local government for the project application submitted to the  
2039 corporation; or

2040           2. Within 60 days after receipt of the applicant's plan by  
2041 the local government, a vote of "no objection" regarding the  
2042 project is taken by that body. During the 60-day period, the  
2043 local government and project applicant may agree to modify the  
2044 project incentives and size of the development with approval  
2045 from the corporation and still be eligible for project funding.  
2046 However, if that local government entity votes not to accept the  
2047 Community Workforce Housing Innovation Program project in its

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2048 | county, the corporation shall remove the application from the  
 2049 | project approval list.

2050 | (9) All eligible applications shall:

2051 | (a) Set aside at least 80 percent of the units for  
 2052 | workforce housing.

2053 | (b) Set aside at least 50 percent of the units as  
 2054 | prioritized for eligible persons who are employed as essential  
 2055 | services personnel.

2056 | (c) For rental projects, restrict rents for all workforce  
 2057 | housing serving those with incomes up to 120 percent of area  
 2058 | median income at the appropriate income level using the  
 2059 | restricted rents for the federal low-income housing tax credit  
 2060 | program and, for workforce housing units serving those with  
 2061 | incomes up to 150 percent of area median income, restrict rents  
 2062 | to those established by the corporation, not to exceed 40  
 2063 | percent of the maximum household income adjusted to unit size.

2064 | (d) For home ownership, limit the sales price of a  
 2065 | detached unit, townhome, or condominium unit to not more than  
 2066 | the median sales price for that type of unit in that county and  
 2067 | require that all eligible purchasers of home ownership units  
 2068 | occupy the homes as their primary residence.

2069 | (e) Demonstrate that the program applicant consists of a  
 2070 | public-private partnership of at least one local government or  
 2071 | special district public entity and one private not-for-profit or  
 2072 | for-profit partner.

2073 | (f) Demonstrate how the applicant will use the regulatory  
 2074 | incentives outlined in subsection (8) and include, if available,  
 2075 | any letters of support for the incentives referenced in

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2076 subparagraph (8)(b)1. from the local jurisdiction in which the  
 2077 proposed project is to be located.

2078 (g) Demonstrate that the applicant possesses title to or  
 2079 site control of land and evidences availability of required  
 2080 infrastructure.

2081 (h) Provide any research or facts available supporting the  
 2082 demand and need for rental or home ownership workforce housing  
 2083 for qualified workforce residents in the county in which the  
 2084 project is proposed.

2085 (i) Have grants, donations of land, or contributions from  
 2086 the public-private partnership or other sources collectively  
 2087 totaling at least 15 percent of the total development cost. Such  
 2088 grants, donations of land, or contributions must only be  
 2089 evidenced by a letter of commitment at the time of application.

2090 (j) Demonstrate accessibility to commercial businesses,  
 2091 services, and employment opportunities needed to serve the needs  
 2092 of the residents or include a viable plan to provide  
 2093 transportation access to those commercial businesses, services,  
 2094 and jobs.

2095 (k) Demonstrate a marketing and sales plan to ensure that  
 2096 residents fit the income requirements and workforce employment  
 2097 demand for essential services, as well as alternative strategies  
 2098 to sell or lease units to other qualified individuals if  
 2099 essential services personnel are not immediately available or  
 2100 qualified for the units.

2101 (l) Provide a development cost pro forma financial  
 2102 statement for the project.

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2103        (m) Demonstrate the applicant's affordable housing  
2104 development and management experience.

2105        (n) Demonstrate the long-term affordability of the rental  
2106 or homeownership units.

2107        (10) (a) The corporation shall establish a review committee  
2108 and shall establish a scoring system for evaluation and  
2109 competitive ranking of applications submitted to the program.  
2110 The ranking shall ensure an opportunity for a greater number of  
2111 high-cost, high-growth counties to receive project funding.

2112        (b) The corporation shall award loans with interest rates  
2113 set at 1 percent, which may be forgivable if the project  
2114 continues to meet the rental or ownership criteria outlined in  
2115 subsection (4). The corporation shall develop rules and  
2116 guidelines to set the terms of forgivability.

2117        (11) The corporation may use a maximum of 2 percent of the  
2118 annual appropriation per state fiscal year for administration  
2119 and compliance monitoring.

2120        (12) The corporation shall develop and implement within  
2121 the Community Workforce Housing Innovation Program a down-  
2122 payment assistance program.

2123        (13) The corporation shall develop recommendations for  
2124 increasing the development of innovative affordable home  
2125 ownership projects serving very-low-income, low-income, and  
2126 moderate-income residents in Florida, which may include  
2127 expansion of support for nonprofit home builders, such as  
2128 Habitat for Humanity and other charitable housing organizations,  
2129 public housing authorities, and for-profit housing developers.  
2130 Recommendations shall assess the value of public-private

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2131 partnerships, increased local and state funding for nonprofit  
 2132 housing organizations, and the possible conversion of existing  
 2133 affordable multifamily rental apartments to affordable home  
 2134 ownership units for projects in high-cost counties and counties  
 2135 with areas designated as areas of critical state concern or  
 2136 areas that were designated as areas of critical state concern  
 2137 for at least 20 consecutive years prior to removal of the  
 2138 designation. Recommendations shall examine how to guarantee  
 2139 long-term affordability for home ownership. The corporation may  
 2140 request the assistance of the Affordable Housing Study  
 2141 Commission in these efforts.

2142 Section 25. Subsection (25) of section 420.9071, Florida  
 2143 Statutes, is amended to read:

2144 420.9071 Definitions.--As used in ss. 420.907-420.9079,  
 2145 the term:

2146 (25) "Recaptured funds" means funds that are recouped by a  
 2147 county or eligible municipality in accordance with the recapture  
 2148 provisions of its local housing assistance plan pursuant to s.  
 2149 420.9075~~(5)~~(4)(g) from eligible persons or eligible sponsors who  
 2150 default on the terms of a grant award or loan award.

2151 Section 26. Subsection (2) of section 420.9072, Florida  
 2152 Statutes, is amended to read:

2153 420.9072 State Housing Initiatives Partnership  
 2154 Program.--The State Housing Initiatives Partnership Program is  
 2155 created for the purpose of providing funds to counties and  
 2156 eligible municipalities as an incentive for the creation of  
 2157 local housing partnerships, to expand production of and preserve  
 2158 affordable housing, to further the housing element of the local

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2159 | government comprehensive plan specific to affordable housing,  
2160 | and to increase housing-related employment.

2161 |       (2) (a) To be eligible to receive funds under the program,  
2162 | a county or eligible municipality must:

2163 |           1. Submit to the corporation its local housing assistance  
2164 | plan describing the local housing assistance strategies  
2165 | established pursuant to s. 420.9075;

2166 |           2. Within 12 months after adopting the local housing  
2167 | assistance plan, amend the plan to incorporate the local housing  
2168 | incentive strategies defined in s. 420.9071(16) and described in  
2169 | s. 420.9076; and

2170 |           3. Within 24 months after adopting the amended local  
2171 | housing assistance plan to incorporate the local housing  
2172 | incentive strategies, amend its land development regulations or  
2173 | establish local policies and procedures, as necessary, to  
2174 | implement the local housing incentive strategies adopted by the  
2175 | local governing body. A county or an eligible municipality that  
2176 | has adopted a housing incentive strategy pursuant to s. 420.9076  
2177 | before the effective date of this act shall review the status of  
2178 | implementation of the plan according to its adopted schedule for  
2179 | implementation and report its findings in the annual report  
2180 | required by s. 420.9075(10)~~(9)~~. If as a result of the review, a  
2181 | county or an eligible municipality determines that the  
2182 | implementation is complete and in accordance with its schedule,  
2183 | no further action is necessary. If a county or an eligible  
2184 | municipality determines that implementation according to its  
2185 | schedule is not complete, it must amend its land development  
2186 | regulations or establish local policies and procedures, as

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2187 necessary, to implement the housing incentive plan within 12  
 2188 months after the effective date of this act, or if extenuating  
 2189 circumstances prevent implementation within 12 months, pursuant  
 2190 to s. 420.9075 (13) ~~(12)~~, enter into an extension agreement with  
 2191 the corporation.

2192 (b) A county or an eligible municipality seeking approval  
 2193 to receive its share of the local housing distribution must  
 2194 adopt an ordinance containing the following provisions:

2195 1. Creation of a local housing assistance trust fund as  
 2196 described in s. 420.9075 (6) ~~(5)~~.

2197 2. Adoption by resolution of a local housing assistance  
 2198 plan as defined in s. 420.9071(14) to be implemented through a  
 2199 local housing partnership as defined in s. 420.9071(18).

2200 3. Designation of the responsibility for the  
 2201 administration of the local housing assistance plan. Such  
 2202 ordinance may also provide for the contracting of all or part of  
 2203 the administrative or other functions of the program to a third  
 2204 person or entity.

2205 4. Creation of the affordable housing advisory committee  
 2206 as provided in s. 420.9076.

2207  
 2208 The ordinance must not take effect until at least 30 days after  
 2209 the date of formal adoption. Ordinances in effect prior to the  
 2210 effective date of amendments to this section shall be amended as  
 2211 needed to conform to new provisions.

2212 Section 27. Paragraphs (a) and (c) of present subsection  
 2213 (4) of section 420.9075, Florida Statutes, are amended,  
 2214 subsections (3) through (12) are renumbered as subsections (4)



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2215 through (13), respectively, and a new subsection (3) is added to  
2216 that section, to read:

2217 420.9075 Local housing assistance plans; partnerships.--

2218 (3) (a) Each local housing assistance plan shall include a  
2219 definition of essential service personnel for the county or  
2220 eligible municipality, including, but not limited to, teachers  
2221 and educators, police and fire personnel, health care personnel,  
2222 skilled building trades personnel, and other job categories.

2223 (b) Each county and each eligible municipality is  
2224 encouraged to develop a strategy within its local housing  
2225 assistance plan that emphasizes the recruitment and retention of  
2226 essential service personnel and persons skilled in the building  
2227 trades. The local government is encouraged to involve public and  
2228 private sector employers. Compliance with the eligibility  
2229 criteria established under this strategy shall be verified by  
2230 the county or eligible municipality.

2231 (5) (4) The following criteria apply to awards made to  
2232 eligible sponsors or eligible persons for the purpose of  
2233 providing eligible housing:

2234 (a) At least 65 percent of the funds made available in  
2235 each county and eligible municipality from the local housing  
2236 distribution must be reserved for home ownership for eligible  
2237 persons, with an annual goal of at least one-third of those  
2238 funds going to home ownership for very-low-income persons.

2239 (c) The sales price or value of new or existing eligible  
2240 housing may not exceed 90 percent of the average area purchase  
2241 price in the statistical area in which the eligible housing is  
2242 located. Such average area purchase price may be that calculated

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2243 | for any 12-month period beginning not earlier than the fourth  
 2244 | calendar year prior to the year in which the award occurs or as  
 2245 | otherwise established by the United States Department of the  
 2246 | Treasury.

2247 |  
 2248 | If both an award under the local housing assistance plan and  
 2249 | federal low-income housing tax credits are used to assist a  
 2250 | project and there is a conflict between the criteria prescribed  
 2251 | in this subsection and the requirements of s. 42 of the Internal  
 2252 | Revenue Code of 1986, as amended, the county or eligible  
 2253 | municipality may resolve the conflict by giving precedence to  
 2254 | the requirements of s. 42 of the Internal Revenue Code of 1986,  
 2255 | as amended, in lieu of following the criteria prescribed in this  
 2256 | subsection with the exception of paragraphs (a) and (d) of this  
 2257 | subsection.

2258 | Section 28. Subsection (6) of section 420.9076, Florida  
 2259 | Statutes, is amended to read:

2260 | 420.9076 Adoption of affordable housing incentive  
 2261 | strategies; committees.--

2262 | (6) Within 90 days after the date of receipt of the local  
 2263 | housing incentive strategies recommendations from the advisory  
 2264 | committee, the governing body of the appointing local government  
 2265 | shall adopt an amendment to its local housing assistance plan to  
 2266 | incorporate the local housing incentive strategies it will  
 2267 | implement within its jurisdiction. The amendment must include,  
 2268 | at a minimum, the local housing incentive strategies specified  
 2269 | ~~as defined in paragraphs (4) (a) - (j) s. 420.9071(16).~~

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2270 Section 29. Subsection (2) of section 420.9079, Florida  
 2271 Statutes, is amended to read:  
 2272 420.9079 Local Government Housing Trust Fund.--  
 2273 (2) The corporation shall administer the fund exclusively  
 2274 for the purpose of implementing the programs described in ss.  
 2275 420.907-420.9078 and this section. With the exception of  
 2276 monitoring the activities of counties and eligible  
 2277 municipalities to determine local compliance with program  
 2278 requirements, the corporation shall not receive appropriations  
 2279 from the fund for administrative or personnel costs. For the  
 2280 purpose of implementing the compliance monitoring provisions of  
 2281 s. 420.9075 (9) ~~(8)~~, the corporation may request a maximum of one-  
 2282 quarter of 1 percent of the annual appropriation \$200,000 per  
 2283 state fiscal year. When such funding is appropriated, the  
 2284 corporation shall deduct the amount appropriated prior to  
 2285 calculating the local housing distribution pursuant to ss.  
 2286 420.9072 and 420.9073.  
 2287 Section 30. Paragraph (c) of subsection (1) and paragraph  
 2288 (e) of subsection (2) of section 624.5105, Florida Statutes, are  
 2289 amended to read:  
 2290 624.5105 Community contribution tax credit; authorization;  
 2291 limitations; eligibility and application requirements;  
 2292 administration; definitions; expiration.--  
 2293 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--  
 2294 (c) The total amount of tax credit which may be granted  
 2295 for all programs approved under this section and ss.  
 2296 212.08(5)(q) and 220.183 is \$10 ~~\$12~~ million annually for  
 2297 projects that provide homeownership opportunities for low-income

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2298 or very-low-income persons as defined in s. 420.9071(19) and  
 2299 (28) and \$3 million annually for all other projects.

2300 (2) ELIGIBILITY REQUIREMENTS.--

2301 (e)1. ~~For the first 6 months of the fiscal year, the~~  
 2302 ~~Office of Tourism, Trade, and Economic Development shall reserve~~  
 2303 ~~80 percent of the first \$10 million in available annual tax~~  
 2304 ~~credits, and 70 percent of any available annual tax credits in~~  
 2305 ~~excess of \$10 million, for donations made to eligible sponsors~~  
 2306 ~~for projects that provide homeownership opportunities for low-~~  
 2307 ~~income or very low income households as defined in s.~~  
 2308 ~~420.9071(19) and (28). If any such reserved annual tax credits~~  
 2309 ~~remain after the first 6 months of the fiscal year, the office~~  
 2310 ~~may approve the balance of these available credits for donations~~  
 2311 ~~made to eligible sponsors for projects other than those that~~  
 2312 ~~provide homeownership opportunities for low income or very low~~  
 2313 ~~income households.~~

2314 2. ~~For the first 6 months of the fiscal year, the office~~  
 2315 ~~shall reserve 20 percent of the first \$10 million in available~~  
 2316 ~~annual tax credits, and 30 percent of any available annual tax~~  
 2317 ~~credits in excess of \$10 million, for donations made to eligible~~  
 2318 ~~sponsors for projects other than those that provide~~  
 2319 ~~homeownership opportunities for low income or very low income~~  
 2320 ~~households as defined in s. 420.9071(19) and (28). If any~~  
 2321 ~~reserved annual tax credits remain after the first 6 months of~~  
 2322 ~~the fiscal year, the office may approve the balance of these~~  
 2323 ~~available credits for donations made to eligible sponsors for~~  
 2324 ~~projects that provide homeownership opportunities for low income~~  
 2325 ~~or very low income households.~~

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2326           ~~3-~~ If, during the first 10 business days of the state  
2327 fiscal year, eligible tax credit applications for projects that  
2328 provide homeownership opportunities for low-income or very-low-  
2329 income persons as defined in s. 420.9071(19) and (28) are  
2330 received for less than the ~~available~~ annual tax credits  
2331 available for those projects reserved under subparagraph 1-, the  
2332 office shall grant tax credits for those applications and shall  
2333 grant remaining tax credits on a first-come, first-served basis  
2334 for any subsequent eligible applications received before the end  
2335 of the ~~first 6 months of the~~ state fiscal year. If, during the  
2336 first 10 business days of the state fiscal year, eligible tax  
2337 credit applications for projects that provide homeownership  
2338 opportunities for low-income or very-low-income persons as  
2339 defined in s. 420.9071(19) and (28) are received for more than  
2340 the ~~available~~ annual tax credits available for those projects  
2341 ~~reserved under subparagraph 1-~~, the office shall grant the tax  
2342 credits for those ~~the~~ applications as follows:

2343           a. If tax credit applications submitted for approved  
2344 projects of an eligible sponsor do not exceed \$200,000 in total,  
2345 the credits shall be granted in full if the tax credit  
2346 applications are approved, ~~subject to subparagraph 1-~~.

2347           b. If tax credit applications submitted for approved  
2348 projects of an eligible sponsor exceed \$200,000 in total, the  
2349 amount of tax credits granted under sub-subparagraph a. shall be  
2350 subtracted from the amount of available tax credits ~~under~~  
2351 ~~subparagraph 1-~~, and the remaining credits shall be granted to  
2352 each approved tax credit application on a pro rata basis.

2353 ~~e. If, after the first 6 months of the fiscal year,~~  
 2354 ~~additional credits become available under subparagraph 2., the~~  
 2355 ~~office shall grant the tax credits by first granting to those~~  
 2356 ~~who received a pro rata reduction up to the full amount of their~~  
 2357 ~~request and, if there are remaining credits, granting credits to~~  
 2358 ~~those who applied on or after the 11th business day of the state~~  
 2359 ~~fiscal year on a first come, first served basis.~~

2360 2.4. If, during the first 10 business days of the state  
 2361 fiscal year, eligible tax credit applications for projects other  
 2362 than those that provide homeownership opportunities for low-  
 2363 income or very-low-income persons as defined in s. 420.9071(19)  
 2364 and (28) are received for less than the available annual tax  
 2365 credits available for those projects reserved under subparagraph  
 2366 ~~2.~~, the office shall grant tax credits for those applications  
 2367 and shall grant remaining tax credits on a first-come, first-  
 2368 served basis for any subsequent eligible applications received  
 2369 before the end of the ~~first 6 months of the state fiscal year.~~  
 2370 If, during the first 10 business days of the state fiscal year,  
 2371 eligible tax credit applications for projects other than those  
 2372 that provide homeownership opportunities for low-income or very-  
 2373 low-income persons as defined in s. 420.9071(19) and (28) are  
 2374 received for more than the available annual tax credits  
 2375 available for those projects reserved under subparagraph 2., the  
 2376 office shall grant the tax credits for those the applications on  
 2377 a pro rata basis. ~~If, after the first 6 months of the fiscal~~  
 2378 ~~year, additional credits become available under subparagraph 1.,~~  
 2379 ~~the office shall grant the tax credits by first granting to~~  
 2380 ~~those who received a pro rata reduction up to the full amount of~~

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2381 ~~their request and, if there are remaining credits, granting~~  
 2382 ~~credits to those who applied on or after the 11th business day~~  
 2383 ~~of the state fiscal year on a first come, first served basis.~~

2384 Section 31. Paragraph (b) of subsection (9) of section  
 2385 1001.42, Florida Statutes, is amended to read:

2386 1001.42 Powers and duties of district school board.--The  
 2387 district school board, acting as a board, shall exercise all  
 2388 powers and perform all duties listed below:

2389 (9) SCHOOL PLANT.--Approve plans for locating, planning,  
 2390 constructing, sanitating, insuring, maintaining, protecting, and  
 2391 condemning school property as prescribed in chapter 1013 and as  
 2392 follows:

2393 (b) Sites, buildings, and equipment.--

2394 1. Select and purchase school sites, playgrounds, and  
 2395 recreational areas located at centers at which schools are to be  
 2396 constructed, of adequate size to meet the needs of projected  
 2397 students to be accommodated.

2398 2. Approve the proposed purchase of any site, playground,  
 2399 or recreational area for which district funds are to be used.

2400 3. Expand existing sites.

2401 4. Rent buildings when necessary.

2402 5. Enter into leases or lease-purchase arrangements, in  
 2403 accordance with the requirements and conditions provided in s.  
 2404 1013.15(2), with private individuals or corporations for the  
 2405 rental of necessary grounds and educational facilities for  
 2406 school purposes or of educational facilities to be erected for  
 2407 school purposes. Current or other funds authorized by law may be  
 2408 used to make payments under a lease-purchase agreement.

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2409 Notwithstanding any other statutes, if the rental is to be paid  
 2410 from funds received from ad valorem taxation and the agreement  
 2411 is for a period greater than 12 months, an approving referendum  
 2412 must be held. The provisions of such contracts, including  
 2413 building plans, shall be subject to approval by the Department  
 2414 of Education, and no such contract shall be entered into without  
 2415 such approval. As used in this section, "educational facilities"  
 2416 means the buildings and equipment that are built, installed, or  
 2417 established to serve educational purposes and that may lawfully  
 2418 be used. The State Board of Education may adopt such rules as  
 2419 are necessary to implement these provisions.

2420 6. Provide for the proper supervision of construction.

2421 7. Make or contract for additions, alterations, and  
 2422 repairs on buildings and other school properties.

2423 8. Ensure that all plans and specifications for buildings  
 2424 provide adequately for the safety and well-being of students, as  
 2425 well as for economy of construction.

2426 9. Provide affordable housing for teachers and other  
 2427 instructional personnel independently or in conjunction with  
 2428 other agencies as described in s. 1001.43(5).

2429 Section 32. Subsection (6) of section 1013.01, Florida  
 2430 Statutes, is amended to read:

2431 1013.01 Definitions.--The following terms shall be defined  
 2432 as follows for the purpose of this chapter:

2433 (6) "Educational facilities" means the buildings and  
 2434 equipment, structures, and special educational use areas that  
 2435 are built, installed, or established to serve primarily the  
 2436 educational purposes and secondarily the social and recreational



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2437 | purposes of the community and which may lawfully be used as  
2438 | authorized by the Florida Statutes and approved by boards.  
2439 | Affordable housing and workforce housing for teachers and school  
2440 | personnel also qualify as educational facilities if approved by  
2441 | the board.

2442 |       Section 33. Subsection (5) is added to section 1013.15,  
2443 | Florida Statutes, to read:

2444 |       1013.15 Lease, rental, and lease-purchase of educational  
2445 | facilities and sites.--

2446 |       (5) A board may rent or lease existing buildings, land, or  
2447 | space within existing buildings, originally constructed or used  
2448 | for purposes other than education, for conversion to use as  
2449 | affordable and workforce housing, as defined in ss. 420.0004 and  
2450 | 420.5095, for school and instructional personnel.

2451 |       Section 34. The sum of \$20 million is appropriated from  
2452 | the State Housing Trust Fund to the Florida Housing Finance  
2453 | Corporation for the 2006-2007 fiscal year to provide funds to  
2454 | teachers eligible for affordable housing pursuant to s. 420.5088  
2455 | or s. 420.5089, Florida Statutes, and to assist in teacher  
2456 | retention and recruitment as a response to the state's teacher  
2457 | shortage.

2458 |       Section 35. The sum of \$32 million is appropriated from  
2459 | the Local Government Housing Trust Fund to the Florida Housing  
2460 | Finance Corporation for the 2006-2007 fiscal year to assist in  
2461 | the production of housing units for extremely low-income  
2462 | persons.

2463 |       Section 36. Except as otherwise expressly provided in this  
2464 | act, this act shall take effect July 1, 2006.