

1 A bill to be entitled

2 An act relating to affordable housing; creating s.  
3 125.379, F.S.; providing for disposition of county  
4 property for affordable housing; amending s. 163.31771,  
5 F.S., relating to accessory dwelling units; revising  
6 legislative findings and definitions; conforming cross-  
7 references; amending s. 163.3187, F.S.; revising a  
8 limitation relating to small scale comprehensive plan  
9 amendments involving the construction of affordable  
10 housing units; creating s. 166.0451, F.S.; providing for  
11 disposition of municipal property for affordable housing;  
12 providing a statement of important state interest;  
13 amending s. 189.4155, F.S.; authorizing independent  
14 special districts to provide for housing and housing  
15 assistance; amending s. 191.006, F.S.; authorizing  
16 independent special fire control districts to provide  
17 employee housing and housing assistance; amending s.  
18 197.252, F.S.; decreasing the age and increasing the  
19 income threshold required for eligibility to defer ad  
20 valorem property taxes; decreasing the maximum interest  
21 rate that may be charged on deferred ad valorem taxes;  
22 amending s. 253.034, F.S.; providing for the disposition  
23 of state lands for affordable housing; amending s.  
24 253.0341, F.S.; authorizing local governments to request  
25 state lands be declared surplus for the purpose of  
26 affordable housing; providing for use of lands that are  
27 declared surplus; amending s. 295.16, F.S.; expanding the

28 disabled veteran exemption from certain license and permit  
29 fees relating to dwelling improvements; amending s.  
30 380.06, F.S.; providing a greater substantial deviation  
31 threshold for the provision of affordable housing in a  
32 development of regional impact; conforming cross-  
33 references; amending s. 380.0651, F.S.; providing a  
34 statewide guidelines and standards bonus for the provision  
35 of workforce housing; amending s. 420.0004, F.S.; defining  
36 the term "extremely-low-income persons"; conforming cross-  
37 references; amending s. 420.503, F.S.; revising the  
38 definition of the term "farmworker" under the Florida  
39 Housing Finance Corporation Act; providing rulemaking  
40 authority; amending s. 420.5061, F.S.; conforming a cross-  
41 reference; amending s. 420.507, F.S.; revising and  
42 expanding the powers of the Florida Housing Finance  
43 Corporation relating to mortgage loan interest rates,  
44 loans, loan relief, uses of loan funds, subsidiary  
45 business entities, and data reporting; providing  
46 rulemaking authority; amending s. 420.5087, F.S.;  
47 increasing the population criteria for the State Apartment  
48 Incentive Loan Program; revising criteria for loans;  
49 conforming cross-references; amending s. 420.5088, F.S.;  
50 expanding the scope of the Florida Homeownership  
51 Assistance Program; revising loan requirements; deleting a  
52 provision reserving program funds for certain borrowers;  
53 repealing ss. 420.37 and 420.530, F.S., relating to the  
54 State Farm Worker Housing Pilot Loan Program; amending s.

55 | 420.9071, F.S.; conforming a cross-reference; amending s.  
56 | 420.9072, F.S.; conforming cross-references; amending s.  
57 | 420.9075, F.S.; requiring local housing assistance plans  
58 | to define essential service personnel for the county or  
59 | eligible municipality and to contain a strategy for the  
60 | recruitment and retention of such personnel; amending s.  
61 | 420.9076, F.S.; conforming a cross-reference; amending s.  
62 | 420.9079, F.S.; revising the maximum appropriation the  
63 | Florida Housing Finance Corporation may request each state  
64 | fiscal year; conforming a cross-reference; amending s.  
65 | 1001.43, F.S.; authorizing district school boards to  
66 | provide affordable housing for teachers and other district  
67 | personnel; creating the Community Workforce Housing  
68 | Innovation Pilot Program; provides legislative findings;  
69 | providing definitions; providing the Florida Housing  
70 | Finance Corporation with certain powers and  
71 | responsibilities relating to the program; requiring the  
72 | program to target certain entities; providing application  
73 | requirements; providing incentives for program applicants;  
74 | providing rulemaking authority; requires a report to the  
75 | Governor and Legislature; authorizing local governments to  
76 | provide density bonus incentives to landowners who donate  
77 | fee simple interest in real property to the local  
78 | government for the purpose of assisting the local  
79 | government in providing affordable housing; providing  
80 | definitions and requirements governing such donations and  
81 | density bonuses; amending s. 196.1978, F.S., correcting

82 cross-references; amending s. 212.08, F.S.; correcting  
83 cross-references; authorizing the corporation to provide  
84 funds for eligible entities for affordable housing  
85 recovery in those counties that were declared eligible for  
86 disaster funding after the hurricanes of 2004 and 2005 and  
87 that sustained housing damage due to those storms;  
88 authorizing the corporation to adopt emergency rules;  
89 providing an appropriation to the Florida Housing Finance  
90 Corporation to provide housing units for extremely-low-  
91 income persons; providing an appropriation to the Florida  
92 Housing Finance Corporation to implement the Community  
93 Workforce Housing Innovation Pilot Program; providing an  
94 appropriation to the Florida Housing Finance Corporation  
95 for hurricane housing recovery; providing an appropriation  
96 to the Department of Community Affairs for the Century  
97 Commission for a Sustainable Florida; providing effective  
98 dates.

99  
100 Be It Enacted by the Legislature of the State of Florida:

101  
102 Section 1. Section 125.379, Florida Statutes, is created  
103 to read:

104 125.379 Disposition of county property for affordable  
105 housing.--

106 (1) By July 1, 2007, and every 3 years thereafter, each  
107 county shall prepare an inventory list of all real property  
108 within its jurisdiction to which the county holds fee simple

109 title that is appropriate for use as affordable housing. The  
110 inventory list must include the address and legal description of  
111 each such real property and specify whether the property is  
112 vacant or improved. The governing body of the county must review  
113 the inventory list at a public hearing and may revise it at the  
114 conclusion of the public hearing. The governing body of the  
115 county shall adopt a resolution that includes an inventory list  
116 of such property following the public hearing.

117 (2) The properties identified as appropriate for use as  
118 affordable housing on the inventory list adopted by the county  
119 may be offered for sale and the proceeds used to purchase land  
120 for the development of affordable housing or to increase the  
121 local government fund earmarked for affordable housing, or may  
122 be sold with a restriction that requires the development of the  
123 property as permanent affordable housing, or may be donated to a  
124 nonprofit housing organization for the construction of permanent  
125 affordable housing. Alternatively, the county may otherwise make  
126 the property available for use for the production and  
127 preservation of permanent affordable housing. For purposes of  
128 this section, the term "affordable" has the same meaning as in  
129 s. 420.0004(3).

130 Section 2. Subsections (1) and (4) and paragraphs (b),  
131 (d), (e), and (f) of subsection (2) of section 163.31771,  
132 Florida Statutes, are amended, and paragraph (g) is added to  
133 subsection (2) of that section, to read:

134 163.31771 Accessory dwelling units.--

135 (1) The Legislature finds that the median price of homes  
136 in this state has increased steadily over the last decade and at  
137 a greater rate of increase than the median income in many urban  
138 areas. The Legislature finds that the cost of rental housing has  
139 also increased steadily and the cost often exceeds an amount  
140 that is affordable to extremely-low-income, very-low-income,  
141 low-income, or moderate-income persons and has resulted in a  
142 critical shortage of affordable rentals in many urban areas in  
143 the state. This shortage of affordable rentals constitutes a  
144 threat to the health, safety, and welfare of the residents of  
145 the state. Therefore, the Legislature finds that it serves an  
146 important public purpose to encourage the permitting of  
147 accessory dwelling units in single-family residential areas in  
148 order to increase the availability of affordable rentals for  
149 extremely-low-income, very-low-income, low-income, or moderate-  
150 income persons.

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

152 (b) "Affordable rental" means that monthly rent and  
153 utilities do not exceed 30 percent of that amount which  
154 represents the percentage of the median adjusted gross annual  
155 income for extremely-low-income, very-low-income, low-income, or  
156 moderate-income persons.

157 (d) "Low-income persons" has the same meaning as in s.  
158 420.0004 (10) ~~(9)~~.

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

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

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

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

171 Section 3. Paragraph (c) of subsection (1) of section  
 172 163.3187, Florida Statutes, is amended to read:

173 163.3187 Amendment of adopted comprehensive plan.--

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

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

183 1. The proposed amendment involves a use of 10 acres or  
 184 fewer and:

185 a. The cumulative annual effect of the acreage for all  
 186 small scale development amendments adopted by the local  
 187 government shall not exceed:

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

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

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

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

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

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



215 future land use map for a site-specific small scale development  
 216 activity.

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

230 f. If the proposed amendment involves a residential land  
 231 use, the residential land use has a density of 10 units or less  
 232 per acre or the proposed future land use category allows a  
 233 maximum residential density of the same or less than the maximum  
 234 residential density allowable under the existing future land use  
 235 category, except that this limitation does not apply to small  
 236 scale amendments involving the construction of affordable  
 237 housing units meeting the criteria of s. 420.0004(3) on property  
 238 which will be the subject of a land use restriction agreement ~~or~~  
 239 ~~extended use agreement recorded in conjunction with the issuance~~  
 240 ~~of tax exempt bond financing or an allocation of federal tax~~  
 241 ~~credits issued through the Florida Housing Finance Corporation~~

242 ~~er a local housing finance authority authorized by the Division~~  
243 ~~of Bond Finance of the State Board of Administration,~~ or small  
244 scale amendments described in sub-sub-subparagraph a.(I) that  
245 are designated in the local comprehensive plan for urban infill,  
246 urban redevelopment, or downtown revitalization as defined in s.  
247 163.3164, urban infill and redevelopment areas designated under  
248 s. 163.2517, transportation concurrency exception areas approved  
249 pursuant to s. 163.3180(5), or regional activity centers and  
250 urban central business districts approved pursuant to s.  
251 380.06(2)(e).

252 2.a. A local government that proposes to consider a plan  
253 amendment pursuant to this paragraph is not required to comply  
254 with the procedures and public notice requirements of s.  
255 163.3184(15)(c) for such plan amendments if the local government  
256 complies with the provisions in s. 125.66(4)(a) for a county or  
257 in s. 166.041(3)(c) for a municipality. If a request for a plan  
258 amendment under this paragraph is initiated by other than the  
259 local government, public notice is required.

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

267 3. Small scale development amendments adopted pursuant to  
268 this paragraph require only one public hearing before the

269 governing board, which shall be an adoption hearing as described  
270 in s. 163.3184(7), and are not subject to the requirements of s.  
271 163.3184(3)-(6) unless the local government elects to have them  
272 subject to those requirements.

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

286 Section 4. Section 166.0451, Florida Statutes, is created  
287 to read:

288 166.0451 Disposition of municipal property for affordable  
289 housing.--

290 (1) By July 1, 2007, and every 3 years thereafter, each  
291 municipality shall prepare an inventory list of all real  
292 property within its jurisdiction to which the municipality holds  
293 fee simple title that is appropriate for use as affordable  
294 housing. The inventory list must include the address and legal  
295 description of each such property and specify whether the

296 property is vacant or improved. The governing body of the  
 297 municipality must review the inventory list at a public hearing  
 298 and may revise it at the conclusion of the public hearing.  
 299 Following the public hearing, the governing body of the  
 300 municipality shall adopt a resolution that includes an inventory  
 301 list of such property.

302 (2) The properties identified as appropriate for use as  
 303 affordable housing on the inventory list adopted by the  
 304 municipality may be offered for sale and the proceeds may be  
 305 used to purchase land for the development of affordable housing  
 306 or to increase the local government fund earmarked for  
 307 affordable housing, or may be sold with a restriction that  
 308 requires the development of the property as permanent affordable  
 309 housing, or may be donated to a nonprofit housing organization  
 310 for the construction of permanent affordable housing.  
 311 Alternatively, the municipality may otherwise make the property  
 312 available for use for the production and preservation of  
 313 permanent affordable housing. For purposes of this section, the  
 314 term "affordable" has the same meaning as in s. 420.0004(3).

315 Section 5. The Legislature finds that providing  
 316 affordable housing is vitally important to the health, safety,  
 317 and welfare of the residents of this state. Furthermore, the  
 318 Legislature finds that escalating property values and  
 319 development costs have contributed to the inadequate supply of  
 320 housing for low- and moderate-income residents of this state.  
 321 The Legislature further finds that there is a shortage of sites  
 322 available for housing for persons and families with low and

323 moderate incomes and that surplus government land, when  
324 appropriate, should be made available for that purpose.  
325 Therefore, the Legislature determines and declares that this act  
326 fulfills an important state interest.

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

329 189.4155 Activities of special districts; local government  
330 comprehensive planning.--

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

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

340 191.006 General powers.--The district shall have, and the  
341 board may exercise by majority vote, the following powers:

342 (19) To provide housing or housing assistance for its  
343 employed personnel whose total annual household income does not  
344 exceed 140 percent of the area median income, adjusted for  
345 family size.

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

348 197.252 Homestead tax deferral.--

349 (2)

350 (b) ~~If in the event~~ the applicant is entitled to claim the  
 351 increased exemption by reason of age and residency as provided  
 352 in s. 196.031(3)(a), approval of the ~~such~~ application shall  
 353 defer that portion of the ~~such~~ ad valorem taxes plus non-ad  
 354 valorem assessments which exceeds 3 percent of the applicant's  
 355 household ~~household's~~ income for the prior calendar year. If  
 356 any ~~such~~ applicant's household income for the prior calendar  
 357 year is less than \$10,000, or is less than the amount of the  
 358 household income designated for the additional homestead  
 359 exemption pursuant to s. 196.075, and the \$12,000 if such  
 360 applicant is 65 ~~70~~ years of age or older, approval of the ~~such~~  
 361 application shall defer the ~~such~~ ad valorem taxes plus non-ad  
 362 valorem assessments in their entirety.

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

371 Section 9. Paragraph (f) of subsection (6) of section  
 372 253.034, Florida Statutes, is amended to read:

373 253.034 State-owned lands; uses.--

374 (6) The Board of Trustees of the Internal Improvement  
 375 Trust Fund shall determine which lands, the title to which is  
 376 vested in the board, may be surplus. For conservation lands,

377 the board shall make a determination that the lands are no  
378 longer needed for conservation purposes and may dispose of them  
379 by an affirmative vote of at least three members. In the case of  
380 a land exchange involving the disposition of conservation lands,  
381 the board must determine by an affirmative vote of at least  
382 three members that the exchange will result in a net positive  
383 conservation benefit. For all other lands, the board shall make  
384 a determination that the lands are no longer needed and may  
385 dispose of them by an affirmative vote of at least three  
386 members.

387 (f)1. In reviewing lands owned by the board, the council  
388 shall consider whether such lands would be more appropriately  
389 owned or managed by the county or other unit of local government  
390 in which the land is located. The council shall recommend to the  
391 board whether a sale, lease, or other conveyance to a local  
392 government would be in the best interests of the state and local  
393 government. The provisions of this paragraph in no way limit the  
394 provisions of ss. 253.111 and 253.115. Such lands shall be  
395 offered to the state, county, or local government for a period  
396 of 30 days. Permittable uses for such surplus lands may include  
397 public schools; public libraries; fire or law enforcement  
398 substations; ~~and~~ governmental, judicial, or recreational  
399 centers; and affordable housing meeting the criteria of s.  
400 420.0004(3). County or local government requests for surplus  
401 lands shall be expedited throughout the surplus process. If  
402 the county or local government does not elect to purchase such  
403 lands in accordance with s. 253.111, then any surplus

404 determination involving other governmental agencies shall be  
405 made upon the board deciding the best public use of the lands.  
406 Surplus properties in which governmental agencies have expressed  
407 no interest shall then be available for sale on the private  
408 market.

409 2. Notwithstanding subparagraph 1., any surplus lands that  
410 were acquired by the state prior to 1958 by a gift or other  
411 conveyance for no consideration from a municipality, and which  
412 the department has filed by July 1, 2006, a notice of its intent  
413 to surplus, shall be first offered for reconveyance to such  
414 municipality at no cost, but for the fair market value of any  
415 building or other improvements to the land, unless otherwise  
416 provided in a deed restriction of record. This subparagraph  
417 expires July 1, 2006.

418 Section 10. Section 253.0341, Florida Statutes, is amended  
419 to read:

420 253.0341 Surplus of state-owned lands to counties or local  
421 governments.--Counties and local governments may submit  
422 surplus requests for state-owned lands directly to the board  
423 of trustees. County or local government requests for the state  
424 to surplus conservation or nonconservation lands, whether for  
425 purchase or exchange, shall be expedited throughout the  
426 surplus process. Property jointly acquired by the state and  
427 other entities shall not be surplus without the consent of all  
428 joint owners.

429 (1) The decision to surplus state-owned nonconservation  
430 lands may be made by the board without a review of, or a



431 recommendation on, the request from the Acquisition and  
432 Restoration Council or the Division of State Lands. Such  
433 requests for nonconservation lands shall be considered by the  
434 board within 60 days of the board's receipt of the request.

435 (2) County or local government requests for the surplus  
436 of state-owned conservation lands are subject to review of, and  
437 recommendation on, the request to the board by the Acquisition  
438 and Restoration Council. Requests to surplus conservation lands  
439 shall be considered by the board within 120 days of the board's  
440 receipt of the request.

441 (3) A local government may request that state lands be  
442 specifically declared surplus lands for the purpose of providing  
443 affordable housing. The request shall comply with the  
444 requirements of subsection (1) if the lands are nonconservation  
445 lands or subsection (2) if the lands are conservation lands.  
446 Surplus lands that are conveyed to a local government for  
447 affordable housing shall be disposed of by the local government  
448 under the provisions of s. 125.379 or s. 166.0451.

449 Section 11. Section 295.16, Florida Statutes, is amended  
450 to read:

451 295.16 Disabled veterans exempt from certain license or  
452 permit fee.--No totally and permanently disabled veteran who is  
453 a resident of Florida and honorably discharged from the Armed  
454 Forces, who has been issued a valid identification card by the  
455 Department of Veterans' Affairs in accordance with s. 295.17 or  
456 has been determined by the United States Department of Veterans  
457 Affairs or its predecessor to have a service-connected 100-

458 percent disability rating for compensation, or who has been  
459 determined to have a service-connected disability rating of 100  
460 percent and is in receipt of disability retirement pay from any  
461 branch of the uniformed armed services, shall be required to pay  
462 any license or permit fee, by whatever name known, to any county  
463 or municipality in order to make improvements upon a dwelling  
464 ~~mobile home~~ owned by the veteran which is used as the veteran's  
465 residence, provided such improvements are limited to ramps,  
466 widening of doors, and similar improvements for the purpose of  
467 making the dwelling ~~mobile home~~ habitable for veterans confined  
468 to wheelchairs.

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

472 380.06 Developments of regional impact.--

473 (19) SUBSTANTIAL DEVIATIONS.--

474 (b) Any proposed change to a previously approved  
475 development of regional impact or development order condition  
476 which, either individually or cumulatively with other changes,  
477 exceeds any of the following criteria shall constitute a  
478 substantial deviation and shall cause the development to be  
479 subject to further development-of-regional-impact review without  
480 the necessity for a finding of same by the local government:

481 1. An increase in the number of parking spaces at an  
482 attraction or recreational facility by 5 percent or 300 spaces,  
483 whichever is greater, or an increase in the number of spectators

484 that may be accommodated at such a facility by 5 percent or  
485 1,000 spectators, whichever is greater.

486 2. A new runway, a new terminal facility, a 25-percent  
487 lengthening of an existing runway, or a 25-percent increase in  
488 the number of gates of an existing terminal, but only if the  
489 increase adds at least three additional gates.

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

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

494 5. An increase in the average annual acreage mined by 5  
495 percent or 10 acres, whichever is greater, or an increase in the  
496 average daily water consumption by a mining operation by 5  
497 percent or 300,000 gallons, whichever is greater. An increase in  
498 the size of the mine by 5 percent or 750 acres, whichever is  
499 less. An increase in the size of a heavy mineral mine as defined  
500 in s. 378.403(7) will only constitute a substantial deviation if  
501 the average annual acreage mined is more than 500 acres and  
502 consumes more than 3 million gallons of water per day.

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

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

509 8. An increase of development at a waterport of wet  
510 storage for 20 watercraft, dry storage for 30 watercraft, or

511 wet/dry storage for 60 watercraft in an area identified in the  
512 state marina siting plan as an appropriate site for additional  
513 waterport development or a 5-percent increase in watercraft  
514 storage capacity, whichever is greater.

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

517 10. An increase in the number of dwelling units by 50  
518 percent, or 200 units, whichever is greater, provided that 15  
519 percent of the proposed additional dwelling units are dedicated  
520 to affordable workforce housing, subject to a recorded land use  
521 restriction that shall be for a period of not less than 20 years  
522 and that includes resale provisions to ensure long-term  
523 affordability for income-eligible homeowners and renters and  
524 provisions for the workforce housing to be commenced prior to  
525 the completion of 50 percent of the market rate dwelling. For  
526 purposes of this subparagraph, the term "affordable workforce  
527 housing" means housing that is affordable to a person who earns  
528 less than 120 percent of the area median income, or less than  
529 140 percent of the area median income if located in a county in  
530 which the median purchase price for a single-family existing  
531 home exceeds the statewide median purchase price of a single-  
532 family existing home. For purposes of this subparagraph, the  
533 term "statewide median purchase price of a single-family  
534 existing home" means the statewide purchase price as determined  
535 in the Florida Sales Report, Single-Family Existing Homes,  
536 released each January by the Florida Association of Realtors and  
537 the University of Florida Real Estate Research Center.

538        ~~11.10.~~ An increase in commercial development by 50,000  
539 square feet of gross floor area or of parking spaces provided  
540 for customers for 300 cars or a 5-percent increase of either of  
541 these, whichever is greater.

542        ~~12.11.~~ An increase in hotel or motel facility units by 5  
543 percent or 75 units, whichever is greater.

544        ~~13.12.~~ An increase in a recreational vehicle park area by  
545 5 percent or 100 vehicle spaces, whichever is less.

546        ~~14.13.~~ A decrease in the area set aside for open space of  
547 5 percent or 20 acres, whichever is less.

548        ~~15.14.~~ A proposed increase to an approved multiuse  
549 development of regional impact where the sum of the increases of  
550 each land use as a percentage of the applicable substantial  
551 deviation criteria is equal to or exceeds 100 percent. The  
552 percentage of any decrease in the amount of open space shall be  
553 treated as an increase for purposes of determining when 100  
554 percent has been reached or exceeded.

555        ~~16.15.~~ A 15-percent increase in the number of external  
556 vehicle trips generated by the development above that which was  
557 projected during the original development-of-regional-impact  
558 review.

559        ~~17.16.~~ Any change which would result in development of any  
560 area which was specifically set aside in the application for  
561 development approval or in the development order for  
562 preservation or special protection of endangered or threatened  
563 plants or animals designated as endangered, threatened, or  
564 species of special concern and their habitat, primary dunes, or

565 archaeological and historical sites designated as significant by  
566 the Division of Historical Resources of the Department of State.  
567 The further refinement of such areas by survey shall be  
568 considered under sub-subparagraph (e)5.b.

569

570 The substantial deviation numerical standards in subparagraphs  
571 4., 6., 10., 11., and 15. ~~14.~~, excluding residential uses, and  
572 16. ~~15.~~, are increased by 100 percent for a project certified  
573 under s. 403.973 which creates jobs and meets criteria  
574 established by the Office of Tourism, Trade, and Economic  
575 Development as to its impact on an area's economy, employment,  
576 and prevailing wage and skill levels. The substantial deviation  
577 numerical standards in subparagraphs 4., 6., 9., 10., 11., 12.,  
578 and 15. ~~14.~~ are increased by 50 percent for a project located  
579 wholly within an urban infill and redevelopment area designated  
580 on the applicable adopted local comprehensive plan future land  
581 use map and not located within the coastal high hazard area.

582 (e)1. Except for a development order rendered pursuant to  
583 subsection (22) or subsection (25), a proposed change to a  
584 development order that individually or cumulatively with any  
585 previous change is less than any numerical criterion contained  
586 in subparagraphs (b)1.-16. ~~(b)1.-15.~~ and does not exceed any  
587 other criterion, or that involves an extension of the buildout  
588 date of a development, or any phase thereof, of less than 5  
589 years is not subject to the public hearing requirements of  
590 subparagraph (f)3., and is not subject to a determination  
591 pursuant to subparagraph (f)5. Notice of the proposed change

592 shall be made to the regional planning council and the state  
593 land planning agency. Such notice shall include a description of  
594 previous individual changes made to the development, including  
595 changes previously approved by the local government, and shall  
596 include appropriate amendments to the development order.

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

599 a. Changes in the name of the project, developer, owner,  
600 or monitoring official.

601 b. Changes to a setback that do not affect noise buffers,  
602 environmental protection or mitigation areas, or archaeological  
603 or historical resources.

604 c. Changes to minimum lot sizes.

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

607 e. Changes to the building design or orientation that stay  
608 approximately within the approved area designated for such  
609 building and parking lot, and which do not affect historical  
610 buildings designated as significant by the Division of  
611 Historical Resources of the Department of State.

612 f. Changes to increase the acreage in the development,  
613 provided that no development is proposed on the acreage to be  
614 added.

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

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

620 i. Any renovation or redevelopment of development within a  
621 previously approved development of regional impact which does  
622 not change land use or increase density or intensity of use.

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

627

628 This subsection does not require a development order amendment  
629 for any change listed in sub-subparagraphs a.-j. unless such  
630 issue is addressed either in the existing development order or  
631 in the application for development approval, but, in the case of  
632 the application, only if, and in the manner in which, the  
633 application is incorporated in the development order.

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

639 4. Any submittal of a proposed change to a previously  
640 approved development shall include a description of individual  
641 changes previously made to the development, including changes  
642 previously approved by the local government. The local  
643 government shall consider the previous and current proposed



644 changes in deciding whether such changes cumulatively constitute  
645 a substantial deviation requiring further development-of-  
646 regional-impact review.

647 5. The following changes to an approved development of  
648 regional impact shall be presumed to create a substantial  
649 deviation. Such presumption may be rebutted by clear and  
650 convincing evidence.

651 a. A change proposed for 15 percent or more of the acreage  
652 to a land use not previously approved in the development order.  
653 Changes of less than 15 percent shall be presumed not to create  
654 a substantial deviation.

655 b. Except for the types of uses listed in subparagraph  
656 (b)17. ~~(b)16.~~, any change which would result in the development  
657 of any area which was specifically set aside in the application  
658 for development approval or in the development order for  
659 preservation, buffers, or special protection, including habitat  
660 for plant and animal species, archaeological and historical  
661 sites, dunes, and other special areas.

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

668 (i) An increase in the number of residential dwelling  
669 units shall not constitute a substantial deviation and shall not  
670 be subject to development-of-regional-impact review for

671 additional impacts, provided that all the residential dwelling  
672 units are dedicated to affordable workforce housing and the  
673 total number of new residential units does not exceed 200  
674 percent of the substantial deviation threshold. The affordable  
675 workforce housing shall be subject to a recorded land use  
676 restriction that shall be for a period of not less than 20 years  
677 and that includes resale provisions to ensure long-term  
678 affordability for income-eligible homeowners and renters. For  
679 purposes of this paragraph, the term "affordable workforce  
680 housing" means housing that is affordable to a person who earns  
681 less than 120 percent of the area median income, or less than  
682 140 percent of the area median income if located in a county in  
683 which the median purchase price for a single-family existing  
684 home exceeds the statewide median purchase price of a single-  
685 family existing home. For purposes of this paragraph, the term  
686 "statewide median purchase price of a single-family existing  
687 home" means the statewide purchase price as determined in the  
688 Florida Sales Report, Single-Family Existing Homes, released  
689 each January by the Florida Association of Realtors and the  
690 University of Florida Real Estate Research Center.

691 Section 13. Paragraph (k) of subsection (3) of section  
692 380.0651, Florida Statutes, is redesignated as paragraph (l),  
693 and a new paragraph (k) is added to that subsection, to read:

694 380.0651 Statewide guidelines and standards.--

695 (3) The following statewide guidelines and standards shall  
696 be applied in the manner described in s. 380.06(2) to determine

697 whether the following developments shall be required to undergo  
698 development-of-regional-impact review:

699 (k) Workforce housing.--The applicable guidelines for  
700 residential development and the residential component for  
701 multiuse development shall be increased by 50 percent where the  
702 developer demonstrates that at least 15 percent of the total  
703 residential dwelling units authorized within the development of  
704 regional impact will be dedicated to affordable workforce  
705 housing, subject to a recorded land use restriction that shall  
706 be for a period of not less than 20 years and that includes  
707 resale provisions to ensure long-term affordability for income-  
708 eligible homeowners and renters and provisions for the workforce  
709 housing to be commenced prior to the completion of 50 percent of  
710 the market rate dwelling. For purposes of this paragraph, the  
711 term "affordable workforce housing" means housing that is  
712 affordable to a person who earns less than 120 percent of the  
713 area median income, or less than 140 percent of the area median  
714 income if located in a county in which the median purchase price  
715 for a single-family existing home exceeds the statewide median  
716 purchase price of a single-family existing home. For the  
717 purposes of this paragraph, the term "statewide median purchase  
718 price of a single-family existing home" means the statewide  
719 purchase price as determined in the Florida Sales Report,  
720 Single-Family Existing Homes, released each January by the  
721 Florida Association of Realtors and the University of Florida  
722 Real Estate Research Center.

723 Section 14. Section 420.0004, Florida Statutes, is amended  
724 to read:

725 420.0004 Definitions.--As used in this part, unless the  
726 context otherwise indicates:

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

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

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

747 (4) "Corporation" means the Florida Housing Finance  
748 Corporation.

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

755 (6) "Department" means the Department of Community  
756 Affairs.

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

758 (8) "Extremely-low-income persons" means one or more  
759 natural persons or a family whose total annual household income  
760 does not exceed 30 percent of the median annual adjusted gross  
761 income for households within the state. The Florida Housing  
762 Finance Corporation may adjust this amount annually by rule to  
763 provide that in lower income counties, extremely-low-income may  
764 exceed 30 percent of area median income and that in higher  
765 income counties, extremely-low-income may be less than 30  
766 percent of area median income.

767 (9)~~(8)~~ "Local public body" means any county, municipality,  
768 or other political subdivision, or any housing authority as  
769 provided by chapter 421, which is eligible to sponsor or develop  
770 housing for farmworkers and very-low-income and low-income  
771 persons within its jurisdiction.

772 (10)~~(9)~~ "Low-income persons" means one or more natural  
773 persons or a family, the total annual adjusted gross household  
774 income of which does not exceed 80 percent of the median annual  
775 adjusted gross income for households within the state, or 80

776 percent of the median annual adjusted gross income for  
777 households within the metropolitan statistical area (MSA) or, if  
778 not within an MSA, within the county in which the person or  
779 family resides, whichever is greater.

780 (11)~~(10)~~ "Moderate-income persons" means one or more  
781 natural persons or a family, the total annual adjusted gross  
782 household income of which is less than 120 percent of the median  
783 annual adjusted gross income for households within the state, or  
784 120 percent of the median annual adjusted gross income for  
785 households within the metropolitan statistical area (MSA) or, if  
786 not within an MSA, within the county in which the person or  
787 family resides, whichever is greater.

788 (12)~~(11)~~ "Student" means any person not living with his or  
789 her parent or guardian who is eligible to be claimed by his or  
790 her parent or guardian as a dependent under the federal income  
791 tax code and who is enrolled on at least a half-time basis in a  
792 secondary school, career center, community college, college, or  
793 university.

794 (13)~~(12)~~ "Substandard" means:

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

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

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

803            (14)~~(13)~~ "Substantial rehabilitation" means repair or  
 804 restoration of a dwelling unit where the value of such repair or  
 805 restoration exceeds 40 percent of the value of the dwelling.

806            (15)~~(14)~~ "Very-low-income persons" means one or more  
 807 natural persons or a family, not including students, the total  
 808 annual adjusted gross household income of which does not exceed  
 809 50 percent of the median annual adjusted gross income for  
 810 households within the state, or 50 percent of the median annual  
 811 adjusted gross income for households within the metropolitan  
 812 statistical area (MSA) or, if not within an MSA, within the  
 813 county in which the person or family resides, whichever is  
 814 greater.

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

817            420.503 Definitions.--As used in this part, the term:

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

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

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

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

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

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

842 Section 16. Section 420.5061, Florida Statutes, is amended  
 843 to read:

844 420.5061 Transfer of agency assets and liabilities.--  
 845 Effective January 1, 1998, all assets and liabilities and rights  
 846 and obligations, including any outstanding contractual  
 847 obligations, of the agency shall be transferred to the  
 848 corporation as legal successor in all respects to the agency.  
 849 The corporation shall thereupon become obligated to the same  
 850 extent as the agency under any existing agreements and be  
 851 entitled to any rights and remedies previously afforded the  
 852 agency by law or contract, including specifically the rights of  
 853 the agency under chapter 201 and part VI of chapter 159. The  
 854 corporation is a state agency for purposes of s. 159.807(4)(a).  
 855 Effective January 1, 1998, all references under Florida law to



856 the agency are deemed to mean the corporation. The corporation  
857 shall transfer to the General Revenue Fund an amount which  
858 otherwise would have been deducted as a service charge pursuant  
859 to s. 215.20(1) if the Florida Housing Finance Corporation Fund  
860 established by s. 420.508(5), the State Apartment Incentive Loan  
861 Fund established by s. 420.5087(7), the Florida Homeownership  
862 Assistance Fund established by s. 420.5088(4)~~(5)~~, the HOME  
863 Investment Partnership Fund established by s. 420.5089(1), and  
864 the Housing Predevelopment Loan Fund established by s.  
865 420.525(1) were each trust funds. For purposes of s. 112.313,  
866 the corporation is deemed to be a continuation of the agency,  
867 and the provisions thereof are deemed to apply as if the same  
868 entity remained in place. Any employees of the agency and agency  
869 board members covered by s. 112.313(9)(a)6. shall continue to be  
870 entitled to the exemption in that subparagraph, notwithstanding  
871 being hired by the corporation or appointed as board members of  
872 the corporation. Effective January 1, 1998, all state property  
873 in use by the agency shall be transferred to and become the  
874 property of the corporation.

875 Section 17. Subsections (22), (23), and (40) of section  
876 420.507, Florida Statutes, are amended, and subsections (44) and  
877 (45) are added to that section, to read:

878 420.507 Powers of the corporation.--The corporation shall  
879 have all the powers necessary or convenient to carry out and  
880 effectuate the purposes and provisions of this part, including  
881 the following powers which are in addition to all other powers  
882 granted by other provisions of this part:

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

886 (a) Make first, second, and other subordinated mortgage  
 887 loans including variable or fixed rate loans subject to  
 888 contingent interest for all State Apartment Incentive Loans  
 889 provided for in this chapter based upon available cash flow of  
 890 the projects. The corporation shall make loans exceeding 25  
 891 percent of project cost available only to nonprofit  
 892 organizations and public bodies which are able to secure grants,  
 893 donations of land, or contributions from other sources and to  
 894 projects meeting the criteria of subparagraph 1. Mortgage loans  
 895 shall be made available at the following rates of interest:

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

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

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

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

911        (c) Forgive indebtedness for a share of the loan  
912 attributable to the units in a project reserved for extremely-  
913 low-income persons.

914        (d)~~(b)~~ Geographically and demographically target the  
915 utilization of loans.

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

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

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

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

929        (i)~~(g)~~ Establish a loan loss insurance reserve to be used  
930 to protect the outstanding program investment in case of a  
931 default, deed in lieu of foreclosure, or foreclosure of a  
932 program loan.

933        (23) To develop and administer the Florida Homeownership  
934 Assistance Program. In developing and administering the program,  
935 the corporation may:

- 936 (a)1. Make subordinated loans to eligible borrowers for  
937 down payments or closing costs related to the purchase of the  
938 borrower's primary residence.
- 939 2. Make permanent loans to eligible borrowers related to  
940 the purchase of the borrower's primary residence.
- 941 3. Make subordinated loans to nonprofit sponsors or  
942 developers of housing for purchase of property, for  
943 construction, or for financing of housing to be offered for sale  
944 to eligible borrowers as a primary residence at an affordable  
945 price.
- 946 (b) Establish a loan loss insurance reserve to supplement  
947 existing sources of mortgage insurance with appropriated funds.
- 948 (c) Geographically and demographically target the  
949 utilization of loans.
- 950 (d) Defer repayment of loans for the term of the first  
951 mortgage.
- 952 (e) Establish flexible terms for loans with an interest  
953 rate not to exceed 3 percent per annum and which are  
954 nonamortizing for the term of the first mortgage.
- 955 (f) Require repayment of loans upon sale, transfer,  
956 refinancing, or rental of secured property, unless otherwise  
957 approved by the corporation.
- 958 (g) Accelerate a loan for monetary default, for failure to  
959 provide the benefits of the loans to eligible borrowers, or for  
960 violation of any other restriction placed upon the loan.
- 961 (h) Adopt rules for the program and exercise the powers  
962 authorized in this subsection.

963           (40) To establish subsidiary business entities  
964 ~~corporations~~ for the purpose of taking title to and managing and  
965 disposing of property acquired by the corporation. Such  
966 subsidiary business entities ~~corporations~~ shall be public  
967 business entities ~~corporations~~ wholly owned by the corporation;  
968 shall be entitled to own, mortgage, and sell property on the  
969 same basis as the corporation; and shall be deemed business  
970 entities ~~corporations~~ primarily acting as an agent ~~agents~~ of the  
971 state, within the meaning of s. 768.28, on the same basis as the  
972 corporation. Any subsidiary business entity created by the  
973 corporation shall be subject to chapters 119, 120, and 286 to  
974 the same extent as the corporation. The subsidiary business  
975 entities shall have authority to make rules necessary to conduct  
976 business and to carry out the purposes of this subsection.

977           (44) To adopt rules for the intervention and negotiation  
978 of terms or other actions necessary to further program goals or  
979 avoid default of a program loan. Such rules must consider fiscal  
980 program goals and the preservation or advancement of affordable  
981 housing for the state.

982           (45) To establish by rule requirements for periodic  
983 reporting of data, including, but not limited to, financial  
984 data, housing market data, detailed economic and physical  
985 occupancy on multifamily projects, and demographic data on all  
986 housing financed through corporation programs and for  
987 participation in a housing locator system.

988           Section 18. Subsections (1), (3), (5), and (6) of section  
989 420.5087, Florida Statutes, are amended to read:

990           420.5087 State Apartment Incentive Loan Program.--There is  
 991 hereby created the State Apartment Incentive Loan Program for  
 992 the purpose of providing first, second, or other subordinated  
 993 mortgage loans or loan guarantees to sponsors, including for-  
 994 profit, nonprofit, and public entities, to provide housing  
 995 affordable to very-low-income persons.

996           (1) Program funds shall be distributed over successive 3-  
 997 year periods in a manner that meets the need and demand for  
 998 very-low-income housing throughout the state. That need and  
 999 demand must be determined by using the most recent statewide  
 1000 low-income rental housing market studies available at the  
 1001 beginning of each 3-year period. However, at least 10 percent of  
 1002 the program funds distributed during a 3-year period must be  
 1003 allocated to each of the following categories of counties, as  
 1004 determined by using the population statistics published in the  
 1005 most recent edition of the Florida Statistical Abstract:

1006           (a) Counties that have a population of 825,000 or more.  
 1007 ~~more than 500,000 people;~~

1008           (b) Counties that have a population of more than ~~between~~  
 1009 100,000 but less than 825,000. ~~and 500,000 people; and~~

1010           (c) Counties that have a population of 100,000 or less.  
 1011

1012           Any increase in funding required to reach the 10-percent  
 1013 minimum shall be taken from the county category that has the  
 1014 largest allocation. The corporation shall adopt rules which  
 1015 establish an equitable process for distributing any portion of  
 1016 the 10 percent of program funds allocated to the county

1017 categories specified in this subsection which remains  
1018 unallocated at the end of a 3-year period. Counties that have a  
1019 population of 100,000 or less shall be given preference under  
1020 these rules.

1021 (3) During the first 6 months of loan or loan guarantee  
1022 availability, program funds shall be reserved for use by  
1023 sponsors who provide the housing set-aside required in  
1024 subsection (2) for the tenant groups designated in this  
1025 subsection. The reservation of funds to each of these groups  
1026 shall be determined using the most recent statewide very-low-  
1027 income rental housing market study available at the time of  
1028 publication of each notice of fund availability required by  
1029 paragraph (6)(b). The reservation of funds within each notice of  
1030 fund availability to the tenant groups in paragraphs (a), (b),  
1031 and (d) may not be less than 10 percent of the funds available  
1032 at that time. Any increase in funding required to reach the 10-  
1033 percent minimum shall be taken from the tenant group that has  
1034 the largest reservation. The reservation of funds within each  
1035 notice of fund availability to the tenant group in paragraph (c)  
1036 may not be less than 5 percent of the funds available at that  
1037 time. The tenant groups are:

- 1038 (a) Commercial fishing workers and farmworkers;  
1039 (b) Families;  
1040 (c) Persons who are homeless; and  
1041 (d) Elderly persons. Ten percent of the amount reserved  
1042 for the elderly shall be reserved to provide loans to sponsors  
1043 of housing for the elderly for the purpose of making building

1044 preservation, health, or sanitation repairs or improvements  
1045 which are required by federal, state, or local regulation or  
1046 code, or lifesafety or security-related repairs or improvements  
1047 to such housing. Such a loan may not exceed \$750,000 per housing  
1048 community for the elderly. In order to receive the loan, the  
1049 sponsor of the housing community must make a commitment to match  
1050 at least 5 ~~15~~ percent of the loan amount to pay the cost of such  
1051 repair or improvement. The corporation shall establish the rate  
1052 of interest on the loan, which may not exceed 3 percent, and the  
1053 term of the loan, which may not exceed 15 years; however, if the  
1054 lien of the corporation's encumbrance is subordinate to the lien  
1055 of another mortgagee, then the term may be made coterminous with  
1056 the longest term of the superior lien. The term of the loan  
1057 shall be established on the basis of a credit analysis of the  
1058 applicant. The corporation shall establish, by rule, the  
1059 procedure and criteria for receiving, evaluating, and  
1060 competitively ranking all applications for loans under this  
1061 paragraph. A loan application must include evidence of the first  
1062 mortgagee's having reviewed and approved the sponsor's intent to  
1063 apply for a loan. A nonprofit organization or sponsor may not  
1064 use the proceeds of the loan to pay for administrative costs,  
1065 routine maintenance, or new construction.

1066 (5) The amount of the mortgage provided under this program  
1067 combined with any other mortgage in a superior position shall be  
1068 less than the value of the project without the housing set-aside  
1069 required by subsection (2). However, the corporation may waive  
1070 this requirement for projects in rural areas or urban infill



1071 areas which have market rate rents that are less than the  
1072 allowable rents pursuant to applicable state and federal  
1073 guidelines, and for projects which reserve units for extremely-  
1074 low-income persons. In no event shall the mortgage provided  
1075 under this program combined with any other mortgage in a  
1076 superior position exceed total project cost.

1077 (6) On all state apartment incentive loans, except loans  
1078 made to housing communities for the elderly to provide for  
1079 lifesafety, building preservation, health, sanitation, or  
1080 security-related repairs or improvements, the following  
1081 provisions shall apply:

1082 (a) The corporation shall establish two interest rates in  
1083 accordance with s. 420.507(22)(a)1. and 3. ~~2.~~

1084 (b) The corporation shall publish a notice of fund  
1085 availability in a publication of general circulation throughout  
1086 the state. Such notice shall be published at least 60 days prior  
1087 to the application deadline and shall provide notice of the  
1088 temporary reservations of funds established in subsection (3).

1089 (c) The corporation shall provide by rule for the  
1090 establishment of a review committee composed of the department  
1091 and corporation staff and shall establish by rule a scoring  
1092 system for evaluation and competitive ranking of applications  
1093 submitted in this program, including, but not limited to, the  
1094 following criteria:

1095 1. Tenant income and demographic targeting objectives of  
1096 the corporation.

1097           2. Targeting objectives of the corporation which will  
 1098 ensure an equitable distribution of loans between rural and  
 1099 urban areas.

1100           3. Sponsor's agreement to reserve the units for persons or  
 1101 families who have incomes below 50 percent of the state or local  
 1102 median income, whichever is higher, for a time period to exceed  
 1103 the minimum required by federal law or the provisions of this  
 1104 part.

1105           4. Sponsor's agreement to reserve more than:

1106           a. Twenty percent of the units in the project for persons  
 1107 or families who have incomes that do not exceed 50 percent of  
 1108 the state or local median income, whichever is higher; or

1109           b. Forty percent of the units in the project for persons  
 1110 or families who have incomes that do not exceed 60 percent of  
 1111 the state or local median income, whichever is higher, without  
 1112 requiring a greater amount of the loans as provided in this  
 1113 section.

1114           5. Provision for tenant counseling.

1115           6. Sponsor's agreement to accept rental assistance  
 1116 certificates or vouchers as payment for rent; ~~however, when~~  
 1117 ~~certificates or vouchers are accepted as payment for rent on~~  
 1118 ~~units set aside pursuant to subsection (2), the benefit must be~~  
 1119 ~~divided between the corporation and the sponsor, as provided by~~  
 1120 ~~corporation rule.~~

1121           7. Projects requiring the least amount of a state  
 1122 apartment incentive loan compared to overall project cost except  
 1123 that the share of the loan attributable to units serving

1124 extremely-low-income persons shall be excluded from this  
 1125 requirement.

1126 8. Local government contributions and local government  
 1127 comprehensive planning and activities that promote affordable  
 1128 housing.

1129 9. Project feasibility.

1130 10. Economic viability of the project.

1131 11. Commitment of first mortgage financing.

1132 12. Sponsor's prior experience.

1133 13. Sponsor's ability to proceed with construction.

1134 14. Projects that directly implement or assist welfare-to-  
 1135 work transitioning.

1136 15. Projects that reserve units for extremely-low-income  
 1137 persons.

1138 (d) The corporation may reject any and all applications.

1139 (e) The corporation may approve and reject applications  
 1140 for the purpose of achieving geographic targeting.

1141 (f) The review committee established by corporation rule  
 1142 pursuant to this subsection shall make recommendations to the  
 1143 board of directors of the corporation regarding program  
 1144 participation under the State Apartment Incentive Loan Program.  
 1145 The corporation board shall make the final ranking and the  
 1146 decisions regarding which applicants shall become program  
 1147 participants based on the scores received in the competitive  
 1148 ranking, further review of applications, and the recommendations  
 1149 of the review committee. The corporation board shall approve or  
 1150 reject applications for loans and shall determine the tentative

1151 loan amount available to each applicant selected for  
 1152 participation in the program. The actual loan amount shall be  
 1153 determined pursuant to rule adopted pursuant to s.  
 1154 420.507(22) (h) ~~(f)~~.

1155 (g) The loan term shall be for a period of not more than  
 1156 15 years; however, if both a program loan and federal low-income  
 1157 housing tax credits are to be used to assist a project, the  
 1158 corporation may set the loan term for a period commensurate with  
 1159 the investment requirements associated with the tax credit  
 1160 syndication. The term of the loan may also exceed 15 years;  
 1161 however, if the lien of the corporation's encumbrance is  
 1162 subordinate to the lien of another mortgagee, then the term may  
 1163 be made coterminous with the longest term of the superior lien  
 1164 necessary to conform to requirements of the Federal National  
 1165 Mortgage Association. The corporation may renegotiate and extend  
 1166 the loan in order to extend the availability of housing for the  
 1167 targeted population. The term of a loan may not extend beyond  
 1168 the period for which the sponsor agrees to provide the housing  
 1169 set-aside required by subsection (2).

1170 (h) The loan shall be subject to sale, transfer, or  
 1171 refinancing. The sale, transfer, or refinancing of the loan  
 1172 shall be consistent with fiscal program goals and the  
 1173 preservation or advancement of affordable housing for the state.  
 1174 ~~However, all requirements and conditions of the loan shall~~  
 1175 ~~remain following sale, transfer, or refinancing.~~

1176 (i) The discrimination provisions of s. 420.516 shall  
 1177 apply to all loans.

1178 (j) The corporation may require units dedicated for the  
1179 elderly.

1180 (k) Rent controls shall not be allowed on any project  
1181 except as required in conjunction with the issuance of tax-  
1182 exempt bonds or federal low-income housing tax credits and  
1183 except when the sponsor has committed to set aside units for  
1184 extremely-low-income persons, in which case rents shall be  
1185 restricted at the level applicable for federal low-income tax  
1186 credits.

1187 (l) The proceeds of all loans shall be used for new  
1188 construction or substantial rehabilitation which creates  
1189 affordable, safe, and sanitary housing units.

1190 (m) Sponsors shall annually certify the adjusted gross  
1191 income of all persons or families qualified under subsection (2)  
1192 at the time of initial occupancy, who are residing in a project  
1193 funded by this program. All persons or families qualified under  
1194 subsection (2) may continue to qualify under subsection (2) in a  
1195 project funded by this program if the adjusted gross income of  
1196 those persons or families at the time of annual recertification  
1197 meets the requirements established in s. 142(d)(3)(B) of the  
1198 Internal Revenue Code of 1986, as amended. If the annual  
1199 recertification of persons or families qualifying under  
1200 subsection (2) results in noncompliance with income occupancy  
1201 requirements, the next available unit must be rented to a person  
1202 or family qualifying under subsection (2) in order to ensure  
1203 continuing compliance of the project. The corporation may waive

1204 the annual recertification if 100 percent of the units are set  
1205 aside as affordable.

1206 (n) Upon submission and approval of a marketing plan which  
1207 demonstrates a good faith effort of a sponsor to rent a unit or  
1208 units to persons or families reserved under subsection (3) and  
1209 qualified under subsection (2), the sponsor may rent such unit  
1210 or units to any person or family qualified under subsection (2)  
1211 notwithstanding the reservation.

1212 (o) Sponsors may participate in federal mortgage insurance  
1213 programs and must abide by the requirements of those programs.  
1214 If a conflict occurs between the requirements of federal  
1215 mortgage insurance programs and the requirements of this  
1216 section, the requirements of federal mortgage insurance programs  
1217 shall take precedence.

1218 Section 19. Section 420.5088, Florida Statutes, is amended  
1219 to read:

1220 420.5088 Florida Homeownership Assistance Program.--There  
1221 is created the Florida Homeownership Assistance Program for the  
1222 purpose of assisting low-income and moderate-income persons in  
1223 purchasing a home as their primary residence by reducing the  
1224 cost of the home with below-market construction financing, by  
1225 reducing the amount of down payment and closing costs paid by  
1226 the borrower to a maximum of 5 percent of the purchase price, or  
1227 by reducing the monthly payment to an affordable amount for the  
1228 purchaser. Loans shall be made available at an interest rate  
1229 that does not exceed 3 percent. The balance of any loan is due

1230 at closing if the property is sold, refinanced, rented, or  
 1231 transferred, unless otherwise approved by the corporation.

1232 (1) For loans made available pursuant to s.  
 1233 420.507(23)(a)1. or 2.:

1234 (a) The corporation may underwrite and make those mortgage  
 1235 loans through the program to persons or families who have  
 1236 incomes that do not exceed 120 ~~80~~ percent of the state or local  
 1237 median income, whichever is greater, adjusted for family size.

1238 (b) Loans shall be made available for the term of the  
 1239 first mortgage.

1240 (c) Loans may not exceed ~~are limited to~~ the lesser of 35  
 1241 ~~25~~ percent of the purchase price of the home or the amount  
 1242 necessary to enable the purchaser to meet credit underwriting  
 1243 criteria.

1244 (2) For loans made pursuant to s. 420.507(23)(a)3.:

1245 (a) Availability is limited to nonprofit sponsors or  
 1246 developers who are selected for program participation pursuant  
 1247 to this subsection.

1248 (b) Preference must be given ~~to community development~~  
 1249 ~~corporations as defined in s. 290.033~~ and to community-based  
 1250 organizations as defined in s. 420.503.

1251 (c) Priority must be given to projects that have received  
 1252 state assistance in funding project predevelopment costs.

1253 (d) The benefits of making such loans shall be  
 1254 contractually provided to the persons or families purchasing  
 1255 homes financed under this subsection.

1256 (e) At least 30 percent of the units in a project financed  
 1257 pursuant to this subsection must be sold to persons or families  
 1258 who have incomes that do not exceed 80 percent of the state or  
 1259 local median income, whichever amount is greater, adjusted for  
 1260 family size; and at least another 30 percent of the units in a  
 1261 project financed pursuant to this subsection must be sold to  
 1262 persons or families who have incomes that do not exceed 65 ~~50~~  
 1263 percent of the state or local median income, whichever amount is  
 1264 greater, adjusted for family size.

1265 (f) The maximum loan amount may not exceed 33 percent of  
 1266 the total project cost.

1267 (g) A person who purchases a home in a project financed  
 1268 under this subsection is eligible for a loan authorized by s.  
 1269 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the  
 1270 construction loan made pursuant to this subsection. The home  
 1271 purchaser must meet all the requirements for loan recipients  
 1272 established pursuant to the applicable loan program.

1273 (h) The corporation shall provide, by rule, for the  
 1274 establishment of a review committee composed of corporation  
 1275 staff and shall establish, by rule, a scoring system for  
 1276 evaluating and ranking applications submitted for construction  
 1277 loans under this subsection, including, but not limited to, the  
 1278 following criteria:

- 1279 1. The affordability of the housing proposed to be built.
- 1280 2. The direct benefits of the assistance to the persons
- 1281 who will reside in the proposed housing.



1282           3. The demonstrated capacity of the applicant to carry out  
1283 the proposal, including the experience of the development team.

1284           4. The economic feasibility of the proposal.

1285           5. The extent to which the applicant demonstrates  
1286 potential cost savings by combining the benefits of different  
1287 governmental programs and private initiatives, including the  
1288 local government contributions and local government  
1289 comprehensive planning and activities that promote affordable  
1290 housing.

1291           6. The use of the least amount of program loan funds  
1292 compared to overall project cost.

1293           7. The provision of homeownership counseling.

1294           8. The applicant's agreement to exceed the requirements of  
1295 paragraph (e).

1296           9. The commitment of first mortgage financing for the  
1297 balance of the construction loan and for the permanent loans to  
1298 the purchasers of the housing.

1299           10. The applicant's ability to proceed with construction.

1300           11. The targeting objectives of the corporation which will  
1301 ensure an equitable distribution of loans between rural and  
1302 urban areas.

1303           12. The extent to which the proposal will further the  
1304 purposes of this program.

1305           (i) The corporation may reject any and all applications.

1306           (j) The review committee established by corporation rule  
1307 pursuant to this subsection shall make recommendations to the  
1308 corporation board regarding program participation under this

1309 subsection. The corporation board shall make the final ranking  
 1310 for participation based on the scores received in the ranking,  
 1311 further review of the applications, and the recommendations of  
 1312 the review committee. The corporation board shall approve or  
 1313 reject applicants for loans and shall determine the tentative  
 1314 loan amount available to each program participant. The final  
 1315 loan amount shall be determined pursuant to rule adopted under  
 1316 s. 420.507(23)(h).

1317 (3) The corporation shall publish a notice of fund  
 1318 availability in a publication of general circulation throughout  
 1319 the state at least 60 days prior to the anticipated availability  
 1320 of funds.

1321 ~~(4) During the first 9 months of fund availability:~~

1322 ~~(a) Sixty percent of the program funds shall be reserved~~  
 1323 ~~for use by borrowers pursuant to s. 420.507(23)(a)1.;~~

1324 ~~(b) Twenty percent of the program funds shall be reserved~~  
 1325 ~~for use by borrowers pursuant to s. 420.507(23)(a)2.; and~~

1326 ~~(c) Twenty percent of the program funds shall be reserved~~  
 1327 ~~for use by borrowers pursuant to s. 420.507(23)(a)3.~~

1328  
 1329 ~~If the application of these percentages would cause the~~  
 1330 ~~reservation of program funds under paragraph (a) to be less than~~  
 1331 ~~\$1 million, the reservation for paragraph (a) shall be increased~~  
 1332 ~~to \$1 million or all available funds, whichever amount is less,~~  
 1333 ~~with the increase to be accomplished by reducing the reservation~~  
 1334 ~~for paragraph (b) and, if necessary, paragraph (c).~~

1335        (4)~~(5)~~ There is authorized to be established by the  
1336 corporation with a qualified public depository meeting the  
1337 requirements of chapter 280 the Florida Homeownership Assistance  
1338 Fund to be administered by the corporation according to the  
1339 provisions of this program. Any amounts held in the Florida  
1340 Homeownership Assistance Trust Fund for such purposes as of  
1341 January 1, 1998, must be transferred to the corporation for  
1342 deposit in the Florida Homeownership Assistance Fund, whereupon  
1343 the Florida Homeownership Assistance Trust Fund must be closed.  
1344 There shall be deposited in the fund moneys from the State  
1345 Housing Trust Fund created by s. 420.0005, or moneys received  
1346 from any other source, for the purpose of this program and all  
1347 proceeds derived from the use of such moneys. In addition, all  
1348 unencumbered funds, loan repayments, proceeds from the sale of  
1349 any property, and any other proceeds that would otherwise accrue  
1350 pursuant to the activities of the programs described in this  
1351 section shall be transferred to this fund. In addition, all loan  
1352 repayments, proceeds from the sale of any property, and any  
1353 other proceeds that would otherwise accrue pursuant to the  
1354 activities conducted under the provisions of the Florida  
1355 Homeownership Assistance Program shall be deposited in the fund  
1356 and shall not revert to the General Revenue Fund. Expenditures  
1357 from the Florida Homeownership Assistance Fund shall not be  
1358 required to be included in the corporation's budget request or  
1359 be subject to appropriation by the Legislature.

1360        (5)~~(6)~~ No more than one-fifth of the funds available in  
1361 the Florida Homeownership Assistance Fund may be made available

1362 | to provide loan loss insurance reserve funds to facilitate  
 1363 | homeownership for eligible persons.

1364 |       Section 20. Sections 420.37 and 420.530, Florida Statutes,  
 1365 | are repealed.

1366 |       Section 21. Subsection (25) of section 420.9071, Florida  
 1367 | Statutes, is amended to read:

1368 |       420.9071 Definitions.--As used in ss. 420.907-420.9079,  
 1369 | the term:

1370 |       (25) "Recaptured funds" means funds that are recouped by a  
 1371 | county or eligible municipality in accordance with the recapture  
 1372 | provisions of its local housing assistance plan pursuant to s.  
 1373 | 420.9075~~(5)~~(4)(g) from eligible persons or eligible sponsors who  
 1374 | default on the terms of a grant award or loan award.

1375 |       Section 22. Subsection (2) of section 420.9072, Florida  
 1376 | Statutes, is amended to read:

1377 |       420.9072 State Housing Initiatives Partnership Program.--  
 1378 | The State Housing Initiatives Partnership Program is created for  
 1379 | the purpose of providing funds to counties and eligible  
 1380 | municipalities as an incentive for the creation of local housing  
 1381 | partnerships, to expand production of and preserve affordable  
 1382 | housing, to further the housing element of the local government  
 1383 | comprehensive plan specific to affordable housing, and to  
 1384 | increase housing-related employment.

1385 |       (2) (a) To be eligible to receive funds under the program,  
 1386 | a county or eligible municipality must:

1387           1. Submit to the corporation its local housing assistance  
1388 plan describing the local housing assistance strategies  
1389 established pursuant to s. 420.9075;

1390           2. Within 12 months after adopting the local housing  
1391 assistance plan, amend the plan to incorporate the local housing  
1392 incentive strategies defined in s. 420.9071(16) and described in  
1393 s. 420.9076; and

1394           3. Within 24 months after adopting the amended local  
1395 housing assistance plan to incorporate the local housing  
1396 incentive strategies, amend its land development regulations or  
1397 establish local policies and procedures, as necessary, to  
1398 implement the local housing incentive strategies adopted by the  
1399 local governing body. A county or an eligible municipality that  
1400 has adopted a housing incentive strategy pursuant to s. 420.9076  
1401 before the effective date of this act shall review the status of  
1402 implementation of the plan according to its adopted schedule for  
1403 implementation and report its findings in the annual report  
1404 required by s. 420.9075(10)~~(9)~~. If as a result of the review, a  
1405 county or an eligible municipality determines that the  
1406 implementation is complete and in accordance with its schedule,  
1407 no further action is necessary. If a county or an eligible  
1408 municipality determines that implementation according to its  
1409 schedule is not complete, it must amend its land development  
1410 regulations or establish local policies and procedures, as  
1411 necessary, to implement the housing incentive plan within 12  
1412 months after the effective date of this act, or if extenuating  
1413 circumstances prevent implementation within 12 months, pursuant

1414 to s. 420.9075 (13) ~~(12)~~, enter into an extension agreement with  
 1415 the corporation.

1416 (b) A county or an eligible municipality seeking approval  
 1417 to receive its share of the local housing distribution must  
 1418 adopt an ordinance containing the following provisions:

1419 1. Creation of a local housing assistance trust fund as  
 1420 described in s. 420.9075 (6) ~~(5)~~.

1421 2. Adoption by resolution of a local housing assistance  
 1422 plan as defined in s. 420.9071(14) to be implemented through a  
 1423 local housing partnership as defined in s. 420.9071(18).

1424 3. Designation of the responsibility for the  
 1425 administration of the local housing assistance plan. Such  
 1426 ordinance may also provide for the contracting of all or part of  
 1427 the administrative or other functions of the program to a third  
 1428 person or entity.

1429 4. Creation of the affordable housing advisory committee  
 1430 as provided in s. 420.9076.

1431  
 1432 The ordinance must not take effect until at least 30 days after  
 1433 the date of formal adoption. Ordinances in effect prior to the  
 1434 effective date of amendments to this section shall be amended as  
 1435 needed to conform to new provisions.

1436 Section 23. Paragraph (c) of present subsection (4) of  
 1437 section 420.9075, Florida Statutes, is amended, subsections (3)  
 1438 through (12) are renumbered as subsections (4) through (13),  
 1439 respectively, and a new subsection (3) is added to that section,  
 1440 to read:

1441 420.9075 Local housing assistance plans; partnerships.--

1442 (3) (a) Each local housing assistance plan shall include a  
1443 definition of essential service personnel for the county or  
1444 eligible municipality, including, but not limited to, teachers  
1445 and educators, other school district, community college, and  
1446 university employees, police and fire personnel, health care  
1447 personnel, skilled building trades personnel, and other job  
1448 categories.

1449 (b) Each county and each eligible municipality is  
1450 encouraged to develop a strategy within its local housing  
1451 assistance plan that emphasizes the recruitment and retention of  
1452 essential service personnel. The local government is encouraged  
1453 to involve public and private sector employers. Compliance with  
1454 the eligibility criteria established under this strategy shall  
1455 be verified by the county or eligible municipality.

1456 (c) Each county and each eligible municipality is  
1457 encouraged to develop a strategy within its local housing  
1458 assistance plan that addresses the needs of persons who are  
1459 deprived of affordable housing due to the closure of a mobile  
1460 home park or the conversion of affordable rental units to  
1461 condominiums.

1462 (5)(4) The following criteria apply to awards made to  
1463 eligible sponsors or eligible persons for the purpose of  
1464 providing eligible housing:

1465 (c) The sales price or value of new or existing eligible  
1466 housing may not exceed 90 percent of the average area purchase  
1467 price in the statistical area in which the eligible housing is

1468 | located. Such average area purchase price may be that calculated  
1469 | for any 12-month period beginning not earlier than the fourth  
1470 | calendar year prior to the year in which the award occurs or as  
1471 | otherwise established by the United States Department of the  
1472 | Treasury.

1473 |  
1474 | If both an award under the local housing assistance plan and  
1475 | federal low-income housing tax credits are used to assist a  
1476 | project and there is a conflict between the criteria prescribed  
1477 | in this subsection and the requirements of s. 42 of the Internal  
1478 | Revenue Code of 1986, as amended, the county or eligible  
1479 | municipality may resolve the conflict by giving precedence to  
1480 | the requirements of s. 42 of the Internal Revenue Code of 1986,  
1481 | as amended, in lieu of following the criteria prescribed in this  
1482 | subsection with the exception of paragraphs (a) and (d) of this  
1483 | subsection.

1484 | Section 24. Subsection (6) of section 420.9076, Florida  
1485 | Statutes, is amended to read:

1486 | 420.9076 Adoption of affordable housing incentive  
1487 | strategies; committees.--

1488 | (6) Within 90 days after the date of receipt of the local  
1489 | housing incentive strategies recommendations from the advisory  
1490 | committee, the governing body of the appointing local government  
1491 | shall adopt an amendment to its local housing assistance plan to  
1492 | incorporate the local housing incentive strategies it will  
1493 | implement within its jurisdiction. The amendment must include,



1494 at a minimum, the local housing incentive strategies specified  
 1495 ~~as defined in paragraphs (4)(a)-(j) s. 420.9071(16).~~

1496 Section 25. Subsection (2) of section 420.9079, Florida  
 1497 Statutes, is amended to read:

1498 420.9079 Local Government Housing Trust Fund.--

1499 (2) The corporation shall administer the fund exclusively  
 1500 for the purpose of implementing the programs described in ss.  
 1501 420.907-420.9078 and this section. With the exception of  
 1502 monitoring the activities of counties and eligible  
 1503 municipalities to determine local compliance with program  
 1504 requirements, the corporation shall not receive appropriations  
 1505 from the fund for administrative or personnel costs. For the  
 1506 purpose of implementing the compliance monitoring provisions of  
 1507 s. 420.9075(9)~~(8)~~, the corporation may request a maximum of one-  
 1508 quarter of 1 percent of the annual appropriation \$200,000 per  
 1509 state fiscal year. When such funding is appropriated, the  
 1510 corporation shall deduct the amount appropriated prior to  
 1511 calculating the local housing distribution pursuant to ss.  
 1512 420.9072 and 420.9073.

1513 Section 26. Subsection (12) of section 1001.43, Florida  
 1514 Statutes, is renumbered as subsection (13), and a new subsection  
 1515 (12) is added to that section, to read:

1516 1001.43 Supplemental powers and duties of district school  
 1517 board.--The district school board may exercise the following  
 1518 supplemental powers and duties as authorized by this code or  
 1519 State Board of Education rule.

1520           (12) AFFORDABLE HOUSING.--A district school board may use  
1521 portions of school sites purchased within the guidelines of the  
1522 State Requirements for Educational Facilities, land deemed not  
1523 usable for educational purposes because of location or other  
1524 factors, or land declared as surplus by the board to provide  
1525 sites for affordable housing for teachers and other district  
1526 personnel independently or in conjunction with other agencies as  
1527 described in subsection (5).

1528           Section 27. Community Workforce Housing Innovation Pilot  
1529 Program.--

1530           (1) The Legislature finds and declares that recent rapid  
1531 increases in the median purchase price of a home and the cost of  
1532 rental housing have far outstripped the increases in median  
1533 income in the state, preventing essential services personnel  
1534 from living in the communities where they serve and thereby  
1535 creating the need for innovative solutions for the provision of  
1536 housing opportunities for essential services personnel.

1537           (2) The Community Workforce Housing Innovation Pilot  
1538 Program is created to provide affordable rental and home  
1539 ownership community workforce housing for essential services  
1540 personnel affected by the high cost of housing, using regulatory  
1541 incentives and state and local funds to promote local public-  
1542 private partnerships and leverage government and private  
1543 resources.

1544           (3) For purposes of this section, the following  
1545 definitions apply:

1546        (a) "Workforce housing" means housing affordable to  
 1547 natural persons or families whose total annual household income  
 1548 does not exceed 140 percent of the area median income, adjusted  
 1549 for household size, or 150 percent of area median income,  
 1550 adjusted for household size, in areas of critical state concern  
 1551 designated under s. 380.05, Florida Statutes, for which the  
 1552 Legislature has declared its intent to provide affordable  
 1553 housing, and areas that were designated as areas of critical  
 1554 state concern for at least 20 consecutive years prior to removal  
 1555 of the designation.

1556        (b) "Essential services personnel" means persons in need  
 1557 of affordable housing who are employed in occupations or  
 1558 professions in which they are considered essential services  
 1559 personnel, as defined by each county and eligible municipality  
 1560 within its respective local housing assistance plan pursuant to  
 1561 s. 420.9075(3)(a), Florida Statutes.

1562        (c) "Public-private partnership" means any form of  
 1563 business entity that includes substantial involvement of at  
 1564 least one county, one municipality, or one public sector entity,  
 1565 such as a school district or other unit of local government in  
 1566 which the project is to be located, and at least one private  
 1567 sector for-profit or not-for-profit business or charitable  
 1568 entity, and may be any form of business entity, including a  
 1569 joint venture or contractual agreement.

1570        (4) The Florida Housing Finance Corporation is authorized  
 1571 to provide Community Workforce Housing Innovation Pilot Program  
 1572 loans to an applicant for construction or rehabilitation of

1573 workforce housing in eligible areas. The corporation shall  
1574 establish a funding process and selection criteria by rule or  
1575 request for proposals. This funding is intended to be used with  
1576 other public and private sector resources.

1577 (5) The corporation shall provide incentives for local  
1578 governments in eligible areas to use local affordable housing  
1579 funds, such as those from the State Housing Initiatives  
1580 Partnership Program, to assist in meeting the affordable housing  
1581 needs of persons eligible under this program.

1582 (6) Funding shall be targeted to projects in areas where  
1583 the disparity between the area median income and the median  
1584 sales price for a single-family home is greatest, and for  
1585 projects in areas where population growth as a percentage rate  
1586 of increase is greatest. The corporation may also fund projects  
1587 in areas where innovative regulatory and financial incentives  
1588 are made available. The corporation shall fund at least one  
1589 eligible project in as many counties as possible.

1590 (7) Projects shall receive priority consideration for  
1591 funding where:

1592 (a) The local jurisdiction adopts appropriate regulatory  
1593 incentives, local contributions or financial strategies, or  
1594 other funding sources to promote the development and ongoing  
1595 financial viability of such projects. Local incentives include  
1596 such actions as expediting review of development orders and  
1597 permits, supporting development near transportation hubs and  
1598 major employment centers, and adopting land development  
1599 regulations designed to allow flexibility in densities, use of

1600 accessory units, mixed-use developments, and flexible lot  
1601 configurations. Financial strategies include such actions as  
1602 promoting employer-assisted housing programs, providing tax  
1603 increment financing, and providing land.

1604 (b) Projects are innovative and include new construction  
1605 or rehabilitation, mixed-income housing, or commercial and  
1606 housing mixed-use elements and those that promote homeownership.  
1607 The program funding shall not exceed the costs attributable to  
1608 the portion of the project that is set aside to provide housing  
1609 for the targeted population.

1610 (c) Projects that set aside at least 80 percent of units  
1611 for workforce housing and at least 50 percent for essential  
1612 services personnel and for projects that require the least  
1613 amount of program funding compared to the overall housing costs  
1614 for the project.

1615 (8) Notwithstanding the provisions of s. 163.3184(3)-(6),  
1616 Florida Statutes, any local government comprehensive plan  
1617 amendment to implement a Community Workforce Housing Innovation  
1618 Pilot Program project found consistent with the provisions of  
1619 this section shall be expedited as provided in this subsection.  
1620 At least 30 days prior to adopting a plan amendment pursuant to  
1621 this paragraph, the local government shall notify the state land  
1622 planning agency of its intent to adopt such an amendment, and  
1623 the notice shall include its evaluation related to site  
1624 suitability and availability of facilities and services. The  
1625 public notice of the hearing required by s. 163.3184(15)(e),  
1626 Florida Statutes, shall include a statement that the local

1627 government intends to utilize the expedited adoption process  
1628 authorized by this subsection. Such amendments shall require  
1629 only a single public hearing before the governing board, which  
1630 shall be an adoption hearing as described in s. 163.3184(7),  
1631 Florida Statutes, and the state land planning agency shall issue  
1632 its notice of intent pursuant to s. 163.3184(8), Florida  
1633 Statutes, within 30 days after determining that the amendment  
1634 package is complete.

1635 (9) The corporation shall award loans with interest rates  
1636 set at 1 to 3 percent, which may be made forgivable when long-  
1637 term affordability is provided and when at least 80 percent of  
1638 the units are set aside for workforce housing and at least 50  
1639 percent of the units are set aside for essential services  
1640 personnel.

1641 (10) All eligible applications shall:

1642 (a) For home ownership, limit the sales price of a  
1643 detached unit, townhome, or condominium unit to not more than 80  
1644 percent of the median sales price for that type of unit in that  
1645 county, or the statewide median sales price for that type of  
1646 unit, whichever is higher, and require that all eligible  
1647 purchasers of home ownership units occupy the homes as their  
1648 primary residence.

1649 (b) For rental units, restrict rents for all workforce  
1650 housing serving those with incomes at or below 120 percent of  
1651 area median income at the appropriate income level using the  
1652 restricted rents for the federal low-income housing tax credit  
1653 program and, for workforce housing units serving those with

1654 incomes above 120 percent of area median income, restrict rents  
1655 to those established by the corporation, not to exceed 30  
1656 percent of the maximum household income adjusted to unit size.

1657 (c) Demonstrate that the applicant is a public-private  
1658 partnership.

1659 (d) Have grants, donations of land, or contributions from  
1660 the public-private partnership or other sources collectively  
1661 totaling at least 15 percent of the total development cost. Such  
1662 grants, donations of land, or contributions must be evidenced by  
1663 a letter of commitment only at the time of application. Grants,  
1664 donations of land, or contributions in excess of 15 percent of  
1665 the development cost shall increase the application score.

1666 (e) Demonstrate how the applicant will use the regulatory  
1667 incentives and financial strategies outlined in paragraph (7)(a)  
1668 from the local jurisdiction in which the proposed project is to  
1669 be located. The corporation may consult with the Department of  
1670 Community Affairs in evaluating the use of regulatory incentives  
1671 by applicants.

1672 (f) Demonstrate that the applicant possesses title to or  
1673 site control of land and evidences availability of required  
1674 infrastructure.

1675 (g) Demonstrate the applicant's affordable housing  
1676 development and management experience.

1677 (h) Provide any research or facts available supporting the  
1678 demand and need for rental or home ownership workforce housing  
1679 for eligible persons in the market in which the project is  
1680 proposed.

1681        (11) Projects may include manufactured housing constructed  
 1682 after June 1994 and installed in accordance with mobile home  
 1683 installation standards of the Department of Highway Safety and  
 1684 Motor Vehicles.

1685        (12) The corporation may adopt rules pursuant to ss.  
 1686 120.536(1) and 120.54, Florida Statutes, to implement the  
 1687 provisions of this section.

1688        (13) The corporation may use a maximum of 2 percent of the  
 1689 annual appropriation for administration and compliance  
 1690 monitoring.

1691        (14) The corporation shall review the success of the  
 1692 Community Workforce Housing Innovation Pilot Program to  
 1693 ascertain whether the projects financed by the program are  
 1694 useful in meeting the housing needs of eligible areas. The  
 1695 corporation shall submit its report and any recommendations  
 1696 regarding the program to the Governor, the Speaker of the House  
 1697 of Representatives, and the President of the Senate not later  
 1698 than 2 months after the end of the corporation's fiscal year.

1699        Section 28. Affordable housing land donation density bonus  
 1700 incentives.--

1701        (1) A local government may provide density bonus  
 1702 incentives pursuant to the provisions of this section to any  
 1703 landowner who voluntarily donates fee simple interest in real  
 1704 property to the local government for the purpose of assisting  
 1705 the local government in providing affordable housing. Donated  
 1706 real property must be determined by the local government to be  
 1707 appropriate for use as affordable housing and must be subject to



1708 deed restrictions to ensure that the property will be used for  
 1709 affordable housing.

1710 (2) For purposes of this section, the terms "affordable,"  
 1711 "extremely-low-income persons," "low-income persons," "moderate-  
 1712 income persons," and "very-low-income persons," have the same  
 1713 meaning as in s. 420.0004, Florida Statutes.

1714 (3) The density bonus may be applied to any land within  
 1715 the local government's jurisdiction provided that residential  
 1716 use is an allowable use on the receiving land.

1717 (4) The density bonus, identification of receiving land  
 1718 for the bonus, and any other conditions associated with the  
 1719 donation of the land for affordable housing are the subject of  
 1720 review and approval by the local government. The award of  
 1721 density bonus pursuant to this section, the legal description of  
 1722 the land receiving the bonus, and any other conditions  
 1723 associated with the bonus shall be memorialized in a development  
 1724 agreement or other binding agreement and recorded with the clerk  
 1725 of court in the county where the donated land and receiving land  
 1726 are located.

1727 (5) The local government, as part of the approval process,  
 1728 shall adopt a comprehensive plan amendment, pursuant to part II  
 1729 of chapter 163, Florida Statutes, for the receiving land that  
 1730 incorporates the density bonus. Such amendment shall be adopted  
 1731 in the manner as required for small-scale amendments pursuant to  
 1732 s. 163.3187, Florida Statutes, is not subject to the  
 1733 requirements of s. 163.3184(3)-(6), Florida Statutes, and is

1734 exempt from the limitation on the frequency of plan amendments  
 1735 as provided in s. 163.3187, Florida Statutes.

1736 (6) The deed restrictions required pursuant to subsection  
 1737 (1) for an affordable housing unit must also prohibit the unit  
 1738 from being sold at a price that exceeds the threshold for  
 1739 housing that is affordable for low-income or moderate-income  
 1740 persons or to a buyer who is not eligible due to his or her  
 1741 income under chapter 420, Florida Statutes. The deed restriction  
 1742 may allow affordable housing units created under subsection (1)  
 1743 to be rented to extremely-low-income, very-low-income, low-  
 1744 income, or moderate-income persons.

1745 (7) The local government may transfer all or a portion of  
 1746 the donated land to a nonprofit housing organization, such as a  
 1747 community land trust, housing authority, or community  
 1748 redevelopment agency, to be used for the production and  
 1749 preservation of permanently affordable housing.

1750 Section 29. Section 196.1978, Florida Statutes, is amended  
 1751 to read:

1752 196.1978 Affordable housing property exemption.--Property  
 1753 used to provide affordable housing serving eligible persons as  
 1754 defined by s. 159.603(7) and persons meeting income limits  
 1755 specified in s. 420.0004(8) ~~s. 420.0004(9)~~, (10), (11), and (15)  
 1756 ~~(14)~~, which property is owned entirely by a nonprofit entity  
 1757 which is qualified as charitable under s. 501(c)(3) of the  
 1758 Internal Revenue Code and which complies with Rev. Proc. 96-32,  
 1759 1996-1 C.B. 717, shall be considered property owned by an exempt  
 1760 entity and used for a charitable purpose, and those portions of

1761 the affordable housing property which provide housing to  
 1762 individuals with incomes as defined in s. 420.0004 (10) ~~(9)~~ and  
 1763 (15) ~~(14)~~ shall be exempt from ad valorem taxation to the extent  
 1764 authorized in s. 196.196. All property identified in this  
 1765 section shall comply with the criteria for determination of  
 1766 exempt status to be applied by property appraisers on an annual  
 1767 basis as defined in s. 196.195. The Legislature intends that any  
 1768 property owned by a limited liability company which is  
 1769 disregarded as an entity for federal income tax purposes  
 1770 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be  
 1771 treated as owned by its sole member.

1772 Section 30. Paragraph (o) of subsection (5) of section  
 1773 212.08, Florida Statutes, is amended to read:

1774 212.08 Sales, rental, use, consumption, distribution, and  
 1775 storage tax; specified exemptions.--The sale at retail, the  
 1776 rental, the use, the consumption, the distribution, and the  
 1777 storage to be used or consumed in this state of the following  
 1778 are hereby specifically exempt from the tax imposed by this  
 1779 chapter.

1780 (5) EXEMPTIONS; ACCOUNT OF USE.--

1781 (o) Building materials in redevelopment projects.--

1782 1. As used in this paragraph, the term:

1783 a. "Building materials" means tangible personal property  
 1784 that becomes a component part of a housing project or a mixed-  
 1785 use project.

1786 b. "Housing project" means the conversion of an existing  
 1787 manufacturing or industrial building to housing units in an

1788 urban high-crime area, enterprise zone, empowerment zone, Front  
 1789 Porch Community, designated brownfield area, or urban infill  
 1790 area and in which the developer agrees to set aside at least 20  
 1791 percent of the housing units in the project for low-income and  
 1792 moderate-income persons or the construction in a designated  
 1793 brownfield area of affordable housing for persons described in  
 1794 s. 420.0004(8), (10), (11), or (15) ~~s. 420.0004(9), (10), or~~  
 1795 ~~(14)~~, or in s. 159.603(7).

1796 c. "Mixed-use project" means the conversion of an existing  
 1797 manufacturing or industrial building to mixed-use units that  
 1798 include artists' studios, art and entertainment services, or  
 1799 other compatible uses. A mixed-use project must be located in an  
 1800 urban high-crime area, enterprise zone, empowerment zone, Front  
 1801 Porch Community, designated brownfield area, or urban infill  
 1802 area, and the developer must agree to set aside at least 20  
 1803 percent of the square footage of the project for low-income and  
 1804 moderate-income housing.

1805 d. "Substantially completed" has the same meaning as  
 1806 provided in s. 192.042(1).

1807 2. Building materials used in the construction of a  
 1808 housing project or mixed-use project are exempt from the tax  
 1809 imposed by this chapter upon an affirmative showing to the  
 1810 satisfaction of the department that the requirements of this  
 1811 paragraph have been met. This exemption inures to the owner  
 1812 through a refund of previously paid taxes. To receive this  
 1813 refund, the owner must file an application under oath with the  
 1814 department which includes:

- 1815           a. The name and address of the owner.
- 1816           b. The address and assessment roll parcel number of the  
1817 project for which a refund is sought.
- 1818           c. A copy of the building permit issued for the project.
- 1819           d. A certification by the local building code inspector  
1820 that the project is substantially completed.
- 1821           e. A sworn statement, under penalty of perjury, from the  
1822 general contractor licensed in this state with whom the owner  
1823 contracted to construct the project, which statement lists the  
1824 building materials used in the construction of the project and  
1825 the actual cost thereof, and the amount of sales tax paid on  
1826 these materials. If a general contractor was not used, the owner  
1827 shall provide this information in a sworn statement, under  
1828 penalty of perjury. Copies of invoices evidencing payment of  
1829 sales tax must be attached to the sworn statement.
- 1830           3. An application for a refund under this paragraph must  
1831 be submitted to the department within 6 months after the date  
1832 the project is deemed to be substantially completed by the local  
1833 building code inspector. Within 30 working days after receipt of  
1834 the application, the department shall determine if it meets the  
1835 requirements of this paragraph. A refund approved pursuant to  
1836 this paragraph shall be made within 30 days after formal  
1837 approval of the application by the department. The provisions of  
1838 s. 212.095 do not apply to any refund application made under  
1839 this paragraph.

1840           4. The department shall establish by rule an application  
1841 form and criteria for establishing eligibility for exemption  
1842 under this paragraph.

1843           5. The exemption shall apply to purchases of materials on  
1844 or after July 1, 2000.

1845           Section 31. The Florida Housing Finance Corporation is  
1846 authorized to provide funds to eligible entities for affordable  
1847 housing recovery in those areas of the state which sustained  
1848 housing damage due to hurricanes during 2004 and 2005. The  
1849 Florida Housing Finance Corporation shall utilize data provided  
1850 by the Federal Emergency Management Agency to assist in its  
1851 allocation of funds to local jurisdictions. To administer these  
1852 programs, the Florida Housing Finance Corporation shall be  
1853 guided by the "Hurricane Housing Work Group Recommendations to  
1854 Assist in Florida's Long Term Housing Recovery Efforts" report  
1855 dated February 16, 2005, and may adopt emergency rules pursuant  
1856 to s. 120.54, Florida Statutes. The Legislature finds that  
1857 emergency rules adopted pursuant to this section meet the  
1858 health, safety, and welfare requirement of s. 120.54(4), Florida  
1859 Statutes. The Legislature finds that such emergency rulemaking  
1860 power is necessary for the preservation of the rights and  
1861 welfare of the people in order to provide additional funds to  
1862 assist those areas of the state that sustained housing damage  
1863 due to hurricanes during 2004 and 2005. Therefore, in adopting  
1864 such emergency rules, the corporation need not make the findings  
1865 required by s. 120.54(4)(a), Florida Statutes. Emergency rules  
1866 adopted under this section are exempt from s. 120.54(4)(c),

1867 Florida Statutes. The sum of \$75.9 million is appropriated from  
 1868 the Local Government Housing Trust Fund to the Florida Housing  
 1869 Finance Corporation for the Rental Recovery Loan Program. The  
 1870 sum of \$15 million is appropriated from the State Housing Trust  
 1871 Fund to the Florida Housing Finance Corporation for the  
 1872 Farmworker Housing Recovery Program and the Special Housing  
 1873 Assistance and Development Program, and the sum of \$17 million  
 1874 is appropriated from the State Housing Trust Fund to the Florida  
 1875 Housing Finance Corporation for the Rental Recovery Program. The  
 1876 sum of \$100,000 is appropriated from the State Housing Trust  
 1877 Fund to the Florida Housing Finance Corporation for technical  
 1878 and training assistance.

1879 Section 32. The sum of \$82,904,000 is appropriated from  
 1880 the Florida Small Cities Community Development Block Grant  
 1881 Program Fund to the Department of Community Affairs. These funds  
 1882 shall be used consistent with the Federal Register, Vol. 71, No.  
 1883 29, February 13, 2006, Docket No. FR-5051-N-01, and the Action  
 1884 Plan for Disaster Recovery approved by the United States  
 1885 Department of Housing and Urban Development to meet the needs of  
 1886 communities impacted by Hurricanes Wilma and Katrina, with a  
 1887 prioritization toward affordable housing in the most impacted  
 1888 areas of the state.

1889 Section 33. The sum of \$50 million is appropriated from  
 1890 the Local Government Housing Trust Fund to the Florida Housing  
 1891 Finance Corporation for fiscal year 2006-2007 to implement the  
 1892 Community Workforce Housing Innovation Pilot Program.

1893           Section 34. The sum of \$30 million is appropriated from  
1894 the State Housing Trust Fund to the Florida Housing Finance  
1895 Corporation for fiscal year 2006-2007 to assist in the  
1896 production of housing units for extremely-low-income persons as  
1897 defined in s. 420.0004(8), Florida Statutes.

1898           Section 35. The sum of \$250,000 of recurring funds and  
1899 \$300,000 of nonrecurring funds is appropriated from the Grants  
1900 and Donations Trust Fund to the Department of Community Affairs  
1901 for the purpose of implementing the provisions of this act  
1902 relating to the Century Commission for a Sustainable Florida  
1903 during the 2006-2007 fiscal year.

1904           Section 36. Except as otherwise expressly provided in this  
1905 act, this act shall take effect July 1, 2006.