

1 A bill to be entitled
 2 An act relating to affordable housing; amending s.
 3 420.503, F.S.; revising the definition of "farmworker"
 4 under the Florida Housing Finance Corporation Act;
 5 providing rulemaking authority; amending s. 420.5087,
 6 F.S.; increasing the population thresholds used in
 7 determining the distribution of program funds under the
 8 State Apartment Incentive Loan Program; amending s.
 9 420.5088, F.S.; revising an income limitation applicable
 10 to buyers of certain units under the Florida Homeownership
 11 Assistance Program; amending s. 420.9075, F.S., relating
 12 to local housing assistance plans; revising methods for
 13 calculating the sales price of certain housing; repealing
 14 s. 420.37, F.S., relating to additional powers of the
 15 Florida Housing Finance Corporation; providing an
 16 appropriation; providing rulemaking authority; providing
 17 an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Subsection (18) of section 420.503, Florida
 22 Statutes, is amended to read:

23 420.503 Definitions.--As used in this part, the term:
 24 (18) (a) "Farmworker" means a laborer who is employed on a
 25 seasonal, temporary, or permanent basis in the planting,
 26 cultivating, harvesting, or processing of agricultural or
 27 aquacultural products and who derived at least 50 percent of her

28 or his income in the immediately preceding 12 months from such
 29 employment.

30 (b) "Farmworker" ~~also~~ includes a person who has retired as
 31 a laborer due to age, disability, or illness. In order to be
 32 considered retired as a farmworker due to age under this part, a
 33 person must be 50 years of age or older and must have been
 34 employed for a minimum of 5 years as a farmworker before
 35 retirement. In order to be considered retired as a farmworker
 36 due to disability or illness, a person must:

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

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

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

48 Section 2. Subsection (1) of section 420.5087, Florida
 49 Statutes, is amended to read:

50 420.5087 State Apartment Incentive Loan Program.--There is
 51 hereby created the State Apartment Incentive Loan Program for
 52 the purpose of providing first, second, or other subordinated
 53 mortgage loans or loan guarantees to sponsors, including for-
 54 profit, nonprofit, and public entities, to provide housing
 55 affordable to very-low-income persons.

56 (1) Program funds shall be distributed over successive 3-
 57 year periods in a manner that meets the need and demand for
 58 very-low-income housing throughout the state. That need and
 59 demand must be determined by using the most recent statewide
 60 low-income rental housing market studies available at the
 61 beginning of each 3-year period. However, at least 10 percent of
 62 the program funds distributed during a 3-year period must be
 63 allocated to each of the following categories of counties, as
 64 determined by using the population statistics published in the
 65 most recent edition of the Florida Statistical Abstract:

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

68 (b) Counties that have a population of more than ~~between~~
 69 100,000 but less than 825,000. ~~and 500,000 people; and~~

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

71
 72 Any increase in funding required to reach the 10-percent minimum
 73 shall be taken from the county category that has the largest
 74 allocation. The corporation shall adopt rules which establish an
 75 equitable process for distributing any portion of the 10 percent
 76 of program funds allocated to the county categories specified in
 77 this subsection which remains unallocated at the end of a 3-year
 78 period. Counties that have a population of 100,000 or less shall
 79 be given preference under these rules.

80 Section 3. Paragraph (e) of subsection (2) of section
 81 420.5088, Florida Statutes, is amended to read:

82 420.5088 Florida Homeownership Assistance Program.--There
 83 is created the Florida Homeownership Assistance Program for the

84 | purpose of assisting low-income persons in purchasing a home by
 85 | reducing the cost of the home with below-market construction
 86 | financing, by reducing the amount of down payment and closing
 87 | costs paid by the borrower to a maximum of 5 percent of the
 88 | purchase price, or by reducing the monthly payment to an
 89 | affordable amount for the purchaser. Loans shall be made
 90 | available at an interest rate that does not exceed 3 percent.
 91 | The balance of any loan is due at closing if the property is
 92 | sold or transferred.

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

94 | (e) At least 30 percent of the units in a project financed
 95 | pursuant to this subsection must be sold to persons or families
 96 | who have incomes that do not exceed 80 percent of the state or
 97 | local median income, whichever amount is greater, adjusted for
 98 | family size; and at least another 30 percent of the units in a
 99 | project financed pursuant to this subsection must be sold to
 100 | persons or families who have incomes that do not exceed 65 ~~50~~
 101 | percent of the state or local median income, whichever amount is
 102 | greater, adjusted for family size.

103 | Section 4. Paragraph (c) of subsection (4) of section
 104 | 420.9075, Florida Statutes, is amended to read:

105 | 420.9075 Local housing assistance plans; partnerships.--

106 | (4) The following criteria apply to awards made to
 107 | eligible sponsors or eligible persons for the purpose of
 108 | providing eligible housing:

109 | (c) The sales price or value of new or existing eligible
 110 | housing may not exceed 90 percent of the average area purchase
 111 | price in the statistical area in which the eligible housing is

112 located. Such average area purchase price may be that calculated
 113 for any 12-month period beginning not earlier than the fourth
 114 calendar year prior to the year in which the award occurs or as
 115 otherwise established by the United States Department of the
 116 Treasury.

117
 118 If both an award under the local housing assistance plan and
 119 federal low-income housing tax credits are used to assist a
 120 project and there is a conflict between the criteria prescribed
 121 in this subsection and the requirements of s. 42 of the Internal
 122 Revenue Code of 1986, as amended, the county or eligible
 123 municipality may resolve the conflict by giving precedence to
 124 the requirements of s. 42 of the Internal Revenue Code of 1986,
 125 as amended, in lieu of following the criteria prescribed in this
 126 subsection with the exception of paragraphs (a) and (d) of this
 127 subsection.

128 Section 5. Section 420.37, Florida Statutes, is repealed.

129 Section 6. The sum of \$20 million is appropriated from the
 130 State Housing Trust Fund to the Florida Housing Finance
 131 Corporation for the 2006-2007 fiscal year to provide funds to
 132 teachers eligible for affordable housing pursuant to s. 420.5088
 133 or s. 420.5089, Florida Statutes, and to assist in teacher
 134 retention and recruitment as a response to the state's teacher
 135 shortage.

136 Section 7. The Florida Housing Finance Corporation may
 137 adopt rules pursuant to ss. 120.536(1) and 120.54, Florida
 138 Statutes, as necessary to implement the provisions of section 6
 139 of this act.

HB 401

2006

140

Section 8. This act shall take effect July 1, 2006.