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HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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.

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

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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.--

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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)~~.

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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:

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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~~

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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)

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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,

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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-

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

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HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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:

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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:

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

- 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.

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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:

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

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 HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

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 HB 1363, Engrossed 3

2006 Legislature

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

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 HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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).~~

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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:

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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:

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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,

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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:

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

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 HB 1363, Engrossed 3

2006 Legislature

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

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HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

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:

ENROLLED
 HB 1363, Engrossed 3

2006 Legislature

- 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.

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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),

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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.

ENROLLED

HB 1363, Engrossed 3

2006 Legislature

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.