

CHAMBER ACTION

1 The State Infrastructure 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; creating s.
21 193.018, F.S.; creating the Manny Diaz Affordable Housing
22 Property Tax Relief Initiative; providing criteria for
23 assessing just valuation of affordable housing properties

24 | serving persons of low, moderate, very-low, and extremely-
25 | low incomes; amending s. 196.1978, F.S.; specifying what
26 | constitutes a nonprofit entity for purposes of affordable
27 | housing property tax exemption; conforming cross-
28 | references; amending ss. 212.08, 220.183, and 624.5105,
29 | F.S.; increasing the amount of available tax credits
30 | against the sales tax, corporate income tax, and insurance
31 | premium tax, respectively, for projects under the
32 | community contribution tax credit program and providing
33 | separate annual limitations for certain projects; revising
34 | requirements and procedures for the Office of Tourism,
35 | Trade, and Economic Development in granting tax credits
36 | under the program; including extremely-low-income persons
37 | as eligible recipients of assistance; conforming cross-
38 | references; amending s. 253.034, F.S.; providing for the
39 | disposition of state lands for affordable housing;
40 | amending s. 253.0341, F.S.; authorizing local governments
41 | to request state lands be declared surplus for the purpose
42 | of affordable housing; providing for use of lands that are
43 | declared surplus; amending s. 295.16, F.S.; expanding the
44 | disabled veteran exemption from certain license and permit
45 | fees relating to dwelling improvements; amending s.
46 | 376.30781, F.S.; providing tax credits for eligible
47 | applicants; amending s. 380.06, F.S.; providing a greater
48 | substantial deviation threshold for the provision of
49 | affordable housing in a development of regional impact;
50 | conforming cross-references; amending s. 380.0651, F.S.;
51 | providing a statewide guidelines and standards bonus for

52 | the provision of workforce housing; amending s. 420.0004,
53 | F.S.; defining the term "extremely-low-income persons";
54 | conforming cross-references; repealing s. 420.37, F.S.,
55 | relating to additional powers of the Florida Housing
56 | Finance Corporation; repealing s. 420.530, F.S., relating
57 | to the State Farm Worker Housing Pilot Loan Program;
58 | amending s. 420.503, F.S.; revising the definition of the
59 | term "farmworker" under the Florida Housing Finance
60 | Corporation Act; providing rulemaking authority; amending
61 | s. 420.5061, F.S.; conforming a cross-reference; amending
62 | s. 420.507, F.S.; revising and expanding the powers of the
63 | Florida Housing Finance Corporation relating to mortgage
64 | loan interest rates, loans, loan relief, uses of loan
65 | funds, subsidiary business entities, and data reporting;
66 | providing rulemaking authority; amending s. 420.5087,
67 | F.S.; increasing the population criteria for the State
68 | Apartment Incentive Loan Program; revising criteria for
69 | loans; conforming cross-references; amending s. 420.5088,
70 | F.S.; expanding the scope of the Florida Homeownership
71 | Assistance Program; revising loan requirements; deleting a
72 | provision reserving program funds for certain borrowers;
73 | amending s. 420.9071, F.S.; conforming a cross-reference;
74 | amending s. 420.9072, F.S.; conforming cross-references;
75 | amending s. 420.9075, F.S.; requiring local housing
76 | assistance plans to define essential service personnel for
77 | the county or eligible municipality and to contain a
78 | strategy for the recruitment and retention of such
79 | personnel; providing for provision of funds for

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80 | homeownership for extremely-low-income, very-low-income,
81 | or low-income persons; amending s. 420.9076, F.S.;
82 | conforming a cross-reference; amending s. 420.9079, F.S.;
83 | revising the maximum appropriation the Florida Housing
84 | Finance Corporation may request each state fiscal year;
85 | conforming a cross-reference; amending s. 1001.43, F.S.;
86 | authorizing district school boards to provide affordable
87 | housing for teachers and other instructional personnel;
88 | amending s. 1013.64, F.S.; prohibiting the use of PECO
89 | funds for the construction of affordable housing;
90 | authorizing school districts to use local and other funds
91 | to fund the construction of affordable housing; creating
92 | the Community Workforce Housing Innovation Pilot Program;
93 | provides legislative findings; providing definitions;
94 | providing the Florida Housing Finance Corporation with
95 | certain powers and responsibilities relating to the
96 | program; requiring the program to target certain entities;
97 | providing application requirements; providing incentives
98 | for program applicants; providing rulemaking authority;
99 | requires a report to the Governor and Legislature;
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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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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 July 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 that is appropriate for use as affordable housing. The
 128 | inventory list must include the address and legal description of
 129 | each such real property and specify whether the property is
 130 | vacant or improved. The governing body of the county must review
 131 | the inventory list at a public hearing and may revise it at the
 132 | conclusion of the public hearing. The governing body of the
 133 | county shall adopt a resolution that includes an inventory list
 134 | of such property following the public hearing.

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135 (2) The properties identified as appropriate for use as
136 affordable housing on the inventory list adopted by the county
137 may be offered for sale and the proceeds used to purchase land
138 for the development of affordable housing or to increase the
139 local government fund earmarked for affordable housing, or may
140 be sold with a restriction that requires the development of the
141 property as permanent affordable housing, or may be donated to a
142 nonprofit housing organization for the construction of permanent
143 affordable housing. Alternatively, the county may otherwise make
144 the property available for use for the production and
145 preservation of permanent affordable housing. For purposes of
146 this section, the term "affordable" has the same meaning as in
147 s. 420.0004(3).

148 Section 2. Subsections (1) and (4) and paragraphs (b),
149 (d), (e), and (f) of subsection (2) of section 163.31771,
150 Florida Statutes, are amended, and paragraph (g) is added to
151 subsection (2) of that section, to read:

152 163.31771 Accessory dwelling units.--

153 (1) The Legislature finds that the median price of homes
154 in this state has increased steadily over the last decade and at
155 a greater rate of increase than the median income in many urban
156 areas. The Legislature finds that the cost of rental housing has
157 also increased steadily and the cost often exceeds an amount
158 that is affordable to extremely-low-income, very-low-income,
159 low-income, or moderate-income persons and has resulted in a
160 critical shortage of affordable rentals in many urban areas in
161 the state. This shortage of affordable rentals constitutes a
162 threat to the health, safety, and welfare of the residents of

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163 the state. Therefore, the Legislature finds that it serves an
164 important public purpose to encourage the permitting of
165 accessory dwelling units in single-family residential areas in
166 order to increase the availability of affordable rentals for
167 extremely-low-income, very-low-income, low-income, or moderate-
168 income persons.

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

170 (b) "Affordable rental" means that monthly rent and
171 utilities do not exceed 30 percent of that amount which
172 represents the percentage of the median adjusted gross annual
173 income for extremely-low-income, very-low-income, low-income, or
174 moderate-income persons.

175 (d) "Low-income persons" has the same meaning as in s.
176 420.0004 (10) ~~(9)~~.

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

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

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

183 (4) If the local government adopts an ordinance under this
184 section, an application for a building permit to construct an
185 accessory dwelling unit must include an affidavit from the
186 applicant which attests that the unit will be rented at an
187 affordable rate to an extremely-low-income, a very-low-income,
188 low-income, or moderate-income person or persons.

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

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191 163.3187 Amendment of adopted comprehensive plan.--
 192 (1) Amendments to comprehensive plans adopted pursuant to
 193 this part may be made not more than two times during any
 194 calendar year, except:
 195 (c) Any local government comprehensive plan amendments
 196 directly related to proposed small scale development activities
 197 may be approved without regard to statutory limits on the
 198 frequency of consideration of amendments to the local
 199 comprehensive plan. A small scale development amendment may be
 200 adopted only under the following conditions:
 201 1. The proposed amendment involves a use of 10 acres or
 202 fewer and:
 203 a. The cumulative annual effect of the acreage for all
 204 small scale development amendments adopted by the local
 205 government shall not exceed:
 206 (I) A maximum of 120 acres in a local government that
 207 contains areas specifically designated in the local
 208 comprehensive plan for urban infill, urban redevelopment, or
 209 downtown revitalization as defined in s. 163.3164, urban infill
 210 and redevelopment areas designated under s. 163.2517,
 211 transportation concurrency exception areas approved pursuant to
 212 s. 163.3180(5), or regional activity centers and urban central
 213 business districts approved pursuant to s. 380.06(2)(e);
 214 however, amendments under this paragraph may be applied to no
 215 more than 60 acres annually of property outside the designated
 216 areas listed in this sub-sub-subparagraph. Amendments adopted
 217 pursuant to paragraph (k) shall not be counted toward the

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218 acreage limitations for small scale amendments under this
219 paragraph.

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

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

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

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

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

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

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246 | where the amendment is located and shall not become effective
247 | until a final order is issued under s. 380.05(6).

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

270 | 2.a. A local government that proposes to consider a plan
271 | amendment pursuant to this paragraph is not required to comply
272 | with the procedures and public notice requirements of s.
273 | 163.3184(15)(c) for such plan amendments if the local government

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

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

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

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

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302 requirements and federal, state, and local environmental permit
303 requirements are met.

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

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

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

320 (2) The properties identified as appropriate for use as
321 affordable housing on the inventory list adopted by the
322 municipality may be offered for sale and the proceeds may be
323 used to purchase land for the development of affordable housing
324 or to increase the local government fund earmarked for
325 affordable housing, or may be sold with a restriction that
326 requires the development of the property as permanent affordable
327 housing, or may be donated to a nonprofit housing organization
328 for the construction of permanent affordable housing.
329 Alternatively, the municipality may otherwise make the property

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330 available for use for the production and preservation of
331 permanent affordable housing. For purposes of this section, the
332 term "affordable" has the same meaning as in s. 420.0004(3).

333 Section 5. Subsections (6) and (7) are added to section
334 189.4155, Florida Statutes, to read:

335 189.4155 Activities of special districts; local government
336 comprehensive planning.--

337 (6) Any independent special district created pursuant to
338 chapter 190 is authorized to provide housing and housing
339 assistance for persons whose total annual household income does
340 not exceed 140 percent of the area median income, adjusted for
341 family size.

342 (7) Any independent special district created pursuant to
343 special act or general law, including, but not limited to, this
344 chapter and chapter 298, for the purpose of providing urban
345 infrastructure or services is authorized to provide housing and
346 housing assistance for its employed personnel whose total annual
347 household income does not exceed 140 percent of the area median
348 income, adjusted for family size.

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

351 191.006 General powers.--The district shall have, and the
352 board may exercise by majority vote, the following powers:

353 (19) To provide housing and housing assistance for its
354 employed personnel whose total annual household income does not
355 exceed 140 percent of the area median income, adjusted for
356 family size.

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357 Section 7. Section 193.018, Florida Statutes, is created
358 to read:

359 193.018 The Manny Diaz Affordable Housing Property Tax
360 Relief Initiative.--For the purpose of assessing just valuation
361 of affordable housing properties serving persons with income
362 limits defined as extremely-low, low, moderate, and very-low, as
363 specified in s. 420.0004(8), (10), (11), and (15), the actual
364 rental income from rent-restricted units in such a property
365 shall be recognized by the property appraiser for assessment
366 purposes, and a rental income approach pursuant to s. 193.011(7)
367 shall be used for assessment of the rents for the following
368 affordable housing properties:

369 (1) Property that is funded by the United States
370 Department of Housing and Urban Development under s. 8 of the
371 United States Housing Act of 1937 that is used to provide
372 affordable housing serving eligible persons as defined by s.
373 159.603(7) and elderly persons, extremely-low-income persons,
374 and very-low-income persons as defined by s. 420.0004(7), (8),
375 and (15) and that has undergone financial restructuring as
376 provided in s. 501, Title V, Subtitle A of the Multifamily
377 Assisted Housing Reform and Affordability Act of 1997;

378 (2) Multifamily, farmworker, or elderly rental properties
379 that are funded by the Florida Housing Finance Corporation under
380 ss. 420.5087 and 420.5089 and the State Housing Initiatives
381 Partnership Program under ss. 420.9072 and 420.9075, s. 42 of
382 the Internal Revenue Code, 26 U.S.C. s. 42; the HOME Investment
383 Partnership Program under the Cranston-Gonzalez National
384 Affordable Housing Act, 42 U.S.C. ss. 12741 et seq.; or the

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385 Federal Home Loan Banks' Affordable Housing Program established
 386 pursuant to the Financial Institutions Reform, Recovery and
 387 Enforcement Act of 1989, Pub. L. No. 101-73; or

388 (3) Multifamily residential rental properties of 10 or
 389 more units that are deed restricted as affordable housing and
 390 certified by the local housing agency as having at least 95
 391 percent of its units providing affordable housing to extremely-
 392 low-income persons, very-low-income persons, low-income persons,
 393 and moderate-income persons as defined by s. 420.0004(8), (15),
 394 (10), and (11).

395 Section 8. Section 196.1978, Florida Statutes, is amended
 396 to read:

397 196.1978 Affordable housing property exemption.--

398 (1) Property used to provide affordable housing serving
 399 eligible persons as defined by s. 159.603(7) and persons meeting
 400 income limits specified in s. 420.0004(8), ~~(10)(9)~~, ~~(11)(10)~~,
 401 and ~~(15)(14)~~, which property is owned entirely by a nonprofit
 402 entity which is qualified as charitable under s. 501(c)(3) of
 403 the Internal Revenue Code and which complies with Rev. Proc. 96-
 404 32, 1996-1 C.B. 717, shall be considered property owned by an
 405 exempt entity and used for a charitable purpose, and those
 406 portions of the affordable housing property which provide
 407 housing to individuals with incomes as defined in s.
 408 420.0004~~(10)(9)~~ and ~~(15)(14)~~ shall be exempt from ad valorem
 409 taxation to the extent authorized in s. 196.196.

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

412 (a) A corporation not for profit; or

413 (b) A Florida limited partnership the sole general partner
 414 of which is either a corporation not for profit or a Florida
 415 limited liability company or corporation the sole member or
 416 shareholder, respectively, of which is a corporation not for
 417 profit.

418 (3) All property owned by a nonprofit entity identified in
 419 this section shall comply with the criteria for determination of
 420 exempt status to be applied by property appraisers on an annual
 421 basis as defined in s. 196.195. In order to qualify for exempt
 422 status, the nonprofit entity must affirmatively demonstrate to
 423 the property appraiser that no part of the subject property, or
 424 the sale, lease, or other disposition of the assets of the
 425 property, will inure to the benefit of its member, officers,
 426 limited liability partners, or any person or firm operating for
 427 profit or for a nonexempt purpose. The Legislature intends that
 428 any property owned by a limited liability company which is
 429 disregarded as an entity for federal income tax purposes
 430 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be
 431 treated as owned by its sole member.

432 Section 9. Paragraphs (o) and (q) of subsection (5) of
 433 section 212.08, Florida Statutes, are amended to read:

434 212.08 Sales, rental, use, consumption, distribution, and
 435 storage tax; specified exemptions.--The sale at retail, the
 436 rental, the use, the consumption, the distribution, and the
 437 storage to be used or consumed in this state of the following
 438 are hereby specifically exempt from the tax imposed by this
 439 chapter.

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

441 (o) Building materials in redevelopment projects.--
 442 1. As used in this paragraph, the term:
 443 a. "Building materials" means tangible personal property
 444 that becomes a component part of a housing project or a mixed-
 445 use project.
 446 b. "Housing project" means the conversion of an existing
 447 manufacturing or industrial building to housing units in an
 448 urban high-crime area, enterprise zone, empowerment zone, Front
 449 Porch Community, designated brownfield area, or urban infill
 450 area and in which the developer agrees to set aside at least 20
 451 percent of the housing units in the project for extremely-low-
 452 income, low-income, and moderate-income persons or the
 453 construction in a designated brownfield area of affordable
 454 housing for persons described in s. 420.0004 (8) ~~(9)~~, (11) ~~(10)~~, or
 455 (15) ~~(14)~~, or in s. 159.603(7).
 456 c. "Mixed-use project" means the conversion of an existing
 457 manufacturing or industrial building to mixed-use units that
 458 include artists' studios, art and entertainment services, or
 459 other compatible uses. A mixed-use project must be located in an
 460 urban high-crime area, enterprise zone, empowerment zone, Front
 461 Porch Community, designated brownfield area, or urban infill
 462 area, and the developer must agree to set aside at least 20
 463 percent of the square footage of the project for low-income and
 464 moderate-income housing.
 465 d. "Substantially completed" has the same meaning as
 466 provided in s. 192.042(1).
 467 2. Building materials used in the construction of a
 468 housing project or mixed-use project are exempt from the tax

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469 | imposed by this chapter upon an affirmative showing to the
470 | satisfaction of the department that the requirements of this
471 | paragraph have been met. This exemption inures to the owner
472 | through a refund of previously paid taxes. To receive this
473 | refund, the owner must file an application under oath with the
474 | department which includes:

475 | a. The name and address of the owner.

476 | b. The address and assessment roll parcel number of the
477 | project for which a refund is sought.

478 | c. A copy of the building permit issued for the project.

479 | d. A certification by the local building code inspector
480 | that the project is substantially completed.

481 | e. A sworn statement, under penalty of perjury, from the
482 | general contractor licensed in this state with whom the owner
483 | contracted to construct the project, which statement lists the
484 | building materials used in the construction of the project and
485 | the actual cost thereof, and the amount of sales tax paid on
486 | these materials. If a general contractor was not used, the owner
487 | shall provide this information in a sworn statement, under
488 | penalty of perjury. Copies of invoices evidencing payment of
489 | sales tax must be attached to the sworn statement.

490 | 3. An application for a refund under this paragraph must
491 | be submitted to the department within 6 months after the date
492 | the project is deemed to be substantially completed by the local
493 | building code inspector. Within 30 working days after receipt of
494 | the application, the department shall determine if it meets the
495 | requirements of this paragraph. A refund approved pursuant to
496 | this paragraph shall be made within 30 days after formal

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497 approval of the application by the department. The provisions of
498 s. 212.095 do not apply to any refund application made under
499 this paragraph.

500 4. The department shall establish by rule an application
501 form and criteria for establishing eligibility for exemption
502 under this paragraph.

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

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

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

511 a. The credit shall be computed as 50 percent of the
512 person's approved annual community contribution.‡

513 b. The credit shall be granted as a refund against state
514 sales and use taxes reported on returns and remitted in the 12
515 months preceding the date of application to the department for
516 the credit as required in sub-subparagraph 3.c. If the annual
517 credit is not fully used through such refund because of
518 insufficient tax payments during the applicable 12-month period,
519 the unused amount may be included in an application for a refund
520 made pursuant to sub-subparagraph 3.c. in subsequent years
521 against the total tax payments made for such year. Carryover
522 credits may be applied for a 3-year period without regard to any
523 time limitation that would otherwise apply under s. 215.26.‡

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

527 d. All proposals for the granting of the tax credit
528 require the prior approval of the Office of Tourism, Trade, and
529 Economic Development.~~†~~

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

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

540 2. Eligibility requirements.--

541 a. A community contribution by a person must be in the
542 following form:

543 (I) Cash or other liquid assets;

544 (II) Real property;

545 (III) Goods or inventory; or

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

548 b. All community contributions must be reserved
549 exclusively for use in a project. As used in this sub-
550 subparagraph, the term "project" means any activity undertaken
551 by an eligible sponsor which is designed to construct, improve,

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552 or substantially rehabilitate housing that is affordable to
553 extremely-low-income persons, as defined in s. 420.0004(8), or
554 low-income or very-low-income households, as defined in s.
555 420.9071(19) and (28); designed to provide commercial,
556 industrial, or public resources and facilities; or designed to
557 improve entrepreneurial and job-development opportunities for
558 low-income persons. A project may be the investment necessary to
559 increase access to high-speed broadband capability in rural
560 communities with enterprise zones, including projects that
561 result in improvements to communications assets that are owned
562 by a business. A project may include the provision of museum
563 educational programs and materials that are directly related to
564 any project approved between January 1, 1996, and December 31,
565 1999, and located in an enterprise zone designated pursuant to
566 s. 290.0065. This paragraph does not preclude projects that
567 propose to construct or rehabilitate housing for extremely-low-
568 income, low-income or very-low-income households on scattered
569 sites. With respect to housing, contributions may be used to pay
570 the following eligible extremely-low-income, low-income and
571 very-low-income housing-related activities:

572 (I) Project development impact and management fees for
573 extremely-low-income, low-income, or very-low-income housing
574 projects;

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

577 (III) Administrative costs, including housing counseling
578 and marketing fees, not to exceed 10 percent of the community

579 contribution, directly related to extremely-low-income, low-
580 income, or very-low-income projects; and

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

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

590 (I) A community action program;

591 (II) A nonprofit community-based development organization
592 whose mission is the provision of housing for extremely-low-
593 income, low-income, or very-low-income households or increasing
594 entrepreneurial and job-development opportunities for low-income
595 persons;

596 (III) A neighborhood housing services corporation;

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

598 (V) A community redevelopment agency created under s.
599 163.356;

600 (VI) The Florida Industrial Development Corporation;

601 (VII) A historic preservation district agency or
602 organization;

603 (VIII) A regional workforce board;

604 (IX) A direct-support organization as provided in s.
605 1009.983;

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606 (X) An enterprise zone development agency created under s.
607 290.0056;

608 (XI) A community-based organization incorporated under
609 chapter 617 which is recognized as educational, charitable, or
610 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
611 and whose bylaws and articles of incorporation include
612 affordable housing, economic development, or community
613 development as the primary mission of the corporation;

614 (XII) Units of local government;

615 (XIII) Units of state government; or

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

618

619 In no event may a contributing person have a financial interest
620 in the eligible sponsor.

621 d. The project must be located in an area designated an
622 enterprise zone or a Front Porch Florida Community pursuant to
623 s. 20.18(6), unless the project increases access to high-speed
624 broadband capability for rural communities with enterprise zones
625 but is physically located outside the designated rural zone
626 boundaries. Any project designed to construct or rehabilitate
627 housing for extremely-low-income households as defined in s.
628 420.004(8) or low-income or very-low-income households as
629 defined in ss. ~~s.~~ 420.0971(19) and (28) and 420.0004(8) is
630 exempt from the area requirement of this sub-subparagraph.

631 e.(I) ~~For the first 6 months of the fiscal year, the~~
632 ~~Office of Tourism, Trade, and Economic Development shall reserve~~
633 ~~80 percent of the first \$10 million in available annual tax~~

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634 ~~credits and 70 percent of any available annual tax credits in~~
635 ~~excess of \$10 million for donations made to eligible sponsors~~
636 ~~for projects that provide homeownership opportunities for low-~~
637 ~~income or very low income households as defined in s.~~
638 ~~420.9071(19) and (28). If any such reserved annual tax credits~~
639 ~~remain after the first 6 months of the fiscal year, the office~~
640 ~~may approve the balance of these available credits for donations~~
641 ~~made to eligible sponsors for projects other than those that~~
642 ~~provide homeownership opportunities for low income or very low-~~
643 ~~income households.~~

644 ~~(II) For the first 6 months of the fiscal year, the office~~
645 ~~shall reserve 20 percent of the first \$10 million in available~~
646 ~~annual tax credits and 30 percent of any available annual tax~~
647 ~~credits in excess of \$10 million for donations made to eligible~~
648 ~~sponsors for projects other than those that provide~~
649 ~~homeownership opportunities for low income or very low income~~
650 ~~households as defined in s. 420.9071(19) and (28). If any~~
651 ~~reserved annual tax credits remain after the first 6 months of~~
652 ~~the fiscal year, the office may approve the balance of these~~
653 ~~available credits for donations made to eligible sponsors for~~
654 ~~projects that provide homeownership opportunities for low income~~
655 ~~or very low income households.~~

656 ~~(III) If, during the first 10 business days of the state~~
657 ~~fiscal year, eligible tax credit applications 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), are~~
661 ~~received for less than the available annual tax credits~~

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662 available for those projects reserved under sub-sub-subparagraph
663 ~~(I)~~, the office shall grant tax credits for those applications
664 and shall grant remaining tax credits on a first-come, first-
665 served basis for any subsequent eligible applications received
666 before the end of the ~~first 6 months of the~~ state fiscal year.
667 If, during the first 10 business days of the state fiscal year,
668 eligible tax credit applications for projects that provide
669 homeownership opportunities for extremely-low-income persons, as
670 defined in s. 420.004(8), or low-income or very-low-income
671 persons, as defined in s. 420.9071(19) and (28), are received
672 for more than the ~~available~~ annual tax credits available for
673 those projects reserved under sub-sub-subparagraph (I), the
674 office shall grant the tax credits for those the applications as
675 follows:

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

680 (B) If tax credit applications submitted for approved
681 projects of an eligible sponsor exceed \$200,000 in total, the
682 amount of tax credits granted pursuant to sub-sub-sub-
683 subparagraph (A) shall be subtracted from the amount of
684 available tax credits ~~under sub-sub-subparagraph (I)~~, and the
685 remaining credits shall be granted to each approved tax credit
686 application on a pro rata basis.

687 ~~(C) If, after the first 6 months of the fiscal year,~~
688 ~~additional credits become available under sub-sub-subparagraph~~
689 ~~(II), the office shall grant the tax credits by first granting~~

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690 ~~to those who received a pro rata reduction up to the full amount~~
691 ~~of their request and, if there are remaining credits, granting~~
692 ~~credits to those who applied on or after the 11th business day~~
693 ~~of the state fiscal year on a first come, first served basis.~~

694 (II)-(IV) If, during the first 10 business days of the
695 state fiscal year, eligible tax credit applications for projects
696 other than those that provide homeownership opportunities for
697 extremely-low-income persons, as defined in s. 420.004(8), or
698 low-income or very-low-income persons, as defined in s.
699 420.9071(19) and (28), are received for less than the available
700 annual tax credits available for those projects ~~reserved under~~
701 ~~sub sub subparagraph (II)~~, the office shall grant tax credits
702 for those applications and shall grant remaining tax credits on
703 a first-come, first-served basis for any subsequent eligible
704 applications received before the end of ~~the first 6 months of~~
705 the state fiscal year. If, during the first 10 business days of
706 the state fiscal year, eligible tax credit applications for
707 projects other than those that provide homeownership
708 opportunities for extremely-low-income persons, as defined in s.
709 420.004(8), or low-income or very-low-income persons, as defined
710 in s. 420.9071(19) and (28), are received for more than the
711 ~~available~~ annual tax credits available for those projects
712 ~~reserved under sub sub subparagraph (II)~~, the office shall grant
713 the tax credits for those ~~the~~ applications on a pro rata basis.
714 ~~If, after the first 6 months of the fiscal year, additional~~
715 ~~credits become available under sub sub subparagraph (I), the~~
716 ~~office shall grant the tax credits by first granting to those~~
717 ~~who received a pro rata reduction up to the full amount of their~~

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

721 3. Application requirements.--

722 a. Any eligible sponsor seeking to participate in this
723 program must submit a proposal to the Office of Tourism, Trade,
724 and Economic Development which sets forth the name of the
725 sponsor, a description of the project, and the area in which the
726 project is located, together with such supporting information as
727 is prescribed by rule. The proposal must also contain a
728 resolution from the local governmental unit in which the project
729 is located certifying that the project is consistent with local
730 plans and regulations.

731 b. Any person seeking to participate in this program must
732 submit an application for tax credit to the office ~~of Tourism,~~
733 ~~Trade, and Economic Development~~ which sets forth the name of the
734 sponsor, a description of the project, and the type, value, and
735 purpose of the contribution. The sponsor shall verify the terms
736 of the application and indicate its receipt of the contribution,
737 which verification must be in writing and accompany the
738 application for tax credit. The person must submit a separate
739 tax credit application to the office for each individual
740 contribution that it makes to each individual project.

741 c. Any person who has received notification from the
742 office ~~of Tourism, Trade, and Economic Development~~ that a tax
743 credit has been approved must apply to the department to receive
744 the refund. Application must be made on the form prescribed for
745 claiming refunds of sales and use taxes and be accompanied by a

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746 | copy of the notification. A person may submit only one
747 | application for refund to the department within any 12-month
748 | period.

749 | 4. Administration.--

750 | a. The Office of Tourism, Trade, and Economic Development
751 | may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary
752 | to administer this paragraph, including rules for the approval
753 | or disapproval of proposals by a person.

754 | b. The decision of the office ~~of Tourism, Trade, and~~
755 | ~~Economic Development~~ must be in writing, and, if approved, the
756 | notification shall state the maximum credit allowable to the
757 | person. Upon approval, the office shall transmit a copy of the
758 | decision to the Department of Revenue.

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

764 | d. The office ~~of Tourism, Trade, and Economic Development~~
765 | shall, in consultation with the Department of Community Affairs,
766 | ~~the Florida Housing Finance Corporation,~~ and the statewide and
767 | regional housing and financial intermediaries, market the
768 | availability of the community contribution tax credit program to
769 | community-based organizations.

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

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774 Section 10. Paragraph (c) of subsection (1) and paragraph
775 (b) of subsection (2) of section 220.183, Florida Statutes, are
776 amended to read:

777 220.183 Community contribution tax credit.--

778 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
779 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
780 SPENDING.--

781 (c) The total amount of tax credit which may be granted
782 for all programs approved under this section, s. 212.08(5)(q),
783 and s. 624.5105 is \$10 ~~\$12~~ million annually for projects that
784 provide homeownership opportunities for extremely-low-income
785 persons, as defined in s. 420.004(8), or low-income or very-low-
786 income persons, as defined in s. 420.9071(19) and (28), and \$3
787 million annually for all other projects.

788 (2) ELIGIBILITY REQUIREMENTS.--

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

791 ~~2. For the first 6 months of the fiscal year, the Office~~
792 ~~of Tourism, Trade, and Economic Development shall reserve 80~~
793 ~~percent of the first \$10 million in available annual tax~~
794 ~~credits, and 70 percent of any available annual tax credits in~~
795 ~~excess of \$10 million, for donations made to eligible sponsors~~
796 ~~for projects that provide homeownership opportunities for low-~~
797 ~~income or very low income households as defined in s.~~
798 ~~420.9071(19) and (28). If any reserved annual tax credits remain~~
799 ~~after the first 6 months of the fiscal year, the office may~~
800 ~~approve the balance of these available credits for donations~~
801 ~~made to eligible sponsors for projects other than those that~~

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802 ~~provide homeownership opportunities for low-income or very low-~~
803 ~~income households.~~

804 ~~3. For the first 6 months of the fiscal year, the office~~
805 ~~shall reserve 20 percent of the first \$10 million in available~~
806 ~~annual tax credits, and 30 percent of any available annual tax~~
807 ~~credits in excess of \$10 million, for donations made to eligible~~
808 ~~sponsors for projects other than those that provide~~
809 ~~homeownership opportunities for low-income or very low-income~~
810 ~~households as defined in s. 420.9071(19) and (28). If any~~
811 ~~reserved annual tax credits remain after the first 6 months of~~
812 ~~the fiscal year, the office may approve the balance of these~~
813 ~~available credits for donations made to eligible sponsors for~~
814 ~~projects that provide homeownership opportunities for low-income~~
815 ~~or very low-income households.~~

816 ~~2.4.~~ If, during the first 10 business days of the state
817 fiscal year, eligible tax credit applications for projects that
818 provide homeownership opportunities for extremely-low-income
819 persons, as defined in s. 420.004(8), or low-income or very-low-
820 income persons, as defined in s. 420.9071(19) and (28), are
821 received for less than the available annual tax credits
822 available for those projects reserved under subparagraph 2., the
823 office shall grant tax credits for those applications and shall
824 grant remaining tax credits on a first-come, first-served basis
825 for any subsequent eligible applications received before the end
826 of the ~~first 6 months of the state fiscal year.~~ If, during the
827 first 10 business days of the state fiscal year, eligible tax
828 credit applications for projects that provide homeownership
829 opportunities for extremely-low-income persons, as defined in s.

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830 420.004(8), or low-income or very-low-income persons, as defined
831 in s. 420.9071(19) and (28), are received for more than the
832 available annual tax credits available for those projects
833 ~~reserved under subparagraph 2.~~, the office shall grant the tax
834 credits for those ~~such~~ applications as follows:

835 a. If tax credit applications submitted for approved
836 projects of an eligible sponsor do not exceed \$200,000 in total,
837 the credit shall be granted in full if the tax credit
838 applications are approved, ~~subject to the provisions of~~
839 ~~subparagraph 2.~~

840 b. If tax credit applications submitted for approved
841 projects of an eligible sponsor exceed \$200,000 in total, the
842 amount of tax credits granted under sub-subparagraph a. shall be
843 subtracted from the amount of available tax credits ~~under~~
844 ~~subparagraph 2.~~, and the remaining credits shall be granted to
845 each approved tax credit application on a pro rata basis.

846 ~~e. If, after the first 6 months of the fiscal year,~~
847 ~~additional credits become available pursuant to subparagraph 3.,~~
848 ~~the office shall grant the tax credits by first granting to~~
849 ~~those who received a pro rata reduction up to the full amount of~~
850 ~~their request and, if there are remaining credits, granting~~
851 ~~credits to those who applied on or after the 11th business day~~
852 ~~of the state fiscal year on a first come, first served basis.~~

853 ~~3.5.~~ If, during the first 10 business days of the state
854 fiscal year, eligible tax credit applications for projects other
855 than those that provide homeownership opportunities for
856 extremely-low-income persons, as defined in s. 420.004(8), or
857 low-income or very-low-income persons, as defined in s.

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858 420.9071(19) and (28), are received for less than the ~~available~~
 859 annual tax credits available for those projects reserved under
 860 ~~subparagraph 3.~~, the office shall grant tax credits for those
 861 applications and shall grant remaining tax credits on a first-
 862 come, first-served basis for any subsequent eligible
 863 applications received before the end of the ~~first 6 months of~~
 864 ~~the state fiscal year.~~ If, during the first 10 business days of
 865 the state fiscal year, eligible tax credit applications for
 866 projects other than those that provide homeownership
 867 opportunities for extremely-low-income persons, as defined in s.
 868 420.004(8), or low-income or very-low-income persons, as defined
 869 in s. 420.9071(19) and (28), are received for more than the
 870 ~~available~~ annual tax credits available for those projects
 871 ~~reserved under subparagraph 3.~~, the office shall grant the tax
 872 credits for those ~~such~~ applications on a pro rata basis. ~~If,~~
 873 ~~after the first 6 months of the fiscal year, additional credits~~
 874 ~~become available under subparagraph 2., the office shall grant~~
 875 ~~the tax credits by first granting to those who received a pro~~
 876 ~~rata reduction up to the full amount of their request and, if~~
 877 ~~there are remaining credits, granting credits to those who~~
 878 ~~applied on or after the 11th business day of the state fiscal~~
 879 ~~year on a first come, first served basis.~~

880 Section 11. Paragraph (f) of subsection (6) of section
 881 253.034, Florida Statutes, is amended to read:

882 253.034 State-owned lands; uses.--

883 (6) The Board of Trustees of the Internal Improvement
 884 Trust Fund shall determine which lands, the title to which is
 885 vested in the board, may be surplused. For conservation lands,

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886 | the board shall make a determination that the lands are no
887 | longer needed for conservation purposes and may dispose of them
888 | by an affirmative vote of at least three members. In the case of
889 | a land exchange involving the disposition of conservation lands,
890 | the board must determine by an affirmative vote of at least
891 | three members that the exchange will result in a net positive
892 | conservation benefit. For all other lands, the board shall make
893 | a determination that the lands are no longer needed and may
894 | dispose of them by an affirmative vote of at least three
895 | members.

896 | (f)1. In reviewing lands owned by the board, the council
897 | shall consider whether such lands would be more appropriately
898 | owned or managed by the county or other unit of local government
899 | in which the land is located. The council shall recommend to the
900 | board whether a sale, lease, or other conveyance to a local
901 | government would be in the best interests of the state and local
902 | government. The provisions of this paragraph in no way limit the
903 | provisions of ss. 253.111 and 253.115. Such lands shall be
904 | offered to the state, county, or local government for a period
905 | of 30 days. Permittable uses for such surplus lands may include
906 | public schools; public libraries; fire or law enforcement
907 | substations; ~~and~~ governmental, judicial, or recreational
908 | centers; and affordable housing meeting the criteria of s.
909 | 420.0004(3). County or local government requests for surplus
910 | lands shall be expedited throughout the surplus process. If
911 | the county or local government does not elect to purchase such
912 | lands in accordance with s. 253.111, then any surplus
913 | determination involving other governmental agencies shall be

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914 made upon the board deciding the best public use of the lands.
915 Surplus properties in which governmental agencies have expressed
916 no interest shall then be available for sale on the private
917 market.

918 2. Notwithstanding subparagraph 1., any surplus lands that
919 were acquired by the state prior to 1958 by a gift or other
920 conveyance for no consideration from a municipality, and which
921 the department has filed by July 1, 2006, a notice of its intent
922 to surplus, shall be first offered for reconveyance to such
923 municipality at no cost, but for the fair market value of any
924 building or other improvements to the land, unless otherwise
925 provided in a deed restriction of record. This subparagraph
926 expires July 1, 2006.

927 Section 12. Section 253.0341, Florida Statutes, is amended
928 to read:

929 253.0341 Surplus of state-owned lands to counties or local
930 governments.--Counties and local governments may submit
931 surplus requests for state-owned lands directly to the board
932 of trustees. County or local government requests for the state
933 to surplus conservation or nonconservation lands, whether for
934 purchase or exchange, shall be expedited throughout the
935 surplus process. Property jointly acquired by the state and
936 other entities shall not be surplus without the consent of all
937 joint owners.

938 (1) The decision to surplus state-owned nonconservation
939 lands may be made by the board without a review of, or a
940 recommendation on, the request from the Acquisition and
941 Restoration Council or the Division of State Lands. Such

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942 requests for nonconservation lands shall be considered by the
943 board within 60 days of the board's receipt of the request.

944 (2) County or local government requests for the surplusing
945 of state-owned conservation lands are subject to review of, and
946 recommendation on, the request to the board by the Acquisition
947 and Restoration Council. Requests to surplus conservation lands
948 shall be considered by the board within 120 days of the board's
949 receipt of the request.

950 (3) A local government may request that state lands be
951 specifically declared surplus lands for the purpose of providing
952 affordable housing. The request shall comply with the
953 requirements of subsection (1) if the lands are nonconservation
954 lands or subsection (2) if the lands are conservation lands.
955 Surplus lands that are conveyed to a local government for
956 affordable housing shall be disposed of by the local government
957 under the provisions of s. 125.379 or s. 166.0451.

958 Section 13. Section 295.16, Florida Statutes, is amended
959 to read:

960 295.16 Disabled veterans exempt from certain license or
961 permit fee.--No totally and permanently disabled veteran who is
962 a resident of Florida and honorably discharged from the Armed
963 Forces, who has been issued a valid identification card by the
964 Department of Veterans' Affairs in accordance with s. 295.17 or
965 has been determined by the United States Department of Veterans
966 Affairs or its predecessor to have a service-connected 100-
967 percent disability rating for compensation, or who has been
968 determined to have a service-connected disability rating of 100
969 percent and is in receipt of disability retirement pay from any

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970 | branch of the uniformed armed services, shall be required to pay
971 | any license or permit fee, by whatever name known, to any county
972 | or municipality in order to make improvements upon a dwelling
973 | ~~mobile home~~ owned by the veteran which is used as the veteran's
974 | residence, provided such improvements are limited to ramps,
975 | widening of doors, and similar improvements for the purpose of
976 | making the dwelling ~~mobile home~~ habitable for veterans confined
977 | to wheelchairs.

978 | Section 14. Subsection (13) is added to section 376.30781,
979 | Florida Statutes, to read:

980 | 376.30781 Partial tax credits for rehabilitation of
981 | drycleaning-solvent-contaminated sites and brownfield sites in
982 | designated brownfield areas; application process; rulemaking
983 | authority; revocation authority.--

984 | (13) An applicant that provides affordable housing meeting
985 | the criteria of s. 420.0004(3) shall be considered eligible for
986 | funding under this section if the applicant can certify that it
987 | is a corporate affiliate or a subsidiary of a corporate parent,
988 | that it has an agreement with the party that entered into a
989 | voluntary cleanup agreement with the Department of Environmental
990 | Protection for a drycleaning-solvent-contaminated site or a
991 | brownfield site, or that it has a Brownfield Site Rehabilitation
992 | Agreement. If the applicant can certify that it qualifies for
993 | funding through such certification but has been denied tax
994 | credits for that reason in the previous year, the applicant may
995 | reapply in the following year one time for the total amount of
996 | credits that were denied.

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997 Section 15. Paragraphs (b) and (e) of subsection (19) of
998 section 380.06, Florida Statutes, are amended, and paragraph (i)
999 is added to that subsection, to read:

1000 380.06 Developments of regional impact.--

1001 (19) SUBSTANTIAL DEVIATIONS.--

1002 (b) Any proposed change to a previously approved
1003 development of regional impact or development order condition
1004 which, either individually or cumulatively with other changes,
1005 exceeds any of the following criteria shall constitute a
1006 substantial deviation and shall cause the development to be
1007 subject to further development-of-regional-impact review without
1008 the necessity for a finding of same by the local government:

1009 1. An increase in the number of parking spaces at an
1010 attraction or recreational facility by 5 percent or 300 spaces,
1011 whichever is greater, or an increase in the number of spectators
1012 that may be accommodated at such a facility by 5 percent or
1013 1,000 spectators, whichever is greater.

1014 2. A new runway, a new terminal facility, a 25-percent
1015 lengthening of an existing runway, or a 25-percent increase in
1016 the number of gates of an existing terminal, but only if the
1017 increase adds at least three additional gates.

1018 3. An increase in the number of hospital beds by 5 percent
1019 or 60 beds, whichever is greater.

1020 4. An increase in industrial development area by 5 percent
1021 or 32 acres, whichever is greater.

1022 5. An increase in the average annual acreage mined by 5
1023 percent or 10 acres, whichever is greater, or an increase in the
1024 average daily water consumption by a mining operation by 5

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1025 percent or 300,000 gallons, whichever is greater. An increase in
1026 the size of the mine by 5 percent or 750 acres, whichever is
1027 less. An increase in the size of a heavy mineral mine as defined
1028 in s. 378.403(7) will only constitute a substantial deviation if
1029 the average annual acreage mined is more than 500 acres and
1030 consumes more than 3 million gallons of water per day.

1031 6. An increase in land area for office development by 5
1032 percent or an increase of gross floor area of office development
1033 by 5 percent or 60,000 gross square feet, whichever is greater.

1034 7. An increase in the storage capacity for chemical or
1035 petroleum storage facilities by 5 percent, 20,000 barrels, or 7
1036 million pounds, whichever is greater.

1037 8. An increase of development at a waterport of wet
1038 storage for 20 watercraft, dry storage for 30 watercraft, or
1039 wet/dry storage for 60 watercraft in an area identified in the
1040 state marina siting plan as an appropriate site for additional
1041 waterport development or a 5-percent increase in watercraft
1042 storage capacity, whichever is greater.

1043 9. An increase in the number of dwelling units by 5
1044 percent or 50 dwelling units, whichever is greater.

1045 10. An increase in the number of dwelling units by 50
1046 percent, or 200 units, whichever is greater, provided that 15
1047 percent of the proposed additional dwelling units are dedicated
1048 to affordable housing, subject to a recorded land use
1049 restriction that shall be for a period of not less than 20 years
1050 and that includes resale provisions to ensure long-term
1051 affordability for income-eligible homeowners and renters and
1052 provisions for the workforce housing to be commenced prior to

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1053 | the completion of 50 percent of the market rate dwelling. For
 1054 | purposes of this subparagraph, the term "affordable workforce
 1055 | housing" means housing that is affordable to a person who earns
 1056 | less than 120 percent of the area median income, or less than
 1057 | 140 percent of the area median income if located in a county in
 1058 | which the median purchase price for a single-family existing
 1059 | home exceeds the statewide median purchase price of a single-
 1060 | family existing home. For purposes of this subparagraph, the
 1061 | term "statewide median purchase price of a single-family
 1062 | existing home" means the statewide purchase price as determined
 1063 | in the Florida Sales Report, Single-Family Existing Homes,
 1064 | released each January by the Florida Association of Realtors and
 1065 | the University of Florida Real Estate Research Center.

1066 | ~~11.10.~~ An increase in commercial development by 50,000
 1067 | square feet of gross floor area or of parking spaces provided
 1068 | for customers for 300 cars or a 5-percent increase of either of
 1069 | these, whichever is greater.

1070 | ~~12.11.~~ An increase in hotel or motel facility units by 5
 1071 | percent or 75 units, whichever is greater.

1072 | ~~13.12.~~ An increase in a recreational vehicle park area by
 1073 | 5 percent or 100 vehicle spaces, whichever is less.

1074 | ~~14.13.~~ A decrease in the area set aside for open space of
 1075 | 5 percent or 20 acres, whichever is less.

1076 | ~~15.14.~~ A proposed increase to an approved multiuse
 1077 | development of regional impact where the sum of the increases of
 1078 | each land use as a percentage of the applicable substantial
 1079 | deviation criteria is equal to or exceeds 100 percent. The
 1080 | percentage of any decrease in the amount of open space shall be

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1081 treated as an increase for purposes of determining when 100
1082 percent has been reached or exceeded.

1083 ~~16.15.~~ A 15-percent increase in the number of external
1084 vehicle trips generated by the development above that which was
1085 projected during the original development-of-regional-impact
1086 review.

1087 ~~17.16.~~ Any change which would result in development of any
1088 area which was specifically set aside in the application for
1089 development approval or in the development order for
1090 preservation or special protection of endangered or threatened
1091 plants or animals designated as endangered, threatened, or
1092 species of special concern and their habitat, primary dunes, or
1093 archaeological and historical sites designated as significant by
1094 the Division of Historical Resources of the Department of State.
1095 The further refinement of such areas by survey shall be
1096 considered under sub-subparagraph (e)5.b.

1097
1098 The substantial deviation numerical standards in subparagraphs
1099 4., 6., 10., 11., and 15. ~~14.~~, excluding residential uses, and
1100 16. ~~15.~~, are increased by 100 percent for a project certified
1101 under s. 403.973 which creates jobs and meets criteria
1102 established by the Office of Tourism, Trade, and Economic
1103 Development as to its impact on an area's economy, employment,
1104 and prevailing wage and skill levels. The substantial deviation
1105 numerical standards in subparagraphs 4., 6., 9., 10., 11., 12.,
1106 and 15. ~~14.~~ are increased by 50 percent for a project located
1107 wholly within an urban infill and redevelopment area designated

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1108 on the applicable adopted local comprehensive plan future land
1109 use map and not located within the coastal high hazard area.

1110 (e)1. Except for a development order rendered pursuant to
1111 subsection (22) or subsection (25), a proposed change to a
1112 development order that individually or cumulatively with any
1113 previous change is less than any numerical criterion contained
1114 in subparagraphs (b)1.-16. ~~(b)1.-15.~~ and does not exceed any
1115 other criterion, or that involves an extension of the buildout
1116 date of a development, or any phase thereof, of less than 5
1117 years is not subject to the public hearing requirements of
1118 subparagraph (f)3., and is not subject to a determination
1119 pursuant to subparagraph (f)5. Notice of the proposed change
1120 shall be made to the regional planning council and the state
1121 land planning agency. Such notice shall include a description of
1122 previous individual changes made to the development, including
1123 changes previously approved by the local government, and shall
1124 include appropriate amendments to the development order.

1125 2. The following changes, individually or cumulatively
1126 with any previous changes, are not substantial deviations:

1127 a. Changes in the name of the project, developer, owner,
1128 or monitoring official.

1129 b. Changes to a setback that do not affect noise buffers,
1130 environmental protection or mitigation areas, or archaeological
1131 or historical resources.

1132 c. Changes to minimum lot sizes.

1133 d. Changes in the configuration of internal roads that do
1134 not affect external access points.

1135 e. Changes to the building design or orientation that stay
 1136 approximately within the approved area designated for such
 1137 building and parking lot, and which do not affect historical
 1138 buildings designated as significant by the Division of
 1139 Historical Resources of the Department of State.

1140 f. Changes to increase the acreage in the development,
 1141 provided that no development is proposed on the acreage to be
 1142 added.

1143 g. Changes to eliminate an approved land use, provided
 1144 that there are no additional regional impacts.

1145 h. Changes required to conform to permits approved by any
 1146 federal, state, or regional permitting agency, provided that
 1147 these changes do not create additional regional impacts.

1148 i. Any renovation or redevelopment of development within a
 1149 previously approved development of regional impact which does
 1150 not change land use or increase density or intensity of use.

1151 j. Any other change which the state land planning agency
 1152 agrees in writing is similar in nature, impact, or character to
 1153 the changes enumerated in sub-subparagraphs a.-i. and which does
 1154 not create the likelihood of any additional regional impact.

1155
 1156 This subsection does not require a development order amendment
 1157 for any change listed in sub-subparagraphs a.-j. unless such
 1158 issue is addressed either in the existing development order or
 1159 in the application for development approval, but, in the case of
 1160 the application, only if, and in the manner in which, the
 1161 application is incorporated in the development order.

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1162 3. Except for the change authorized by sub-subparagraph
1163 2.f., any addition of land not previously reviewed or any change
1164 not specified in paragraph (b) or paragraph (c) shall be
1165 presumed to create a substantial deviation. This presumption may
1166 be rebutted by clear and convincing evidence.

1167 4. Any submittal of a proposed change to a previously
1168 approved development shall include a description of individual
1169 changes previously made to the development, including changes
1170 previously approved by the local government. The local
1171 government shall consider the previous and current proposed
1172 changes in deciding whether such changes cumulatively constitute
1173 a substantial deviation requiring further development-of-
1174 regional-impact review.

1175 5. The following changes to an approved development of
1176 regional impact shall be presumed to create a substantial
1177 deviation. Such presumption may be rebutted by clear and
1178 convincing evidence.

1179 a. A change proposed for 15 percent or more of the acreage
1180 to a land use not previously approved in the development order.
1181 Changes of less than 15 percent shall be presumed not to create
1182 a substantial deviation.

1183 b. Except for the types of uses listed in subparagraph
1184 (b)17. ~~(b)16.~~, any change which would result in the development
1185 of any area which was specifically set aside in the application
1186 for development approval or in the development order for
1187 preservation, buffers, or special protection, including habitat
1188 for plant and animal species, archaeological and historical
1189 sites, dunes, and other special areas.

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1190 c. Notwithstanding any provision of paragraph (b) to the
1191 contrary, a proposed change consisting of simultaneous increases
1192 and decreases of at least two of the uses within an authorized
1193 multiuse development of regional impact which was originally
1194 approved with three or more uses specified in s. 380.0651(3)(c),
1195 (d), (f), and (g) and residential use.

1196 (i) An increase in the number of residential dwelling
1197 units shall not constitute a substantial deviation and shall not
1198 be subject to development-of-regional-impact review for
1199 additional impacts, provided that all the residential dwelling
1200 units are dedicated to affordable workforce housing, subject to
1201 a recorded land use restriction that shall be for a period of
1202 not less than 20 years and that includes resale provisions to
1203 ensure long-term affordability for income-eligible homeowners
1204 and renters. For purposes of this paragraph, the term
1205 "affordable workforce housing" means housing that is affordable
1206 to a person who earns less than 120 percent of the area median
1207 income, or less than 140 percent of the area median income if
1208 located in a county in which the median purchase price for a
1209 single-family existing home exceeds the statewide median
1210 purchase price of a single-family existing home. For purposes of
1211 this paragraph, the term "statewide median purchase price of a
1212 single-family existing home" means the statewide purchase price
1213 as determined in the Florida Sales Report, Single-Family
1214 Existing Homes, released each January by the Florida Association
1215 of Realtors and the University of Florida Real Estate Research
1216 Center.

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1217 Section 16. Paragraph (k) of subsection (3) of section
1218 380.0651, Florida Statutes, is redesignated as paragraph (l),
1219 and a new paragraph (k) is added to that subsection to read:

1220 380.0651 Statewide guidelines and standards.--

1221 (3) The following statewide guidelines and standards shall
1222 be applied in the manner described in s. 380.06(2) to determine
1223 whether the following developments shall be required to undergo
1224 development-of-regional-impact review:

1225 (k) Workforce housing.--The applicable guidelines for
1226 residential development and the residential component for
1227 multiuse development shall be increased by 50 percent where the
1228 developer demonstrates that at least 15 percent of the total
1229 residential dwelling units authorized within the development of
1230 regional impact will be dedicated to affordable workforce
1231 housing, subject to a recorded land use restriction that shall
1232 be for a period of not less than 20 years and that includes
1233 resale provisions to ensure long-term affordability for income-
1234 eligible homeowners and renters and provisions for the workforce
1235 housing to be commenced prior to the completion of 50 percent of
1236 the market rate dwelling. For purposes of this paragraph, the
1237 term "affordable workforce housing" means housing that is
1238 affordable to a person who earns less than 120 percent of the
1239 area median income, or less than 140 percent of the area median
1240 income if located in a county in which the median purchase price
1241 for a single-family existing home exceeds the statewide median
1242 purchase price of a single-family existing home. For the
1243 purposes of this paragraph, the term "statewide median purchase
1244 price of a single-family existing home" means the statewide

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1245 | purchase price as determined in the Florida Sales Report,
 1246 | Single-Family Existing Homes, released each January by the
 1247 | Florida Association of Realtors and the University of Florida
 1248 | Real Estate Research Center.

1249 | Section 17. Section 420.0004, Florida Statutes, is amended
 1250 | to read:

1251 | 420.0004 Definitions.--As used in this part, unless the
 1252 | context otherwise indicates:

1253 | (1) "Adjusted for family size" means adjusted in a manner
 1254 | which results in an income eligibility level which is lower for
 1255 | households with fewer than four people, or higher for households
 1256 | with more than four people, than the base income eligibility
 1257 | determined as provided in subsection (8), subsection (10) ~~(9)~~,
 1258 | subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~, based upon a
 1259 | formula as established by the United States Department of
 1260 | Housing and Urban Development.

1261 | (2) "Adjusted gross income" means all wages, assets,
 1262 | regular cash or noncash contributions or gifts from persons
 1263 | outside the household, and such other resources and benefits as
 1264 | may be determined to be income by the United States Department
 1265 | of Housing and Urban Development, adjusted for family size, less
 1266 | deductions allowable under s. 62 of the Internal Revenue Code.

1267 | (3) "Affordable" means that monthly rents or monthly
 1268 | mortgage payments including taxes, insurance, and utilities do
 1269 | not exceed 30 percent of that amount which represents the
 1270 | percentage of the median adjusted gross annual income for the
 1271 | households as indicated in subsection (8), subsection (10) ~~(9)~~,
 1272 | subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~.

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1273 (4) "Corporation" means the Florida Housing Finance
1274 Corporation.

1275 (5) "Community-based organization" or "nonprofit
1276 organization" means a private corporation organized under
1277 chapter 617 to assist in the provision of housing and related
1278 services on a not-for-profit basis and which is acceptable to
1279 federal and state agencies and financial institutions as a
1280 sponsor of low-income housing.

1281 (6) "Department" means the Department of Community
1282 Affairs.

1283 (7) "Elderly" describes persons 62 years of age or older.

1284 (8) "Extremely-low-income persons" means one or more
1285 natural persons or a family whose total annual household income
1286 does not exceed 30 percent of the median annual adjusted gross
1287 income for households within the state. The Florida Housing
1288 Finance Corporation may adjust this amount annually by rule to
1289 provide that in lower income counties, extremely-low-income may
1290 exceed 30 percent of area median income and that in higher
1291 income counties, extremely-low-income may be less than 30
1292 percent of area median income.

1293 ~~(9)-(8)~~ "Local public body" means any county, municipality,
1294 or other political subdivision, or any housing authority as
1295 provided by chapter 421, which is eligible to sponsor or develop
1296 housing for farmworkers and very-low-income and low-income
1297 persons within its jurisdiction.

1298 ~~(10)-(9)~~ "Low-income persons" means one or more natural
1299 persons or a family, the total annual adjusted gross household
1300 income of which does not exceed 80 percent of the median annual

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1301 adjusted gross income for households within the state, or 80
1302 percent of the median annual adjusted gross income for
1303 households within the metropolitan statistical area (MSA) or, if
1304 not within an MSA, within the county in which the person or
1305 family resides, whichever is greater.

1306 (11)~~(10)~~ "Moderate-income persons" means one or more
1307 natural persons or a family, the total annual adjusted gross
1308 household income of which is less than 120 percent of the median
1309 annual adjusted gross income for households within the state, or
1310 120 percent of the median annual adjusted gross income for
1311 households within the metropolitan statistical area (MSA) or, if
1312 not within an MSA, within the county in which the person or
1313 family resides, whichever is greater.

1314 (12)~~(11)~~ "Student" means any person not living with his or
1315 her parent or guardian who is eligible to be claimed by his or
1316 her parent or guardian as a dependent under the federal income
1317 tax code and who is enrolled on at least a half-time basis in a
1318 secondary school, career center, community college, college, or
1319 university.

1320 (13)~~(12)~~ "Substandard" means:

1321 (a) Any unit lacking complete plumbing or sanitary
1322 facilities for the exclusive use of the occupants;

1323 (b) A unit which is in violation of one or more major
1324 sections of an applicable housing code and where such violation
1325 poses a serious threat to the health of the occupant; or

1326 (c) A unit that has been declared unfit for human
1327 habitation but that could be rehabilitated for less than 50
1328 percent of the property value.

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1329 (14)~~(13)~~ "Substantial rehabilitation" means repair or
1330 restoration of a dwelling unit where the value of such repair or
1331 restoration exceeds 40 percent of the value of the dwelling.

1332 (15)~~(14)~~ "Very-low-income persons" means one or more
1333 natural persons or a family, not including students, the total
1334 annual adjusted gross household income of which does not exceed
1335 50 percent of the median annual adjusted gross income for
1336 households within the state, or 50 percent of the median annual
1337 adjusted gross income for households within the metropolitan
1338 statistical area (MSA) or, if not within an MSA, within the
1339 county in which the person or family resides, whichever is
1340 greater.

1341 Section 18. Sections 420.37 and 420.530, Florida Statutes,
1342 are repealed.

1343 Section 19. Subsection (18) of section 420.503, Florida
1344 Statutes, is amended to read:

1345 420.503 Definitions.--As used in this part, the term:

1346 (18) (a) "Farmworker" means a laborer who is employed on a
1347 seasonal, temporary, or permanent basis in the planting,
1348 cultivating, harvesting, or processing of agricultural or
1349 aquacultural products and who derived at least 50 percent of her
1350 or his income in the immediately preceding 12 months from such
1351 employment.

1352 (b) "Farmworker" ~~also~~ includes a person who has retired as
1353 a laborer due to age, disability, or illness. In order to be
1354 considered retired as a farmworker due to age under this part, a
1355 person must be 50 years of age or older and must have been
1356 employed for a minimum of 5 years as a farmworker before

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1357 retirement. In order to be considered retired as a farmworker
1358 due to disability or illness, a person must:

1359 1.(a) Establish medically that she or he is unable to be
1360 employed as a farmworker due to that disability or illness.

1361 2.(b) Establish that she or he was previously employed as
1362 a farmworker.

1363 (c) Notwithstanding paragraphs (a) and (b), when
1364 corporation-administered funds are used in conjunction with
1365 United States Department of Agriculture Rural Development funds,
1366 the term "farmworker" may mean a laborer who meets, at a
1367 minimum, the definition of "domestic farm laborer" as found in 7
1368 C.F.R. s. 3560.11, as amended. The corporation may establish
1369 additional criteria by rule.

1370 Section 20. Section 420.5061, Florida Statutes, is amended
1371 to read:

1372 420.5061 Transfer of agency assets and
1373 liabilities.--Effective January 1, 1998, all assets and
1374 liabilities and rights and obligations, including any
1375 outstanding contractual obligations, of the agency shall be
1376 transferred to the corporation as legal successor in all
1377 respects to the agency. The corporation shall thereupon become
1378 obligated to the same extent as the agency under any existing
1379 agreements and be entitled to any rights and remedies previously
1380 afforded the agency by law or contract, including specifically
1381 the rights of the agency under chapter 201 and part VI of
1382 chapter 159. The corporation is a state agency for purposes of
1383 s. 159.807(4) (a). Effective January 1, 1998, all references
1384 under Florida law to the agency are deemed to mean the

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1385 corporation. The corporation shall transfer to the General
1386 Revenue Fund an amount which otherwise would have been deducted
1387 as a service charge pursuant to s. 215.20(1) if the Florida
1388 Housing Finance Corporation Fund established by s. 420.508(5),
1389 the State Apartment Incentive Loan Fund established by s.
1390 420.5087(7), the Florida Homeownership Assistance Fund
1391 established by s. 420.5088(4)~~(5)~~, the HOME Investment
1392 Partnership Fund established by s. 420.5089(1), and the Housing
1393 Predevelopment Loan Fund established by s. 420.525(1) were each
1394 trust funds. For purposes of s. 112.313, the corporation is
1395 deemed to be a continuation of the agency, and the provisions
1396 thereof are deemed to apply as if the same entity remained in
1397 place. Any employees of the agency and agency board members
1398 covered by s. 112.313(9)(a)6. shall continue to be entitled to
1399 the exemption in that subparagraph, notwithstanding being hired
1400 by the corporation or appointed as board members of the
1401 corporation. Effective January 1, 1998, all state property in
1402 use by the agency shall be transferred to and become the
1403 property of the corporation.

1404 Section 21. Subsections (22), (23), and (40) of section
1405 420.507, Florida Statutes, are amended, and subsections (44) and
1406 (45) are added to that section, to read:

1407 420.507 Powers of the corporation.--The corporation shall
1408 have all the powers necessary or convenient to carry out and
1409 effectuate the purposes and provisions of this part, including
1410 the following powers which are in addition to all other powers
1411 granted by other provisions of this part:

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1412 (22) To develop and administer the State Apartment
1413 Incentive Loan Program. In developing and administering that
1414 program, the corporation may:

1415 (a) Make first, second, and other subordinated mortgage
1416 loans including variable or fixed rate loans subject to
1417 contingent interest for all State Apartment Incentive Loans
1418 provided for in this chapter based upon available cash flow of
1419 the projects. The corporation shall make loans exceeding 25
1420 percent of project cost available only to nonprofit
1421 organizations and public bodies which are able to secure grants,
1422 donations of land, or contributions from other sources and to
1423 projects meeting the criteria of subparagraph 1. Mortgage loans
1424 shall be made available at the following rates of interest:

1425 1. Zero to 3 percent interest for sponsors of projects
1426 that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~
1427 of their total units for residents qualifying as farmworkers as
1428 defined in this part s. 420.503(18), or commercial fishing
1429 workers as defined in this part s. 420.503(5), or the homeless
1430 as defined in s. 420.621(4) over the life of the loan.

1431 2. Zero to 3 percent interest based on the pro rata share
1432 of units set aside for homeless residents if the total of such
1433 units is less than 80 percent of the units in the borrower's
1434 project.

1435 3. One ~~Three~~ to 9 percent interest for sponsors of
1436 projects targeted at populations other than farmworkers,
1437 commercial fishing workers, and the homeless.

1438 (b) Make loans exceeding 25 percent of project cost when
1439 the project serves extremely-low-income persons.

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1440 (c) Forgive indebtedness for a share of the loan
1441 attributable to the units in a project reserved for extremely-
1442 low-income persons.

1443 (d)~~(b)~~ Geographically and demographically target the
1444 utilization of loans.

1445 (e)~~(e)~~ Underwrite credit, and reject projects which do not
1446 meet the established standards of the corporation.

1447 (f)~~(d)~~ Negotiate with governing bodies within the state
1448 after a loan has been awarded to obtain local government
1449 contributions.

1450 (g)~~(e)~~ Inspect any records of a sponsor at any time during
1451 the life of the loan or the agreed period for maintaining the
1452 provisions of s. 420.5087.

1453 (h)~~(f)~~ Establish, by rule, the procedure for evaluating,
1454 scoring, and competitively ranking all applications based on the
1455 criteria set forth in s. 420.5087(6)(c); determining actual loan
1456 amounts; making and servicing loans; and exercising the powers
1457 authorized in this subsection.

1458 (i)~~(g)~~ Establish a loan loss insurance reserve to be used
1459 to protect the outstanding program investment in case of a
1460 default, deed in lieu of foreclosure, or foreclosure of a
1461 program loan.

1462 (23) To develop and administer the Florida Homeownership
1463 Assistance Program. In developing and administering the program,
1464 the corporation may:

1465 (a)1. Make subordinated loans to eligible borrowers for
1466 down payments or closing costs related to the purchase of the
1467 borrower's primary residence.

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1468 2. Make permanent loans to eligible borrowers related to
1469 the purchase of the borrower's primary residence.

1470 3. Make subordinated loans to nonprofit sponsors or
1471 developers of housing for purchase of property, for
1472 construction, or for financing of housing to be offered for sale
1473 to eligible borrowers as a primary residence at an affordable
1474 price.

1475 (b) Establish a loan loss insurance reserve to supplement
1476 existing sources of mortgage insurance with appropriated funds.

1477 (c) Geographically and demographically target the
1478 utilization of loans.

1479 (d) Defer repayment of loans for the term of the first
1480 mortgage.

1481 (e) Establish flexible terms for loans with an interest
1482 rate not to exceed 3 percent per annum and which are
1483 nonamortizing for the term of the first mortgage.

1484 (f) Require repayment of loans upon sale, transfer,
1485 refinancing, or rental of secured property, unless otherwise
1486 approved by the corporation.

1487 (g) Accelerate a loan for monetary default, for failure to
1488 provide the benefits of the loans to eligible borrowers, or for
1489 violation of any other restriction placed upon the loan.

1490 (h) Adopt rules for the program and exercise the powers
1491 authorized in this subsection.

1492 (40) To establish subsidiary business entities
1493 ~~corporations~~ for the purpose of taking title to and managing and
1494 disposing of property acquired by the corporation. Such
1495 subsidiary business entities ~~corporations~~ shall be public

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1496 business entities ~~corporations~~ wholly owned by the corporation;
 1497 shall be entitled to own, mortgage, and sell property on the
 1498 same basis as the corporation; and shall be deemed business
 1499 entities ~~corporations~~ primarily acting as an agent ~~agents~~ of the
 1500 state, within the meaning of s. 768.28, on the same basis as the
 1501 corporation. Any subsidiary business entity created by the
 1502 corporation shall be subject to chapters 119, 120, and 286 to
 1503 the same extent as the corporation. The subsidiary business
 1504 entities shall have authority to make rules necessary to conduct
 1505 business and to carry out the purposes of this subsection.

1506 (44) To adopt rules for the intervention and negotiation
 1507 of terms or other actions necessary to further program goals or
 1508 avoid default of a program loan. Such rules must consider fiscal
 1509 program goals and the preservation or advancement of affordable
 1510 housing for the state.

1511 (45) To establish by rule requirements for periodic
 1512 reporting of data, including, but not limited to, financial
 1513 data, housing market data, detailed economic and physical
 1514 occupancy on multifamily projects, and demographic data on all
 1515 housing financed through corporation programs and for
 1516 participation in a housing locator system.

1517 Section 22. Subsections (1), (3), (5), and (6) of section
 1518 420.5087, Florida Statutes, are amended to read:

1519 420.5087 State Apartment Incentive Loan Program.--There is
 1520 hereby created the State Apartment Incentive Loan Program for
 1521 the purpose of providing first, second, or other subordinated
 1522 mortgage loans or loan guarantees to sponsors, including for-

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1523 | profit, nonprofit, and public entities, to provide housing
1524 | affordable to very-low-income persons.

1525 | (1) Program funds shall be distributed over successive 3-
1526 | year periods in a manner that meets the need and demand for
1527 | very-low-income housing throughout the state. That need and
1528 | demand must be determined by using the most recent statewide
1529 | low-income rental housing market studies available at the
1530 | beginning of each 3-year period. However, at least 10 percent of
1531 | the program funds distributed during a 3-year period must be
1532 | allocated to each of the following categories of counties, as
1533 | determined by using the population statistics published in the
1534 | most recent edition of the Florida Statistical Abstract:

1535 | (a) Counties that have a population of 825,000 or more.
1536 | ~~more than 500,000 people;~~

1537 | (b) Counties that have a population of more than ~~between~~
1538 | 100,000 but less than 825,000. ~~and 500,000 people; and~~

1539 | (c) Counties that have a population of 100,000 or less.
1540 |

1541 | Any increase in funding required to reach the 10-percent minimum
1542 | shall be taken from the county category that has the largest
1543 | allocation. The corporation shall adopt rules which establish an
1544 | equitable process for distributing any portion of the 10 percent
1545 | of program funds allocated to the county categories specified in
1546 | this subsection which remains unallocated at the end of a 3-year
1547 | period. Counties that have a population of 100,000 or less shall
1548 | be given preference under these rules.

1549 | (3) During the first 6 months of loan or loan guarantee
1550 | availability, program funds shall be reserved for use by

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

- 1566 (a) Commercial fishing workers and farmworkers;
1567 (b) Families;
1568 (c) Persons who are homeless; and
1569 (d) Elderly persons. Ten percent of the amount reserved
1570 for the elderly shall be reserved to provide loans to sponsors
1571 of housing for the elderly for the purpose of making building
1572 preservation, health, or sanitation repairs or improvements
1573 which are required by federal, state, or local regulation or
1574 code, or lifesafety or security-related repairs or improvements
1575 to such housing. Such a loan may not exceed \$750,000 per housing
1576 community for the elderly. In order to receive the loan, the
1577 sponsor of the housing community must make a commitment to match
1578 at least 5 ~~15~~ percent of the loan amount to pay the cost of such

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1579 repair or improvement. The corporation shall establish the rate
1580 of interest on the loan, which may not exceed 3 percent, and the
1581 term of the loan, which may not exceed 15 years; however, if the
1582 lien of the corporation's encumbrance is subordinate to the lien
1583 of another mortgagee, then the term may be made coterminous with
1584 the longest term of the superior lien. The term of the loan
1585 shall be established on the basis of a credit analysis of the
1586 applicant. The corporation shall establish, by rule, the
1587 procedure and criteria for receiving, evaluating, and
1588 competitively ranking all applications for loans under this
1589 paragraph. A loan application must include evidence of the first
1590 mortgagee's having reviewed and approved the sponsor's intent to
1591 apply for a loan. A nonprofit organization or sponsor may not
1592 use the proceeds of the loan to pay for administrative costs,
1593 routine maintenance, or new construction.

1594 (5) The amount of the mortgage provided under this program
1595 combined with any other mortgage in a superior position shall be
1596 less than the value of the project without the housing set-aside
1597 required by subsection (2). However, the corporation may waive
1598 this requirement for projects in rural areas or urban infill
1599 areas which have market rate rents that are less than the
1600 allowable rents pursuant to applicable state and federal
1601 guidelines, and for projects which reserve units for extremely-
1602 low-income persons. In no event shall the mortgage provided
1603 under this program combined with any other mortgage in a
1604 superior position exceed total project cost.

1605 (6) On all state apartment incentive loans, except loans
1606 made to housing communities for the elderly to provide for

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1607 | lifesafety, building preservation, health, sanitation, or
 1608 | security-related repairs or improvements, the following
 1609 | provisions shall apply:

1610 | (a) The corporation shall establish two interest rates in
 1611 | accordance with s. 420.507(22)(a)1. and 3. ~~2.~~

1612 | (b) The corporation shall publish a notice of fund
 1613 | availability in a publication of general circulation throughout
 1614 | the state. Such notice shall be published at least 60 days prior
 1615 | to the application deadline and shall provide notice of the
 1616 | temporary reservations of funds established in subsection (3).

1617 | (c) The corporation shall provide by rule for the
 1618 | establishment of a review committee composed of the department
 1619 | and corporation staff and shall establish by rule a scoring
 1620 | system for evaluation and competitive ranking of applications
 1621 | submitted in this program, including, but not limited to, the
 1622 | following criteria:

1623 | 1. Tenant income and demographic targeting objectives of
 1624 | the corporation.

1625 | 2. Targeting objectives of the corporation which will
 1626 | ensure an equitable distribution of loans between rural and
 1627 | urban areas.

1628 | 3. Sponsor's agreement to reserve the units for persons or
 1629 | families who have incomes below 50 percent of the state or local
 1630 | median income, whichever is higher, for a time period to exceed
 1631 | the minimum required by federal law or the provisions of this
 1632 | part.

1633 | 4. Sponsor's agreement to reserve more than:

1634 a. Twenty percent of the units in the project for persons
1635 or families who have incomes that do not exceed 50 percent of
1636 the state or local median income, whichever is higher; or

1637 b. Forty percent of the units in the project for persons
1638 or families who have incomes that do not exceed 60 percent of
1639 the state or local median income, whichever is higher, without
1640 requiring a greater amount of the loans as provided in this
1641 section.

1642 5. Provision for tenant counseling.

1643 6. Sponsor's agreement to accept rental assistance
1644 certificates or vouchers as payment for rent; ~~however, when~~
1645 ~~certificates or vouchers are accepted as payment for rent on~~
1646 ~~units set aside pursuant to subsection (2), the benefit must be~~
1647 ~~divided between the corporation and the sponsor, as provided by~~
1648 ~~corporation rule.~~

1649 7. Projects requiring the least amount of a state
1650 apartment incentive loan compared to overall project cost except
1651 that the share of the loan attributable to units serving
1652 extremely-low-income persons shall be excluded from this
1653 requirement.

1654 8. Local government contributions and local government
1655 comprehensive planning and activities that promote affordable
1656 housing.

1657 9. Project feasibility.

1658 10. Economic viability of the project.

1659 11. Commitment of first mortgage financing.

1660 12. Sponsor's prior experience.

1661 13. Sponsor's ability to proceed with construction.

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1662 14. Projects that directly implement or assist welfare-to-
1663 work transitioning.

1664 15. Projects that reserve units for extremely-low-income
1665 persons.

1666 (d) The corporation may reject any and all applications.

1667 (e) The corporation may approve and reject applications
1668 for the purpose of achieving geographic targeting.

1669 (f) The review committee established by corporation rule
1670 pursuant to this subsection shall make recommendations to the
1671 board of directors of the corporation regarding program
1672 participation under the State Apartment Incentive Loan Program.
1673 The corporation board shall make the final ranking and the
1674 decisions regarding which applicants shall become program
1675 participants based on the scores received in the competitive
1676 ranking, further review of applications, and the recommendations
1677 of the review committee. The corporation board shall approve or
1678 reject applications for loans and shall determine the tentative
1679 loan amount available to each applicant selected for
1680 participation in the program. The actual loan amount shall be
1681 determined pursuant to rule adopted pursuant to s.

1682 420.507(22) (h) ~~(f)~~.

1683 (g) The loan term shall be for a period of not more than
1684 15 years; however, if both a program loan and federal low-income
1685 housing tax credits are to be used to assist a project, the
1686 corporation may set the loan term for a period commensurate with
1687 the investment requirements associated with the tax credit
1688 syndication. The term of the loan may also exceed 15 years;
1689 however, if the lien of the corporation's encumbrance is

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1690 subordinate to the lien of another mortgagee, then the term may
1691 be made coterminous with the longest term of the superior lien
1692 ~~necessary to conform to requirements of the Federal National~~
1693 ~~Mortgage Association.~~ The corporation may renegotiate and extend
1694 the loan in order to extend the availability of housing for the
1695 targeted population. The term of a loan may not extend beyond
1696 the period for which the sponsor agrees to provide the housing
1697 set-aside required by subsection (2).

1698 (h) The loan shall be subject to sale, transfer, or
1699 refinancing. The sale, transfer, or refinancing of the loan
1700 shall be consistent with fiscal program goals and the
1701 preservation or advancement of affordable housing for the state.
1702 ~~However, all requirements and conditions of the loan shall~~
1703 ~~remain following sale, transfer, or refinancing.~~

1704 (i) The discrimination provisions of s. 420.516 shall
1705 apply to all loans.

1706 (j) The corporation may require units dedicated for the
1707 elderly.

1708 (k) Rent controls shall not be allowed on any project
1709 except as required in conjunction with the issuance of tax-
1710 exempt bonds or federal low-income housing tax credits and
1711 except when the sponsor has committed to set aside units for
1712 extremely-low-income persons, in which case rents shall be
1713 restricted at the level applicable for federal low-income tax
1714 credits.

1715 (l) The proceeds of all loans shall be used for new
1716 construction or substantial rehabilitation which creates
1717 affordable, safe, and sanitary housing units.

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1718 (m) Sponsors shall annually certify the adjusted gross
1719 income of all persons or families qualified under subsection (2)
1720 at the time of initial occupancy, who are residing in a project
1721 funded by this program. All persons or families qualified under
1722 subsection (2) may continue to qualify under subsection (2) in a
1723 project funded by this program if the adjusted gross income of
1724 those persons or families at the time of annual recertification
1725 meets the requirements established in s. 142(d)(3)(B) of the
1726 Internal Revenue Code of 1986, as amended. If the annual
1727 recertification of persons or families qualifying under
1728 subsection (2) results in noncompliance with income occupancy
1729 requirements, the next available unit must be rented to a person
1730 or family qualifying under subsection (2) in order to ensure
1731 continuing compliance of the project. The corporation may waive
1732 the annual recertification if 100 percent of the units are set
1733 aside as affordable.

1734 (n) Upon submission and approval of a marketing plan which
1735 demonstrates a good faith effort of a sponsor to rent a unit or
1736 units to persons or families reserved under subsection (3) and
1737 qualified under subsection (2), the sponsor may rent such unit
1738 or units to any person or family qualified under subsection (2)
1739 notwithstanding the reservation.

1740 (o) Sponsors may participate in federal mortgage insurance
1741 programs and must abide by the requirements of those programs.
1742 If a conflict occurs between the requirements of federal
1743 mortgage insurance programs and the requirements of this
1744 section, the requirements of federal mortgage insurance programs
1745 shall take precedence.

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1746 Section 23. Section 420.5088, Florida Statutes, is amended
1747 to read:

1748 420.5088 Florida Homeownership Assistance Program.--There
1749 is created the Florida Homeownership Assistance Program for the
1750 purpose of assisting low-income and moderate-income persons in
1751 purchasing a home as their primary residence by reducing the
1752 cost of the home with below-market construction financing, by
1753 reducing the amount of down payment and closing costs paid by
1754 the borrower to a maximum of 5 percent of the purchase price, or
1755 by reducing the monthly payment to an affordable amount for the
1756 purchaser. Loans shall be made available at an interest rate
1757 that does not exceed 3 percent. The balance of any loan is due
1758 at closing if the property is sold, refinanced, rented, or
1759 transferred, unless otherwise approved by the corporation.

1760 (1) For loans made available pursuant to s.
1761 420.507(23)(a)1. or 2.:

1762 (a) The corporation may underwrite and make those mortgage
1763 loans through the program to persons or families who have
1764 incomes that do not exceed 120 ~~80~~ percent of the state or local
1765 median income, whichever is greater, adjusted for family size.

1766 (b) Loans shall be made available for the term of the
1767 first mortgage.

1768 (c) Loans may not exceed ~~are limited to~~ the lesser of 35
1769 ~~25~~ percent of the purchase price of the home or the amount
1770 necessary to enable the purchaser to meet credit underwriting
1771 criteria.

1772 (2) For loans made pursuant to s. 420.507(23)(a)3.:

1773 (a) Availability is limited to nonprofit sponsors or
1774 developers who are selected for program participation pursuant
1775 to this subsection.

1776 (b) Preference must be given to ~~community development~~
1777 ~~corporations as defined in s. 290.033~~ and to community-based
1778 organizations as defined in s. 420.503.

1779 (c) Priority must be given to projects that have received
1780 state assistance in funding project predevelopment costs.

1781 (d) The benefits of making such loans shall be
1782 contractually provided to the persons or families purchasing
1783 homes financed under this subsection.

1784 (e) At least 30 percent of the units in a project financed
1785 pursuant to this subsection must be sold to persons or families
1786 who have incomes that do not exceed 80 percent of the state or
1787 local median income, whichever amount is greater, adjusted for
1788 family size; and at least another 30 percent of the units in a
1789 project financed pursuant to this subsection must be sold to
1790 persons or families who have incomes that do not exceed 65 50
1791 percent of the state or local median income, whichever amount is
1792 greater, adjusted for family size.

1793 (f) The maximum loan amount may not exceed 33 percent of
1794 the total project cost.

1795 (g) A person who purchases a home in a project financed
1796 under this subsection is eligible for a loan authorized by s.
1797 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the
1798 construction loan made pursuant to this subsection. The home
1799 purchaser must meet all the requirements for loan recipients
1800 established pursuant to the applicable loan program.

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1801 (h) The corporation shall provide, by rule, for the
 1802 establishment of a review committee composed of corporation
 1803 staff and shall establish, by rule, a scoring system for
 1804 evaluating and ranking applications submitted for construction
 1805 loans under this subsection, including, but not limited to, the
 1806 following criteria:

1807 1. The affordability of the housing proposed to be built.

1808 2. The direct benefits of the assistance to the persons
 1809 who will reside in the proposed housing.

1810 3. The demonstrated capacity of the applicant to carry out
 1811 the proposal, including the experience of the development team.

1812 4. The economic feasibility of the proposal.

1813 5. The extent to which the applicant demonstrates
 1814 potential cost savings by combining the benefits of different
 1815 governmental programs and private initiatives, including the
 1816 local government contributions and local government
 1817 comprehensive planning and activities that promote affordable
 1818 housing.

1819 6. The use of the least amount of program loan funds
 1820 compared to overall project cost.

1821 7. The provision of homeownership counseling.

1822 8. The applicant's agreement to exceed the requirements of
 1823 paragraph (e).

1824 9. The commitment of first mortgage financing for the
 1825 balance of the construction loan and for the permanent loans to
 1826 the purchasers of the housing.

1827 10. The applicant's ability to proceed with construction.

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1828 11. The targeting objectives of the corporation which will
1829 ensure an equitable distribution of loans between rural and
1830 urban areas.

1831 12. The extent to which the proposal will further the
1832 purposes of this program.

1833 (i) The corporation may reject any and all applications.

1834 (j) The review committee established by corporation rule
1835 pursuant to this subsection shall make recommendations to the
1836 corporation board regarding program participation under this
1837 subsection. The corporation board shall make the final ranking
1838 for participation based on the scores received in the ranking,
1839 further review of the applications, and the recommendations of
1840 the review committee. The corporation board shall approve or
1841 reject applicants for loans and shall determine the tentative
1842 loan amount available to each program participant. The final
1843 loan amount shall be determined pursuant to rule adopted under
1844 s. 420.507(23) (h).

1845 (3) The corporation shall publish a notice of fund
1846 availability in a publication of general circulation throughout
1847 the state at least 60 days prior to the anticipated availability
1848 of funds.

1849 ~~(4) During the first 9 months of fund availability:~~

1850 ~~(a) Sixty percent of the program funds shall be reserved~~
1851 ~~for use by borrowers pursuant to s. 420.507(23)(a)1.;~~

1852 ~~(b) Twenty percent of the program funds shall be reserved~~
1853 ~~for use by borrowers pursuant to s. 420.507(23)(a)2.; and~~

1854 ~~(c) Twenty percent of the program funds shall be reserved~~
1855 ~~for use by borrowers pursuant to s. 420.507(23)(a)3.~~

1856
1857 ~~If the application of these percentages would cause the~~
1858 ~~reservation of program funds under paragraph (a) to be less than~~
1859 ~~\$1 million, the reservation for paragraph (a) shall be increased~~
1860 ~~to \$1 million or all available funds, whichever amount is less,~~
1861 ~~with the increase to be accomplished by reducing the reservation~~
1862 ~~for paragraph (b) and, if necessary, paragraph (c).~~

1863 (4)~~(5)~~ There is authorized to be established by the
1864 corporation with a qualified public depository meeting the
1865 requirements of chapter 280 the Florida Homeownership Assistance
1866 Fund to be administered by the corporation according to the
1867 provisions of this program. Any amounts held in the Florida
1868 Homeownership Assistance Trust Fund for such purposes as of
1869 January 1, 1998, must be transferred to the corporation for
1870 deposit in the Florida Homeownership Assistance Fund, whereupon
1871 the Florida Homeownership Assistance Trust Fund must be closed.
1872 There shall be deposited in the fund moneys from the State
1873 Housing Trust Fund created by s. 420.0005, or moneys received
1874 from any other source, for the purpose of this program and all
1875 proceeds derived from the use of such moneys. In addition, all
1876 unencumbered funds, loan repayments, proceeds from the sale of
1877 any property, and any other proceeds that would otherwise accrue
1878 pursuant to the activities of the programs described in this
1879 section shall be transferred to this fund. In addition, all loan
1880 repayments, proceeds from the sale of any property, and any
1881 other proceeds that would otherwise accrue pursuant to the
1882 activities conducted under the provisions of the Florida
1883 Homeownership Assistance Program shall be deposited in the fund

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1884 and shall not revert to the General Revenue Fund. Expenditures
 1885 from the Florida Homeownership Assistance Fund shall not be
 1886 required to be included in the corporation's budget request or
 1887 be subject to appropriation by the Legislature.

1888 (5)~~(6)~~ No more than one-fifth of the funds available in
 1889 the Florida Homeownership Assistance Fund may be made available
 1890 to provide loan loss insurance reserve funds to facilitate
 1891 homeownership for eligible persons.

1892 Section 24. Subsection (25) of section 420.9071, Florida
 1893 Statutes, is amended to read:

1894 420.9071 Definitions.--As used in ss. 420.907-420.9079,
 1895 the term:

1896 (25) "Recaptured funds" means funds that are recouped by a
 1897 county or eligible municipality in accordance with the recapture
 1898 provisions of its local housing assistance plan pursuant to s.
 1899 420.9075(5)~~(4)~~(g) from eligible persons or eligible sponsors who
 1900 default on the terms of a grant award or loan award.

1901 Section 25. Subsection (2) of section 420.9072, Florida
 1902 Statutes, is amended to read:

1903 420.9072 State Housing Initiatives Partnership
 1904 Program.--The State Housing Initiatives Partnership Program is
 1905 created for the purpose of providing funds to counties and
 1906 eligible municipalities as an incentive for the creation of
 1907 local housing partnerships, to expand production of and preserve
 1908 affordable housing, to further the housing element of the local
 1909 government comprehensive plan specific to affordable housing,
 1910 and to increase housing-related employment.

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1911 (2) (a) To be eligible to receive funds under the program,
 1912 a county or eligible municipality must:

1913 1. Submit to the corporation its local housing assistance
 1914 plan describing the local housing assistance strategies
 1915 established pursuant to s. 420.9075;

1916 2. Within 12 months after adopting the local housing
 1917 assistance plan, amend the plan to incorporate the local housing
 1918 incentive strategies defined in s. 420.9071(16) and described in
 1919 s. 420.9076; and

1920 3. Within 24 months after adopting the amended local
 1921 housing assistance plan to incorporate the local housing
 1922 incentive strategies, amend its land development regulations or
 1923 establish local policies and procedures, as necessary, to
 1924 implement the local housing incentive strategies adopted by the
 1925 local governing body. A county or an eligible municipality that
 1926 has adopted a housing incentive strategy pursuant to s. 420.9076
 1927 before the effective date of this act shall review the status of
 1928 implementation of the plan according to its adopted schedule for
 1929 implementation and report its findings in the annual report
 1930 required by s. 420.9075(10)~~(9)~~. If as a result of the review, a
 1931 county or an eligible municipality determines that the
 1932 implementation is complete and in accordance with its schedule,
 1933 no further action is necessary. If a county or an eligible
 1934 municipality determines that implementation according to its
 1935 schedule is not complete, it must amend its land development
 1936 regulations or establish local policies and procedures, as
 1937 necessary, to implement the housing incentive plan within 12
 1938 months after the effective date of this act, or if extenuating

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1939 | circumstances prevent implementation within 12 months, pursuant
1940 | to s. 420.9075 (13) ~~(12)~~, enter into an extension agreement with
1941 | the corporation.

1942 | (b) A county or an eligible municipality seeking approval
1943 | to receive its share of the local housing distribution must
1944 | adopt an ordinance containing the following provisions:

1945 | 1. Creation of a local housing assistance trust fund as
1946 | described in s. 420.9075 (6) ~~(5)~~.

1947 | 2. Adoption by resolution of a local housing assistance
1948 | plan as defined in s. 420.9071(14) to be implemented through a
1949 | local housing partnership as defined in s. 420.9071(18).

1950 | 3. Designation of the responsibility for the
1951 | administration of the local housing assistance plan. Such
1952 | ordinance may also provide for the contracting of all or part of
1953 | the administrative or other functions of the program to a third
1954 | person or entity.

1955 | 4. Creation of the affordable housing advisory committee
1956 | as provided in s. 420.9076.

1957 |
1958 | The ordinance must not take effect until at least 30 days after
1959 | the date of formal adoption. Ordinances in effect prior to the
1960 | effective date of amendments to this section shall be amended as
1961 | needed to conform to new provisions.

1962 | Section 26. Paragraphs (a) and (c) of present subsection
1963 | (4) of section 420.9075, Florida Statutes, are amended,
1964 | subsections (3) through (12) are renumbered as subsections (4)
1965 | through (13), respectively, and a new subsection (3) is added to
1966 | that section, to read:

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1967 420.9075 Local housing assistance plans; partnerships.--

1968 (3) (a) Each local housing assistance plan shall include a
 1969 definition of essential service personnel for the county or
 1970 eligible municipality, including, but not limited to, teachers
 1971 and educators, other school district, community college, and
 1972 university employees, police and fire personnel, health care
 1973 personnel, skilled building trades personnel, and other job
 1974 categories.

1975 (b) Each county and each eligible municipality is
 1976 encouraged to develop a strategy within its local housing
 1977 assistance plan that emphasizes the recruitment and retention of
 1978 essential service personnel. The local government is encouraged
 1979 to involve public and private sector employers. Compliance with
 1980 the eligibility criteria established under this strategy shall
 1981 be verified by the county or eligible municipality.

1982 (c) Each county and each eligible municipality is
 1983 encouraged to develop a strategy within its local housing
 1984 assistance plan that addresses the needs of persons who are
 1985 deprived of affordable housing due to the closure of a mobile
 1986 home park or the conversion of affordable rental units to
 1987 condominiums.

1988 (5)-(4) The following criteria apply to awards made to
 1989 eligible sponsors or eligible persons for the purpose of
 1990 providing eligible housing:

1991 (a) At least 65 percent of the funds made available in
 1992 each county and eligible municipality from the local housing
 1993 distribution must be reserved for rehabilitation and

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1994 | construction of home ownership units for eligible extremely-low-
1995 | income, low-income, or very-low-income persons.

1996 | (c) The sales price or value of new or existing eligible
1997 | housing may not exceed 90 percent of the average area purchase
1998 | price in the statistical area in which the eligible housing is
1999 | located. Such average area purchase price may be that calculated
2000 | for any 12-month period beginning not earlier than the fourth
2001 | calendar year prior to the year in which the award occurs or as
2002 | otherwise established by the United States Department of the
2003 | Treasury.

2004 |
2005 | If both an award under the local housing assistance plan and
2006 | federal low-income housing tax credits are used to assist a
2007 | project and there is a conflict between the criteria prescribed
2008 | in this subsection and the requirements of s. 42 of the Internal
2009 | Revenue Code of 1986, as amended, the county or eligible
2010 | municipality may resolve the conflict by giving precedence to
2011 | the requirements of s. 42 of the Internal Revenue Code of 1986,
2012 | as amended, in lieu of following the criteria prescribed in this
2013 | subsection with the exception of paragraphs (a) and (d) of this
2014 | subsection.

2015 | Section 27. Subsection (6) of section 420.9076, Florida
2016 | Statutes, is amended to read:

2017 | 420.9076 Adoption of affordable housing incentive
2018 | strategies; committees.--

2019 | (6) Within 90 days after the date of receipt of the local
2020 | housing incentive strategies recommendations from the advisory
2021 | committee, the governing body of the appointing local government

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2022 shall adopt an amendment to its local housing assistance plan to
 2023 incorporate the local housing incentive strategies it will
 2024 implement within its jurisdiction. The amendment must include,
 2025 at a minimum, the local housing incentive strategies specified
 2026 ~~as defined in paragraphs (4) (a) - (j) s. 420.9071(16).~~

2027 Section 28. Subsection (2) of section 420.9079, Florida
 2028 Statutes, is amended to read:

2029 420.9079 Local Government Housing Trust Fund.--

2030 (2) The corporation shall administer the fund exclusively
 2031 for the purpose of implementing the programs described in ss.
 2032 420.907-420.9078 and this section. With the exception of
 2033 monitoring the activities of counties and eligible
 2034 municipalities to determine local compliance with program
 2035 requirements, the corporation shall not receive appropriations
 2036 from the fund for administrative or personnel costs. For the
 2037 purpose of implementing the compliance monitoring provisions of
 2038 s. 420.9075(9)(8), the corporation may request a maximum of one-
 2039 quarter of 1 percent of the annual appropriation \$200,000 per
 2040 state fiscal year. When such funding is appropriated, the
 2041 corporation shall deduct the amount appropriated prior to
 2042 calculating the local housing distribution pursuant to ss.
 2043 420.9072 and 420.9073.

2044 Section 29. Paragraph (c) of subsection (1) and paragraph
 2045 (e) of subsection (2) of section 624.5105, Florida Statutes, are
 2046 amended to read:

2047 624.5105 Community contribution tax credit; authorization;
 2048 limitations; eligibility and application requirements;
 2049 administration; definitions; expiration.--

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2050 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

2051 (c) The total amount of tax credit which may be granted
 2052 for all programs approved under this section and ss.
 2053 212.08(5)(q) and 220.183 is \$10 ~~\$12~~ million annually for
 2054 projects that provide homeownership opportunities for extremely-
 2055 low-income persons, as defined in s. 420.0004(8), or low-income
 2056 or very-low-income persons, as defined in s. 420.9071(19) and
 2057 (28), and \$3 million annually for all other projects.

2058 (2) ELIGIBILITY REQUIREMENTS.--

2059 (e)1. ~~For the first 6 months of the fiscal year, the~~
 2060 ~~Office of Tourism, Trade, and Economic Development shall reserve~~
 2061 ~~80 percent of the first \$10 million in available annual tax~~
 2062 ~~credits, and 70 percent of any available annual tax credits in~~
 2063 ~~excess of \$10 million, for donations made to eligible sponsors~~
 2064 ~~for projects that provide homeownership opportunities for low-~~
 2065 ~~income or very low income households as defined in s.~~
 2066 ~~420.9071(19) and (28). If any such reserved annual tax credits~~
 2067 ~~remain after the first 6 months of the fiscal year, the office~~
 2068 ~~may approve the balance of these available credits for donations~~
 2069 ~~made to eligible sponsors for projects other than those that~~
 2070 ~~provide homeownership opportunities for low income or very low-~~
 2071 ~~income households.~~

2072 2. ~~For the first 6 months of the fiscal year, the office~~
 2073 ~~shall reserve 20 percent of the first \$10 million in available~~
 2074 ~~annual tax credits, and 30 percent of any available annual tax~~
 2075 ~~credits in excess of \$10 million, for donations made to eligible~~
 2076 ~~sponsors for projects other than those that provide~~
 2077 ~~homeownership opportunities for low income or very low income~~

2078 ~~households as defined in s. 420.9071(19) and (28). If any~~
 2079 ~~reserved annual tax credits remain after the first 6 months of~~
 2080 ~~the fiscal year, the office may approve the balance of these~~
 2081 ~~available credits for donations made to eligible sponsors for~~
 2082 ~~projects that provide homeownership opportunities for low income~~
 2083 ~~or very low income households.~~

2084 3. If, during the first 10 business days of the state
 2085 fiscal year, eligible tax credit applications for projects that
 2086 provide homeownership opportunities for extremely-low-income
 2087 persons, as defined in s. 420.0004(8), or low-income or very-
 2088 low-income persons, as defined in s. 420.9071(19) and (28), are
 2089 received for less than the ~~available~~ annual tax credits
 2090 available for those projects reserved under subparagraph 1., the
 2091 office shall grant tax credits for those applications and shall
 2092 grant remaining tax credits on a first-come, first-served basis
 2093 for any subsequent eligible applications received before the end
 2094 of the ~~first 6 months of the~~ state fiscal year. If, during the
 2095 first 10 business days of the state fiscal year, eligible tax
 2096 credit applications for projects that provide homeownership
 2097 opportunities for extremely-low-income persons, as defined in s.
 2098 420.0004(8), or low-income or very-low-income persons, as
 2099 defined in s. 420.9071(19) and (28), are received for more than
 2100 the ~~available~~ annual tax credits available for those projects
 2101 ~~reserved under subparagraph 1.~~, the office shall grant the tax
 2102 credits for those ~~the~~ applications as follows:

2103 a. If tax credit applications submitted for approved
 2104 projects of an eligible sponsor do not exceed \$200,000 in total,

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2105 | the credits shall be granted in full if the tax credit
2106 | applications are approved, ~~subject to subparagraph 1.~~

2107 | b. If tax credit applications submitted for approved
2108 | projects of an eligible sponsor exceed \$200,000 in total, the
2109 | amount of tax credits granted under sub-subparagraph a. shall be
2110 | subtracted from the amount of available tax credits ~~under~~
2111 | ~~subparagraph 1.~~, and the remaining credits shall be granted to
2112 | each approved tax credit application on a pro rata basis.

2113 | ~~e. If, after the first 6 months of the fiscal year,~~
2114 | ~~additional credits become available under subparagraph 2., the~~
2115 | ~~office shall grant the tax credits by first granting to those~~
2116 | ~~who received a pro rata reduction up to the full amount of their~~
2117 | ~~request and, if there are remaining credits, granting credits to~~
2118 | ~~those who applied on or after the 11th business day of the state~~
2119 | ~~fiscal year on a first come, first served basis.~~

2120 | 2.4. If, during the first 10 business days of the state
2121 | fiscal year, eligible tax credit applications for projects other
2122 | than those that provide homeownership opportunities for
2123 | extremely-low-income persons, as defined in s. 420.0004(8), or
2124 | low-income or very-low-income persons, as defined in s.
2125 | 420.9071(19) and (28,) are received for less than the ~~available~~
2126 | annual tax credits available for those projects ~~reserved under~~
2127 | ~~subparagraph 2.~~, the office shall grant tax credits for those
2128 | applications and shall grant remaining tax credits on a first-
2129 | come, first-served basis for any subsequent eligible
2130 | applications received before the end of the ~~first 6 months of~~
2131 | ~~the~~ state fiscal year. If, during the first 10 business days of
2132 | the state fiscal year, eligible tax credit applications for

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2133 | projects other than those that provide homeownership
 2134 | opportunities for extremely-low-income persons, as defined in s.
 2135 | 420.0004(8), or low-income or very-low-income persons, as
 2136 | defined in s. 420.9071(19) and (28), are received for more than
 2137 | the available annual tax credits available for those projects
 2138 | ~~reserved under subparagraph 2.~~, the office shall grant the tax
 2139 | credits for those the applications on a pro rata basis. ~~If,~~
 2140 | ~~after the first 6 months of the fiscal year, additional credits~~
 2141 | ~~become available under subparagraph 1., the office shall grant~~
 2142 | ~~the tax credits by first granting to those who received a pro~~
 2143 | ~~rata reduction up to the full amount of their request and, if~~
 2144 | ~~there are remaining credits, granting credits to those who~~
 2145 | ~~applied on or after the 11th business day of the state fiscal~~
 2146 | ~~year on a first come, first served basis.~~

2147 | Section 30. Subsection (12) of section 1001.43, Florida
 2148 | Statutes, is renumbered as subsection (13), and a new subsection
 2149 | (12) is added to that section to read:

2150 | 1001.43 Supplemental powers and duties of district school
 2151 | board.--The district school board may exercise the following
 2152 | supplemental powers and duties as authorized by this code or
 2153 | State Board of Education rule.

2154 | (12) AFFORDABLE HOUSING.--The district school board may
 2155 | provide affordable housing for teachers and other instructional
 2156 | personnel independently or in conjunction with other agencies as
 2157 | described in subsection (5).

2158 | Section 31. Paragraph (c) is added to subsection (5) of
 2159 | section 1013.64, Florida Statutes, to read:

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2160 1013.64 Funds for comprehensive educational plant needs;
 2161 construction cost maximums for school district capital
 2162 projects.--Allocations from the Public Education Capital Outlay
 2163 and Debt Service Trust Fund to the various boards for capital
 2164 outlay projects shall be determined as follows:

2165 (5) District school boards shall identify each fund source
 2166 and the use of each proportionate to the project cost, as
 2167 identified in the bid document, to assure compliance with this
 2168 section. The data shall be submitted to the department, which
 2169 shall track this information as submitted by the boards. PECO
 2170 funds shall not be expended as indicated in the following:

2171 (c) PECO funds shall not be used for the construction of
 2172 affordable housing. School districts may use local and other
 2173 funds to fund such projects.

2174 Section 32. Community Workforce Housing Innovation Pilot
 2175 Program.--

2176 (1) The Legislature finds and declares that recent rapid
 2177 increases in the median purchase price of a home and the cost of
 2178 rental housing have far outstripped the increases in median
 2179 income in the state, preventing essential services personnel
 2180 from living in the communities where they serve and thereby
 2181 creating the need for innovative solutions for the provision of
 2182 housing opportunities for essential services personnel.

2183 (2) The Community Workforce Housing Innovation Pilot
 2184 Program is created to provide affordable rental and home
 2185 ownership community workforce housing for essential services
 2186 personnel affected by the high cost of housing, using regulatory
 2187 incentives and state and local funds to promote local public-

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2188 private partnerships and leverage government and private
2189 resources.

2190 (3) For purposes of this section, the following
2191 definitions apply:

2192 (a) "Workforce housing" means housing affordable to
2193 natural persons or families whose total annual household income
2194 does not exceed 140 percent of the area median income, adjusted
2195 for household size, or 150 percent of area median income,
2196 adjusted for household size, in areas of critical state concern
2197 designated under s. 380.05, Florida Statutes, for which the
2198 Legislature has declared its intent to provide affordable
2199 housing, and areas that were designated as areas of critical
2200 state concern for at least 20 consecutive years prior to removal
2201 of the designation.

2202 (b) "Essential services personnel" means persons in need
2203 of affordable housing who are employed in occupations or
2204 professions in which they are considered essential services
2205 personnel, as defined by each county and eligible municipality
2206 within its respective local housing assistance plan pursuant to
2207 s. 420.9075(3)(a), Florida Statutes.

2208 (c) "Public-private partnership" means any form of
2209 business entity that includes substantial involvement of at
2210 least one county, one municipality, or one public sector entity,
2211 such as a school district or other unit of local government in
2212 which the project is to be located, and at least one private
2213 sector for-profit or not-for-profit business or charitable
2214 entity.

2215 (4) The Florida Housing Finance Corporation is authorized
2216 to provide Community Workforce Housing Innovation Pilot Program
2217 loans to an applicant for construction or rehabilitation of
2218 workforce housing in eligible areas. The corporation shall
2219 establish a funding process and selection criteria by rule or
2220 request for proposals. This funding is intended to be used with
2221 other public and private sector resources.

2222 (5) The corporation shall provide incentives for local
2223 governments in eligible areas to use local affordable housing
2224 funds, such as those from the State Housing Initiatives
2225 Partnership Program, to assist in meeting the affordable housing
2226 needs of persons eligible under this program.

2227 (6) Funding shall be prioritized for projects in counties
2228 where the disparity between the area median income and the
2229 median sales price for a single-family home is greatest, and for
2230 projects in areas where population growth as a percentage rate
2231 of increase is greatest. The corporation may also fund projects
2232 in counties where innovative regulatory and financial incentives
2233 are made available.

2234 (7) Projects shall receive priority consideration for
2235 funding where:

2236 (a) The local jurisdiction establishes appropriate
2237 regulatory incentives, local contributions or financial
2238 strategies, or other funding sources to promote the development
2239 and ongoing financial viability of such projects. Local
2240 incentives include such actions as expediting review of
2241 development orders and permits, supporting development near
2242 transportation hubs and major employment centers, and adopting

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2243 land development regulations designed to allow flexibility in
2244 densities, use of accessory units, mixed-use developments, and
2245 flexible lot configurations. Financial strategies include such
2246 actions as promoting employer-assisted housing programs,
2247 providing tax increment financing, and providing land.

2248 (b) Projects are innovative and include new construction
2249 or rehabilitation, mixed-income housing, or commercial and
2250 housing mixed-use elements and those that promote homeownership.
2251 The program funding shall not exceed the costs attributable to
2252 the portion of the project that is set aside to provide housing
2253 for the targeted population.

2254 (c) Projects that set aside at least 80 percent of units
2255 for workforce housing and at least 50 percent for essential
2256 services personnel and for projects that require the least
2257 amount of program funding compared to the overall housing costs
2258 for the project.

2259 (8) Notwithstanding the provisions of s. 163.3184(3)-(6),
2260 Florida Statutes, any local government comprehensive plan
2261 amendment to implement a Community Workforce Housing Innovation
2262 Pilot Program project found consistent with the provisions of
2263 this section shall be expedited as provided in this subsection.
2264 At least 30 days prior to adopting a plan amendment pursuant to
2265 this paragraph, the local government shall notify the state land
2266 planning agency of its intent to adopt such an amendment, and
2267 the notice shall include its evaluation related to site
2268 suitability and availability of facilities and services. The
2269 public notice of the hearing required by s. 163.3184(15)(e),
2270 Florida Statutes, shall include a statement that the local

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2271 government intends to utilize the expedited adoption process
 2272 authorized by this subsection. Such amendments shall require
 2273 only a single public hearing before the governing board, which
 2274 shall be an adoption hearing as described in s. 163.3184(7),
 2275 Florida Statutes, and the state land planning agency shall issue
 2276 its notice of intent pursuant to s. 163.3184(8), Florida
 2277 Statutes, within 30 days after determining that the amendment
 2278 package is complete.

2279 (9) The corporation shall award loans with interest rates
 2280 set at 1 to 3 percent, which may be made forgivable when long-
 2281 term affordability is provided and when at least 80 percent of
 2282 the units are set aside for workforce housing and at least 50
 2283 percent of the units are set aside for essential services
 2284 personnel.

2285 (10) All eligible applications shall:

2286 (a) For home ownership, limit the sales price of a
 2287 detached unit, townhome, or condominium unit to not more than 80
 2288 percent of the median sales price for that type of unit in that
 2289 county, or the statewide median sales price for that type of
 2290 unit, whichever is higher, and require that all eligible
 2291 purchasers of home ownership units occupy the homes as their
 2292 primary residence.

2293 (b) For rental units, restrict rents for all workforce
 2294 housing serving those with incomes at or below 120 percent of
 2295 area median income at the appropriate income level using the
 2296 restricted rents for the federal low-income housing tax credit
 2297 program and, for workforce housing units serving those with
 2298 incomes above 120 percent of area median income, restrict rents

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2299 to those established by the corporation, not to exceed 30
 2300 percent of the maximum household income adjusted to unit size.

2301 (c) Demonstrate that the applicant is a public-private
 2302 partnership.

2303 (d) Have grants, donations of land, or contributions from
 2304 the public-private partnership or other sources collectively
 2305 totaling at least 15 percent of the total development cost. Such
 2306 grants, donations of land, or contributions must be evidenced by
 2307 a letter of commitment only at the time of application.

2308 (e) Demonstrate how the applicant will use the regulatory
 2309 incentives and financial strategies outlined in paragraph (7)(a)
 2310 from the local jurisdiction in which the proposed project is to
 2311 be located. The corporation may consult with the department in
 2312 evaluating the use of regulatory incentives by applicants.

2313 (f) Demonstrate that the applicant possesses title to or
 2314 site control of land and evidences availability of required
 2315 infrastructure.

2316 (g) Demonstrate the applicant's affordable housing
 2317 development and management experience.

2318 (h) Provide any research or facts available supporting the
 2319 demand and need for rental or home ownership workforce housing
 2320 for eligible persons in the market in which the project is
 2321 proposed.

2322 (11) Projects may include manufactured housing constructed
 2323 after June 1994 and installed in accordance with mobile home
 2324 installation standards of the Department of Highway Safety and
 2325 Motor Vehicles.

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2326 (12) The corporation may adopt rules pursuant to ss.
 2327 120.536(1) and 120.54, Florida Statutes, to implement the
 2328 provisions of this section.

2329 (13) The corporation may use a maximum of 2 percent of the
 2330 annual appropriation for administration and compliance
 2331 monitoring.

2332 (14) The corporation shall review the success of the
 2333 Community Workforce Housing Innovation Pilot Program to
 2334 ascertain whether the projects financed by the program are
 2335 useful in meeting the housing needs of eligible areas. The
 2336 corporation shall submit its report and any recommendations
 2337 regarding the program to the Governor, the Speaker of the House
 2338 of Representatives, and the President of the Senate not later
 2339 than 2 months after the end of the corporation's fiscal year.

2340 Section 33. Affordable housing land donation density bonus
 2341 incentives.--

2342 (1) A local government may provide density bonus
 2343 incentives pursuant to the provisions of this section to any
 2344 landowner who voluntarily donates fee simple interest in real
 2345 property to the local government for the purpose of assisting
 2346 the local government in providing affordable housing. Donated
 2347 real property must be determined by the local government to be
 2348 appropriate for use as affordable housing and must be subject to
 2349 deed restrictions to ensure that the property will be used for
 2350 affordable housing.

2351 (2) For purposes of this section, the terms "affordable,"
 2352 "extremely-low-income persons," "low-income persons," "moderate-

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2353 income persons," and "very-low-income persons," have the same
2354 meaning as in s. 420.0004, Florida Statutes.

2355 (3) The density bonus may be applied to any land within
2356 the local government's jurisdiction provided that residential
2357 use is an allowable use on the receiving land.

2358 (4) The density bonus, identification of receiving land
2359 for the bonus, and any other conditions associated with the
2360 donation of the land for affordable housing are the subject of
2361 review and approval by the local government. The award of
2362 density bonus pursuant to this section, the legal description of
2363 the land receiving the bonus, and any other conditions
2364 associated with the bonus shall be memorialized in a development
2365 agreement or other binding agreement and recorded with the clerk
2366 of court in the county where the donated land and receiving land
2367 are located.

2368 (5) The local government, as part of the approval process,
2369 shall adopt a comprehensive plan amendment, pursuant to part II
2370 of chapter 163, Florida Statutes, for the receiving land that
2371 incorporates the density bonus. Such amendment shall be adopted
2372 in the manner as required for small-scale amendments pursuant to
2373 s. 163.3187, Florida Statutes, is not subject to the
2374 requirements of s. 163.3184(3)-(6), Florida Statutes, and is
2375 exempt from the limitation on the frequency of plan amendments
2376 as provided in s. 163.3187, Florida Statutes.

2377 (6) The deed restrictions required pursuant to subsection
2378 (1) for an affordable housing unit must also prohibit the unit
2379 from being sold at a price that exceeds the threshold for
2380 housing that is affordable for low-income or moderate-income

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2381 persons or to a buyer who is not eligible due to his or her
 2382 income under chapter 420, Florida Statutes. The deed restriction
 2383 may allow affordable housing units created under subsection (1)
 2384 to be rented to extremely-low-income, very-low-income, low-
 2385 income, or moderate-income persons.

2386 (7) The local government may transfer all or a portion of
 2387 the donated land to a nonprofit housing organization, such as a
 2388 community land trust, housing authority, or community
 2389 redevelopment agency, to be used for the production and
 2390 preservation of permanently affordable housing.

2391 Section 34. The Department of Community Affairs shall
 2392 establish the Home Retrofit Hardening Program. The program is a
 2393 competitive grant program to fund improvements to homes
 2394 constructed before the implementation of the current Florida
 2395 Building Code when the improvements will directly affect the
 2396 home's ability to withstand hurricane force winds and improve
 2397 the home's rating for home insurance. Site-built and mobile
 2398 homes are eligible for funding under this program. However,
 2399 priority shall be given to low-income homeowners, as defined in
 2400 s. 420.0004(10), Florida Statutes, who live in wind-borne debris
 2401 regions as defined in the Florida Building Code.

2402 (1) The program shall be administered by local
 2403 governments, regional planning councils, or private nonprofit
 2404 agencies under the overall direction of the department. When
 2405 awarding program funds, the department shall be guided by:

2406 (a) The number of homes in need of improvement.

2407 (b) The number of homes located within the wind-borne
 2408 debris region.

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2409 (c) The number of persons who will benefit from the
 2410 improvements.

2411 (d) The number of extremely-low-income, very-low-income,
 2412 and low-income households that will benefit from the
 2413 improvements.

2414 (e) The costs per home to provide improvements.

2415 (2) Funds may be used for the following improvements
 2416 installed in compliance with Blueprint for Safety standards:

2417 (a) Roof deck attachments.

2418 (b) Secondary water barriers.

2419 (c) Roof coverings.

2420 (d) Brace gable ends.

2421 (e) Reinforcement of roof-to-wall connections.

2422 (f) Opening protection.

2423 (g) Exterior doors.

2424 (3) Each project grant for an individual home retrofit may
 2425 not exceed \$10,000.

2426 (4) Administrative costs shall be kept to a minimum.

2427 (5) Grantees are encouraged to leverage grant funds
 2428 available under this program with other available funds.
 2429 Matching funds for a project is not a requirement. However,
 2430 matching funds from other available sources may be considered by
 2431 the department in the competitive-review process.

2432 (6) The sum of \$50 million is appropriated from the United
 2433 States Contributions Trust Fund to the Department of Community
 2434 Affairs in fixed capital outlay for the Home Retrofit Hardening
 2435 Program. No more than 5 percent of the funds provided under this

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2436 section may be used by the department for administration of this
2437 funding.

2438 Section 35. The Department of Community Affairs shall
2439 establish the Disaster Recovery Assistance Program which shall
2440 be a grant program to fund repairs and rehabilitation to homes
2441 in communities severely impacted by the 2004 and 2005
2442 hurricanes. These funds shall be leveraged with other program
2443 funds targeted to the most vulnerable citizens of the state. The
2444 sum of \$2 million is appropriated in fixed capital outlay from
2445 the State Housing Trust Fund in the Department of Community
2446 Affairs for the Disaster Recovery Assistance Program. For the
2447 purposes of implementing this section, the Florida Housing
2448 Finance Corporation is provided nonoperating budget authority to
2449 transfer \$2 million from the State Housing Trust Fund to the
2450 Department of Community Affairs.

2451 Section 36. The Florida Housing Finance Corporation is
2452 authorized to provide funds to eligible entities for affordable
2453 housing recovery in those areas of the state which sustained
2454 housing damage due to hurricanes during 2004 and 2005. The
2455 Florida Housing Finance Corporation shall utilize data provided
2456 by the Federal Emergency Management Agency to assist in its
2457 allocation of funds to local jurisdictions. To administer these
2458 programs, the Florida Housing Finance Corporation shall be
2459 guided by the "Hurricane Housing Work Group Recommendations to
2460 Assist in Florida's Long Term Housing Recovery Efforts" report
2461 dated February 16, 2005, and may adopt emergency rules pursuant
2462 to s. 120.54, Florida Statutes. The Legislature finds that
2463 emergency rules adopted pursuant to this section meet the

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2464 health, safety, and welfare requirement of s. 120.54(4), Florida
2465 Statutes. The Legislature finds that such emergency rulemaking
2466 power is necessary for the preservation of the rights and
2467 welfare of the people in order to provide additional funds to
2468 assist those areas of the state that sustained housing damage
2469 due to hurricanes during 2004 and 2005. Therefore, in adopting
2470 such emergency rules, the corporation need not make the findings
2471 required by s. 120.54(4)(a), Florida Statutes. Emergency rules
2472 adopted under this section are exempt from s. 120.54(4)(c),
2473 Florida Statutes. The sum of \$15 million is appropriated from
2474 the Local Government Housing Trust Fund to the Florida Housing
2475 Finance Corporation for the Hurricane Housing Recovery Program.
2476 There is appropriated from the State Housing Trust Fund to the
2477 Florida Housing Finance Corporation the sum of \$25 million for
2478 the Farmworker Housing Recovery Program and the Special Housing
2479 Assistance and Development Program, the sum of \$400,000 for
2480 technical and training assistance, and the sum of \$176.6 million
2481 for the Rental Recovery Loan Program.

2482 Section 37. The sum of \$82,904,000 is appropriated from
2483 the Florida Small Cities Community Development Block Grant
2484 Program Fund to the Department of Community Affairs. These funds
2485 shall be used consistent with the Federal Register, Vol. 71, No.
2486 29, February 13, 2006, Docket No. FR-5051-N-01, and the Action
2487 Plan for Disaster Recovery approved by the United States
2488 Department of Housing and Urban Development to meet the needs of
2489 communities impacted by Hurricanes Wilma and Katrina, with a
2490 prioritization toward affordable housing in the most impacted
2491 areas of the state.

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2492 Section 38. The sum of \$50 million is appropriated from
2493 the Local Government Housing Trust Fund to the Florida Housing
2494 Finance Corporation for fiscal year 2006-2007 to implement the
2495 Community Workforce Housing Innovation Pilot Program.

2496 Section 39. The sum of \$33 million is appropriated from
2497 the Local Government Housing Trust Fund to the Florida Housing
2498 Finance Corporation for fiscal year 2006-2007 to assist in the
2499 production of housing units for extremely-low-income persons as
2500 defined in s. 420.0004(8), Florida Statutes.

2501 Section 40. Except as otherwise expressly provided in this
2502 act, this act shall take effect July 1, 2006.