

## CHAMBER ACTION

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1 The Fiscal 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., relating to accessory dwelling units; revising  
10 legislative findings and definitions; conforming cross-  
11 references; amending s. 163.3187, F.S.; revising a  
12 limitation relating to small scale comprehensive plan  
13 amendments involving the construction of affordable  
14 housing units; creating s. 166.0451, F.S.; providing for  
15 disposition of municipal property for affordable housing;  
16 amending s. 189.4155, F.S.; authorizing independent  
17 special districts to provide for housing and housing  
18 assistance; amending s. 191.006, F.S.; authorizing  
19 independent special fire control districts to provide  
20 employee housing and housing assistance; amending s.  
21 193.017, F.S.; authorizing the Florida Housing Finance  
22 Corporation and the Department of Revenue to annually set  
23 the capitalization rate used for assessing just valuation

24 | of affordable housing properties; creating s. 193.018,  
25 | F.S.; creating the Manny Diaz Affordable Housing Property  
26 | Tax Relief Initiative; providing criteria for assessing  
27 | just valuation of affordable housing properties serving  
28 | persons of low, moderate, very low, and extremely low  
29 | incomes; amending s. 196.1978, F.S.; specifying what  
30 | constitutes a nonprofit entity for purposes of affordable  
31 | housing property tax exemption; conforming cross-  
32 | references; amending ss. 212.08, 220.183, and 624.5105,  
33 | F.S.; increasing the amount of available tax credits  
34 | against the sales tax, corporate income tax, and insurance  
35 | premium tax, respectively, for projects under the  
36 | community contribution tax credit program and providing  
37 | separate annual limitations for certain projects; revising  
38 | requirements and procedures for the Office of Tourism,  
39 | Trade, and Economic Development in granting tax credits  
40 | under the program; including extremely-low-income persons  
41 | as eligible recipients of assistance; conforming cross-  
42 | references; amending s. 253.034, F.S.; providing for the  
43 | disposition of state lands for affordable housing;  
44 | amending s. 253.0341, F.S.; authorizing local governments  
45 | to request state lands be declared surplus for the purpose  
46 | of affordable housing; providing for use of lands that are  
47 | declared surplus; amending s. 295.16, F.S.; expanding the  
48 | disabled veteran exemption from certain license and permit  
49 | fees relating to dwelling improvements; amending s.  
50 | 380.06, F.S.; providing a greater substantial deviation  
51 | threshold for the provision of affordable housing in a

52 | development of regional impact; conforming cross-  
53 | references; amending s. 380.0651, F.S.; providing a  
54 | statewide guidelines and standards bonus for the provision  
55 | of workforce housing; amending s. 420.0004, F.S.; defining  
56 | the term "extremely-low-income persons"; conforming cross-  
57 | references; repealing s. 420.37, F.S., relating to  
58 | additional powers of the Florida Housing Finance  
59 | Corporation; repealing s. 420.530, F.S., relating to the  
60 | State Farm Worker Housing Pilot Loan Program; amending s.  
61 | 420.503, F.S.; revising the definition of the term  
62 | "farmworker" under the Florida Housing Finance Corporation  
63 | Act; providing rulemaking authority; amending s. 420.5061,  
64 | F.S.; conforming a cross-reference; amending s. 420.507,  
65 | F.S.; revising and expanding the powers of the Florida  
66 | Housing Finance Corporation relating to mortgage loan  
67 | interest rates, loans, loan relief, uses of loan funds,  
68 | subsidiary business entities, and data reporting;  
69 | providing rulemaking authority; amending s. 420.5087,  
70 | F.S.; increasing the population criteria for the State  
71 | Apartment Incentive Loan Program; revising criteria for  
72 | loans; conforming cross-references; amending s. 420.5088,  
73 | F.S.; expanding the scope of the Florida Homeownership  
74 | Assistance Program; revising loan requirements; deleting a  
75 | provision reserving program funds for certain borrowers;  
76 | creating s. 420.5095, F.S.; creating the Community  
77 | Workforce Housing Innovation Program; providing the  
78 | Florida Housing Finance Corporation with certain powers  
79 | and responsibilities relating to the program; requiring

80 | the program to target certain entities; providing  
81 | application requirements; providing incentives for program  
82 | applicants; amending s. 420.9071, F.S.; conforming a  
83 | cross-reference; amending s. 420.9072, F.S.; conforming  
84 | cross-references; amending s. 420.9075, F.S.; requiring  
85 | local housing assistance plans to define essential service  
86 | personnel for the county or eligible municipality and to  
87 | contain a strategy for the recruitment and retention of  
88 | such personnel; providing for provision of funds for  
89 | homeownership for extremely-low-income, very-low-income,  
90 | or low-income persons; amending s. 420.9076, F.S.;  
91 | conforming a cross-reference; amending s. 420.9079, F.S.;  
92 | revising the maximum appropriation the Florida Housing  
93 | Finance Corporation may request each state fiscal year;  
94 | conforming a cross-reference; amending s. 1001.42, F.S.;  
95 | authorizing school districts to make specified lands  
96 | available for affordable housing for teachers and other  
97 | instructional personnel; amending s. 1001.43, F.S.;  
98 | authorizing district school boards to provide affordable  
99 | housing for teachers and other instructional personnel;  
100 | authorizing local governments to provide density bonus  
101 | incentives to landowners who donate fee simple interest in  
102 | real property to the local government for the purpose of  
103 | assisting the local government in providing affordable  
104 | housing; providing definitions and requirements governing  
105 | such donations and density bonuses; requiring the  
106 | Department of Community Affairs to establish a Home  
107 | Retrofit Hardening Program and establishing requirements

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108 | for the program; requiring the Department of Community  
 109 | Affairs to establish a Disaster Recovery Assistance  
 110 | Program and establishing requirements for the program;  
 111 | authorizing the Florida Housing Finance Corporation to  
 112 | provide funds to eligible entities for affordable housing  
 113 | recovery in areas of the state sustaining hurricane damage  
 114 | due to hurricanes during 2004 and 2005; providing  
 115 | legislative findings and emergency rulemaking authority;  
 116 | providing appropriations; providing effective dates.

117 |

118 | Be It Enacted by the Legislature of the State of Florida:

119 |

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

122 | 125.379 Disposition of county property for affordable  
 123 | housing.--

124 | (1) By January 1, 2007, and every 3 years thereafter, each  
 125 | county shall prepare an inventory list of all real property  
 126 | within its jurisdiction to which the county holds fee simple  
 127 | title. The inventory list must include the address and legal  
 128 | description of each real property and specify whether the  
 129 | property is vacant or improved. County planning staff shall  
 130 | review the inventory list and identify each property that is  
 131 | appropriate for use as affordable housing. The time for  
 132 | preparing the inventory list and its review by county planning  
 133 | staff may not exceed 6 months. The properties identified as  
 134 | appropriate for use as affordable housing may be offered for  
 135 | sale and the proceeds used to purchase land for the development

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136 of affordable housing or donated to the local housing assistance  
137 trust fund, sold with a restriction that requires any  
138 development on the property to include a specified percentage of  
139 permanent affordable housing, or donated to a nonprofit housing  
140 organization for the construction of permanent affordable  
141 housing.

142 (2) After completing an inventory list, the board of  
143 county commissioners shall hold at least two public hearings to  
144 discuss the inventory list and staff's recommendation concerning  
145 which properties are appropriate for use as affordable housing.  
146 The board shall comply with the provisions of s. 125.66(4)(b)1.  
147 regarding the advertisement of the public hearings and shall  
148 hold the first hearing no later than 30 days after completing  
149 the inventory list. The board shall approve the inventory list  
150 through the adoption of a resolution at the second hearing no  
151 later than 6 months after completing the inventory list.

152 (3) After the inventory list has been approved by  
153 resolution, the board of county commissioners shall immediately  
154 make available any real property that has been identified in the  
155 inventory list as appropriate for use as affordable housing. The  
156 county shall make the surplus real property available to:

157 (a) A private developer if the purchase price paid by the  
158 developer is not less than the appraised value of the property  
159 based on its highest and best use and the real property is sold  
160 with deed restrictions that require a specified percentage of  
161 any project developed on the real property to provide affordable  
162 housing for low-income and moderate-income persons, with a  
163 minimum of 10 percent of the units in the project available for

164 low-income persons and another 10 percent of the units available  
165 for moderate-income persons for a total minimum of 20 percent,  
166 or, if providing rental housing or a combination of rental  
167 housing and homeownership, an additional 5 percent of the units  
168 available for very-low-income persons for a total minimum of 25  
169 percent;

170 (b) A private developer without any requirement that a  
171 percentage of the units built on the real property be affordable  
172 if the purchase price paid by the developer is not less than the  
173 appraised value of the property based on its highest and best  
174 use, in which case the county must use the funds received from  
175 the developer to acquire real property on which affordable  
176 housing will be built or donate the funds to the local housing  
177 assistance trust fund for the purpose of implementing the  
178 programs described in ss. 420.907-420.9079; or

179 (c) A nonprofit housing organization, such as a community  
180 land trust, housing authority, or community redevelopment agency  
181 to be used for the production and preservation of permanent  
182 affordable housing.

183 (4) The deed restrictions required under paragraph (3) (a)  
184 for an affordable housing unit must also prohibit the sale of  
185 the unit at a price that exceeds the threshold for housing that  
186 is affordable for low-income or moderate-income persons or to a  
187 buyer who is not eligible due to his or her income under chapter  
188 420. The deed restrictions may allow the affordable housing  
189 units created under paragraph (3) (a) to be rented to extremely  
190 low-income, very-low-income, low-income, or moderate-income  
191 persons.

192           (5) For purposes of this section, the terms "affordable,"  
193 "low-income persons," "moderate-income persons," "very-low-  
194 income persons", and "extremely low-income persons" have the  
195 same meaning as in s. 420.0004.

196           Section 2. Subsection (1) and paragraphs (b), (d), (e),  
197 and (f) of subsection (2) of section 163.31771, Florida  
198 Statutes, are amended, and paragraph (g) is added to subsection  
199 (2) of that section, to read:

200           163.31771 Accessory dwelling units.--

201           (1) The Legislature finds that the median price of homes  
202 in this state has increased steadily over the last decade and at  
203 a greater rate of increase than the median income in many urban  
204 areas. The Legislature finds that the cost of rental housing has  
205 also increased steadily and the cost often exceeds an amount  
206 that is affordable to extremely-low-income, very-low-income,  
207 low-income, or moderate-income persons and has resulted in a  
208 critical shortage of affordable rentals in many urban areas in  
209 the state. This shortage of affordable rentals constitutes a  
210 threat to the health, safety, and welfare of the residents of  
211 the state. Therefore, the Legislature finds that it serves an  
212 important public purpose to encourage the permitting of  
213 accessory dwelling units in single-family residential areas in  
214 order to increase the availability of affordable rentals for  
215 extremely-low-income, very-low-income, low-income, or moderate-  
216 income persons.

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

218           (b) "Affordable rental" means that monthly rent and  
219 utilities do not exceed 30 percent of that amount which

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220 represents the percentage of the median adjusted gross annual  
221 income for extremely-low-income, very-low-income, low-income, or  
222 moderate-income persons.

223 (d) "Low-income persons" has the same meaning as in s.  
224 420.0004 (10) ~~(9)~~.

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

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

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

231 Section 3. Paragraph (c) of subsection (1) of section  
232 163.3187, Florida Statutes, is amended to read:

233 163.3187 Amendment of adopted comprehensive plan.--

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

237 (c) Any local government comprehensive plan amendments  
238 directly related to proposed small scale development activities  
239 may be approved without regard to statutory limits on the  
240 frequency of consideration of amendments to the local  
241 comprehensive plan. A small scale development amendment may be  
242 adopted only under the following conditions:

243 1. The proposed amendment involves a use of 10 acres or  
244 fewer and:

245 a. The cumulative annual effect of the acreage for all  
246 small scale development amendments adopted by the local  
247 government shall not exceed:

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248 (I) A maximum of 120 acres in a local government that  
 249 contains areas specifically designated in the local  
 250 comprehensive plan for urban infill, urban redevelopment, or  
 251 downtown revitalization as defined in s. 163.3164, urban infill  
 252 and redevelopment areas designated under s. 163.2517,  
 253 transportation concurrency exception areas approved pursuant to  
 254 s. 163.3180(5), or regional activity centers and urban central  
 255 business districts approved pursuant to s. 380.06(2)(e);  
 256 however, amendments under this paragraph may be applied to no  
 257 more than 60 acres annually of property outside the designated  
 258 areas listed in this sub-sub-subparagraph. Amendments adopted  
 259 pursuant to paragraph (k) shall not be counted toward the  
 260 acreage limitations for small scale amendments under this  
 261 paragraph.

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

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

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

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

272 d. The proposed amendment does not involve a text change  
 273 to the goals, policies, and objectives of the local government's  
 274 comprehensive plan, but only proposes a land use change to the

275 future land use map for a site-specific small scale development  
276 activity.

277 e. The property that is the subject of the proposed  
278 amendment is not located within an area of critical state  
279 concern, unless the project subject to the proposed amendment  
280 involves the construction of affordable housing units meeting  
281 the criteria of s. 420.0004(3), and is located within an area of  
282 critical state concern designated by s. 380.0552 or by the  
283 Administration Commission pursuant to s. 380.05(1). Such  
284 amendment is not subject to the density limitations of sub-  
285 subparagraph f., and shall be reviewed by the state land  
286 planning agency for consistency with the principles for guiding  
287 development applicable to the area of critical state concern  
288 where the amendment is located and shall not become effective  
289 until a final order is issued under s. 380.05(6).

290 f. If the proposed amendment involves a residential land  
291 use, the residential land use has a density of 10 units or less  
292 per acre or the proposed future land use category allows a  
293 maximum residential density of the same or less than the maximum  
294 residential density allowable under the existing future land use  
295 category, except that this limitation does not apply to small  
296 scale amendments involving the construction of affordable  
297 housing units meeting the criteria of s. 420.0004(3) on property  
298 which will be the subject of a land use restriction agreement ~~or~~  
299 ~~extended use agreement recorded in conjunction with the issuance~~  
300 ~~of tax exempt bond financing or an allocation of federal tax~~  
301 ~~credits issued through the Florida Housing Finance Corporation~~  
302 ~~or a local housing finance authority authorized by the Division~~

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303 ~~of Bond Finance of the State Board of Administration~~, or small  
 304 scale amendments described in sub-sub-subparagraph a.(I) that  
 305 are designated in the local comprehensive plan for urban infill,  
 306 urban redevelopment, or downtown revitalization as defined in s.  
 307 163.3164, urban infill and redevelopment areas designated under  
 308 s. 163.2517, transportation concurrency exception areas approved  
 309 pursuant to s. 163.3180(5), or regional activity centers and  
 310 urban central business districts approved pursuant to s.  
 311 380.06(2)(e).

312 2.a. A local government that proposes to consider a plan  
 313 amendment pursuant to this paragraph is not required to comply  
 314 with the procedures and public notice requirements of s.  
 315 163.3184(15)(c) for such plan amendments if the local government  
 316 complies with the provisions in s. 125.66(4)(a) for a county or  
 317 in s. 166.041(3)(c) for a municipality. If a request for a plan  
 318 amendment under this paragraph is initiated by other than the  
 319 local government, public notice is required.

320 b. The local government shall send copies of the notice  
 321 and amendment to the state land planning agency, the regional  
 322 planning council, and any other person or entity requesting a  
 323 copy. This information shall also include a statement  
 324 identifying any property subject to the amendment that is  
 325 located within a coastal high-hazard area as identified in the  
 326 local comprehensive plan.

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

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331 163.3184(3)-(6) unless the local government elects to have them  
332 subject to those requirements.

333 4. If the small scale development amendment involves a  
334 site within an area that is designated by the Governor as a  
335 rural area of critical economic concern under s. 288.0656(7) for  
336 the duration of such designation, the 10-acre limit listed in  
337 subparagraph 1. shall be increased by 100 percent to 20 acres.  
338 The local government approving the small scale plan amendment  
339 shall certify to the Office of Tourism, Trade, and Economic  
340 Development that the plan amendment furthers the economic  
341 objectives set forth in the executive order issued under s.  
342 288.0656(7), and the property subject to the plan amendment  
343 shall undergo public review to ensure that all concurrency  
344 requirements and federal, state, and local environmental permit  
345 requirements are met.

346 Section 4. Section 166.0451, Florida Statutes, is created  
347 to read:

348 166.0451 Disposition of municipal property for affordable  
349 housing.--

350 (1) By January 1, 2007, and every 3 years thereafter, each  
351 municipality shall prepare an inventory list of all real  
352 property within its jurisdiction to which the municipality holds  
353 fee simple title. The inventory list must include the address  
354 and legal description of each property and specify whether the  
355 property is vacant or improved. Municipal planning staff shall  
356 review the inventory list and identify each real property that  
357 is appropriate for use as affordable housing. The time for  
358 preparing the inventory list and its review by municipal

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359 planning staff may not exceed 6 months. The properties  
360 identified as appropriate for use as affordable housing may be  
361 offered for sale and the proceeds used to purchase land for the  
362 development of affordable housing or donated to the local  
363 housing assistance trust fund, sold with a restriction that  
364 requires any development on the property to include a specified  
365 percentage of permanent affordable housing, or donated to a  
366 nonprofit housing organization for the construction of permanent  
367 affordable housing.

368 (2) Upon completing an inventory list in compliance with  
369 this section, the governing body of the municipality shall hold  
370 at least two public hearings to discuss the inventory list and  
371 the recommendation of the staff concerning which properties are  
372 appropriate for use as affordable housing. The governing body  
373 shall comply with s. 166.041(3)(c)2.a. regarding the  
374 advertisement of the public hearings and shall hold the first  
375 hearing no later than 30 days after completing the inventory  
376 list. The governing body shall approve the inventory list  
377 through the adoption of a resolution at the second hearing no  
378 later than 6 months after completing the inventory list.

379 (3) After the inventory list has been approved by  
380 resolution, the governing body of the municipality shall  
381 immediately make available any real property that has been  
382 identified in the inventory list as appropriate for use as  
383 affordable housing. The municipality shall make the surplus real  
384 property available to:

385 (a) A private developer if the purchase price paid by the  
386 developer is not less than the appraised value of the property

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387 based on its highest and best use and the real property is sold  
388 with deed restrictions that require a specified percentage of  
389 any project developed on the real property to provide affordable  
390 housing for low-income and moderate-income persons, with a  
391 minimum of 10 percent of the units in the project available for  
392 low-income persons and another 10 percent of the units available  
393 for moderate-income persons for a total minimum of 20 percent,  
394 or, if providing rental housing or a combination of rental  
395 housing and homeownership, an additional 5 percent of the units  
396 available for very-low-income persons for a total minimum of 25  
397 percent;

398 (b) A private developer without any requirement that a  
399 percentage of the units built on the real property be affordable  
400 if the purchase price paid by the developer is not less than the  
401 appraised value of the property based on its highest and best  
402 use, in which case the municipality must use the funds received  
403 from the developer to acquire real property on which affordable  
404 housing will be built or donate the funds to the local housing  
405 trust fund for the purpose of implementing the programs  
406 described in ss. 420.907-420.9079; or

407 (c) A nonprofit housing organization, such as a community  
408 land trust, housing authority, or community land trust, housing  
409 authority, or community redevelopment agency to be used for the  
410 production and preservation of permanently affordable housing.

411 (4) The deed restrictions required under paragraph (3) (a)  
412 for an affordable housing unit must also prohibit the sale of  
413 the unit at a price that exceeds the threshold for housing that  
414 is affordable for low-income or moderate-income persons or to a

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415 buyer who is not eligible due to his or her income under chapter  
 416 420. The deed restrictions may allow the affordable housing  
 417 units created under paragraph (3)(a) to be rented to extremely-  
 418 low-income, very-low-income, low-income, or moderate-income  
 419 persons.

420 (5) For purposes of this section, the terms "affordable,"  
 421 "extremely-low-income persons," "low-income persons," "moderate-  
 422 income persons," and "very-low-income persons" have the same  
 423 meaning as in s. 420.0004.

424 Section 5. Subsections (6) and (7) are added to section  
 425 189.4155, Florida Statutes, to read:

426 189.4155 Activities of special districts; local government  
 427 comprehensive planning.--

428 (6) Any independent special district created pursuant to  
 429 chapter 190 is authorized to provide housing and housing  
 430 assistance for persons whose total annual household income does  
 431 not exceed 140 percent of the area median income, adjusted for  
 432 family size.

433 (7) Any independent special district created pursuant to  
 434 special act or general law, including, but not limited to, this  
 435 chapter and chapter 298, for the purpose of providing urban  
 436 infrastructure or services is authorized to provide housing and  
 437 housing assistance for its employed personnel whose total annual  
 438 household income does not exceed 140 percent of the area median  
 439 income, adjusted for family size.

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

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442 191.006 General powers.--The district shall have, and the  
443 board may exercise by majority vote, the following powers:

444 (19) To provide housing and housing assistance for its  
445 employed personnel whose total annual household income does not  
446 exceed 140 percent of the area median income, adjusted for  
447 family size.

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

450 193.017 Low-income housing tax credit.--Property used for  
451 affordable housing which has received a low-income housing tax  
452 credit from the Florida Housing Finance Corporation, as  
453 authorized by s. 420.5099, shall be assessed under s. 193.011  
454 and, consistent with s. 420.5099(5) and (6), pursuant to this  
455 section.

456 (5) If a capitalization rate is used to assess just  
457 valuation for the affordable housing property, the appraiser  
458 shall use a capitalization rate that is comparable to a rate  
459 used for nonaffordable market-based properties.

460 Section 8. Section 193.018, Florida Statutes, is created  
461 to read:

462 193.018 The Manny Diaz Affordable Housing Property Tax  
463 Relief Initiative.--

464 (1) For the purpose of assessing just valuation of  
465 affordable housing properties serving persons with income limits  
466 defined as extremely low, low, moderate, and very low, as  
467 specified in s. 420.0004(8), (10), (11), and (15), the actual  
468 rental income from rent-restricted units in such a property  
469 shall be recognized by the property appraiser for assessment

470 purposes, and a rental income approach pursuant to s. 193.011(7)  
 471 shall be used for assessment of the rents for the following  
 472 affordable housing properties:

473 (a) Property that is funded by the United States  
 474 Department of Housing and Urban Development under s. 8 of the  
 475 United States Housing Act of 1937 that is used to provide  
 476 affordable housing serving eligible persons as defined by s.  
 477 159.603(7) and elderly persons, extremely-low-income persons,  
 478 and very-low-income persons as defined by s. 420.0004(7), (8),  
 479 and (15) and that has undergone financial restructuring as  
 480 provided in s. 501, Title V, Subtitle A of the Multifamily  
 481 Assisted Housing Reform and Affordability Act of 1997;

482 (b) Multifamily, farmworker, or elderly rental properties  
 483 that are funded by the Florida Housing Finance Corporation under  
 484 ss. 420.5087 and 420.5089 and the State Housing Initiatives  
 485 Partnership Program under ss. 420.9072 and 420.9075, s. 42 of  
 486 the Internal Revenue Code, 26 U.S.C. s. 42; the HOME Investment  
 487 Partnership Program under the Cranston-Gonzalez National  
 488 Affordable Housing Act, 42 U.S.C. s. 12741 et seq.; or the  
 489 Federal Home Loan Banks' Affordable Housing Program established  
 490 pursuant to the Financial Institutions Reform, Recovery and  
 491 Enforcement Act of 1989, Pub. L. No. 101-73; or

492 (c) Multifamily residential rental properties of 10 or  
 493 more units that are deed restricted as affordable housing and  
 494 certified by the local housing agency as having at least 95  
 495 percent of its units providing affordable housing to extremely-  
 496 low-income persons, very-low-income persons, low-income persons,

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497 and moderate-income persons as defined by s. 420.0004(8), (15),  
498 (10), and (11).

499 (2) Properties used for affordable housing which have  
500 received a low-income housing tax credit from the Florida  
501 Housing Finance Corporation, as authorized by s. 420.5099, shall  
502 be assessed with priority consideration given to the rental  
503 income approach under s. 193.011(7) and, consistent with s.  
504 420.5099(5) and (6), pursuant to this section, the following  
505 assumptions shall apply:

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

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

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

514 (d) If an extended low-income housing agreement is filed  
515 in the official public records of the county in which the  
516 property is located, the agreement, and any recorded amendment  
517 or supplement thereto, shall be considered a land-use regulation  
518 and a limitation on the highest and best use of the property  
519 during the term of the agreement, amendment, or supplement.

520 Section 9. Section 196.1978, Florida Statutes, is amended  
521 to read:

522 196.1978 Affordable housing property exemption.--

523 (1) Property used to provide affordable housing serving  
524 eligible persons as defined by s. 159.603(7) and persons meeting

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525 income limits specified in s. 420.0004~~(10)-(9)~~, ~~(11)-(10)~~, and  
526 ~~(15)-(14)~~, which property is owned entirely by a nonprofit entity  
527 which is qualified as charitable under s. 501(c)(3) of the  
528 Internal Revenue Code and which complies with Rev. Proc. 96-32,  
529 1996-1 C.B. 717, shall be considered property owned by an exempt  
530 entity and used for a charitable purpose, and those portions of  
531 the affordable housing property which provide housing to  
532 individuals with incomes as defined in s. 420.0004~~(10)-(9)~~ and  
533 ~~(15)-(14)~~ shall be exempt from ad valorem taxation to the extent  
534 authorized in s. 196.196.

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

537 (a) A corporation not for profit; or

538 (b) A Florida limited partnership the sole general partner  
539 of which is either a corporation not for profit or a Florida  
540 limited liability company or corporation the sole member or  
541 shareholder, respectively, of which is a corporation not for  
542 profit.

543 (3) All property owned by a nonprofit entity identified in  
544 this section shall comply with the criteria for determination of  
545 exempt status to be applied by property appraisers on an annual  
546 basis as defined in s. 196.195. In order to qualify for exempt  
547 status, the nonprofit entity must affirmatively demonstrate to  
548 the property appraiser that no part of the subject property, or  
549 the sale, lease, or other disposition of the assets of the  
550 property, will inure to the benefit of its member, officers,  
551 limited liability partners, or any person or firm operating for  
552 profit of for a nonexempt purpose. The Legislature intends that

553 any property owned by a limited liability company which is  
 554 disregarded as an entity for federal income tax purposes  
 555 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be  
 556 treated as owned by its sole member.

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

559 212.08 Sales, rental, use, consumption, distribution, and  
 560 storage tax; specified exemptions.--The sale at retail, the  
 561 rental, the use, the consumption, the distribution, and the  
 562 storage to be used or consumed in this state of the following  
 563 are hereby specifically exempt from the tax imposed by this  
 564 chapter.

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

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

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

568 a. "Building materials" means tangible personal property  
 569 that becomes a component part of a housing project or a mixed-  
 570 use project.

571 b. "Housing project" means the conversion of an existing  
 572 manufacturing or industrial building to housing units in an  
 573 urban high-crime area, enterprise zone, empowerment zone, Front  
 574 Porch Community, designated brownfield area, or urban infill  
 575 area and in which the developer agrees to set aside at least 20  
 576 percent of the housing units in the project for extremely-low-  
 577 income, low-income, and moderate-income persons or the  
 578 construction in a designated brownfield area of affordable  
 579 housing for persons described in s. 420.0004(8)~~(9)~~, ~~(11)~~~~(10)~~, or  
 580 ~~(15)~~~~(14)~~, or in s. 159.603(7).

581 c. "Mixed-use project" means the conversion of an existing  
 582 manufacturing or industrial building to mixed-use units that  
 583 include artists' studios, art and entertainment services, or  
 584 other compatible uses. A mixed-use project must be located in an  
 585 urban high-crime area, enterprise zone, empowerment zone, Front  
 586 Porch Community, designated brownfield area, or urban infill  
 587 area, and the developer must agree to set aside at least 20  
 588 percent of the square footage of the project for low-income and  
 589 moderate-income housing.

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

592 2. Building materials used in the construction of a  
 593 housing project or mixed-use project are exempt from the tax  
 594 imposed by this chapter upon an affirmative showing to the  
 595 satisfaction of the department that the requirements of this  
 596 paragraph have been met. This exemption inures to the owner  
 597 through a refund of previously paid taxes. To receive this  
 598 refund, the owner must file an application under oath with the  
 599 department which includes:

600 a. The name and address of the owner.

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

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

604 d. A certification by the local building code inspector  
 605 that the project is substantially completed.

606 e. A sworn statement, under penalty of perjury, from the  
 607 general contractor licensed in this state with whom the owner  
 608 contracted to construct the project, which statement lists the

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609 building materials used in the construction of the project and  
 610 the actual cost thereof, and the amount of sales tax paid on  
 611 these materials. If a general contractor was not used, the owner  
 612 shall provide this information in a sworn statement, under  
 613 penalty of perjury. Copies of invoices evidencing payment of  
 614 sales tax must be attached to the sworn statement.

615 3. An application for a refund under this paragraph must  
 616 be submitted to the department within 6 months after the date  
 617 the project is deemed to be substantially completed by the local  
 618 building code inspector. Within 30 working days after receipt of  
 619 the application, the department shall determine if it meets the  
 620 requirements of this paragraph. A refund approved pursuant to  
 621 this paragraph shall be made within 30 days after formal  
 622 approval of the application by the department. The provisions of  
 623 s. 212.095 do not apply to any refund application made under  
 624 this paragraph.

625 4. The department shall establish by rule an application  
 626 form and criteria for establishing eligibility for exemption  
 627 under this paragraph.

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

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

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

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

638 b. The credit shall be granted as a refund against state  
639 sales and use taxes reported on returns and remitted in the 12  
640 months preceding the date of application to the department for  
641 the credit as required in sub-subparagraph 3.c. If the annual  
642 credit is not fully used through such refund because of  
643 insufficient tax payments during the applicable 12-month period,  
644 the unused amount may be included in an application for a refund  
645 made pursuant to sub-subparagraph 3.c. in subsequent years  
646 against the total tax payments made for such year. Carryover  
647 credits may be applied for a 3-year period without regard to any  
648 time limitation that would otherwise apply under s. 215.26.~~†~~

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

652 d. All proposals for the granting of the tax credit  
653 require the prior approval of the Office of Tourism, Trade, and  
654 Economic Development.~~†~~

655 e. The total amount of tax credits which may be granted  
656 for all programs approved under this paragraph, s. 220.183, and  
657 s. 624.5105 is \$10 ~~\$12~~ million annually for projects that  
658 provide homeownership opportunities for extremely-low-income  
659 persons, as defined in s. 420.004(8), or low-income or very-low-  
660 income persons, as defined in s. 420.9071(19) and (28), and \$3  
661 million annually for all other projects.~~† and~~

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

665 2. Eligibility requirements.--

666 a. A community contribution by a person must be in the  
667 following form:

668 (I) Cash or other liquid assets;

669 (II) Real property;

670 (III) Goods or inventory; or

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

673 b. All community contributions must be reserved  
674 exclusively for use in a project. As used in this sub-  
675 subparagraph, the term "project" means any activity undertaken  
676 by an eligible sponsor which is designed to construct, improve,  
677 or substantially rehabilitate housing that is affordable to  
678 extremely-low-income persons, as defined in s. 420.0004(8), or  
679 low-income or very-low-income households, as defined in s.  
680 420.9071(19) and (28); designed to provide commercial,  
681 industrial, or public resources and facilities; or designed to  
682 improve entrepreneurial and job-development opportunities for  
683 low-income persons. A project may be the investment necessary to  
684 increase access to high-speed broadband capability in rural  
685 communities with enterprise zones, including projects that  
686 result in improvements to communications assets that are owned  
687 by a business. A project may include the provision of museum  
688 educational programs and materials that are directly related to  
689 any project approved between January 1, 1996, and December 31,

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

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690 1999, and located in an enterprise zone designated pursuant to  
691 s. 290.0065. This paragraph does not preclude projects that  
692 propose to construct or rehabilitate housing for low-income or  
693 very-low-income households on scattered sites. With respect to  
694 housing, contributions may be used to pay the following eligible  
695 low-income and very-low-income housing-related activities:

696 (I) Project development impact and management fees for  
697 extremely-low-income, low-income, or very-low-income housing  
698 projects;

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

701 (III) Administrative costs, including housing counseling  
702 and marketing fees, not to exceed 10 percent of the community  
703 contribution, directly related to extremely-low-income, low-  
704 income, or very-low-income projects; and

705 (IV) Removal of liens recorded against residential  
706 property by municipal, county, or special district local  
707 governments when satisfaction of the lien is a necessary  
708 precedent to the transfer of the property to an eligible person,  
709 as defined in s. 420.9071(19) and (28), for the purpose of  
710 promoting home ownership. Contributions for lien removal must be  
711 received from a nonrelated third party.

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

714 (I) A community action program;

715 (II) A nonprofit community-based development organization  
716 whose mission is the provision of housing for extremely-low-  
717 income, low-income, or very-low-income households or increasing

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718 | entrepreneurial and job-development opportunities for low-income  
719 | persons;

720 |       (III) A neighborhood housing services corporation;

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

722 |       (V) A community redevelopment agency created under s.  
723 | 163.356;

724 |       (VI) The Florida Industrial Development Corporation;

725 |       (VII) A historic preservation district agency or  
726 | organization;

727 |       (VIII) A regional workforce board;

728 |       (IX) A direct-support organization as provided in s.  
729 | 1009.983;

730 |       (X) An enterprise zone development agency created under s.  
731 | 290.0056;

732 |       (XI) A community-based organization incorporated under  
733 | chapter 617 which is recognized as educational, charitable, or  
734 | scientific pursuant to s. 501(c)(3) of the Internal Revenue Code  
735 | and whose bylaws and articles of incorporation include  
736 | affordable housing, economic development, or community  
737 | development as the primary mission of the corporation;

738 |       (XII) Units of local government;

739 |       (XIII) Units of state government; or

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

742 |

743 | In no event may a contributing person have a financial interest  
744 | in the eligible sponsor.

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

754           ~~e.(I) For the first 6 months of the fiscal year, the~~  
755 ~~Office of Tourism, Trade, and Economic Development shall reserve~~  
756 ~~80 percent of the first \$10 million in available annual tax~~  
757 ~~credits and 70 percent of any available annual tax credits in~~  
758 ~~excess of \$10 million for donations made to eligible sponsors~~  
759 ~~for projects that provide homeownership opportunities for low-~~  
760 ~~income or very low income households as defined in s.~~  
761 ~~420.9071(19) and (28). If any such reserved annual tax credits~~  
762 ~~remain after the first 6 months of the fiscal year, the office~~  
763 ~~may approve the balance of these available credits for donations~~  
764 ~~made to eligible sponsors for projects other than those that~~  
765 ~~provide homeownership opportunities for low income or very low-~~  
766 ~~income households.~~

767           ~~(II) For the first 6 months of the fiscal year, the office~~  
768 ~~shall reserve 20 percent of the first \$10 million in available~~  
769 ~~annual tax credits and 30 percent of any available annual tax~~  
770 ~~credits in excess of \$10 million for donations made to eligible~~  
771 ~~sponsors for projects other than those that provide~~  
772 ~~homeownership opportunities for low income or very low income~~

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773 ~~households as defined in s. 420.9071(19) and (28). If any~~  
774 ~~reserved annual tax credits remain after the first 6 months of~~  
775 ~~the fiscal year, the office may approve the balance of these~~  
776 ~~available credits for donations made to eligible sponsors for~~  
777 ~~projects that provide homeownership opportunities for low income~~  
778 ~~or very low income households.~~

779       ~~(III)~~ If, during the first 10 business days of the state  
780 fiscal year, eligible tax credit applications for projects that  
781 provide homeownership opportunities for extremely-low-income  
782 persons, as defined in s. 420.004(8), or low-income or very-low-  
783 income persons, as defined in s. 420.9071(19) and (28), are  
784 received for less than the ~~available~~ annual tax credits  
785 available for those projects reserved under sub-sub-subparagraph  
786 ~~(I)~~, the office shall grant tax credits for those applications  
787 and shall grant remaining tax credits on a first-come, first-  
788 served basis for any subsequent eligible applications received  
789 before the end of the ~~first 6 months of the~~ state fiscal year.  
790 If, during the first 10 business days of the state fiscal year,  
791 eligible tax credit applications for projects that provide  
792 homeownership opportunities for extremely-low-income persons, as  
793 defined in s. 420.004(8), or low-income or very-low-income  
794 persons, as defined in s. 420.9071(19) and (28), are received  
795 for more than the ~~available~~ annual tax credits available for  
796 those projects reserved under sub-sub-subparagraph (I), the  
797 office shall grant the tax credits for those ~~the~~ applications as  
798 follows:

799       (A) If tax credit applications submitted for approved  
800 projects of an eligible sponsor do not exceed \$200,000 in total,

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801 the credits shall be granted in full if the tax credit  
802 applications are approved, ~~subject to sub-sub-subparagraph (I).~~

803 (B) If tax credit applications submitted for approved  
804 projects of an eligible sponsor exceed \$200,000 in total, the  
805 amount of tax credits granted pursuant to sub-sub-sub-  
806 subparagraph (A) shall be subtracted from the amount of  
807 available tax credits ~~under sub-sub-subparagraph (I)~~, and the  
808 remaining credits shall be granted to each approved tax credit  
809 application on a pro rata basis.

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

817 (II)-(IV) If, during the first 10 business days of the  
818 state fiscal year, eligible tax credit applications for projects  
819 other than those that provide homeownership opportunities for  
820 extremely-low-income persons, as defined in s. 420.004(8), or  
821 low-income or very-low-income persons, as defined in s.  
822 420.9071(19) and (28), are received for less than the available  
823 annual tax credits available for those projects ~~reserved under~~  
824 ~~sub-sub-subparagraph (II)~~, the office shall grant tax credits  
825 for those applications and shall grant remaining tax credits on  
826 a first-come, first-served basis for any subsequent eligible  
827 applications received before the end of ~~the first 6 months of~~  
828 the state fiscal year. If, during the first 10 business days of

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829 | the state fiscal year, eligible tax credit applications for  
830 | projects other than those that provide homeownership  
831 | opportunities for extremely-low-income persons, as defined in s.  
832 | 420.004(8), or low-income or very-low-income persons, as defined  
833 | in s. 420.9071(19) and (28), are received for more than the  
834 | ~~available~~ annual tax credits available for those projects  
835 | ~~reserved under sub sub subparagraph (II),~~ the office shall grant  
836 | the tax credits for those ~~the~~ applications on a pro rata basis.  
837 | ~~If, after the first 6 months of the fiscal year, additional~~  
838 | ~~credits become available under sub sub subparagraph (I), the~~  
839 | ~~office shall grant the tax credits by first granting to those~~  
840 | ~~who received a pro rata reduction up to the full amount of their~~  
841 | ~~request and, if there are remaining credits, granting credits to~~  
842 | ~~those who applied on or after the 11th business day of the state~~  
843 | ~~fiscal year on a first come, first served basis.~~

844 | 3. Application requirements.--

845 | a. Any eligible sponsor seeking to participate in this  
846 | program must submit a proposal to the Office of Tourism, Trade,  
847 | and Economic Development which sets forth the name of the  
848 | sponsor, a description of the project, and the area in which the  
849 | project is located, together with such supporting information as  
850 | is prescribed by rule. The proposal must also contain a  
851 | resolution from the local governmental unit in which the project  
852 | is located certifying that the project is consistent with local  
853 | plans and regulations.

854 | b. Any person seeking to participate in this program must  
855 | submit an application for tax credit to the office ~~of Tourism,~~  
856 | ~~Trade, and Economic Development~~ which sets forth the name of the

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857 sponsor, a description of the project, and the type, value, and  
858 purpose of the contribution. The sponsor shall verify the terms  
859 of the application and indicate its receipt of the contribution,  
860 which verification must be in writing and accompany the  
861 application for tax credit. The person must submit a separate  
862 tax credit application to the office for each individual  
863 contribution that it makes to each individual project.

864 c. Any person who has received notification from the  
865 office ~~of Tourism, Trade, and Economic Development~~ that a tax  
866 credit has been approved must apply to the department to receive  
867 the refund. Application must be made on the form prescribed for  
868 claiming refunds of sales and use taxes and be accompanied by a  
869 copy of the notification. A person may submit only one  
870 application for refund to the department within any 12-month  
871 period.

872 4. Administration.--

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

877 b. The decision of the office ~~of Tourism, Trade, and~~  
878 ~~Economic Development~~ must be in writing, and, if approved, the  
879 notification shall state the maximum credit allowable to the  
880 person. Upon approval, the office shall transmit a copy of the  
881 decision to the Department of Revenue.

882 c. The office ~~of Tourism, Trade, and Economic Development~~  
883 shall periodically monitor all projects in a manner consistent  
884 with available resources to ensure that resources are used in

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885 | accordance with this paragraph; however, each project must be  
886 | reviewed at least once every 2 years.

887 |       d. The office of ~~Tourism, Trade, and Economic Development~~  
888 | shall, in consultation with the Department of Community Affairs,  
889 | ~~the Florida Housing Finance Corporation,~~ and the statewide and  
890 | regional housing and financial intermediaries, market the  
891 | availability of the community contribution tax credit program to  
892 | community-based organizations.

893 |       5. Expiration.--This paragraph expires June 30, 2015;  
894 | however, any accrued credit carryover that is unused on that  
895 | date may be used until the expiration of the 3-year carryover  
896 | period for such credit.

897 |       Section 11. Paragraph (c) of subsection (1) and paragraph  
898 | (b) of subsection (2) of section 220.183, Florida Statutes, are  
899 | amended to read:

900 |       220.183 Community contribution tax credit.--

901 |       (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX  
902 | CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM  
903 | SPENDING.--

904 |       (c) The total amount of tax credit which may be granted  
905 | for all programs approved under this section, s. 212.08(5)(q),  
906 | and s. 624.5105 is \$10 ~~\$12~~ million annually for projects that  
907 | provide homeownership opportunities for extremely-low-income  
908 | persons, as defined in s. 420.004(8), or low-income or very-low-  
909 | income persons, as defined in s. 420.9071(19) and (28), and \$3  
910 | million annually for all other projects.

911 |       (2) ELIGIBILITY REQUIREMENTS.--

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

914 ~~2. For the first 6 months of the fiscal year, the Office~~  
915 ~~of Tourism, Trade, and Economic Development shall reserve 80~~  
916 ~~percent of the first \$10 million in available annual tax~~  
917 ~~credits, and 70 percent of any available annual tax credits in~~  
918 ~~excess of \$10 million, for donations made to eligible sponsors~~  
919 ~~for projects that provide homeownership opportunities for low-~~  
920 ~~income or very low income households as defined in s.~~  
921 ~~420.9071(19) and (28). If any reserved annual tax credits remain~~  
922 ~~after the first 6 months of the fiscal year, the office may~~  
923 ~~approve the balance of these available credits for donations~~  
924 ~~made to eligible sponsors for projects other than those that~~  
925 ~~provide homeownership opportunities for low income or very low-~~  
926 ~~income households.~~

927 ~~3. For the first 6 months of the fiscal year, the office~~  
928 ~~shall reserve 20 percent of the first \$10 million in available~~  
929 ~~annual tax credits, and 30 percent of any available annual tax~~  
930 ~~credits in excess of \$10 million, for donations made to eligible~~  
931 ~~sponsors for projects other than those that provide~~  
932 ~~homeownership opportunities for low income or very low income~~  
933 ~~households as defined in s. 420.9071(19) and (28). If any~~  
934 ~~reserved annual tax credits remain after the first 6 months of~~  
935 ~~the fiscal year, the office may approve the balance of these~~  
936 ~~available credits for donations made to eligible sponsors for~~  
937 ~~projects that provide homeownership opportunities for low income~~  
938 ~~or very low income households.~~

939        ~~2.4.~~ If, during the first 10 business days of the state  
940 fiscal year, eligible tax credit applications for projects that  
941 provide homeownership opportunities for extremely-low-income  
942 persons, as defined in s. 420.004(8), or low-income or very-low-  
943 income persons, as defined in s. 420.9071(19) and (28), are  
944 received for less than the ~~available~~ annual tax credits  
945 available for those projects reserved under subparagraph 2., the  
946 office shall grant tax credits for those applications and shall  
947 grant remaining tax credits on a first-come, first-served basis  
948 for any subsequent eligible applications received before the end  
949 of the ~~first 6 months of the~~ state fiscal year. If, during the  
950 first 10 business days of the state fiscal year, eligible tax  
951 credit applications for projects that provide homeownership  
952 opportunities for extremely-low-income persons, as defined in s.  
953 420.004(8), or low-income or very-low-income persons, as defined  
954 in s. 420.9071(19) and (28), are received for more than the  
955 ~~available~~ annual tax credits available for those projects  
956 ~~reserved under subparagraph 2.~~, the office shall grant the tax  
957 credits for those ~~such~~ applications as follows:

958        a. If tax credit applications submitted for approved  
959 projects of an eligible sponsor do not exceed \$200,000 in total,  
960 the credit shall be granted in full if the tax credit  
961 applications are approved, ~~subject to the provisions of~~  
962 ~~subparagraph 2.~~

963        b. If tax credit applications submitted for approved  
964 projects of an eligible sponsor exceed \$200,000 in total, the  
965 amount of tax credits granted under sub-subparagraph a. shall be  
966 subtracted from the amount of available tax credits ~~under~~

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967 ~~subparagraph 2.~~, and the remaining credits shall be granted to  
968 each approved tax credit application on a pro rata basis.

969 ~~e. If, after the first 6 months of the fiscal year,~~  
970 ~~additional credits become available pursuant to subparagraph 3.,~~  
971 ~~the office shall grant the tax credits by first granting to~~  
972 ~~those who received a pro rata reduction up to the full amount of~~  
973 ~~their request and, if there are remaining credits, granting~~  
974 ~~credits to those who applied on or after the 11th business day~~  
975 ~~of the state fiscal year on a first-come, first-served basis.~~

976 3.5. If, during the first 10 business days of the state  
977 fiscal year, eligible tax credit applications for projects other  
978 than those that provide homeownership opportunities for  
979 extremely-low-income persons, as defined in s. 420.004(8), or  
980 low-income or very-low-income persons, as defined in s.  
981 420.9071(19) and (28), are received for less than the available  
982 annual tax credits available for those projects ~~reserved under~~  
983 ~~subparagraph 3.~~, the office shall grant tax credits for those  
984 applications and shall grant remaining tax credits on a first-  
985 come, first-served basis for any subsequent eligible  
986 applications received before the end of the ~~first 6 months of~~  
987 ~~the~~ state fiscal year. If, during the first 10 business days of  
988 the state fiscal year, eligible tax credit applications for  
989 projects other than those that provide homeownership  
990 opportunities for extremely-low-income persons, as defined in s.  
991 420.004(8), or low-income or very-low-income persons, as defined  
992 in s. 420.9071(19) and (28), are received for more than the  
993 available annual tax credits available for those projects  
994 ~~reserved under subparagraph 3.~~, the office shall grant the tax

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

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995 | credits for those ~~such~~ applications on a pro rata basis. ~~If,~~  
 996 | ~~after the first 6 months of the fiscal year, additional credits~~  
 997 | ~~become available under subparagraph 2., the office shall grant~~  
 998 | ~~the tax credits by first granting to those who received a pro~~  
 999 | ~~rata reduction up to the full amount of their request and, if~~  
 1000 | ~~there are remaining credits, granting credits to those who~~  
 1001 | ~~applied on or after the 11th business day of the state fiscal~~  
 1002 | ~~year on a first come, first served basis.~~

1003 |         Section 12. Paragraph (f) of subsection (6) of section  
 1004 | 253.034, Florida Statutes, is amended to read:

1005 |         253.034 State-owned lands; uses.--

1006 |         (6) The Board of Trustees of the Internal Improvement  
 1007 | Trust Fund shall determine which lands, the title to which is  
 1008 | vested in the board, may be surplused. For conservation lands,  
 1009 | the board shall make a determination that the lands are no  
 1010 | longer needed for conservation purposes and may dispose of them  
 1011 | by an affirmative vote of at least three members. In the case of  
 1012 | a land exchange involving the disposition of conservation lands,  
 1013 | the board must determine by an affirmative vote of at least  
 1014 | three members that the exchange will result in a net positive  
 1015 | conservation benefit. For all other lands, the board shall make  
 1016 | a determination that the lands are no longer needed and may  
 1017 | dispose of them by an affirmative vote of at least three  
 1018 | members.

1019 |         (f)1. In reviewing lands owned by the board, the council  
 1020 | shall consider whether such lands would be more appropriately  
 1021 | owned or managed by the county or other unit of local government  
 1022 | in which the land is located. The council shall recommend to the

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1023 board whether a sale, lease, or other conveyance to a local  
 1024 government would be in the best interests of the state and local  
 1025 government. The provisions of this paragraph in no way limit the  
 1026 provisions of ss. 253.111 and 253.115. Such lands shall be  
 1027 offered to the state, county, or local government for a period  
 1028 of 30 days. Permittable uses for such surplus lands may include  
 1029 public schools; public libraries; fire or law enforcement  
 1030 substations; ~~and~~ governmental, judicial, or recreational  
 1031 centers; and affordable housing. County or local government  
 1032 requests for surplus lands shall be expedited throughout the  
 1033 surplusing process. If the county or local government does not  
 1034 elect to purchase such lands in accordance with s. 253.111, then  
 1035 any surplusing determination involving other governmental  
 1036 agencies shall be made upon the board deciding the best public  
 1037 use of the lands. Surplus properties in which governmental  
 1038 agencies have expressed no interest shall then be available for  
 1039 sale on the private market.

1040 2. Notwithstanding subparagraph 1., any surplus lands that  
 1041 were acquired by the state prior to 1958 by a gift or other  
 1042 conveyance for no consideration from a municipality, and which  
 1043 the department has filed by July 1, 2006, a notice of its intent  
 1044 to surplus, shall be first offered for reconveyance to such  
 1045 municipality at no cost, but for the fair market value of any  
 1046 building or other improvements to the land, unless otherwise  
 1047 provided in a deed restriction of record. This subparagraph  
 1048 expires July 1, 2006.

1049 Section 13. Section 253.0341, Florida Statutes, is amended  
 1050 to read:

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1051           253.0341 Surplus of state-owned lands to counties or local  
1052 governments.--Counties and local governments may submit  
1053 surplusing requests for state-owned lands directly to the board  
1054 of trustees. County or local government requests for the state  
1055 to surplus conservation or nonconservation lands, whether for  
1056 purchase or exchange, shall be expedited throughout the  
1057 surplusing process. Property jointly acquired by the state and  
1058 other entities shall not be surplusd without the consent of all  
1059 joint owners.

1060           (1) The decision to surplus state-owned nonconservation  
1061 lands may be made by the board without a review of, or a  
1062 recommendation on, the request from the Acquisition and  
1063 Restoration Council or the Division of State Lands. Such  
1064 requests for nonconservation lands shall be considered by the  
1065 board within 60 days of the board's receipt of the request.

1066           (2) County or local government requests for the surplusing  
1067 of state-owned conservation lands are subject to review of, and  
1068 recommendation on, the request to the board by the Acquisition  
1069 and Restoration Council. Requests to surplus conservation lands  
1070 shall be considered by the board within 120 days of the board's  
1071 receipt of the request.

1072           (3) A local government may request that state lands be  
1073 specifically declared surplus lands for the purpose of providing  
1074 affordable housing. The request shall comply with the  
1075 requirements of subsection (1) if the lands are nonconservation  
1076 lands or subsection (2) if the lands are conservation lands.  
1077 Surplus lands that are conveyed to a local government for

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1078 | affordable housing shall be disposed of by the local government  
1079 | under the provisions of s. 125.379 or s. 166.0451.

1080 | Section 14. Section 295.16, Florida Statutes, is amended  
1081 | to read:

1082 | 295.16 Disabled veterans exempt from certain license or  
1083 | permit fee.--No totally and permanently disabled veteran who is  
1084 | a resident of Florida and honorably discharged from the Armed  
1085 | Forces, who has been issued a valid identification card by the  
1086 | Department of Veterans' Affairs in accordance with s. 295.17 or  
1087 | has been determined by the United States Department of Veterans  
1088 | Affairs or its predecessor to have a service-connected 100-  
1089 | percent disability rating for compensation, or who has been  
1090 | determined to have a service-connected disability rating of 100  
1091 | percent and is in receipt of disability retirement pay from any  
1092 | branch of the uniformed armed services, shall be required to pay  
1093 | any license or permit fee, by whatever name known, to any county  
1094 | or municipality in order to make improvements upon a dwelling  
1095 | ~~mobile home~~ owned by the veteran which is used as the veteran's  
1096 | residence, provided such improvements are limited to ramps,  
1097 | widening of doors, and similar improvements for the purpose of  
1098 | making the dwelling ~~mobile home~~ habitable for veterans confined  
1099 | to wheelchairs.

1100 | Section 15. Paragraphs (b) and (e) of subsection (19) of  
1101 | section 380.06, Florida Statutes, are amended to read:

1102 | 380.06 Developments of regional impact.--

1103 | (19) SUBSTANTIAL DEVIATIONS.--

1104 | (b) Any proposed change to a previously approved  
1105 | development of regional impact or development order condition

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1106 | which, either individually or cumulatively with other changes,  
 1107 | exceeds any of the following criteria shall constitute a  
 1108 | substantial deviation and shall cause the development to be  
 1109 | subject to further development-of-regional-impact review without  
 1110 | the necessity for a finding of same by the local government:

1111 |         1. An increase in the number of parking spaces at an  
 1112 | attraction or recreational facility by 5 percent or 300 spaces,  
 1113 | whichever is greater, or an increase in the number of spectators  
 1114 | that may be accommodated at such a facility by 5 percent or  
 1115 | 1,000 spectators, whichever is greater.

1116 |         2. A new runway, a new terminal facility, a 25-percent  
 1117 | lengthening of an existing runway, or a 25-percent increase in  
 1118 | the number of gates of an existing terminal, but only if the  
 1119 | increase adds at least three additional gates.

1120 |         3. An increase in the number of hospital beds by 5 percent  
 1121 | or 60 beds, whichever is greater.

1122 |         4. An increase in industrial development area by 5 percent  
 1123 | or 32 acres, whichever is greater.

1124 |         5. An increase in the average annual acreage mined by 5  
 1125 | percent or 10 acres, whichever is greater, or an increase in the  
 1126 | average daily water consumption by a mining operation by 5  
 1127 | percent or 300,000 gallons, whichever is greater. An increase in  
 1128 | the size of the mine by 5 percent or 750 acres, whichever is  
 1129 | less. An increase in the size of a heavy mineral mine as defined  
 1130 | in s. 378.403(7) will only constitute a substantial deviation if  
 1131 | the average annual acreage mined is more than 500 acres and  
 1132 | consumes more than 3 million gallons of water per day.

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1133           6. An increase in land area for office development by 5  
1134 percent or an increase of gross floor area of office development  
1135 by 5 percent or 60,000 gross square feet, whichever is greater.

1136           7. An increase in the storage capacity for chemical or  
1137 petroleum storage facilities by 5 percent, 20,000 barrels, or 7  
1138 million pounds, whichever is greater.

1139           8. An increase of development at a waterport of wet  
1140 storage for 20 watercraft, dry storage for 30 watercraft, or  
1141 wet/dry storage for 60 watercraft in an area identified in the  
1142 state marina siting plan as an appropriate site for additional  
1143 waterport development or a 5-percent increase in watercraft  
1144 storage capacity, whichever is greater.

1145           9. An increase in the number of dwelling units by 5  
1146 percent or 50 dwelling units, whichever is greater.

1147           10. An increase in the number of dwelling units by 15  
1148 percent or 100 units, whichever is greater, provided that 20  
1149 percent of the increase in the number of dwelling units is  
1150 dedicated to the construction of workforce housing. For purposes  
1151 of this subparagraph, the term "workforce housing" means housing  
1152 that will be made permanently affordable to a person who earns  
1153 less than 140 percent of the area median income, as provided in  
1154 a recorded land use restriction agreement.

1155           ~~11.10.~~ An increase in commercial development by 50,000  
1156 square feet of gross floor area or of parking spaces provided  
1157 for customers for 300 cars or a 5-percent increase of either of  
1158 these, whichever is greater.

1159           ~~12.11.~~ An increase in hotel or motel facility units by 5  
1160 percent or 75 units, whichever is greater.

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1161        13.12- An increase in a recreational vehicle park area by  
1162 5 percent or 100 vehicle spaces, whichever is less.

1163        14.13- A decrease in the area set aside for open space of  
1164 5 percent or 20 acres, whichever is less.

1165        15.14- A proposed increase to an approved multiuse  
1166 development of regional impact where the sum of the increases of  
1167 each land use as a percentage of the applicable substantial  
1168 deviation criteria is equal to or exceeds 100 percent. The  
1169 percentage of any decrease in the amount of open space shall be  
1170 treated as an increase for purposes of determining when 100  
1171 percent has been reached or exceeded.

1172        16.15- A 15-percent increase in the number of external  
1173 vehicle trips generated by the development above that which was  
1174 projected during the original development-of-regional-impact  
1175 review.

1176        17.16- Any change which would result in development of any  
1177 area which was specifically set aside in the application for  
1178 development approval or in the development order for  
1179 preservation or special protection of endangered or threatened  
1180 plants or animals designated as endangered, threatened, or  
1181 species of special concern and their habitat, primary dunes, or  
1182 archaeological and historical sites designated as significant by  
1183 the Division of Historical Resources of the Department of State.  
1184 The further refinement of such areas by survey shall be  
1185 considered under sub-subparagraph (e)5.b.

1186  
1187 The substantial deviation numerical standards in subparagraphs  
1188 4., 6., 10., 11., and 15. ~~14~~-, excluding residential uses, and

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1189 | 16. ~~15.~~, are increased by 100 percent for a project certified  
 1190 | under s. 403.973 which creates jobs and meets criteria  
 1191 | established by the Office of Tourism, Trade, and Economic  
 1192 | Development as to its impact on an area's economy, employment,  
 1193 | and prevailing wage and skill levels. The substantial deviation  
 1194 | numerical standards in subparagraphs 4., 6., 9., 10., 11., 12.,  
 1195 | and 15. ~~14.~~ are increased by 50 percent for a project located  
 1196 | wholly within an urban infill and redevelopment area designated  
 1197 | on the applicable adopted local comprehensive plan future land  
 1198 | use map and not located within the coastal high hazard area.

1199 | (e)1. Except for a development order rendered pursuant to  
 1200 | subsection (22) or subsection (25), a proposed change to a  
 1201 | development order that individually or cumulatively with any  
 1202 | previous change is less than any numerical criterion contained  
 1203 | in subparagraphs (b)1.-16. ~~(b)1.-15.~~ and does not exceed any  
 1204 | other criterion, or that involves an extension of the buildout  
 1205 | date of a development, or any phase thereof, of less than 5  
 1206 | years is not subject to the public hearing requirements of  
 1207 | subparagraph (f)3., and is not subject to a determination  
 1208 | pursuant to subparagraph (f)5. Notice of the proposed change  
 1209 | shall be made to the regional planning council and the state  
 1210 | land planning agency. Such notice shall include a description of  
 1211 | previous individual changes made to the development, including  
 1212 | changes previously approved by the local government, and shall  
 1213 | include appropriate amendments to the development order.

1214 | 2. The following changes, individually or cumulatively  
 1215 | with any previous changes, are not substantial deviations:

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- 1216           a. Changes in the name of the project, developer, owner,  
1217 or monitoring official.
- 1218           b. Changes to a setback that do not affect noise buffers,  
1219 environmental protection or mitigation areas, or archaeological  
1220 or historical resources.
- 1221           c. Changes to minimum lot sizes.
- 1222           d. Changes in the configuration of internal roads that do  
1223 not affect external access points.
- 1224           e. Changes to the building design or orientation that stay  
1225 approximately within the approved area designated for such  
1226 building and parking lot, and which do not affect historical  
1227 buildings designated as significant by the Division of  
1228 Historical Resources of the Department of State.
- 1229           f. Changes to increase the acreage in the development,  
1230 provided that no development is proposed on the acreage to be  
1231 added.
- 1232           g. Changes to eliminate an approved land use, provided  
1233 that there are no additional regional impacts.
- 1234           h. Changes required to conform to permits approved by any  
1235 federal, state, or regional permitting agency, provided that  
1236 these changes do not create additional regional impacts.
- 1237           i. Any renovation or redevelopment of development within a  
1238 previously approved development of regional impact which does  
1239 not change land use or increase density or intensity of use.
- 1240           j. Any other change which the state land planning agency  
1241 agrees in writing is similar in nature, impact, or character to  
1242 the changes enumerated in sub-subparagraphs a.-i. and which does  
1243 not create the likelihood of any additional regional impact.

1244  
1245 This subsection does not require a development order amendment  
1246 for any change listed in sub-subparagraphs a.-j. unless such  
1247 issue is addressed either in the existing development order or  
1248 in the application for development approval, but, in the case of  
1249 the application, only if, and in the manner in which, the  
1250 application is incorporated in the development order.

1251 3. Except for the change authorized by sub-subparagraph  
1252 2.f., any addition of land not previously reviewed or any change  
1253 not specified in paragraph (b) or paragraph (c) shall be  
1254 presumed to create a substantial deviation. This presumption may  
1255 be rebutted by clear and convincing evidence.

1256 4. Any submittal of a proposed change to a previously  
1257 approved development shall include a description of individual  
1258 changes previously made to the development, including changes  
1259 previously approved by the local government. The local  
1260 government shall consider the previous and current proposed  
1261 changes in deciding whether such changes cumulatively constitute  
1262 a substantial deviation requiring further development-of-  
1263 regional-impact review.

1264 5. The following changes to an approved development of  
1265 regional impact shall be presumed to create a substantial  
1266 deviation. Such presumption may be rebutted by clear and  
1267 convincing evidence.

1268 a. A change proposed for 15 percent or more of the acreage  
1269 to a land use not previously approved in the development order.  
1270 Changes of less than 15 percent shall be presumed not to create  
1271 a substantial deviation.

1272           b. Except for the types of uses listed in subparagraph  
 1273 (b)17. ~~(b)16.~~, any change which would result in the development  
 1274 of any area which was specifically set aside in the application  
 1275 for development approval or in the development order for  
 1276 preservation, buffers, or special protection, including habitat  
 1277 for plant and animal species, archaeological and historical  
 1278 sites, dunes, and other special areas.

1279           c. Notwithstanding any provision of paragraph (b) to the  
 1280 contrary, a proposed change consisting of simultaneous increases  
 1281 and decreases of at least two of the uses within an authorized  
 1282 multiuse development of regional impact which was originally  
 1283 approved with three or more uses specified in s. 380.0651(3)(c),  
 1284 (d), (f), and (g) and residential use.

1285           Section 16. Paragraph (k) of subsection (3) of section  
 1286 380.0651, Florida Statutes, is redesignated as paragraph (l),  
 1287 and a new paragraph (k) is added to that subsection to read:

1288           380.0651 Statewide guidelines and standards.--

1289           (3) The following statewide guidelines and standards shall  
 1290 be applied in the manner described in s. 380.06(2) to determine  
 1291 whether the following developments shall be required to undergo  
 1292 development-of-regional-impact review:

1293           (k) Workforce housing.--The applicable guidelines for  
 1294 residential development and the residential component for  
 1295 multiuse development shall be increased by 20 percent where the  
 1296 developer demonstrates that at least 15 percent of the  
 1297 residential dwelling units will be dedicated to workforce  
 1298 housing. For purposes of this subparagraph, the term "workforce  
 1299 housing" means housing that will be made permanently affordable

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1300 to a person who earns less than 140 percent of the area median  
 1301 income, as provided in a recorded land use restriction  
 1302 agreement.

1303 Section 17. Section 420.0004, Florida Statutes, is amended  
 1304 to read:

1305 420.0004 Definitions.--As used in this part, unless the  
 1306 context otherwise indicates:

1307 (1) "Adjusted for family size" means adjusted in a manner  
 1308 which results in an income eligibility level which is lower for  
 1309 households with fewer than four people, or higher for households  
 1310 with more than four people, than the base income eligibility  
 1311 determined as provided in subsection (10) ~~(9)~~, subsection (11)  
 1312 ~~(10)~~, or subsection (15) ~~(14)~~, based upon a formula as  
 1313 established by the United States Department of Housing and Urban  
 1314 Development.

1315 (2) "Adjusted gross income" means all wages, assets,  
 1316 regular cash or noncash contributions or gifts from persons  
 1317 outside the household, and such other resources and benefits as  
 1318 may be determined to be income by the United States Department  
 1319 of Housing and Urban Development, adjusted for family size, less  
 1320 deductions allowable under s. 62 of the Internal Revenue Code.

1321 (3) "Affordable" means that monthly rents or monthly  
 1322 mortgage payments including taxes, insurance, and utilities do  
 1323 not exceed 30 percent of that amount which represents the  
 1324 percentage of the median adjusted gross annual income for the  
 1325 households as indicated in subsection (8), subsection (10) ~~(9)~~,  
 1326 subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~.

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1327 (4) "Corporation" means the Florida Housing Finance  
1328 Corporation.

1329 (5) "Community-based organization" or "nonprofit  
1330 organization" means a private corporation organized under  
1331 chapter 617 to assist in the provision of housing and related  
1332 services on a not-for-profit basis and which is acceptable to  
1333 federal and state agencies and financial institutions as a  
1334 sponsor of low-income housing.

1335 (6) "Department" means the Department of Community  
1336 Affairs.

1337 (7) "Elderly" describes persons 62 years of age or older.

1338 (8) "Extremely-low-income persons" means one or more  
1339 natural persons or a family whose total annual household income  
1340 does not exceed 30 percent of the median annual adjusted gross  
1341 income for households within the state. The Florida Housing  
1342 Finance Corporation may adjust this amount annually by rule to  
1343 provide that in lower income counties, extremely-low-income may  
1344 exceed 30 percent of area median income and that in higher  
1345 income counties, extremely-low-income may be less than 30  
1346 percent of area median income.

1347 (9)-(8) "Local public body" means any county, municipality,  
1348 or other political subdivision, or any housing authority as  
1349 provided by chapter 421, which is eligible to sponsor or develop  
1350 housing for farmworkers and very-low-income and low-income  
1351 persons within its jurisdiction.

1352 (10)-(9) "Low-income persons" means one or more natural  
1353 persons or a family, the total annual adjusted gross household  
1354 income of which does not exceed 80 percent of the median annual

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1355 | adjusted gross income for households within the state, or 80  
 1356 | percent of the median annual adjusted gross income for  
 1357 | households within the metropolitan statistical area (MSA) or, if  
 1358 | not within an MSA, within the county in which the person or  
 1359 | family resides, whichever is greater.

1360 |        (11)~~(10)~~ "Moderate-income persons" means one or more  
 1361 | natural persons or a family, the total annual adjusted gross  
 1362 | household income of which is less than 120 percent of the median  
 1363 | annual adjusted gross income for households within the state, or  
 1364 | 120 percent of the median annual adjusted gross income for  
 1365 | households within the metropolitan statistical area (MSA) or, if  
 1366 | not within an MSA, within the county in which the person or  
 1367 | family resides, whichever is greater.

1368 |        (12)~~(11)~~ "Student" means any person not living with his or  
 1369 | her parent or guardian who is eligible to be claimed by his or  
 1370 | her parent or guardian as a dependent under the federal income  
 1371 | tax code and who is enrolled on at least a half-time basis in a  
 1372 | secondary school, career center, community college, college, or  
 1373 | university.

1374 |        (13)~~(12)~~ "Substandard" means:

1375 |        (a) Any unit lacking complete plumbing or sanitary  
 1376 | facilities for the exclusive use of the occupants;

1377 |        (b) A unit which is in violation of one or more major  
 1378 | sections of an applicable housing code and where such violation  
 1379 | poses a serious threat to the health of the occupant; or

1380 |        (c) A unit that has been declared unfit for human  
 1381 | habitation but that could be rehabilitated for less than 50  
 1382 | percent of the property value.

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1383        (14)~~(13)~~ "Substantial rehabilitation" means repair or  
1384 restoration of a dwelling unit where the value of such repair or  
1385 restoration exceeds 40 percent of the value of the dwelling.

1386        (15)~~(14)~~ "Very-low-income persons" means one or more  
1387 natural persons or a family, not including students, the total  
1388 annual adjusted gross household income of which does not exceed  
1389 50 percent of the median annual adjusted gross income for  
1390 households within the state, or 50 percent of the median annual  
1391 adjusted gross income for households within the metropolitan  
1392 statistical area (MSA) or, if not within an MSA, within the  
1393 county in which the person or family resides, whichever is  
1394 greater.

1395        Section 18. Sections 420.37 and 420.530, Florida Statutes,  
1396 are repealed.

1397        Section 19. Subsection (18) of section 420.503, Florida  
1398 Statutes, is amended to read:

1399        420.503 Definitions.--As used in this part, the term:

1400        (18) (a) "Farmworker" means a laborer who is employed on a  
1401 seasonal, temporary, or permanent basis in the planting,  
1402 cultivating, harvesting, or processing of agricultural or  
1403 aquacultural products and who derived at least 50 percent of her  
1404 or his income in the immediately preceding 12 months from such  
1405 employment.

1406        (b) "Farmworker" ~~also~~ includes a person who has retired as  
1407 a laborer due to age, disability, or illness. In order to be  
1408 considered retired as a farmworker due to age under this part, a  
1409 person must be 50 years of age or older and must have been  
1410 employed for a minimum of 5 years as a farmworker before

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1411 retirement. In order to be considered retired as a farmworker  
1412 due to disability or illness, a person must:

1413 1.(a) Establish medically that she or he is unable to be  
1414 employed as a farmworker due to that disability or illness.

1415 2.(b) Establish that she or he was previously employed as  
1416 a farmworker.

1417 (c) Notwithstanding paragraphs (a) and (b), when  
1418 corporation-administered funds are used in conjunction with  
1419 United States Department of Agriculture Rural Development funds,  
1420 the term "farmworker" may mean a laborer who meets, at a  
1421 minimum, the definition of "domestic farm laborer" as found in 7  
1422 C.F.R. s. 3560.11, as amended. The corporation may establish  
1423 additional criteria by rule.

1424 Section 20. Section 420.5061, Florida Statutes, is amended  
1425 to read:

1426 420.5061 Transfer of agency assets and  
1427 liabilities.--Effective January 1, 1998, all assets and  
1428 liabilities and rights and obligations, including any  
1429 outstanding contractual obligations, of the agency shall be  
1430 transferred to the corporation as legal successor in all  
1431 respects to the agency. The corporation shall thereupon become  
1432 obligated to the same extent as the agency under any existing  
1433 agreements and be entitled to any rights and remedies previously  
1434 afforded the agency by law or contract, including specifically  
1435 the rights of the agency under chapter 201 and part VI of  
1436 chapter 159. The corporation is a state agency for purposes of  
1437 s. 159.807(4) (a). Effective January 1, 1998, all references  
1438 under Florida law to the agency are deemed to mean the

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1439 corporation. The corporation shall transfer to the General  
 1440 Revenue Fund an amount which otherwise would have been deducted  
 1441 as a service charge pursuant to s. 215.20(1) if the Florida  
 1442 Housing Finance Corporation Fund established by s. 420.508(5),  
 1443 the State Apartment Incentive Loan Fund established by s.  
 1444 420.5087(7), the Florida Homeownership Assistance Fund  
 1445 established by s. 420.5088(4)~~(5)~~, the HOME Investment  
 1446 Partnership Fund established by s. 420.5089(1), and the Housing  
 1447 Predevelopment Loan Fund established by s. 420.525(1) were each  
 1448 trust funds. For purposes of s. 112.313, the corporation is  
 1449 deemed to be a continuation of the agency, and the provisions  
 1450 thereof are deemed to apply as if the same entity remained in  
 1451 place. Any employees of the agency and agency board members  
 1452 covered by s. 112.313(9)(a)6. shall continue to be entitled to  
 1453 the exemption in that subparagraph, notwithstanding being hired  
 1454 by the corporation or appointed as board members of the  
 1455 corporation. Effective January 1, 1998, all state property in  
 1456 use by the agency shall be transferred to and become the  
 1457 property of the corporation.

1458 Section 21. Subsections (22), (23), and (40) of section  
 1459 420.507, Florida Statutes, are amended, and subsections (44) and  
 1460 (45) are added to that section, to read:

1461 420.507 Powers of the corporation.--The corporation shall  
 1462 have all the powers necessary or convenient to carry out and  
 1463 effectuate the purposes and provisions of this part, including  
 1464 the following powers which are in addition to all other powers  
 1465 granted by other provisions of this part:

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1466 (22) To develop and administer the State Apartment  
1467 Incentive Loan Program. In developing and administering that  
1468 program, the corporation may:

1469 (a) Make first, second, and other subordinated mortgage  
1470 loans including variable or fixed rate loans subject to  
1471 contingent interest for all State Apartment Incentive Loans  
1472 provided for in this chapter based upon available cash flow of  
1473 the projects. The corporation shall make loans exceeding 25  
1474 percent of project cost available only to nonprofit  
1475 organizations and public bodies which are able to secure grants,  
1476 donations of land, or contributions from other sources and to  
1477 projects meeting the criteria of subparagraph 1. Mortgage loans  
1478 shall be made available at the following rates of interest:

1479 1. Zero to 3 percent interest for sponsors of projects  
1480 that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~  
1481 their total units for residents qualifying as farmworkers as  
1482 defined in this part ~~s. 420.503(18)~~, or commercial fishing  
1483 workers as defined in this part ~~s. 420.503(5)~~, or the homeless  
1484 as defined in s. 420.621(4) over the life of the loan.

1485 2. The board may set the interest rate based on the pro  
1486 rata share of units set aside for homeless residents if the  
1487 total of such units is less than 80 percent of the units in the  
1488 borrower's project.

1489 3. One ~~Three~~ to 9 percent interest for sponsors of  
1490 projects targeted at populations other than farmworkers,  
1491 commercial fishing workers, and the homeless.

1492 (b) Make loans exceeding 25 percent of project cost when  
1493 the project serves extremely-low-income persons.

1494            (c) Forgive indebtedness for a share of the loan  
 1495 attributable to the units in a project reserved for extremely-  
 1496 low-income persons.

1497            (d)~~(b)~~ Geographically and demographically target the  
 1498 utilization of loans.

1499            (e)~~(e)~~ Underwrite credit, and reject projects which do not  
 1500 meet the established standards of the corporation.

1501            (f)~~(d)~~ Negotiate with governing bodies within the state  
 1502 after a loan has been awarded to obtain local government  
 1503 contributions.

1504            (g)~~(e)~~ Inspect any records of a sponsor at any time during  
 1505 the life of the loan or the agreed period for maintaining the  
 1506 provisions of s. 420.5087.

1507            (h)~~(f)~~ Establish, by rule, the procedure for evaluating,  
 1508 scoring, and competitively ranking all applications based on the  
 1509 criteria set forth in s. 420.5087(6)(c); determining actual loan  
 1510 amounts; making and servicing loans; and exercising the powers  
 1511 authorized in this subsection.

1512            (i)~~(g)~~ Establish a loan loss insurance reserve to be used  
 1513 to protect the outstanding program investment in case of a  
 1514 default, deed in lieu of foreclosure, or foreclosure of a  
 1515 program loan.

1516            (23) To develop and administer the Florida Homeownership  
 1517 Assistance Program. In developing and administering the program,  
 1518 the corporation may:

1519            (a)1. Make subordinated loans to eligible borrowers for  
 1520 down payments or closing costs related to the purchase of the  
 1521 borrower's primary residence.

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1522           2. Make permanent loans to eligible borrowers related to  
1523 the purchase of the borrower's primary residence.

1524           3. Make subordinated loans to nonprofit sponsors or  
1525 developers of housing for purchase of property, for  
1526 construction, or for financing of housing to be offered for sale  
1527 to eligible borrowers as a primary residence at an affordable  
1528 price.

1529           (b) Establish a loan loss insurance reserve to supplement  
1530 existing sources of mortgage insurance with appropriated funds.

1531           (c) Geographically and demographically target the  
1532 utilization of loans.

1533           (d) Defer repayment of loans for the term of the first  
1534 mortgage.

1535           (e) Establish flexible terms for loans with an interest  
1536 rate not to exceed 3 percent per annum and which are  
1537 nonamortizing for the term of the first mortgage.

1538           (f) Require repayment of loans upon sale, transfer,  
1539 refinancing, or rental of secured property, unless otherwise  
1540 approved by the corporation.

1541           (g) Accelerate a loan for monetary default, for failure to  
1542 provide the benefits of the loans to eligible borrowers, or for  
1543 violation of any other restriction placed upon the loan.

1544           (h) Adopt rules for the program and exercise the powers  
1545 authorized in this subsection.

1546           (40) To establish subsidiary business entities  
1547 ~~corporations~~ for the purpose of taking title to and managing and  
1548 disposing of property acquired by the corporation. Such  
1549 subsidiary business entities ~~corporations~~ shall be public

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1550 business entities ~~corporations~~ wholly owned by the corporation;  
1551 shall be entitled to own, mortgage, and sell property on the  
1552 same basis as the corporation; and shall be deemed business  
1553 entities ~~corporations~~ primarily acting as an agent ~~agents~~ of the  
1554 state, within the meaning of s. 768.28, on the same basis as the  
1555 corporation. Any subsidiary business entity created by the  
1556 corporation shall be subject to chapters 119, 120, and 286 to  
1557 the same extent as the corporation. The subsidiary business  
1558 entities shall have authority to make rules necessary to conduct  
1559 business and to carry out the purposes of this subsection.

1560 (44) To adopt rules for the intervention and negotiation  
1561 of terms or other actions necessary to further program goals or  
1562 avoid default of a program loan. Such rules must consider fiscal  
1563 program goals and the preservation or advancement of affordable  
1564 housing for the state.

1565 (45) To establish by rule requirements for periodic  
1566 reporting of data, including, but not limited to, financial  
1567 data, housing market data, detailed economic and physical  
1568 occupancy on multifamily projects, and demographic data on all  
1569 housing financed through corporation programs and for  
1570 participation in a housing locator system.

1571 Section 22. Subsections (1), (3), (5), and (6) of section  
1572 420.5087, Florida Statutes, are amended to read:

1573 420.5087 State Apartment Incentive Loan Program.--There is  
1574 hereby created the State Apartment Incentive Loan Program for  
1575 the purpose of providing first, second, or other subordinated  
1576 mortgage loans or loan guarantees to sponsors, including for-

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1577 profit, nonprofit, and public entities, to provide housing  
1578 affordable to very-low-income persons.

1579 (1) Program funds shall be distributed over successive 3-  
1580 year periods in a manner that meets the need and demand for  
1581 very-low-income housing throughout the state. That need and  
1582 demand must be determined by using the most recent statewide  
1583 low-income rental housing market studies available at the  
1584 beginning of each 3-year period. However, at least 10 percent of  
1585 the program funds distributed during a 3-year period must be  
1586 allocated to each of the following categories of counties, as  
1587 determined by using the population statistics published in the  
1588 most recent edition of the Florida Statistical Abstract:

1589 (a) Counties that have a population of 825,000 or more.  
1590 ~~more than 500,000 people;~~

1591 (b) Counties that have a population of more than ~~between~~  
1592 100,000 but less than 825,000. ~~and 500,000 people; and~~

1593 (c) Counties that have a population of 100,000 or less.  
1594

1595 Any increase in funding required to reach the 10-percent minimum  
1596 shall be taken from the county category that has the largest  
1597 allocation. The corporation shall adopt rules which establish an  
1598 equitable process for distributing any portion of the 10 percent  
1599 of program funds allocated to the county categories specified in  
1600 this subsection which remains unallocated at the end of a 3-year  
1601 period. Counties that have a population of 100,000 or less shall  
1602 be given preference under these rules.

1603 (3) During the first 6 months of loan or loan guarantee  
1604 availability, program funds shall be reserved for use by

1605 | sponsors who provide the housing set-aside required in  
 1606 | subsection (2) for the tenant groups designated in this  
 1607 | subsection. The reservation of funds to each of these groups  
 1608 | shall be determined using the most recent statewide very-low-  
 1609 | income rental housing market study available at the time of  
 1610 | publication of each notice of fund availability required by  
 1611 | paragraph (6)(b). The reservation of funds within each notice of  
 1612 | fund availability to the tenant groups in paragraphs (a), (b),  
 1613 | and (d) may not be less than 10 percent of the funds available  
 1614 | at that time. Any increase in funding required to reach the 10-  
 1615 | percent minimum shall be taken from the tenant group that has  
 1616 | the largest reservation. The reservation of funds within each  
 1617 | notice of fund availability to the tenant group in paragraph (c)  
 1618 | may not be less than 5 percent of the funds available at that  
 1619 | time. The tenant groups are:

- 1620 |       (a) Commercial fishing workers and farmworkers;
- 1621 |       (b) Families;
- 1622 |       (c) Persons who are homeless; and
- 1623 |       (d) Elderly persons. Ten percent of the amount reserved  
 1624 | for the elderly shall be reserved to provide loans to sponsors  
 1625 | of housing for the elderly for the purpose of making building  
 1626 | preservation, health, or sanitation repairs or improvements  
 1627 | which are required by federal, state, or local regulation or  
 1628 | code, or lifesafety or security-related repairs or improvements  
 1629 | to such housing. Such a loan may not exceed \$750,000 per housing  
 1630 | community for the elderly. In order to receive the loan, the  
 1631 | sponsor of the housing community must make a commitment to match  
 1632 | at least 5 ~~15~~ percent of the loan amount to pay the cost of such

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1633 repair or improvement. The corporation shall establish the rate  
1634 of interest on the loan, which may not exceed 3 percent, and the  
1635 term of the loan, which may not exceed 15 years; however, if the  
1636 lien of the corporation's encumbrance is subordinate to the lien  
1637 of another mortgagee, then the term may be made coterminous with  
1638 the longest term of the superior lien. The term of the loan  
1639 shall be established on the basis of a credit analysis of the  
1640 applicant. The corporation shall establish, by rule, the  
1641 procedure and criteria for receiving, evaluating, and  
1642 competitively ranking all applications for loans under this  
1643 paragraph. A loan application must include evidence of the first  
1644 mortgagee's having reviewed and approved the sponsor's intent to  
1645 apply for a loan. A nonprofit organization or sponsor may not  
1646 use the proceeds of the loan to pay for administrative costs,  
1647 routine maintenance, or new construction.

1648 (5) The amount of the mortgage provided under this program  
1649 combined with any other mortgage in a superior position shall be  
1650 less than the value of the project without the housing set-aside  
1651 required by subsection (2). However, the corporation may waive  
1652 this requirement for projects in rural areas or urban infill  
1653 areas which have market rate rents that are less than the  
1654 allowable rents pursuant to applicable state and federal  
1655 guidelines, and for projects which reserve units for extremely-  
1656 low-income persons. In no event shall the mortgage provided  
1657 under this program combined with any other mortgage in a  
1658 superior position exceed total project cost.

1659 (6) On all state apartment incentive loans, except loans  
1660 made to housing communities for the elderly to provide for

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1661 | lifesafety, building preservation, health, sanitation, or  
 1662 | security-related repairs or improvements, the following  
 1663 | provisions shall apply:

1664 |       (a) The corporation shall establish two interest rates in  
 1665 | accordance with s. 420.507(22)(a)1. and 3. ~~2.~~

1666 |       (b) The corporation shall publish a notice of fund  
 1667 | availability in a publication of general circulation throughout  
 1668 | the state. Such notice shall be published at least 60 days prior  
 1669 | to the application deadline and shall provide notice of the  
 1670 | temporary reservations of funds established in subsection (3).

1671 |       (c) The corporation shall provide by rule for the  
 1672 | establishment of a review committee composed of the department  
 1673 | and corporation staff and shall establish by rule a scoring  
 1674 | system for evaluation and competitive ranking of applications  
 1675 | submitted in this program, including, but not limited to, the  
 1676 | following criteria:

1677 |           1. Tenant income and demographic targeting objectives of  
 1678 | the corporation.

1679 |           2. Targeting objectives of the corporation which will  
 1680 | ensure an equitable distribution of loans between rural and  
 1681 | urban areas.

1682 |           3. Sponsor's agreement to reserve the units for persons or  
 1683 | families who have incomes below 50 percent of the state or local  
 1684 | median income, whichever is higher, for a time period to exceed  
 1685 | the minimum required by federal law or the provisions of this  
 1686 | part.

1687 |           4. Sponsor's agreement to reserve more than:

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1688 a. Twenty percent of the units in the project for persons  
1689 or families who have incomes that do not exceed 50 percent of  
1690 the state or local median income, whichever is higher; or

1691 b. Forty percent of the units in the project for persons  
1692 or families who have incomes that do not exceed 60 percent of  
1693 the state or local median income, whichever is higher, without  
1694 requiring a greater amount of the loans as provided in this  
1695 section.

1696 5. Provision for tenant counseling.

1697 6. Sponsor's agreement to accept rental assistance  
1698 certificates or vouchers as payment for rent; ~~however, when~~  
1699 ~~certificates or vouchers are accepted as payment for rent on~~  
1700 ~~units set aside pursuant to subsection (2), the benefit must be~~  
1701 ~~divided between the corporation and the sponsor, as provided by~~  
1702 ~~corporation rule.~~

1703 7. Projects requiring the least amount of a state  
1704 apartment incentive loan compared to overall project cost except  
1705 that the share of the loan attributable to units serving  
1706 extremely-low-income persons shall be excluded from this  
1707 requirement.

1708 8. Local government contributions and local government  
1709 comprehensive planning and activities that promote affordable  
1710 housing.

1711 9. Project feasibility.

1712 10. Economic viability of the project.

1713 11. Commitment of first mortgage financing.

1714 12. Sponsor's prior experience.

1715 13. Sponsor's ability to proceed with construction.

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1716 14. Projects that directly implement or assist welfare-to-  
1717 work transitioning.

1718 15. Projects that reserve units for extremely-low-income  
1719 persons.

1720 (d) The corporation may reject any and all applications.

1721 (e) The corporation may approve and reject applications  
1722 for the purpose of achieving geographic targeting.

1723 (f) The review committee established by corporation rule  
1724 pursuant to this subsection shall make recommendations to the  
1725 board of directors of the corporation regarding program  
1726 participation under the State Apartment Incentive Loan Program.  
1727 The corporation board shall make the final ranking and the  
1728 decisions regarding which applicants shall become program  
1729 participants based on the scores received in the competitive  
1730 ranking, further review of applications, and the recommendations  
1731 of the review committee. The corporation board shall approve or  
1732 reject applications for loans and shall determine the tentative  
1733 loan amount available to each applicant selected for  
1734 participation in the program. The actual loan amount shall be  
1735 determined pursuant to rule adopted pursuant to s.

1736 420.507(22) (h) ~~(f)~~.

1737 (g) The loan term shall be for a period of not more than  
1738 15 years; however, if both a program loan and federal low-income  
1739 housing tax credits are to be used to assist a project, the  
1740 corporation may set the loan term for a period commensurate with  
1741 the investment requirements associated with the tax credit  
1742 syndication. The term of the loan may also exceed 15 years if  
1743 the lien of the corporation's encumbrance is subordinate to the

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1744 lien of another mortgagee; then the term may be made coterminous  
1745 with the longest term of the superior lien necessary to conform  
1746 to requirements of the Federal National Mortgage Association.

1747 The corporation may renegotiate and extend the loan in order to  
1748 extend the availability of housing for the targeted population.

1749 The term of a loan may not extend beyond the period for which  
1750 the sponsor agrees to provide the housing set-aside required by  
1751 subsection (2).

1752 (h) The loan shall be subject to sale, transfer, or  
1753 refinancing. The sale, transfer, or refinancing of the loan  
1754 shall be consistent with fiscal program goals and the  
1755 preservation or advancement of affordable housing for the state.

1756 ~~However, all requirements and conditions of the loan shall~~  
1757 ~~remain following sale, transfer, or refinancing.~~

1758 (i) The discrimination provisions of s. 420.516 shall  
1759 apply to all loans.

1760 (j) The corporation may require units dedicated for the  
1761 elderly.

1762 (k) Rent controls shall not be allowed on any project  
1763 except as required in conjunction with the issuance of tax-  
1764 exempt bonds or federal low-income housing tax credits, and  
1765 except when the sponsor has committed to set aside units for  
1766 extremely-low-income persons, in which case rents shall be  
1767 restricted at the level applicable for federal low-income tax  
1768 credits.

1769 (l) The proceeds of all loans shall be used for new  
1770 construction or substantial rehabilitation which creates  
1771 affordable, safe, and sanitary housing units.

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1772 (m) Sponsors shall annually certify the adjusted gross  
1773 income of all persons or families qualified under subsection (2)  
1774 at the time of initial occupancy, who are residing in a project  
1775 funded by this program. All persons or families qualified under  
1776 subsection (2) may continue to qualify under subsection (2) in a  
1777 project funded by this program if the adjusted gross income of  
1778 those persons or families at the time of annual recertification  
1779 meets the requirements established in s. 142(d)(3)(B) of the  
1780 Internal Revenue Code of 1986, as amended. If the annual  
1781 recertification of persons or families qualifying under  
1782 subsection (2) results in noncompliance with income occupancy  
1783 requirements, the next available unit must be rented to a person  
1784 or family qualifying under subsection (2) in order to ensure  
1785 continuing compliance of the project. The corporation may waive  
1786 the annual recertification if 100 percent of the units are set  
1787 aside as affordable.

1788 (n) Upon submission and approval of a marketing plan which  
1789 demonstrates a good faith effort of a sponsor to rent a unit or  
1790 units to persons or families reserved under subsection (3) and  
1791 qualified under subsection (2), the sponsor may rent such unit  
1792 or units to any person or family qualified under subsection (2)  
1793 notwithstanding the reservation.

1794 (o) Sponsors may participate in federal mortgage insurance  
1795 programs and must abide by the requirements of those programs.  
1796 If a conflict occurs between the requirements of federal  
1797 mortgage insurance programs and the requirements of this  
1798 section, the requirements of federal mortgage insurance programs  
1799 shall take precedence.

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1800 Section 23. Section 420.5088, Florida Statutes, is amended  
1801 to read:

1802 420.5088 Florida Homeownership Assistance Program.--There  
1803 is created the Florida Homeownership Assistance Program for the  
1804 purpose of assisting low-income and moderate-income persons in  
1805 purchasing a home as their primary residence by reducing the  
1806 cost of the home with below-market construction financing, by  
1807 reducing the amount of down payment and closing costs paid by  
1808 the borrower to a maximum of 5 percent of the purchase price, or  
1809 by reducing the monthly payment to an affordable amount for the  
1810 purchaser. Loans shall be made available at an interest rate  
1811 that does not exceed 3 percent. The balance of any loan is due  
1812 at closing if the property is sold, refinanced, rented, or  
1813 transferred, unless otherwise approved by the corporation.

1814 (1) For loans made available pursuant to s.  
1815 420.507(23)(a)1. or 2.:

1816 (a) The corporation may underwrite and make those mortgage  
1817 loans through the program to persons or families who have  
1818 incomes that do not exceed 120 ~~80~~ percent of the state or local  
1819 median income, whichever is greater, adjusted for family size.

1820 (b) Loans shall be made available for the term of the  
1821 first mortgage.

1822 (c) Loans may not exceed ~~are limited to~~ the lesser of 35  
1823 ~~25~~ percent of the purchase price of the home or the amount  
1824 necessary to enable the purchaser to meet credit underwriting  
1825 criteria.

1826 (2) For loans made pursuant to s. 420.507(23)(a)3.:

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1827 (a) Availability is limited to nonprofit sponsors or  
1828 developers who are selected for program participation pursuant  
1829 to this subsection.

1830 (b) Preference must be given to ~~community development~~  
1831 ~~corporations as defined in s. 290.033~~ and to community-based  
1832 organizations as defined in s. 420.503.

1833 (c) Priority must be given to projects that have received  
1834 state assistance in funding project predevelopment costs.

1835 (d) The benefits of making such loans shall be  
1836 contractually provided to the persons or families purchasing  
1837 homes financed under this subsection.

1838 (e) At least 30 percent of the units in a project financed  
1839 pursuant to this subsection must be sold to persons or families  
1840 who have incomes that do not exceed 80 percent of the state or  
1841 local median income, whichever amount is greater, adjusted for  
1842 family size; and at least another 30 percent of the units in a  
1843 project financed pursuant to this subsection must be sold to  
1844 persons or families who have incomes that do not exceed 65 50  
1845 percent of the state or local median income, whichever amount is  
1846 greater, adjusted for family size.

1847 (f) The maximum loan amount may not exceed 33 percent of  
1848 the total project cost.

1849 (g) A person who purchases a home in a project financed  
1850 under this subsection is eligible for a loan authorized by s.  
1851 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the  
1852 construction loan made pursuant to this subsection. The home  
1853 purchaser must meet all the requirements for loan recipients  
1854 established pursuant to the applicable loan program.

1855 (h) The corporation shall provide, by rule, for the  
 1856 establishment of a review committee composed of corporation  
 1857 staff and shall establish, by rule, a scoring system for  
 1858 evaluating and ranking applications submitted for construction  
 1859 loans under this subsection, including, but not limited to, the  
 1860 following criteria:

1861 1. The affordability of the housing proposed to be built.

1862 2. The direct benefits of the assistance to the persons  
 1863 who will reside in the proposed housing.

1864 3. The demonstrated capacity of the applicant to carry out  
 1865 the proposal, including the experience of the development team.

1866 4. The economic feasibility of the proposal.

1867 5. The extent to which the applicant demonstrates  
 1868 potential cost savings by combining the benefits of different  
 1869 governmental programs and private initiatives, including the  
 1870 local government contributions and local government  
 1871 comprehensive planning and activities that promote affordable  
 1872 housing.

1873 6. The use of the least amount of program loan funds  
 1874 compared to overall project cost.

1875 7. The provision of homeownership counseling.

1876 8. The applicant's agreement to exceed the requirements of  
 1877 paragraph (e).

1878 9. The commitment of first mortgage financing for the  
 1879 balance of the construction loan and for the permanent loans to  
 1880 the purchasers of the housing.

1881 10. The applicant's ability to proceed with construction.

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1882           11. The targeting objectives of the corporation which will  
1883 ensure an equitable distribution of loans between rural and  
1884 urban areas.

1885           12. The extent to which the proposal will further the  
1886 purposes of this program.

1887           (i) The corporation may reject any and all applications.

1888           (j) The review committee established by corporation rule  
1889 pursuant to this subsection shall make recommendations to the  
1890 corporation board regarding program participation under this  
1891 subsection. The corporation board shall make the final ranking  
1892 for participation based on the scores received in the ranking,  
1893 further review of the applications, and the recommendations of  
1894 the review committee. The corporation board shall approve or  
1895 reject applicants for loans and shall determine the tentative  
1896 loan amount available to each program participant. The final  
1897 loan amount shall be determined pursuant to rule adopted under  
1898 s. 420.507(23) (h).

1899           (3) The corporation shall publish a notice of fund  
1900 availability in a publication of general circulation throughout  
1901 the state at least 60 days prior to the anticipated availability  
1902 of funds.

1903           ~~(4) During the first 9 months of fund availability:~~

1904           ~~(a) Sixty percent of the program funds shall be reserved~~  
1905 ~~for use by borrowers pursuant to s. 420.507(23)(a)1.;~~

1906           ~~(b) Twenty percent of the program funds shall be reserved~~  
1907 ~~for use by borrowers pursuant to s. 420.507(23)(a)2.; and~~

1908           ~~(c) Twenty percent of the program funds shall be reserved~~  
1909 ~~for use by borrowers pursuant to s. 420.507(23)(a)3.~~

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1910  
1911 ~~If the application of these percentages would cause the~~  
1912 ~~reservation of program funds under paragraph (a) to be less than~~  
1913 ~~\$1 million, the reservation for paragraph (a) shall be increased~~  
1914 ~~to \$1 million or all available funds, whichever amount is less,~~  
1915 ~~with the increase to be accomplished by reducing the reservation~~  
1916 ~~for paragraph (b) and, if necessary, paragraph (c).~~

1917       (4)~~(5)~~ There is authorized to be established by the  
1918 corporation with a qualified public depository meeting the  
1919 requirements of chapter 280 the Florida Homeownership Assistance  
1920 Fund to be administered by the corporation according to the  
1921 provisions of this program. Any amounts held in the Florida  
1922 Homeownership Assistance Trust Fund for such purposes as of  
1923 January 1, 1998, must be transferred to the corporation for  
1924 deposit in the Florida Homeownership Assistance Fund, whereupon  
1925 the Florida Homeownership Assistance Trust Fund must be closed.  
1926 There shall be deposited in the fund moneys from the State  
1927 Housing Trust Fund created by s. 420.0005, or moneys received  
1928 from any other source, for the purpose of this program and all  
1929 proceeds derived from the use of such moneys. In addition, all  
1930 unencumbered funds, loan repayments, proceeds from the sale of  
1931 any property, and any other proceeds that would otherwise accrue  
1932 pursuant to the activities of the programs described in this  
1933 section shall be transferred to this fund. In addition, all loan  
1934 repayments, proceeds from the sale of any property, and any  
1935 other proceeds that would otherwise accrue pursuant to the  
1936 activities conducted under the provisions of the Florida  
1937 Homeownership Assistance Program shall be deposited in the fund

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

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1938 and shall not revert to the General Revenue Fund. Expenditures  
 1939 from the Florida Homeownership Assistance Fund shall not be  
 1940 required to be included in the corporation's budget request or  
 1941 be subject to appropriation by the Legislature.

1942 ~~(5)~~~~(6)~~ No more than one-fifth of the funds available in  
 1943 the Florida Homeownership Assistance Fund may be made available  
 1944 to provide loan loss insurance reserve funds to facilitate  
 1945 homeownership for eligible persons.

1946 Section 24. Section 420.5095, Florida Statutes, is created  
 1947 to read:

1948 420.5095 Community Workforce Housing Innovation Program.--

1949 (1) The Community Workforce Housing Innovation Program is  
 1950 created for the purpose of providing affordable rental and home  
 1951 ownership community workforce housing for essential services  
 1952 personnel with medium incomes in high-cost and high-growth  
 1953 counties in this state using regulatory incentives and state and  
 1954 local funds to promote local public-private partnerships and  
 1955 leverage government and private resources.

1956 (2) Subject to the availability of an annual appropriation  
 1957 by the Legislature to fund the Community Workforce Housing  
 1958 Innovation Program, the corporation shall have the authority to  
 1959 provide Community Workforce Housing Innovation Program loans,  
 1960 which may be forgivable, to an applicant for construction or  
 1961 rehabilitation of rental or home ownership workforce housing in  
 1962 eligible counties. The corporation shall establish a funding  
 1963 process and selection criteria by rule or request for proposals  
 1964 to distribute annually appropriated funds under this section.

1965 Funding may be used with other corporation and private sector  
 1966 resources.

1967 (3) The corporation shall provide incentives for local  
 1968 governments in these counties to use local affordable housing  
 1969 funds, such as those from the State Housing Initiatives  
 1970 Partnership Program to assist in meeting the affordable housing  
 1971 needs of persons eligible under this program.

1972 (4) The Community Workforce Housing Innovation Program  
 1973 projects shall target:

1974 (a) "High-cost counties," defined as those counties in  
 1975 which the median sales price of a single-family home using the  
 1976 most recent county level statistics is above the state median  
 1977 sales price of a single-family home, areas of critical state  
 1978 concern designated under s. 380.05 for which the Legislature has  
 1979 declared its intent to provide affordable housing, areas that  
 1980 were designated as areas of critical state concern for at least  
 1981 20 consecutive years prior to removal of the designation, and  
 1982 counties designated as rural areas of critical economic concern.  
 1983 The corporation shall develop the list of high-cost counties on  
 1984 an annual basis.

1985 (b) "High-growth counties," defined as those counties that  
 1986 demonstrate significantly high rates of growth in K-12 public  
 1987 school students and a substantial number of open teaching  
 1988 positions currently and projected for the next school year. To  
 1989 qualify under these criteria of high growth and need to fill  
 1990 public school teaching positions, a county's school district  
 1991 must have been in the top 10 school districts in the state for  
 1992 the fastest student population growth as a percentage rate of

1993 increase for the previous 5 years, as defined by the Department  
 1994 of Education. Counties with school districts having the greatest  
 1995 number of teaching position vacancies shall be prioritized.

1996 (c) "Public-private partnerships," defined to include  
 1997 substantial involvement of at least one county, one  
 1998 municipality, or one public sector entity, such as a school  
 1999 district or other unit of local government in which the project  
 2000 is to be located, and at least one private not-for-profit or  
 2001 for-profit project partner. Partnerships are encouraged to  
 2002 include one or more private sector business or charitable  
 2003 entities and may be any form of business entity, including a  
 2004 joint venture or contractual agreement.

2005 (d) "Workforce housing," defined as housing affordable to  
 2006 natural persons or families whose total annual household income  
 2007 does not exceed 140 percent of the area median income, adjusted  
 2008 for household size, in prioritized areas included in this  
 2009 subsection, or 150 percent of the area median income, adjusted  
 2010 for household size, in areas of critical state concern or in  
 2011 areas that were designated as areas of critical state concern  
 2012 for at least 20 consecutive years prior to removal of the  
 2013 designation.

2014 (e) "Essential services personnel," defined as persons in  
 2015 need of affordable housing who are employed in areas in which  
 2016 they are considered essential services personnel, as defined by  
 2017 each county and eligible municipality within its local housing  
 2018 assistance plan pursuant to s. 420.9075(3)(a).

2019 (f) Innovative projects that include new construction or  
 2020 rehabilitation of existing housing, mixed-income housing, or  
 2021 commercial and housing mixed-use elements.

2022 (5) No more than one project shall be funded per county  
 2023 per year. The corporation shall seek to achieve a 70-percent  
 2024 high-cost, 30-percent high-growth ratio in its annual funding of  
 2025 projects. However, when one project in each of the high-cost and  
 2026 high-growth counties which have made application have been  
 2027 funded, the corporation may fund other projects as provided in  
 2028 this section.

2029 (6) (a) Projects shall receive priority consideration for  
 2030 funding where the local jurisdiction has allowed appropriate  
 2031 workforce housing incentives to promote the financial viability,  
 2032 successful development, and ongoing maintenance of these housing  
 2033 developments, such as:

2034 1. The processing of approvals of development orders or  
 2035 development permits, as defined in s. 163.3164(7) and (8), for  
 2036 affordable housing projects shall be expedited to a greater  
 2037 degree than other projects.

2038 2. Mitigation of impact fees by reduction, waiver, or an  
 2039 alternative method of fee payment by the local government in  
 2040 which the proposed project is to be located.

2041 3. Increased density levels, density bonuses for  
 2042 affordable housing of up to 16 units or higher density per acre  
 2043 shall be allowed, except in coastal high-hazard areas, if  
 2044 approved by the local government, for community workforce  
 2045 housing.

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2046 4. Reserving infrastructure capacity in the local  
2047 comprehensive plan for affordable housing shall be reserved for  
2048 these communities.

2049 5. Allowing additional affordable residential units,  
2050 including accessory units in residential zoning districts.

2051 6. Allow mixed land uses, such as compatible neighborhood  
2052 commercial centers and mixed-use planned unit developments.

2053 7. Reduction of open space, building setback requirements,  
2054 road widths, parking, and other requirements which are not  
2055 essential to protect the public health, safety, and welfare or  
2056 critical to protect the environment.

2057 8. Allowing zero-lot-line and other flexible lot  
2058 configurations.

2059 9. Traffic concurrency requirements shall be modified or  
2060 reduced by up to 25 percent.

2061 10. Local transportation infrastructure funding shall be  
2062 considered eligible for prioritization from metropolitan  
2063 planning organizations.

2064 (b) The regulatory incentives for approved Community  
2065 Workforce Housing Innovation Program projects shall be  
2066 considered acceptable by the respective local government  
2067 maintaining jurisdiction over the site of the project, if:

2068 1. The applicant receives a letter of support from the  
2069 local government for the project application submitted to the  
2070 corporation; or

2071 2. Within 60 days after receipt of the applicant's plan by  
2072 the local government, a vote of "no objection" regarding the  
2073 project is taken by that body. During the 60-day period, the

2074 local government and project applicant may agree to modify the  
 2075 project incentives and size of the development with approval  
 2076 from the corporation and still be eligible for project funding.

2077 (7) All eligible applications shall:

2078 (a) Set aside at least 80 percent of the units for  
 2079 workforce housing.

2080 (b) Set aside at least 50 percent of the units as  
 2081 prioritized for eligible persons who are employed as essential  
 2082 services personnel.

2083 (c) For rental projects, restrict rents for all workforce  
 2084 housing serving those with incomes up to 120 percent of area  
 2085 median income at the appropriate income level using the  
 2086 restricted rents for the federal low-income housing tax credit  
 2087 program and, for workforce housing units serving those with  
 2088 incomes up to 140 percent of area median income, restrict rents  
 2089 to those established by the corporation, not to exceed 40  
 2090 percent of the maximum household income adjusted to unit size.

2091 (d) For home ownership, limit the sales price of a  
 2092 detached unit, townhome, or condominium unit to not more than  
 2093 the median sales price for that type of unit in that county and  
 2094 require that all eligible purchasers of home ownership units  
 2095 occupy the homes as their primary residence.

2096 (e) Demonstrate that the program applicant consists of a  
 2097 public-private partnership of at least one local government or  
 2098 special district public sector entity and one private not-for-  
 2099 profit or for-profit partner.

2100 (f) Demonstrate how the applicant will use the regulatory  
 2101 incentives outlined in subsection (6) and include, if available,

2102 any letters of support for the incentives referenced in  
 2103 subparagraph (6)(b)1. from the local jurisdiction in which the  
 2104 proposed project is to be located.

2105 (g) Demonstrate that the applicant possesses title to or  
 2106 site control of land and evidences availability of required  
 2107 infrastructure.

2108 (h) Provide any research or facts available supporting the  
 2109 demand and need for rental or home ownership workforce housing  
 2110 for qualified workforce residents in the county in which the  
 2111 project is proposed.

2112 (i) Have grants, donations of land, or contributions from  
 2113 the public-private partnership or other sources collectively  
 2114 totaling at least 15 percent of the total development cost. Such  
 2115 grants, donations of land, or contributions must only be  
 2116 evidenced by a letter of commitment at the time of application.

2117 (j) Demonstrate accessibility to commercial businesses,  
 2118 services, and employment opportunities needed to serve the needs  
 2119 of the residents or include a viable plan to provide  
 2120 transportation access to those commercial businesses, services,  
 2121 and jobs.

2122 (k) Demonstrate a marketing and sales plan to ensure that  
 2123 residents fit the income requirements and workforce employment  
 2124 demand for essential services, as well as alternative strategies  
 2125 to sell or lease units to other qualified individuals if  
 2126 essential services personnel are not immediately available or  
 2127 qualified for the units.

2128 (l) Provide a development cost pro forma financial  
 2129 statement for the project.

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2130           (m) Demonstrate the applicant's affordable housing  
2131 development and management experience.

2132           (n) Demonstrate the long-term affordability of the rental  
2133 or homeownership units.

2134           (o) May include manufactured housing constructed after  
2135 June 1994 and installed in accordance with mobile home  
2136 installation standards of the Department of Highway and Motor  
2137 Vehicles. As part of its application, the public-private  
2138 partnership shall include local contributions or financial  
2139 strategies, such as:

2140           1. Promotion and support of employer-assisted housing  
2141 programs;

2142           2. Tax increment financing;

2143           3. Funding from local option taxes;

2144           4. Land for the development; or

2145           5. Financial assistance packages to homebuyers.

2146           (8) (a) The corporation shall establish a review committee  
2147 and shall establish a scoring system for evaluation and  
2148 competitive ranking of applications submitted to the program.  
2149 The ranking shall ensure an opportunity for a greater number of  
2150 high-cost, high-growth counties to receive project funding.

2151           (b) The corporation shall award loans with interest rates  
2152 set at 1 to 3 percent, which may be forgivable if the project  
2153 continues to meet the rental or ownership criteria outlined in  
2154 subsection (4). The corporation shall develop rules and  
2155 guidelines to set the terms of forgivability.

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2156           (9) The corporation may use a maximum of 2 percent of the  
 2157 annual appropriation per state fiscal year for administration  
 2158 and compliance monitoring.

2159           (10) The corporation shall develop and implement within  
 2160 the Community Workforce Housing Innovation Program a down-  
 2161 payment assistance program.

2162           (11) On an annual basis, the corporation shall review the  
 2163 success of the Community Workforce Housing Innovation Program to  
 2164 ascertain whether the projects produced by the program are  
 2165 useful in meeting the housing needs of high-cost and high-growth  
 2166 counties. The corporation shall submit any recommendations  
 2167 regarding the program to the Governor, the Speaker of the House  
 2168 of Representatives, and the President of the Senate not later  
 2169 than 2 months after the end of the corporation's fiscal year.

2170           Section 25. Subsection (25) of section 420.9071, Florida  
 2171 Statutes, is amended to read:

2172           420.9071 Definitions.--As used in ss. 420.907-420.9079,  
 2173 the term:

2174           (25) "Recaptured funds" means funds that are recouped by a  
 2175 county or eligible municipality in accordance with the recapture  
 2176 provisions of its local housing assistance plan pursuant to s.  
 2177 420.9075~~(5)~~~~(4)~~(g) from eligible persons or eligible sponsors who  
 2178 default on the terms of a grant award or loan award.

2179           Section 26. Subsection (2) of section 420.9072, Florida  
 2180 Statutes, is amended to read:

2181           420.9072 State Housing Initiatives Partnership  
 2182 Program.--The State Housing Initiatives Partnership Program is  
 2183 created for the purpose of providing funds to counties and

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2184 eligible municipalities as an incentive for the creation of  
 2185 local housing partnerships, to expand production of and preserve  
 2186 affordable housing, to further the housing element of the local  
 2187 government comprehensive plan specific to affordable housing,  
 2188 and to increase housing-related employment.

2189 (2) (a) To be eligible to receive funds under the program,  
 2190 a county or eligible municipality must:

2191 1. Submit to the corporation its local housing assistance  
 2192 plan describing the local housing assistance strategies  
 2193 established pursuant to s. 420.9075;

2194 2. Within 12 months after adopting the local housing  
 2195 assistance plan, amend the plan to incorporate the local housing  
 2196 incentive strategies defined in s. 420.9071(16) and described in  
 2197 s. 420.9076; and

2198 3. Within 24 months after adopting the amended local  
 2199 housing assistance plan to incorporate the local housing  
 2200 incentive strategies, amend its land development regulations or  
 2201 establish local policies and procedures, as necessary, to  
 2202 implement the local housing incentive strategies adopted by the  
 2203 local governing body. A county or an eligible municipality that  
 2204 has adopted a housing incentive strategy pursuant to s. 420.9076  
 2205 before the effective date of this act shall review the status of  
 2206 implementation of the plan according to its adopted schedule for  
 2207 implementation and report its findings in the annual report  
 2208 required by s. 420.9075 (10) ~~(9)~~. If as a result of the review, a  
 2209 county or an eligible municipality determines that the  
 2210 implementation is complete and in accordance with its schedule,  
 2211 no further action is necessary. If a county or an eligible

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2212 municipality determines that implementation according to its  
 2213 schedule is not complete, it must amend its land development  
 2214 regulations or establish local policies and procedures, as  
 2215 necessary, to implement the housing incentive plan within 12  
 2216 months after the effective date of this act, or if extenuating  
 2217 circumstances prevent implementation within 12 months, pursuant  
 2218 to s. 420.9075 (13) ~~(12)~~, enter into an extension agreement with  
 2219 the corporation.

2220 (b) A county or an eligible municipality seeking approval  
 2221 to receive its share of the local housing distribution must  
 2222 adopt an ordinance containing the following provisions:

2223 1. Creation of a local housing assistance trust fund as  
 2224 described in s. 420.9075 (6) ~~(5)~~.

2225 2. Adoption by resolution of a local housing assistance  
 2226 plan as defined in s. 420.9071(14) to be implemented through a  
 2227 local housing partnership as defined in s. 420.9071(18).

2228 3. Designation of the responsibility for the  
 2229 administration of the local housing assistance plan. Such  
 2230 ordinance may also provide for the contracting of all or part of  
 2231 the administrative or other functions of the program to a third  
 2232 person or entity.

2233 4. Creation of the affordable housing advisory committee  
 2234 as provided in s. 420.9076.

2235  
 2236 The ordinance must not take effect until at least 30 days after  
 2237 the date of formal adoption. Ordinances in effect prior to the  
 2238 effective date of amendments to this section shall be amended as  
 2239 needed to conform to new provisions.

2240 Section 27. Paragraphs (a) and (c) of present subsection  
 2241 (4) of section 420.9075, Florida Statutes, are amended,  
 2242 subsections (3) through (12) are renumbered as subsections (4)  
 2243 through (13), respectively, and a new subsection (3) is added to  
 2244 that section, to read:

2245 420.9075 Local housing assistance plans; partnerships.--

2246 (3) (a) Each local housing assistance plan shall include a  
 2247 definition of essential service personnel for the county or  
 2248 eligible municipality, including, but not limited to, teachers  
 2249 and educators, other school district, community college, and  
 2250 university employees, police and fire personnel, health care  
 2251 personnel, skilled building trades personnel, and other job  
 2252 categories.

2253 (b) Each county and each eligible municipality is  
 2254 encouraged to develop a strategy within its local housing  
 2255 assistance plan that emphasizes the recruitment and retention of  
 2256 essential service personnel and persons skilled in the building  
 2257 trades. The local government is encouraged to involve public and  
 2258 private sector employers. Compliance with the eligibility  
 2259 criteria established under this strategy shall be verified by  
 2260 the county or eligible municipality.

2261 (c) Each county and each eligible municipality is  
 2262 encouraged to develop a strategy within its local housing  
 2263 assistance plan that addresses the needs of persons who are  
 2264 deprived of affordable housing due to the closure of a mobile  
 2265 home park or the conversion of affordable rental units to  
 2266 condominiums.

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2267           ~~(5)~~~~(4)~~ The following criteria apply to awards made to  
2268 eligible sponsors or eligible persons for the purpose of  
2269 providing eligible housing:

2270           (a) At least 65 percent of the funds made available in  
2271 each county and eligible municipality from the local housing  
2272 distribution must be reserved for rehabilitation and  
2273 construction of home ownership units for eligible extremely-low-  
2274 income, low-income, or very-low-income persons.

2275           (c) The sales price or value of new or existing eligible  
2276 housing may not exceed 90 percent of the average area purchase  
2277 price in the statistical area in which the eligible housing is  
2278 located. Such average area purchase price may be that calculated  
2279 for any 12-month period beginning not earlier than the fourth  
2280 calendar year prior to the year in which the award occurs or as  
2281 otherwise established by the United States Department of the  
2282 Treasury.

2283  
2284 If both an award under the local housing assistance plan and  
2285 federal low-income housing tax credits are used to assist a  
2286 project and there is a conflict between the criteria prescribed  
2287 in this subsection and the requirements of s. 42 of the Internal  
2288 Revenue Code of 1986, as amended, the county or eligible  
2289 municipality may resolve the conflict by giving precedence to  
2290 the requirements of s. 42 of the Internal Revenue Code of 1986,  
2291 as amended, in lieu of following the criteria prescribed in this  
2292 subsection with the exception of paragraphs (a) and (d) of this  
2293 subsection.

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2294 Section 28. Subsection (6) of section 420.9076, Florida  
2295 Statutes, is amended to read:

2296 420.9076 Adoption of affordable housing incentive  
2297 strategies; committees.--

2298 (6) Within 90 days after the date of receipt of the local  
2299 housing incentive strategies recommendations from the advisory  
2300 committee, the governing body of the appointing local government  
2301 shall adopt an amendment to its local housing assistance plan to  
2302 incorporate the local housing incentive strategies it will  
2303 implement within its jurisdiction. The amendment must include,  
2304 at a minimum, the local housing incentive strategies specified  
2305 ~~as defined in paragraphs (4) (a) - (j) s. 420.9071(16).~~

2306 Section 29. Subsection (2) of section 420.9079, Florida  
2307 Statutes, is amended to read:

2308 420.9079 Local Government Housing Trust Fund.--

2309 (2) The corporation shall administer the fund exclusively  
2310 for the purpose of implementing the programs described in ss.  
2311 420.907-420.9078 and this section. With the exception of  
2312 monitoring the activities of counties and eligible  
2313 municipalities to determine local compliance with program  
2314 requirements, the corporation shall not receive appropriations  
2315 from the fund for administrative or personnel costs. For the  
2316 purpose of implementing the compliance monitoring provisions of  
2317 s. 420.9075 (9) (8), the corporation may request a maximum of one-  
2318 quarter of 1 percent of the annual appropriation \$200,000 per  
2319 state fiscal year. When such funding is appropriated, the  
2320 corporation shall deduct the amount appropriated prior to

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2321 calculating the local housing distribution pursuant to ss.  
2322 420.9072 and 420.9073.

2323 Section 30. Paragraph (c) of subsection (1) and paragraph  
2324 (e) of subsection (2) of section 624.5105, Florida Statutes, are  
2325 amended to read:

2326 624.5105 Community contribution tax credit; authorization;  
2327 limitations; eligibility and application requirements;  
2328 administration; definitions; expiration.--

2329 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

2330 (c) The total amount of tax credit which may be granted  
2331 for all programs approved under this section and ss.  
2332 212.08(5)(q) and 220.183 is \$10 ~~\$12~~ million annually for  
2333 projects that provide homeownership opportunities for extremely-  
2334 low-income persons, as defined in s. 420.0004(8), or low-income  
2335 or very-low-income persons, as defined in s. 420.9071(19) and  
2336 (28), and \$3 million annually for all other projects.

2337 (2) ELIGIBILITY REQUIREMENTS.--

2338 (e)1. ~~For the first 6 months of the fiscal year, the~~  
2339 ~~Office of Tourism, Trade, and Economic Development shall reserve~~  
2340 ~~80 percent of the first \$10 million in available annual tax~~  
2341 ~~credits, and 70 percent of any available annual tax credits in~~  
2342 ~~excess of \$10 million, for donations made to eligible sponsors~~  
2343 ~~for projects that provide homeownership opportunities for low-~~  
2344 ~~income or very low income households as defined in s.~~  
2345 ~~420.9071(19) and (28). If any such reserved annual tax credits~~  
2346 ~~remain after the first 6 months of the fiscal year, the office~~  
2347 ~~may approve the balance of these available credits for donations~~  
2348 ~~made to eligible sponsors for projects other than those that~~

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2349 ~~provide homeownership opportunities for low-income or very low-~~  
2350 ~~income households.~~

2351 ~~2. For the first 6 months of the fiscal year, the office~~  
2352 ~~shall reserve 20 percent of the first \$10 million in available~~  
2353 ~~annual tax credits, and 30 percent of any available annual tax~~  
2354 ~~credits in excess of \$10 million, for donations made to eligible~~  
2355 ~~sponsors for projects other than those that provide~~  
2356 ~~homeownership opportunities for low-income or very low-income~~  
2357 ~~households as defined in s. 420.9071(19) and (28). If any~~  
2358 ~~reserved annual tax credits remain after the first 6 months of~~  
2359 ~~the fiscal year, the office may approve the balance of these~~  
2360 ~~available credits for donations made to eligible sponsors for~~  
2361 ~~projects that provide homeownership opportunities for low income~~  
2362 ~~or very low-income households.~~

2363 ~~3.~~ If, during the first 10 business days of the state  
2364 fiscal year, eligible tax credit applications for projects that  
2365 provide homeownership opportunities for extremely-low-income  
2366 persons, as defined in s. 420.0004(8), or low-income or very-  
2367 low-income persons, as defined in s. 420.9071(19) and (28), are  
2368 received for less than the available annual tax credits  
2369 available for those projects reserved under subparagraph 1., the  
2370 office shall grant tax credits for those applications and shall  
2371 grant remaining tax credits on a first-come, first-served basis  
2372 for any subsequent eligible applications received before the end  
2373 of the ~~first 6 months of the state fiscal year.~~ If, during the  
2374 first 10 business days of the state fiscal year, eligible tax  
2375 credit applications for projects that provide homeownership  
2376 opportunities for extremely-low-income persons, as defined in s.

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

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2377 420.0004(8), or low-income or very-low-income persons, as  
 2378 defined in s. 420.9071(19) and (28), are received for more than  
 2379 the ~~available~~ annual tax credits available for those projects  
 2380 ~~reserved under subparagraph 1.~~, the office shall grant the tax  
 2381 credits for those ~~the~~ applications as follows:

2382 a. If tax credit applications submitted for approved  
 2383 projects of an eligible sponsor do not exceed \$200,000 in total,  
 2384 the credits shall be granted in full if the tax credit  
 2385 applications are approved, ~~subject to subparagraph 1.~~

2386 b. If tax credit applications submitted for approved  
 2387 projects of an eligible sponsor exceed \$200,000 in total, the  
 2388 amount of tax credits granted under sub-subparagraph a. shall be  
 2389 subtracted from the amount of available tax credits ~~under~~  
 2390 ~~subparagraph 1.~~, and the remaining credits shall be granted to  
 2391 each approved tax credit application on a pro rata basis.

2392 ~~e. If, after the first 6 months of the fiscal year,~~  
 2393 ~~additional credits become available under subparagraph 2., the~~  
 2394 ~~office shall grant the tax credits by first granting to those~~  
 2395 ~~who received a pro rata reduction up to the full amount of their~~  
 2396 ~~request and, if there are remaining credits, granting credits to~~  
 2397 ~~those who applied on or after the 11th business day of the state~~  
 2398 ~~fiscal year on a first come, first served basis.~~

2399 ~~2.4.~~ If, during the first 10 business days of the state  
 2400 fiscal year, eligible tax credit applications for projects other  
 2401 than those that provide homeownership opportunities for  
 2402 extremely-low-income persons, as defined in s. 420.0004(8), or  
 2403 low-income or very-low-income persons, as defined in s.  
 2404 420.9071(19) and (28,) are received for less than the available

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2405 | annual tax credits available for those projects reserved under  
 2406 | ~~subparagraph 2.~~, the office shall grant tax credits for those  
 2407 | applications and shall grant remaining tax credits on a first-  
 2408 | come, first-served basis for any subsequent eligible  
 2409 | applications received before the end of the ~~first 6 months of~~  
 2410 | ~~the~~ state fiscal year. If, during the first 10 business days of  
 2411 | the state fiscal year, eligible tax credit applications for  
 2412 | projects other than those that provide homeownership  
 2413 | opportunities for extremely-low-income persons, as defined in s.  
 2414 | 420.0004(8), or low-income or very-low-income persons, as  
 2415 | defined in s. 420.9071(19) and (28), are received for more than  
 2416 | the ~~available~~ annual tax credits available for those projects  
 2417 | ~~reserved under subparagraph 2.~~, the office shall grant the tax  
 2418 | credits for those ~~the~~ applications on a pro rata basis. ~~If,~~  
 2419 | ~~after the first 6 months of the fiscal year, additional credits~~  
 2420 | ~~become available under subparagraph 1., the office shall grant~~  
 2421 | ~~the tax credits by first granting to those who received a pro~~  
 2422 | ~~rata reduction up to the full amount of their request and, if~~  
 2423 | ~~there are remaining credits, granting credits to those who~~  
 2424 | ~~applied on or after the 11th business day of the state fiscal~~  
 2425 | ~~year on a first come, first served basis.~~

2426 | Section 31. Paragraph (b) of subsection (9) of section  
 2427 | 1001.42, Florida Statutes, is amended to read:

2428 | 1001.42 Powers and duties of district school board.--The  
 2429 | district school board, acting as a board, shall exercise all  
 2430 | powers and perform all duties listed below:

2431 | (9) SCHOOL PLANT.--Approve plans for locating, planning,  
 2432 | constructing, sanitating, insuring, maintaining, protecting, and

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2433 | condemning school property as prescribed in chapter 1013 and as  
2434 | follows:

2435 |       (b) Sites, buildings, and equipment.--

2436 |       1. Select and purchase school sites, playgrounds, and  
2437 | recreational areas located at centers at which schools are to be  
2438 | constructed, of adequate size to meet the needs of projected  
2439 | students to be accommodated.

2440 |       2. Approve the proposed purchase of any site, playground,  
2441 | or recreational area for which district funds are to be used.

2442 |       3. Expand existing sites.

2443 |       4. Rent buildings when necessary.

2444 |       5. Enter into leases or lease-purchase arrangements, in  
2445 | accordance with the requirements and conditions provided in s.  
2446 | 1013.15(2), with private individuals or corporations for the  
2447 | rental of necessary grounds and educational facilities for  
2448 | school purposes or of educational facilities to be erected for  
2449 | school purposes. Current or other funds authorized by law may be  
2450 | used to make payments under a lease-purchase agreement.

2451 | Notwithstanding any other statutes, if the rental is to be paid  
2452 | from funds received from ad valorem taxation and the agreement  
2453 | is for a period greater than 12 months, an approving referendum  
2454 | must be held. The provisions of such contracts, including  
2455 | building plans, shall be subject to approval by the Department  
2456 | of Education, and no such contract shall be entered into without  
2457 | such approval. As used in this section, "educational facilities"  
2458 | means the buildings and equipment that are built, installed, or  
2459 | established to serve educational purposes and that may lawfully

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2460 | be used. The State Board of Education may adopt such rules as  
2461 | are necessary to implement these provisions.

2462 |         6. Provide for the proper supervision of construction.

2463 |         7. Make or contract for additions, alterations, and  
2464 | repairs on buildings and other school properties.

2465 |         8. Ensure that all plans and specifications for buildings  
2466 | provide adequately for the safety and well-being of students, as  
2467 | well as for economy of construction.

2468 |         9. Make certain school board lands, acquired prior to  
2469 | January 1, 2006, available to a private developer or nonprofit  
2470 | housing organization for the purpose of providing teachers and  
2471 | other instructional personnel housing assistance. Teachers and  
2472 | other instructional personnel must be eligible for assistance  
2473 | under chapter 420, and the school board must declare the land  
2474 | surplus and not needed for any facility identified in the  
2475 | district facilities work program required under s. 1013.35.

2476 |         Section 32. Subsection (12) of section 1001.43, Florida  
2477 | Statutes, is renumbered as subsection (13), and a new subsection  
2478 | (12) is added to that section to read:

2479 |         1001.43 Supplemental powers and duties of district school  
2480 | board.--The district school board may exercise the following  
2481 | supplemental powers and duties as authorized by this code or  
2482 | State Board of Education rule.

2483 |         (12) AFFORDABLE HOUSING.--The district school board may  
2484 | provide affordable housing for teachers and other instructional  
2485 | personnel independently or in conjunction with other agencies as  
2486 | described in subsection (5).

2487           Section 33. Affordable housing land donation density bonus  
2488 incentives.--

2489           (1) A local government may provide density bonus  
2490 incentives pursuant to the provisions of this section to any  
2491 landowner who voluntarily donates fee simple interest in real  
2492 property to the local government for the purpose of assisting  
2493 the local government in providing affordable housing. Donated  
2494 real property must be determined by the local government to be  
2495 appropriate for use as affordable housing and must be subject to  
2496 deed restrictions to ensure that the property will be used for  
2497 the stated purpose of affordable housing.

2498           (2) For purposes of this section, the terms "affordable,"  
2499 "extremely-low-income persons," "low-income persons," "moderate-  
2500 income persons," and "very-low-income persons," have the same  
2501 meaning as in section 420.0004, Florida Statutes.

2502           (3) The density bonus may be provided by the local  
2503 government at the rate of one to four dwelling units per gross  
2504 acre of donated land, as determined by the local government. The  
2505 density bonus may be applied to any land within the local  
2506 government's jurisdiction provided that residential is an  
2507 allowable use on the receiving land and that the overall density  
2508 of the receiving land does not exceed six dwelling units per  
2509 gross acre.

2510           (4) The density bonus, identification of receiving land  
2511 for the bonus, and any other conditions associated with the  
2512 donation of the land for affordable housing are the subject of  
2513 review and approval by the local government. The award of  
2514 density bonus pursuant to this section, the legal description of

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2515 the land receiving the bonus, and any other conditions  
2516 associated with the bonus shall be memorialized in a development  
2517 agreement or other binding agreement and recorded with the clerk  
2518 of court in the county where the donated land and receiving land  
2519 are located.

2520 (5) The local government, as part of the approval process,  
2521 shall adopt a comprehensive plan amendment, pursuant to part II  
2522 of chapter 163, Florida Statutes, for the receiving land that  
2523 incorporates the density bonus. Such amendment shall be adopted  
2524 in the manner as required for small scale amendments pursuant to  
2525 section 163.3187, Florida Statutes, is not subject to the  
2526 requirements of s. 163.3184(3)-(6), Florida Statutes, and is  
2527 exempt from the limitation on the frequency of plan amendments  
2528 as provided in s. 163.3187, Florida Statutes.

2529 (6) The deed restrictions required pursuant to subsection  
2530 (1) for an affordable housing unit must also prohibit the unit  
2531 from being sold at a price that exceeds the threshold for  
2532 housing that is affordable for low-income or moderate-income  
2533 persons or to a buyer who is not eligible due to his or her  
2534 income under chapter 420, Florida Statutes. The deed restriction  
2535 may allow affordable housing units created under subsection (1)  
2536 to be rented to extremely-low-income, very-low-income, low-  
2537 income, or moderate-income persons.

2538 (7) The local government may transfer all or a portion of  
2539 the donated land to a nonprofit housing organization, such as a  
2540 community land trust, housing authority, or community  
2541 redevelopment agency, to be used for the production and  
2542 preservation of permanently affordable housing.

2543           Section 34. The Department of Community Affairs shall  
2544 establish the Home Retrofit Hardening Program. The program is a  
2545 competitive grant program to fund improvements to homes  
2546 constructed before the implementation of the current Florida  
2547 Building Code when the improvements will directly affect the  
2548 ability of the home to withstand hurricane force winds and  
2549 improve the home's rating for home insurance. Site-built and  
2550 mobile homes are eligible for funding under this program.  
2551 However, priority shall be given to low-income homeowners, as  
2552 defined in s. 420.004(10), Florida Statutes, who live in wind-  
2553 borne debris regions as defined in the Florida Building Code.

2554           (1) The program shall be administered by local  
2555 governments, regional planning councils, or private nonprofit  
2556 agencies under the overall direction of the department. When  
2557 awarding program funds, the department shall be guided by:

2558           (a) The number of homes in need of improvement.

2559           (b) The number of homes located within the wind-borne  
2560 debris region.

2561           (c) The number of persons who will benefit from the  
2562 improvements.

2563           (d) The number of extremely-low-income and low-income  
2564 households that will benefit from the improvements.

2565           (e) The costs per home to provide improvements.

2566           (2) Funds may be used for the following improvements  
2567 installed in compliance with Blueprint for Safety standards:

2568           (a) Roof deck attachments.

2569           (b) Secondary water barriers.

2570           (c) Roof coverings.

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- 2571        (d) Brace gable ends.
- 2572        (e) Reinforcement of roof-to-wall connections.
- 2573        (f) Opening protection.
- 2574        (g) Exterior doors.
- 2575        (3) Each project grant for an individual home retrofit may  
2576 not exceed \$10,000.
- 2577        (4) Administrative costs shall be kept to a minimum.
- 2578        (5) Grantees are encouraged to leverage grant funds  
2579 available under this program with other available funds.  
2580 Matching funds for a project is not a requirement. However,  
2581 matching funds from other available sources may be considered by  
2582 the department in the competitive-review process.
- 2583        (6) The sum of \$50 million is appropriated from the U.S.  
2584 Contributions Trust Fund to the Department of Community Affairs  
2585 in fixed capital outlay for the Home Retrofit Hardening Program.  
2586 No more than 5 percent of the funds provided under this section  
2587 may be used by the department for administration of this  
2588 funding.
- 2589        Section 35. The Department of Community Affairs shall  
2590 establish the Disaster Recovery Assistance Program which shall  
2591 be a grant program to fund repairs and rehabilitation to homes  
2592 in communities severely impacted by the 2004 and 2005  
2593 hurricanes. These funds shall be leveraged with other program  
2594 funds targeted to the most vulnerable citizens of the state. The  
2595 sum of \$2 million is appropriated in fixed capital outlay from  
2596 the State Housing Trust Fund in the Department of Community  
2597 Affairs for the Disaster Recovery Assistance Program. For the  
2598 purposes of implementing this section, the Florida Housing

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2599 Finance Corporation is provided nonoperating budget authority to  
2600 transfer \$2 million from the State Housing Trust Fund to the  
2601 Department of Community Affairs.

2602       Section 36. The Florida Housing Finance Corporation is  
2603 authorized to provide funds to eligible entities for affordable  
2604 housing recovery in those areas of the state which sustained  
2605 housing damage due to hurricanes during 2004 and 2005. The  
2606 Florida Housing Finance Corporation shall utilize data provided  
2607 by the Federal Emergency Management Agency to assist in its  
2608 allocation of funds to local jurisdictions. To administer these  
2609 programs, the Florida Housing Finance Corporation should be  
2610 guided by the "Hurricane Housing Work Group Recommendations to  
2611 Assist in Florida's Long Term Housing Recovery Efforts," report  
2612 dated February 16, 2005, and may adopt emergency rules pursuant  
2613 to s. 120.54, Florida Statutes. The Legislature finds that  
2614 emergency rules adopted pursuant to this section meet the  
2615 health, safety, and welfare requirement of s. 120.54(4), Florida  
2616 Statutes. The Legislature finds that such emergency rulemaking  
2617 power is necessary for the preservation of the rights and  
2618 welfare of the people in order to provide additional funds to  
2619 assist those areas of the state which sustained housing damage  
2620 due to hurricanes during 2004 and 2005. Therefore, in adopting  
2621 such emergency rules, the corporation need not make the findings  
2622 required by s. 120.54(4)(a), Florida Statutes. Emergency rules  
2623 adopted under this section are exempt from s. 120.54(4)(c),  
2624 Florida Statutes. The sum of \$15 million is appropriated from  
2625 the Local Government Housing Trust Fund to the Florida Housing  
2626 Finance Corporation for the Hurricane Housing Recovery Program.

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

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2627 There is appropriated from the State Housing Trust Fund to the  
 2628 Florida Housing Finance Corporation the sum of \$25 million for  
 2629 the Farmworker Housing Recovery Program and the Special Housing  
 2630 Assistance and Development Program, the sum of \$400,000 for  
 2631 technical and training assistance, and the sum of \$176.6 million  
 2632 for the Rental Recovery Loan Program.

2633 Section 37. The sum of \$82,904,000 is appropriated from  
 2634 the Florida Small Cities Community Development Block Grant  
 2635 Program Fund to the Department of Community Affairs. These funds  
 2636 shall be used consistent with the Federal Register, Vol. 71, No.  
 2637 29, February 13, 2006, Docket No. FR-5051-N-01 and the Action  
 2638 Plan for Disaster Recovery approved by the United States  
 2639 Department of Housing and Urban Development to meet the needs of  
 2640 communities impacted by Hurricanes Wilma and Katrina, with a  
 2641 prioritization toward affordable housing in the most impacted  
 2642 areas of the state.

2643 Section 38. The sum of \$50 million is appropriated from  
 2644 the Local Government Housing Trust Fund to the Florida Housing  
 2645 Finance Corporation for fiscal year 2006-2007 to implement the  
 2646 Community Workforce Housing Innovation Program created in s.  
 2647 420.5095, Florida Statutes.

2648 Section 39. The sum of \$33 million is appropriated from  
 2649 the Local Government Housing Trust Fund to the Florida Housing  
 2650 Finance Corporation for fiscal year 2006-2007 to assist in the  
 2651 production of housing units for extremely-low-income persons as  
 2652 defined in s. 420.0004(8), Florida Statutes.

2653 Section 40. Except as otherwise expressly provided in this  
 2654 act, this act shall take effect July 1, 2006.