

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Garcia moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (f) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.--

(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:

(f)1. A housing element consisting of standards, plans, and principles to be followed in:

- a. The provision of housing for all current and anticipated future residents of the jurisdiction.
- b. The elimination of substandard dwelling conditions.
- c. The structural and aesthetic improvement of existing housing.
- d. The provision of adequate sites for future housing,

Barcode 722114

1 including affordable workforce housing as defined in s.
 2 380.0651(3)(j), housing for low-income, very low-income, and
 3 moderate-income families, mobile homes, and group home
 4 facilities and foster care facilities, with supporting
 5 infrastructure and public facilities.

6 e. Provision for relocation housing and identification
 7 of historically significant and other housing for purposes of
 8 conservation, rehabilitation, or replacement.

9 f. The formulation of housing implementation programs.

10 g. The creation or preservation of affordable housing
 11 to minimize the need for additional local services and avoid
 12 the concentration of affordable housing units only in specific
 13 areas of the jurisdiction.

14 h. By July 1, 2008, each county in which the gap
 15 between the buying power of a family of four and the median
 16 county home sale price exceeds \$170,000, as determined by the
 17 Florida Housing Finance Corporation, and which is not
 18 designated as an area of critical state concern shall adopt a
 19 plan for ensuring affordable workforce housing. At a minimum,
 20 the plan shall identify adequate sites for such housing. For
 21 purposes of this sub-subparagraph, the term "workforce
 22 housing" means housing that is affordable to natural persons
 23 or families whose total household income does not exceed 140
 24 percent of the area median income, adjusted for household
 25 size.

26 i. Failure by a local government to comply with the
 27 requirement in sub-subparagraph h. will result in the local
 28 government being ineligible to receive any state housing
 29 assistance grants until the requirement of sub-subparagraph h.
 30 is met.

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Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 The goals, objectives, and policies of the housing element
 2 must be based on the data and analysis prepared on housing
 3 needs, including the affordable housing needs assessment.
 4 State and federal housing plans prepared on behalf of the
 5 local government must be consistent with the goals,
 6 objectives, and policies of the housing element. Local
 7 governments are encouraged to utilize job training, job
 8 creation, and economic solutions to address a portion of their
 9 affordable housing concerns.

10 2. To assist local governments in housing data
 11 collection and analysis and assure uniform and consistent
 12 information regarding the state's housing needs, the state
 13 land planning agency shall conduct an affordable housing needs
 14 assessment for all local jurisdictions on a schedule that
 15 coordinates the implementation of the needs assessment with
 16 the evaluation and appraisal reports required by s. 163.3191.
 17 Each local government shall utilize the data and analysis from
 18 the needs assessment as one basis for the housing element of
 19 its local comprehensive plan. The agency shall allow a local
 20 government the option to perform its own needs assessment, if
 21 it uses the methodology established by the agency by rule.

22 Section 2. Subsection (17) is added to section
 23 163.3180, Florida Statutes, to read:

24 163.3180 Concurrency.--

25 (17) A local government and the developer of
 26 affordable workforce housing units developed in accordance
 27 with s. 380.06(19) or s. 380.0651(3) may identify an
 28 employment center or centers in close proximity to the
 29 affordable workforce housing units. If at least 50 percent of
 30 the units are occupied by an employee or employees of an
 31 identified employment center or centers, all of the affordable

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 workforce housing units are exempt from transportation
 2 concurrency requirements and the local government may not
 3 reduce any transportation trip-generation entitlements of an
 4 approved development-of-regional-impact development order. As
 5 used in this subsection, the term "close proximity" means 5
 6 miles from the nearest point of the development of regional
 7 impact to the nearest point of the employment center and the
 8 term "employment center" means a place of employment that
 9 employs at least 25 or more full-time employees.

10 Section 3. Subsection (19) is added to section
 11 163.3184, Florida Statutes, to read:

12 163.3184 Process for adoption of comprehensive plan or
 13 plan amendment.--

14 (19) Any local government that identifies in its
 15 comprehensive plan the types of housing developments and
 16 conditions for which it will consider plan amendments that are
 17 consistent with the local housing incentive strategies
 18 identified in s. 420.9076 and authorized by the local
 19 government, may expedite consideration of such plan
 20 amendments. At least 30 days prior to adopting a plan
 21 amendment pursuant to this subsection, the local government
 22 shall notify the state land planning agency of its intent to
 23 adopt such an amendment, and the notice shall include the
 24 local government's evaluation of site suitability and
 25 availability of facilities and services. A plan amendment
 26 considered under this subsection shall require only a single
 27 public hearing before the local governing body, which shall be
 28 a plan amendment adoption hearing as described in subsection
 29 (7). The public notice of the hearing required under
 30 subparagraph (15)(b)2. must include a statement that the local
 31 government intends to use the expedited adoption process

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 authorized under this subsection. The state land planning
 2 agency shall issue its notice of intent required under
 3 subsection (8) within 30 days after determining that the
 4 amendment package is complete. Any further proceedings shall
 5 be governed by subsections (9) through (16).

6 Section 4. Paragraph (p) is added to subsection (1) of
 7 section 163.3187, Florida Statutes, to read:

8 163.3187 Amendment of adopted comprehensive plan.--

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

12 (p) Any local government comprehensive plan amendment
 13 that is consistent with the local housing incentive strategies
 14 identified in s. 420.9076 and authorized by the local
 15 government.

16 Section 5. Subsection (14) is added to section
 17 163.3191, Florida Statutes, to read:

18 163.3191 Evaluation and appraisal of comprehensive
 19 plan.--

20 (14) The requirement of subsection (10) prohibiting a
 21 local government from adopting amendments to the local
 22 comprehensive plan until the evaluation and appraisal report
 23 update amendments have been adopted and transmitted to the
 24 state land planning agency does not apply to a plan amendment
 25 proposed for adoption by the appropriate local government as
 26 defined in s. 163.3178(2)(k) in order to integrate a port
 27 comprehensive master plan with the coastal management element
 28 of the local comprehensive plan as required by s.
 29 163.3178(2)(k) if the port comprehensive master plan or the
 30 proposed plan amendment does not cause or contribute to the
 31 failure of the local government to comply with the

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 requirements of the evaluation and appraisal report.

2 Section 6. Sections 197.307, 197.3071, 197.3072,
3 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078,
4 and 197.3079, Florida Statutes, are created to read:

5 197.307 Deferrals for ad valorem taxes and non-ad
6 valorem assessments on affordable rental housing property.--

7 (1) A board of county commissioners or the governing
8 authority of a municipality may adopt an ordinance to allow
9 for ad valorem tax deferrals on affordable rental housing if
10 the owners are engaging in the operation, rehabilitation, or
11 renovation of such properties in accordance with the
12 guidelines provided in part VI of chapter 420.

13 (2) The board of county commissioners or the governing
14 authority of a municipality may also, by ordinance, authorize
15 the deferral of non-ad valorem assessments, as defined in s.
16 197.3632, on affordable rental housing.

17 (3) The ordinance must designate the percentage or
18 amount of the deferral and the type and location of affordable
19 rental housing property for which a deferral may be granted.
20 The ordinance may also require the property to be located
21 within a particular geographic area or areas of the county or
22 municipality.

23 (4) The ordinance must specify that the deferral
24 applies only to taxes and assessments levied by the unit of
25 government granting the deferral. However, a deferral may not
26 be granted for taxes or non-ad valorem assessments levied for
27 the payment of bonds or for taxes authorized by a vote of the
28 electors pursuant to s. 9(b) or s. 12, Art. VII of the State
29 Constitution.

30 (5) The ordinance must specify that any deferral
31 granted remains in effect for the period for which it is

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 granted regardless of any change in the authority of the
2 county or municipality to grant the deferral. In order to
3 retain the deferral, however, the use and ownership of the
4 property as affordable rental housing must be maintained over
5 the period for which the deferral is granted.

6 (6) If an application for tax deferral is granted on
7 property that is located in a community redevelopment area as
8 defined in s. 163.340:

9 (a) The amount of taxes eligible for deferral must be
10 reduced, as provided for in paragraph (b), if:

11 1. The community redevelopment agency has previously
12 issued instruments of indebtedness which are secured by
13 increment revenues on deposit in the community redevelopment
14 trust fund; and

15 2. The instruments of indebtedness are associated with
16 the real property applying for the deferral.

17 (b) The tax deferral does not apply to an amount of
18 taxes equal to the amount that must be deposited into the
19 community redevelopment trust fund by the entity granting the
20 deferral based upon the taxable value of the property upon
21 which the deferral is being granted. Once all instruments of
22 indebtedness that existed at the time the deferral was
23 originally granted are no longer outstanding or have otherwise
24 been defeased, this paragraph no longer applies.

25 (c) If a portion of the taxes on a property are not
26 eligible for deferral as provided under paragraph (b), the
27 community redevelopment agency shall notify the property owner
28 and the tax collector 1 year before the debt instruments that
29 prevented such taxes from being deferred are no longer
30 outstanding or otherwise defeased.

31 (d) The tax collector shall notify a community

Barcode 722114

1 redevelopment agency of any tax deferral that has been granted
2 on property located within the agency's community
3 redevelopment area.

4 (e) Issuance of debt obligation after the date a
5 deferral has been granted does not reduce the amount of taxes
6 eligible for deferral.

7 (7) The tax collector shall notify:

8 (a) The taxpayer of each parcel appearing on the real
9 property assessment roll of the law allowing the deferral of
10 taxes, non-ad valorem assessments, and interest under ss.
11 197.307-197.3079. Such notice shall be printed on the back of
12 envelopes used to mail the notice of taxes as provided under
13 s. 197.322(3). Such notice shall read:

14
15 NOTICE TO TAXPAYERS OWNING

16 AFFORDABLE RENTAL HOUSING PROPERTY

17
18 If your property meets certain conditions you
19 may qualify for a deferred tax payment plan on
20 your affordable rental housing property. An
21 application to determine your eligibility is
22 available in the county tax collector's office.

23
24 (b) On or before November 1 of each year, the tax
25 collector shall notify each taxpayer for whom a tax deferral
26 has been previously granted of the accumulated sum of deferred
27 taxes, non-ad valorem assessments, and interest outstanding.

28 197.3071 Eligibility for tax deferral.--The tax
29 deferral authorized by this section is applicable only on a
30 prorata basis to the ad valorem taxes levied on residential
31 units within a property which meet the following conditions:

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 (1) Units for which the monthly rent along with taxes,
 2 insurance, and utilities does not exceed 30 percent of the
 3 median adjusted gross annual income as defined in s. 420.0004
 4 for the households described in subsection (2).

5 (2) Units that are occupied by extremely-low-income
 6 persons, very-low-income persons, low-income persons, or
 7 moderate-income persons as these terms are defined in s.
 8 420.0004.

9 197.3072 Deferral for affordable rental housing
 10 properties.--

11 (1) Any property owner in a jurisdiction that has
 12 adopted an ad valorem tax-deferral ordinance or a deferral of
 13 non-ad valorem assessments ordinance pursuant to s. 197.307
 14 and who owns an eligible affordable rental housing property as
 15 described in s. 197.3071 may apply for a deferral of payment
 16 by filing an annual application for deferral with the county
 17 tax collector on or before January 31 following the year in
 18 which the taxes and non-ad valorem assessments are assessed.
 19 The property owner has the burden to affirmatively demonstrate
 20 compliance with the requirements of this section.

21 (2) Approval by the tax collector defers that portion
 22 of the combined total of ad valorem taxes and any non-ad
 23 valorem assessments plus interest that are authorized to be
 24 deferred by an ordinance enacted pursuant to s. 197.307.

25 (3) Deferral may not be granted if:

26 (a) The total amount of deferred taxes, non-ad valorem
 27 assessments, and interest plus the total amount of all other
 28 unsatisfied liens on the property exceeds 85 percent of the
 29 assessed value of the property; or

30 (b) The primary financing on the affordable rental
 31 housing property is for an amount that exceeds 70 percent of

Barcode 722114

1 the assessed value of the property.

2 (4) The amount of taxes deferred, non-ad valorem
3 assessments, and interest shall accrue interest at a rate
4 equal to the annually compounded rate of 3 percent plus the
5 Consumer Price Index for All Urban Consumers; however, the
6 interest rate may not exceed 9.5 percent.

7 (5) The deferred taxes, non-ad valorem assessments,
8 and interest constitute a prior lien on the affordable rental
9 housing property and shall attach as of the date and in the
10 same manner and be collected as other liens for taxes as
11 provided for under this chapter, but such deferred taxes,
12 non-ad valorem assessments, and interest are due, payable, and
13 delinquent as provided in ss. 197.307-197.3079.

14 197.3073 Deferral application.--

15 (1) The application for a deferral of ad valorem taxes
16 and non-ad valorem assessments must be made annually upon a
17 form prescribed by the department and furnished by the county
18 tax collector. The application form must be signed under oath
19 by the property owner applying for the deferral before an
20 officer authorized by the state to administer oaths. The
21 application form must provide notice to the property owner of
22 the manner in which interest is computed. The application form
23 must contain an explanation of the conditions to be met for
24 approval of the deferral and the conditions under which
25 deferred taxes, non-ad valorem assessments, and interest
26 become due, payable, and delinquent. Each application must
27 clearly state that all deferrals pursuant to this section
28 constitute a lien on the property for which the deferral is
29 granted. The tax collector may require the property owner to
30 submit any other evidence and documentation considered
31 necessary by the tax collector in reviewing the application.

Barcode 722114

1 (2) The tax collector shall consider and render his or
2 her findings, determinations, and decision on each annual
3 application for a deferral for affordable rental housing
4 within 45 days after the date the application is filed. The
5 tax collector shall exercise reasonable discretion based upon
6 applicable information available under this section. The
7 determinations and findings of the tax collector are not quasi
8 judicial and are subject exclusively to review by the value
9 adjustment board as provided by this section. A tax collector
10 who finds that a property owner is entitled to the deferral
11 shall approve the application and file the application in the
12 permanent records.

13 (a) A tax collector who finds that a property owner is
14 not entitled to the deferral shall send a notice of
15 disapproval within 45 days after the date the application is
16 filed, giving reasons for the disapproval. The notice must be
17 sent by personal delivery or registered mail to the mailing
18 address given by the property owner in the manner in which the
19 original notice was served upon the property owner and must be
20 filed among the permanent records of the tax collector's
21 office. The original notice of disapproval sent to the
22 property owner shall advise the property owner of the right to
23 appeal the decision of the tax collector to the value
24 adjustment board and provide the procedures for filing an
25 appeal.

26 (b) An appeal by the property owner of the decision of
27 the tax collector to deny the deferral must be submitted to
28 the value adjustment board on a form prescribed by the
29 department and furnished by the tax collector. The appeal must
30 be filed with the value adjustment board within 20 days after
31 the applicant's receipt of the notice of disapproval, and the

Barcode 722114

1 board must approve or disapprove the appeal within 30 days
2 after receipt of the appeal. The value adjustment board shall
3 review the application and the evidence presented to the tax
4 collector upon which the property owner based a claim for
5 deferral and, at the election of the property owner, shall
6 hear the property owner in person, or by agent on the property
7 owner's behalf, concerning his or her right to the deferral.
8 The value adjustment board shall reverse the decision of the
9 tax collector and grant a deferral to the property owner if,
10 in its judgment, the property owner is entitled to the
11 deferral or shall affirm the decision of the tax collector.
12 Action by the value adjustment board is final unless the
13 property owner or tax collector or other lienholder, within 15
14 days after the date of disapproval of the application by the
15 board, files for a de novo proceeding for a declaratory
16 judgment or other appropriate proceeding in the circuit court
17 of the county in which the property is located.

18 (3) Each application for deferral must contain a list
19 of, and the current value of, all outstanding liens on the
20 property for which a deferral is requested.

21 (4) For approved applications, the date the deferral
22 application is received by the tax collector shall be the date
23 used in calculating taxes due and payable at the expiration of
24 the tax deferral net of discounts for early payment.

25 (5) If proof has not been furnished with a prior
26 application, each property owner shall furnish proof of fire
27 and extended coverage insurance in an amount that is in excess
28 of the sum of all outstanding liens including a lien for the
29 deferred taxes, non-ad valorem assessments, and interest with
30 a loss payable clause to the county tax collector.

31 (6) The tax collector shall notify the property

Barcode 722114

1 appraiser in writing of those parcels for which taxes or
2 assessments have been deferred.

3 (7) The property appraiser shall promptly notify the
4 tax collector of changes in ownership or use of properties
5 that have been granted a deferral.

6 (8) The property owner shall promptly notify the tax
7 collector of changes in ownership or use of properties that
8 have been granted tax deferrals.

9 197.3074 Deferred payment tax certificates.--

10 (1) The tax collector shall notify each local
11 governing body of the amount of taxes and non-ad valorem
12 assessments deferred which would otherwise have been collected
13 for the governing body. The tax collector shall, at the time
14 of the tax certificate sale held under s. 197.432 strike each
15 certificate off to the county. Certificates issued under this
16 section are exempt from the public sale of tax certificates
17 held pursuant to s. 197.432.

18 (2) The certificates held by the county shall bear
19 interest at a rate equal to the annually compounded rate of 3
20 percent plus the Consumer Price Index for All Urban Consumers;
21 however, the interest rate may not exceed 9.5 percent.

22 197.3075 Change in use or ownership of property.--

23 (1) If there is a change in use or ownership of the
24 property that has been granted an ad valorem tax or non-ad
25 valorem assessment deferral such that the property owner is no
26 longer entitled to claim the property as an affordable rental
27 housing property, or if there is a change in the legal or
28 beneficial ownership of the property, or if the owner fails to
29 maintain the required fire and extended insurance coverage,
30 the total amount of deferred taxes, non-ad valorem
31 assessments, and interest for all previous years becomes due

Barcode 722114

1 and payable November 1 of the year in which the change in use
 2 or ownership occurs or on the date failure to maintain
 3 insurance occurs, and is delinquent on April 1 of the year
 4 following the year in which the change in use or ownership or
 5 failure to maintain insurance occurs.

6 (2) Whenever the property appraiser discovers that
 7 there has been a change in the use or ownership of the
 8 property that has been granted a deferral, the property
 9 appraiser shall notify the tax collector in writing of the
 10 date such change occurs, and the tax collector shall collect
 11 any taxes, non-ad valorem assessments, and interest due or
 12 delinquent.

13 (3) During any year in which the total amount of
 14 deferred taxes, non-ad valorem assessments, interest, and all
 15 other unsatisfied liens on the property exceeds 85 percent of
 16 the assessed value of the property, the tax collector shall
 17 immediately notify the property owner that the portion of
 18 taxes, non-ad valorem assessments, and interest which exceeds
 19 85 percent of the assessed value of the property is due and
 20 payable within 30 days after receipt of the notice. Failure to
 21 pay the amount due shall cause the total amount of deferred
 22 taxes, non-ad valorem assessments, and interest to become
 23 delinquent.

24 (4) If on or before June 1 following the date the
 25 taxes deferred under this subsection become delinquent, the
 26 tax collector shall sell a tax certificate for the delinquent
 27 taxes and interest in the manner provided by s. 197.432.

28 197.3076 Prepayment of deferred taxes and non-ad
 29 valorem assessments.--

30 (1) All or part of the deferred taxes, non-ad valorem
 31 assessments, and accrued interest may at any time be paid to

1 the tax collector by:

2 (a) The property owner; or

3 (b) The property owner's next of kin, heir, child, or
4 any person having or claiming a legal or equitable interest in
5 the property, if an objection is not made by the owner within
6 30 days after the tax collector notifies the property owner of
7 the fact that such payment has been tendered.

8 (2) Any partial payment made pursuant to this section
9 shall be applied first to accrued interest.

10 197.3077 Distribution of payments.--When any deferred
11 tax, non-ad valorem assessment, or interest is collected, the
12 tax collector shall maintain a record of the payment, setting
13 forth a description of the property and the amount of taxes or
14 interest collected for the property. The tax collector shall
15 distribute payments received in accordance with the procedures
16 for distributing ad valorem taxes, non-ad valorem assessments,
17 or redemption moneys as prescribed in this chapter.

18 197.3078 Construction.--This section does not prevent
19 the collection of personal property taxes that become a lien
20 against tax-deferred property, or defer payment of special
21 assessments to benefited property other than those
22 specifically allowed to be deferred, or affect any provision
23 of any mortgage or other instrument relating to property
24 requiring a person to pay ad valorem taxes or non-ad valorem
25 assessments.

26 197.3079 Penalties.--

27 (1) The following penalties shall be imposed on any
28 person who willfully files information required under this
29 section which is incorrect:

30 (a) The person shall pay the total amount of deferred
31 taxes, non-ad valorem assessments, and interest which shall

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 immediately become due;

2 (b) The person shall be disqualified from filing a
3 tax-deferral application for the next 3 years; and

4 (c) The person shall pay a penalty of 25 percent of
5 the total amount of taxes, non-ad valorem assessments, and
6 interest deferred.

7 (2) Any person against whom penalties have been
8 imposed may appeal to the value adjustment board within 30
9 days after the date the penalties were imposed.

10 Section 7. Subsection (4) is added to section
11 253.0341, Florida Statutes, to read:

12 253.0341 Surplus of state-owned lands to counties or
13 local governments.--Counties and local governments may submit
14 surplusing requests for state-owned lands directly to the
15 board of trustees. County or local government requests for the
16 state to surplus conservation or nonconservation lands,
17 whether for purchase or exchange, shall be expedited
18 throughout the surplusing process. Property jointly acquired
19 by the state and other entities shall not be surplusd without
20 the consent of all joint owners.

21 (4) Notwithstanding the requirements of this section
22 and the requirements of s. 253.034 which provides a surplus
23 process for the disposal of state lands, the board shall
24 convey to Miami-Dade County title to the property on which the
25 Graham Building, which houses the offices of the Miami-Dade
26 State Attorney, is located. By January 1, 2008, the board
27 shall convey fee simple title to the property to Miami-Dade
28 County for a consideration of one dollar. The deed conveying
29 title to Miami-Dade County must contain restrictions that
30 limit the use of the property for the purpose of providing
31 workforce housing as defined in s. 420.5095, and to house the

Barcode 722114

1 offices of the Miami-Dade State Attorney. Employees of the
 2 Miami-Dade State Attorney and the Miami-Dade Public Defender
 3 who apply for and meet the income qualifications for workforce
 4 housing shall receive preference over other qualified
 5 applicants.

6 Section 8. Paragraphs (c) and (e) of subsection (19)
 7 of section 380.06, Florida Statutes, are amended to read:

8 380.06 Developments of regional impact.--

9 (19) SUBSTANTIAL DEVIATIONS.--

10 (c) An extension of the date of buildout of a
 11 development, or any phase thereof, by more than 7 years shall
 12 be presumed to create a substantial deviation subject to
 13 further development-of-regional-impact review. An extension of
 14 the date of buildout, or any phase thereof, of more than 5
 15 years but not more than 7 years shall be presumed not to
 16 create a substantial deviation. The extension of the date of
 17 buildout of an areawide development of regional impact by more
 18 than 5 years but less than 10 years is presumed not to create
 19 a substantial deviation. These presumptions may be rebutted by
 20 clear and convincing evidence at the public hearing held by
 21 the local government. An extension of 5 years or less is not a
 22 substantial deviation. For the purpose of calculating when a
 23 buildout or phase date has been exceeded, the time shall be
 24 tolled during the pendency of administrative or judicial
 25 proceedings relating to development permits. Any extension of
 26 the buildout date of a project or a phase thereof shall
 27 automatically extend the commencement date of the project, the
 28 termination date of the development order, the expiration date
 29 of the development of regional impact, and the phases thereof
 30 if applicable by a like period of time. In recognition of the
 31 2007 real estate market conditions, all phase, buildout, and

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 expiration dates for projects that are developments of
 2 regional impact and under active construction on July 1, 2007,
 3 are extended for 3 years regardless of any prior extension.
 4 The 3-year extension is not a substantial deviation, is not
 5 subject to further development-of-regional-impact review, and
 6 must not be considered when determining whether a subsequent
 7 extension is a substantial deviation under this subsection.

8 Section 9. Paragraph (f) of subsection (3) of section
 9 380.0651, Florida Statutes, is amended to read:

10 380.0651 Statewide guidelines and standards.--

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

15 (f) Hotel or motel development.--

16 1. Any proposed hotel or motel development that is
 17 planned to create or accommodate 350 or more units; or

18 2. Any proposed hotel or motel development that is
 19 planned to create or accommodate 750 or more units, in a
 20 county with a population greater than 500,000, ~~and only in a~~
 21 ~~geographic area specifically designated as highly suitable for~~
 22 ~~increased threshold intensity in the approved local~~
 23 ~~comprehensive plan and in the strategic regional policy plan.~~

24 (e)1. Except for a development order rendered pursuant
 25 to subsection (22) or subsection (25), a proposed change to a
 26 development order that individually or cumulatively with any
 27 previous change is less than any numerical criterion contained
 28 in subparagraphs (b)1.-13. and does not exceed any other
 29 criterion, or that involves an extension of the buildout date
 30 of a development, or any phase thereof, of less than 5 years
 31 is not subject to the public hearing requirements of

Barcode 722114

1 subparagraph (f)3., and is not subject to a determination
 2 pursuant to subparagraph (f)5. Notice of the proposed change
 3 shall be made to the regional planning council and the state
 4 land planning agency. Such notice shall include a description
 5 of previous individual changes made to the development,
 6 including changes previously approved by the local government,
 7 and shall include appropriate amendments to the development
 8 order.

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

11 a. Changes in the name of the project, developer,
 12 owner, or monitoring official.

13 b. Changes to a setback that do not affect noise
 14 buffers, environmental protection or mitigation areas, or
 15 archaeological or historical resources.

16 c. Changes to minimum lot sizes.

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

19 e. Changes to the building design or orientation that
 20 stay approximately within the approved area designated for
 21 such building and parking lot, and which do not affect
 22 historical buildings designated as significant by the Division
 23 of Historical Resources of the Department of State.

24 f. Changes to increase the acreage in the development,
 25 provided that no development is proposed on the acreage to be
 26 added.

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

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

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 i. Any renovation or redevelopment of development
 2 within a previously approved development of regional impact
 3 which does not change land use or increase density or
 4 intensity of use.

5 j. Changes that modify boundaries and configuration of
 6 areas described in subparagraph (b)14. due to science-based
 7 refinement of such areas by survey, by habitat evaluation, by
 8 other recognized assessment methodology, or by an
 9 environmental assessment. In order for changes to qualify
 10 under this sub-subparagraph, the survey, habitat evaluation,
 11 or assessment must occur prior to the time a conservation
 12 easement protecting such lands is recorded and must not result
 13 in any net decrease in the total acreage of the lands
 14 specifically set aside for permanent preservation in the final
 15 development order.

16 k. Changes to permit the sale of an affordable housing
 17 unit to a person who earns less than 120 percent of the area
 18 median income, provided the developer actively markets the
 19 unit for a minimum period of 6 months, is unable to close a
 20 sale to a qualified buyer in a lower income qualified income
 21 class, a certificate of occupancy is issued for the unit, and
 22 the developer proposes to sell the unit to a person who earns
 23 less than 120 percent of the area median income at a purchase
 24 price that is no greater than the purchase price at which the
 25 unit was originally marketed to a lower income qualified
 26 class. This provision may not be applied to residential units
 27 approved pursuant to subparagraph (b)7. or paragraph (i), and
 28 shall expire on July 1, 2009.

29 ~~l.k.~~ Any other change which the state land planning
 30 agency, in consultation with the regional planning council,
 31 agrees in writing is similar in nature, impact, or character

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 to the changes enumerated in sub-subparagraphs a.-j. and which
2 does not create the likelihood of any additional regional
3 impact.

4
5 This subsection does not require the filing of a notice of
6 proposed change but shall require an application to the local
7 government to amend the development order in accordance with
8 the local government's procedures for amendment of a
9 development order. In accordance with the local government's
10 procedures, including requirements for notice to the applicant
11 and the public, the local government shall either deny the
12 application for amendment or adopt an amendment to the
13 development order which approves the application with or
14 without conditions. Following adoption, the local government
15 shall render to the state land planning agency the amendment
16 to the development order. The state land planning agency may
17 appeal, pursuant to s. 380.07(3), the amendment to the
18 development order if the amendment involves sub-subparagraph
19 g., sub-subparagraph h., sub-subparagraph j., ~~or~~
20 sub-subparagraph k., or sub-subparagraph l., and it believes
21 the change creates a reasonable likelihood of new or
22 additional regional impacts.

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

29 4. Any submittal of a proposed change to a previously
30 approved development shall include a description of individual
31 changes previously made to the development, including changes

Barcode 722114

1 | previously approved by the local government. The local
 2 | government shall consider the previous and current proposed
 3 | changes in deciding whether such changes cumulatively
 4 | constitute a substantial deviation requiring further
 5 | development-of-regional-impact review.

6 | 5. The following changes to an approved development of
 7 | regional impact shall be presumed to create a substantial
 8 | deviation. Such presumption may be rebutted by clear and
 9 | convincing evidence.

10 | a. A change proposed for 15 percent or more of the
 11 | acreage to a land use not previously approved in the
 12 | development order. Changes of less than 15 percent shall be
 13 | presumed not to create a substantial deviation.

14 | b. Notwithstanding any provision of paragraph (b) to
 15 | the contrary, a proposed change consisting of simultaneous
 16 | increases and decreases of at least two of the uses within an
 17 | authorized multiuse development of regional impact which was
 18 | originally approved with three or more uses specified in s.
 19 | 380.0651(3)(c), (d), (e), and (f) and residential use.

20 | Section 10. Subsection (2) of section 420.504, Florida
 21 | Statutes, is amended to read:

22 | 420.504 Public corporation; creation, membership,
 23 | terms, expenses.--

24 | (2) The corporation is constituted as a public
 25 | instrumentality, and the exercise by the corporation of the
 26 | power conferred by this act is considered to be the
 27 | performance of an essential public function. The corporation
 28 | is shall constitute an agency for the purposes of s. 120.52
 29 | and is a state agency for purposes of s. 159.807(4). The
 30 | corporation is subject to chapter 119, subject to exceptions
 31 | applicable to the corporation, and to the provisions of

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 chapter 286; however, the corporation shall be entitled to
2 provide notice of internal review committee meetings for
3 competitive proposals or procurement to applicants by mail, ~~or~~
4 facsimile, or publication on an Internet website, rather than
5 by means of publication. The corporation is not governed by
6 chapter 607 or chapter 617, but by the provisions of this
7 part. If for any reason the establishment of the corporation
8 is deemed in violation of law, such provision is severable and
9 the remainder of this act remains in full force and effect.

10 Section 11. Section 420.506, Florida Statutes, is
11 amended to read:

12 420.506 Executive director; agents and employees.--The
13 appointment and removal of an executive director shall be by
14 the Secretary of Community Affairs, with the advice and
15 consent of the corporation's board of directors. The executive
16 director shall employ legal and technical experts and such
17 other agents and employees, permanent and temporary, as the
18 corporation may require, and shall communicate with and
19 provide information to the Legislature with respect to the
20 corporation's activities. The board is authorized,
21 notwithstanding the provisions of s. 216.262, to develop and
22 implement rules regarding the employment of employees of the
23 corporation and service providers, including legal counsel.
24 ~~The corporation is authorized to enter into a lease agreement~~
25 ~~with the Department of Management Services or the Department~~
26 ~~of Community Affairs for the lease of state employees from~~
27 ~~such entities, wherein an employee shall retain his or her~~
28 ~~status as a state employee but shall work under the direct~~
29 ~~supervision of the corporation, and shall retain the right to~~
30 ~~participate in the Florida Retirement System.~~ The board of
31 directors of the corporation is entitled to establish travel

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 | procedures and guidelines for employees of the corporation.
2 | The executive director's office and the corporation's files
3 | and records must be located in Leon County.

4 | Section 12. Section 420.5061, Florida Statutes, is
5 | amended to read:

6 | 420.5061 Transfer of agency assets and
7 | liabilities.--~~Effective January 1, 1998, all assets and~~
8 | ~~liabilities and rights and obligations, including any~~
9 | ~~outstanding contractual obligations, of the agency shall be~~
10 | ~~transferred to~~ The corporation is the ~~as~~ legal successor in
11 | all respects to the agency, is. ~~the corporation shall~~
12 | ~~thereupon become~~ obligated to the same extent as the agency
13 | under any ~~existing~~ agreements existing on December 31, 1997,
14 | and is ~~be~~ entitled to any rights and remedies previously
15 | afforded the agency by law or contract, including specifically
16 | the rights of the agency under chapter 201 and part VI of
17 | chapter 159. ~~The corporation is a state agency for purposes of~~
18 | ~~s. 159.807(4)(a).~~ Effective January 1, 1998, all references
19 | under Florida law to the agency are deemed to mean the
20 | corporation. The corporation shall transfer to the General
21 | Revenue Fund an amount which otherwise would have been
22 | deducted as a service charge pursuant to s. 215.20(1) if the
23 | Florida Housing Finance Corporation Fund established by s.
24 | 420.508(5), the State Apartment Incentive Loan Fund
25 | established by s. 420.5087(7), the Florida Homeownership
26 | Assistance Fund established by s. 420.5088(4), the HOME
27 | Investment Partnership Fund established by s. 420.5089(1), and
28 | the Housing Predevelopment Loan Fund established by s.
29 | 420.525(1) were each trust funds. For purposes of s. 112.313,
30 | the corporation is deemed to be a continuation of the agency,
31 | and the provisions thereof are deemed to apply as if the same

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 entity remained in place. Any employees of the agency and
 2 agency board members covered by s. 112.313(9)(a)6. shall
 3 continue to be entitled to the exemption in that subparagraph,
 4 notwithstanding being hired by the corporation or appointed as
 5 board members of the corporation. ~~Effective January 1, 1998,~~
 6 ~~all state property in use by the agency shall be transferred~~
 7 ~~to and become the property of the corporation.~~

8 Section 13. Subsection (46) is added to section
 9 420.507, Florida Statutes, to read:

10 420.507 Powers of the corporation.--The corporation
 11 shall have all the powers necessary or convenient to carry out
 12 and effectuate the purposes and provisions of this part,
 13 including the following powers which are in addition to all
 14 other powers granted by other provisions of this part:

15 (46) To require, as a condition of financing a
 16 multifamily rental project, that an agreement be recorded in
 17 the official records of the county where the real property is
 18 located, which requires that the project be used for housing
 19 defined as affordable in s. 420.0004(3) by persons defined in
 20 420.0004(8), (10), (11), and (15). Such an agreement is a
 21 state land use regulation that limits the highest and best use
 22 of the property within the meaning of s. 193.011(2).

23 Section 14. Subsection (3) of section 420.5087,
 24 Florida Statutes, is amended to read:

25 420.5087 State Apartment Incentive Loan
 26 Program.--There is hereby created the State Apartment
 27 Incentive Loan Program for the purpose of providing first,
 28 second, or other subordinated mortgage loans or loan
 29 guarantees to sponsors, including for-profit, nonprofit, and
 30 public entities, to provide housing affordable to
 31 very-low-income persons.

Barcode 722114

1 (3) During the first 6 months of loan or loan
2 guarantee availability, program funds shall be reserved for
3 use by sponsors who provide the housing set-aside required in
4 subsection (2) for the tenant groups designated in this
5 subsection. The reservation of funds to each of these groups
6 shall be determined using the most recent statewide
7 very-low-income rental housing market study available at the
8 time of publication of each notice of fund availability
9 required by paragraph (6)(b). The reservation of funds within
10 each notice of fund availability to the tenant groups in
11 paragraphs (a), (b), and (d) may not be less than 10 percent
12 of the funds available at that time. Any increase in funding
13 required to reach the 10-percent minimum must ~~shall~~ be taken
14 from the tenant group that has the largest reservation. The
15 reservation of funds within each notice of fund availability
16 to the tenant group in paragraph (c) may not be less than 5
17 percent of the funds available at that time. The tenant groups
18 are:

- 19 (a) Commercial fishing workers and farmworkers;
- 20 (b) Families;
- 21 (c) Persons who are homeless; and
- 22 (d) Elderly persons. Ten percent of the amount
23 reserved for the elderly shall be reserved to provide loans to
24 sponsors of housing for the elderly for the purpose of making
25 building preservation, health, or sanitation repairs or
26 improvements which are required by federal, state, or local
27 regulation or code, or lifesafety or security-related repairs
28 or improvements to such housing. Such a loan may not exceed
29 \$750,000 per housing community for the elderly. In order to
30 receive the loan, the sponsor of the housing community must
31 make a commitment to match at least 5 percent of the loan

Barcode 722114

1 amount to pay the cost of such repair or improvement. The
2 corporation shall establish the rate of interest on the loan,
3 which may not exceed 3 percent, and the term of the loan,
4 which may not exceed 15 years; however, if the lien of the
5 corporation's encumbrance is subordinate to the lien of
6 another mortgagee, then the term may be made coterminous with
7 the longest term of the superior lien. The term of the loan
8 shall be based on ~~established on the basis of~~ a credit
9 analysis of the applicant. The corporation may forgive
10 indebtedness for a share of the loan attributable to the units
11 in a project reserved for extremely-low-income elderly by
12 nonprofit organizations, as defined in s. 420.0004(5), where
13 the project has provided affordable housing to the elderly for
14 15 years or more. The corporation shall establish, by rule,
15 the procedure and criteria for receiving, evaluating, and
16 competitively ranking all applications for loans under this
17 paragraph. A loan application must include evidence of the
18 first mortgagee's having reviewed and approved the sponsor's
19 intent to apply for a loan. A nonprofit organization or
20 sponsor may not use the proceeds of the loan to pay for
21 administrative costs, routine maintenance, or new
22 construction.

23 Section 15. Section 420.5095, Florida Statutes, is
24 amended to read:

25 420.5095 Community Workforce Housing Innovation Pilot
26 Program.--

27 (1) The Legislature finds and declares that recent
28 rapid increases in the median purchase price of a home and the
29 cost of rental housing have far outstripped the increases in
30 median income in the state, preventing essential services
31 personnel from living in the communities where they serve and

Barcode 722114

1 | thereby creating the need for innovative solutions for the
2 | provision of housing opportunities for essential services
3 | personnel.

4 | (2) The Community Workforce Housing Innovation Pilot
5 | Program is created to provide affordable rental and home
6 | ownership community workforce housing for essential services
7 | personnel affected by the high cost of housing, using
8 | regulatory incentives and state and local funds to promote
9 | local public-private partnerships and leverage government and
10 | private resources.

11 | (3) For purposes of this section, the term ~~following~~
12 | ~~definitions apply:~~

13 | (a) "Workforce housing" means housing affordable to
14 | natural persons or families whose total annual household
15 | income does not exceed 140 percent of the area median income,
16 | adjusted for household size, or 150 percent of area median
17 | income, adjusted for household size, in areas of critical
18 | state concern designated under s. 380.05, for which the
19 | Legislature has declared its intent to provide affordable
20 | housing, and areas that were designated as areas of critical
21 | state concern for at least 20 consecutive years prior to
22 | removal of the designation.

23 | (b) "Essential services personnel" means persons in
24 | need of affordable housing who are employed in occupations or
25 | professions in which they are considered essential services
26 | personnel, as defined by each county and eligible municipality
27 | within its respective local housing assistance plan pursuant
28 | to s. 420.9075(3)(a).

29 | (c) "Public-private partnership" means any form of
30 | business entity that includes substantial involvement of at
31 | least one county, one municipality, or one public sector

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 entity, such as a school district or other unit of local
2 government in which the project is to be located, and at least
3 one private sector for-profit or not-for-profit business or
4 charitable entity, and may be any form of business entity,
5 including a joint venture or contractual agreement.

6 (4) The Florida Housing Finance Corporation is
7 authorized to provide Community Workforce Housing Innovation
8 Pilot Program loans to an applicant for construction or
9 rehabilitation of workforce housing in eligible areas. ~~The~~
10 ~~corporation shall establish a funding process and selection~~
11 ~~criteria by rule or request for proposals.~~ This funding is
12 intended to be used with other public and private sector
13 resources.

14 (5) The corporation shall establish a loan application
15 process by rule which includes selection criteria, an
16 application review process, and a funding process. The
17 corporation shall also establish an application review
18 committee that may include up to three private citizens
19 representing the areas of housing or real estate development,
20 banking, community planning, or other areas related to the
21 development or financing of workforce and affordable housing.

22 (a) The selection criteria and application review
23 process must include a procedure for curing errors in the loan
24 applications which do not make a substantial change to the
25 proposed project.

26 (b) To achieve the goals of the pilot program, the
27 application review committee may approve or reject loan
28 applications or responses to questions raised during the
29 review of an application due to the insufficiency of
30 information provided.

31 (c) The application review committee shall make

1 recommendations concerning program participation and funding
2 to the corporation's board of directors.

3 (d) The board of directors shall approve or reject
4 loan applications, determine the tentative loan amount
5 available to each applicant, and rank all approved
6 applications.

7 (e) The board of directors shall decide which approved
8 applicants will become program participants and determine the
9 maximum loan amount for each program participant.

10 (6)(5) The corporation shall provide incentives for
11 local governments in eligible areas to use local affordable
12 housing funds, such as those from the State Housing
13 Initiatives Partnership Program, to assist in meeting the
14 affordable housing needs of persons eligible under this
15 program. Local governments are authorized to use State Housing
16 Initiative Partnership Program funds for persons or families
17 whose total annual household income does not exceed:

18 (a) One hundred and forty percent of the area median
19 income, adjusted for household size; or

20 (b) One hundred and fifty percent of the area median
21 income, adjusted for household size, in areas that were
22 designated as areas of critical state concern for at least 20
23 consecutive years prior to the removal of the designation and
24 in areas of critical state concern, designated under s.
25 380.05, for which the Legislature has declared its intent to
26 provide affordable housing.

27 (7)(6) Funding shall be targeted to innovative
28 projects in areas where the disparity between the area median
29 income and the median sales price for a single-family home is
30 greatest, and ~~for projects in areas~~ where population growth as
31 a percentage rate of increase is greatest. The corporation may

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 also fund projects in areas where innovative regulatory and
 2 financial incentives are made available. The corporation shall
 3 fund at least one eligible project in as many counties and
 4 regions of the state as is practicable, consistent with
 5 program goals ~~as possible~~.

6 ~~(8)(7)~~ Projects shall receive priority consideration
 7 for funding where:

8 (a) The local jurisdiction has adopted, or is
 9 committed to adopting, ~~adopts~~ appropriate regulatory
 10 incentives, or the local jurisdiction or public-private
 11 partnership has adopted or is committed to adopting local
 12 contributions or financial strategies, or other funding
 13 sources to promote the development and ongoing financial
 14 viability of such projects. Local incentives include such
 15 actions as expediting review of development orders and
 16 permits, supporting development near transportation hubs and
 17 major employment centers, and adopting land development
 18 regulations designed to allow flexibility in densities, use of
 19 accessory units, mixed-use developments, and flexible lot
 20 configurations. Financial strategies include such actions as
 21 promoting employer-assisted housing programs, providing tax
 22 increment financing, and providing land.

23 (b) Projects are innovative and include new
 24 construction or rehabilitation; ~~i~~ mixed-income housing; ~~i~~ ~~or~~
 25 commercial and housing mixed-use elements; innovative design,
 26 green building principles; storm-resistant construction; or
 27 other elements that reduce long-term costs relating to
 28 maintenance, utilities, or insurance and ~~those that~~ promote
 29 homeownership. The program funding may ~~shall~~ not exceed the
 30 costs attributable to the portion of the project that is set
 31 aside to provide housing for the targeted population.

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 (c) Projects that set aside at least 80 percent of
 2 units for workforce housing and at least 50 percent for
 3 essential services personnel and for projects that require the
 4 least amount of program funding compared to the overall
 5 housing costs for the project.

6 ~~(9)(8)~~ Notwithstanding ~~the provisions of s.~~
 7 163.3184(3)-(6), any local government comprehensive plan
 8 amendment to implement a Community Workforce Housing
 9 Innovation Pilot Program project found consistent with the
 10 provisions of this section shall be expedited as provided in
 11 this subsection. At least 30 days prior to adopting a plan
 12 amendment under ~~pursuant to~~ this subsection, the local
 13 government shall notify the state land planning agency of its
 14 intent to adopt such an amendment, and the notice shall
 15 include its evaluation related to site suitability and
 16 availability of facilities and services. The public notice of
 17 the hearing required by s. 163.3184(15)(b)2. ~~s.~~
 18 ~~163.3184(15)(e)~~ shall include a statement that the local
 19 government intends to use ~~utilize~~ the expedited adoption
 20 process authorized by this subsection. Such amendments shall
 21 require only a single public hearing before the governing
 22 board, which shall be an adoption hearing as described in s.
 23 163.3184(7). ~~and~~ The state land planning agency shall issue
 24 its notice of intent pursuant to s. 163.3184(8) within 30 days
 25 after determining that the amendment package is complete. Any
 26 further proceedings shall be governed by ss. 163.3184(9)-(16).
 27 Amendments proposed under this section are not subject to s.
 28 163.3187(1), which limits the adoption of a comprehensive plan
 29 amendment to no more than two times during any calendar year.

30 (10) The processing of approvals of development orders
 31 or development permits, as defined in s. 163.3164(7) and (8),

1 for innovative community workforce housing projects shall be
2 expedited.

3 ~~(11)(9)~~ The corporation shall award loans with
4 interest rates set at 1 to 3 percent, which may be made
5 forgivable when long-term affordability is provided and when
6 at least 80 percent of the units are set aside for workforce
7 housing and at least 50 percent of the units are set aside for
8 essential services personnel.

9 ~~(12)(10)~~ All eligible applications shall:

10 (a) For home ownership, limit the sales price of a
11 detached unit, townhome, or condominium unit to not more than
12 90 ~~80~~ percent of the median sales price for that type of unit
13 in that county, or the statewide median sales price for that
14 type of unit, whichever is higher, and require that all
15 eligible purchasers of home ownership units occupy the homes
16 as their primary residence.

17 (b) For rental units, restrict rents for all workforce
18 housing serving those with incomes at or below 120 percent of
19 area median income at the appropriate income level using the
20 restricted rents for the federal low-income housing tax credit
21 program and, for workforce housing units serving those with
22 incomes above 120 percent of area median income, restrict
23 rents to those established by the corporation, not to exceed
24 30 percent of the maximum household income adjusted to unit
25 size.

26 (c) Demonstrate that the applicant is a public-private
27 partnership in an agreement, contract, partnership agreement,
28 memorandum of understanding, or other written instrument
29 signed by all the project partners.

30 (d) Have grants, donations of land, or contributions
31 from the public-private partnership or other sources

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 collectively totaling at least 10 ~~15~~ percent of the total
 2 development cost or \$2 million, whichever is less. Such
 3 grants, donations of land, or contributions must be evidenced
 4 by a letter of commitment, an agreement, contract, deed,
 5 memorandum of understanding, or other written instrument ~~only~~
 6 at the time of application. Grants, donations of land, or
 7 contributions in excess of 10 ~~15~~ percent of the development
 8 cost shall increase the application score.

9 (e) Demonstrate how the applicant will use the
 10 regulatory incentives and financial strategies outlined in
 11 subsection (8) ~~paragraph (7)(a)~~ from the local jurisdiction in
 12 which the proposed project is to be located. The corporation
 13 may consult with the Department of Community Affairs in
 14 evaluating the use of regulatory incentives by applicants.

15 (f) Demonstrate that the applicant possesses title to
 16 or site control of land and evidences availability of required
 17 infrastructure.

18 (g) Demonstrate the applicant's affordable housing
 19 development and management experience.

20 (h) Provide any research or facts available supporting
 21 the demand and need for rental or home ownership workforce
 22 housing for eligible persons in the market in which the
 23 project is proposed.

24 ~~(13)(11)~~ Projects may include manufactured housing
 25 constructed after June 1994 and installed in accordance with
 26 mobile home installation standards of the Department of
 27 Highway Safety and Motor Vehicles.

28 ~~(14)(12)~~ The corporation may adopt rules pursuant to
 29 ss. 120.536(1) and 120.54 to implement ~~the provisions of this~~
 30 section.

31 ~~(15)(13)~~ The corporation may use a maximum of 2

1 percent of the annual program appropriation for administration
2 and compliance monitoring.

3 ~~(16)(14)~~ The corporation shall review the success of
4 the Community Workforce Housing Innovation Pilot Program to
5 ascertain whether the projects financed by the program are
6 useful in meeting the housing needs of eligible areas and
7 shall include its findings in the annual report required under
8 s. 420.511(3). ~~The corporation shall submit its report and any~~
9 ~~recommendations regarding the program to the Governor, the~~
10 ~~Speaker of the House of Representatives, and the President of~~
11 ~~the Senate not later than 2 months after the end of the~~
12 ~~corporation's fiscal year.~~

13 Section 16. Subsection (3) of section 420.511, Florida
14 Statutes, is amended to read:

15 420.511 Business plan; strategic plan; annual
16 report.--

17 (3)(a) The corporation shall submit to the Governor
18 and the presiding officers of each house of the Legislature,
19 within 2 months after the end of its fiscal year, a complete
20 and detailed report setting forth:

21 1.(a) Its operations and accomplishments;

22 2.(b) Its receipts and expenditures during its fiscal
23 year in accordance with the categories or classifications
24 established by the corporation for its operating and capital
25 outlay purposes;

26 3.(c) Its assets and liabilities at the end of its
27 fiscal year and the status of reserve, special, or other
28 funds;

29 4.(d) A schedule of its bonds outstanding at the end
30 of its fiscal year, together with a statement of the principal
31 amounts of bonds issued and redeemed during the fiscal year;

1 and

2 ~~5.(e)~~ Information relating to the corporation's
3 activities in implementing the provisions of ss. 420.5087, ~~and~~
4 420.5088, and 420.5095.

5 (b) The report ~~required by this subsection~~ shall
6 include, but not be limited to:

7 1. The number of people served, delineated by income,
8 age, family size, and racial characteristics.

9 2. The number of units produced under each program.

10 3. The average cost of producing units under each
11 program.

12 4. The average sales price of single-family units
13 financed under s. 420.5088.

14 5. The average amount of rent charged based on unit
15 size on units financed under s. 420.5087.

16 6. The number of persons in rural communities served
17 under each program.

18 7. The number of farmworkers served under each
19 program.

20 8. The number of homeless persons served under each
21 program.

22 9. The number of elderly persons served under each
23 program.

24 10. The extent to which geographic distribution has
25 been achieved in accordance with the provisions of s.
26 420.5087.

27 11. The success of the Community Workforce Housing
28 Innovation Pilot Program in meeting the housing needs of
29 eligible areas.

30 ~~12.11.~~ Any other information the corporation deems
31 appropriate.

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 Section 17. Subsection (1) of section 420.513, Florida
2 Statutes, is amended to read:

3 420.513 Exemption from taxes and eligibility as
4 investment.--

5 (1) The property of the corporation, the transactions
6 and operations thereof, the income therefrom, and the bonds of
7 the corporation issued under this act, together with all
8 notes, mortgages, security agreements, letters of credit, or
9 other instruments that arise out of or are given to secure the
10 repayment of bonds issued in connection with the financing of
11 any housing ~~development~~ under this part, and all notes,
12 mortgages, security agreements, letters of credit, or other
13 instruments that arise out of or are given to secure the
14 repayment of loans issued in connection with the financing of
15 any housing under this part, as well as the interest thereon
16 and income therefrom, regardless of the status of any party
17 thereto as a private party, shall be exempt from taxation by
18 the state and its political subdivisions. The exemption
19 granted by this subsection shall not apply to any tax imposed
20 by chapter 220 on interest, income, or profits on debt
21 obligations owned by corporations.

22 Section 18. Subsection (7) of section 420.526, Florida
23 Statutes, is amended to read:

24 420.526 Predevelopment Loan Program; loans and grants
25 authorized; activities eligible for support.--

26 (7) No predevelopment loan made under this section
27 shall exceed the lesser of:

28 (a) The development and acquisition costs for the
29 project, as determined by rule of the corporation; or

30 (b) Seven hundred and fifty ~~Five hundred~~ thousand
31 dollars.

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 Section 19. Subsections (2), (4), (5), and (6) of
2 section 420.9076, Florida Statutes, are amended, and
3 subsections (8) and (9) are added to that section, to read:

4 420.9076 Adoption of affordable housing incentive
5 strategies; committees.--

6 (2) The governing board of a county or municipality
7 shall appoint the members of the affordable housing advisory
8 committee by resolution. Pursuant to the terms of any
9 interlocal agreement, a county and municipality may create and
10 jointly appoint an advisory committee to prepare a joint plan.
11 The ordinance adopted pursuant to s. 420.9072 which creates
12 the advisory committee or the resolution appointing the
13 advisory committee members must provide for eleven ~~nine~~
14 committee members and their terms. The committee must include:

15 (a) One citizen who is actively engaged in the
16 residential home building industry in connection with
17 affordable housing.

18 (b) One citizen who is actively engaged in the banking
19 or mortgage banking industry in connection with affordable
20 housing.

21 (c) One citizen who is a representative of those areas
22 of labor actively engaged in home building in connection with
23 affordable housing.

24 (d) One citizen who is actively engaged as an advocate
25 for low-income persons in connection with affordable housing.

26 (e) One citizen who is actively engaged as a
27 for-profit provider of affordable housing.

28 (f) One citizen who is actively engaged as a
29 not-for-profit provider of affordable housing.

30 (g) One citizen who is actively engaged as a real
31 estate professional in connection with affordable housing.

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 (h) One citizen who actively serves on the local
2 planning agency pursuant to s. 163.3174.

3 (i) One citizen who resides within the jurisdiction of
4 the local governing body making the appointments.

5 (j) One citizen who represents employers within the
6 jurisdiction.

7 (k) One citizen who represents essential services
8 personnel, as defined in the local housing assistance plan.

9
10 If a county or eligible municipality whether due to its small
11 size, the presence of a conflict of interest by prospective
12 appointees, or other reasonable factor, is unable to appoint a
13 citizen actively engaged in these activities in connection
14 with affordable housing, a citizen engaged in the activity
15 without regard to affordable housing may be appointed. Local
16 governments that receive the minimum allocation under the
17 State Housing Initiatives Partnership Program may elect to
18 appoint an affordable housing advisory committee with fewer
19 than eleven representatives if they are unable to find
20 representatives that meet the criteria of paragraphs (a)-(k).

21 (4) Triennially, the advisory committee shall review
22 the established policies and procedures, ordinances, land
23 development regulations, and adopted local government
24 comprehensive plan of the appointing local government and
25 shall recommend specific actions or initiatives to encourage
26 or facilitate affordable housing while protecting the ability
27 of the property to appreciate in value. The ~~Such~~
28 recommendations may include the modification or repeal of
29 existing policies, procedures, ordinances, regulations, or
30 plan provisions; the creation of exceptions applicable to
31 affordable housing; or the adoption of new policies,

Barcode 722114

1 procedures, regulations, ordinances, or plan provisions,
 2 including recommendations to amend the local government
 3 comprehensive plan and corresponding regulations, ordinances,
 4 and other policies. At a minimum, each advisory committee
 5 shall submit a report to the local governing body that
 6 includes ~~make~~ recommendations on, and triennially thereafter
 7 evaluates the implementation of, affordable housing incentives
 8 in the following areas:

9 (a) The processing of approvals of development orders
 10 or permits, as defined in s. 163.3164(7) and (8), for
 11 affordable housing projects is expedited to a greater degree
 12 than other projects.

13 (b) The modification of impact-fee requirements,
 14 including reduction or waiver of fees and alternative methods
 15 of fee payment for affordable housing.

16 (c) The allowance of flexibility in densities
 17 ~~increased density levels~~ for affordable housing.

18 (d) The reservation of infrastructure capacity for
 19 housing for very-low-income persons, ~~and~~ low-income persons,
 20 and moderate-income persons.

21 (e) The allowance of affordable accessory residential
 22 units in residential zoning districts.

23 (f) The reduction of parking and setback requirements
 24 for affordable housing.

25 (g) The allowance of flexible lot configurations,
 26 including zero-lot-line configurations for affordable housing.

27 (h) The modification of street requirements for
 28 affordable housing.

29 (i) The establishment of a process by which a local
 30 government considers, before adoption, policies, procedures,
 31 ordinances, regulations, or plan provisions that increase the

1 cost of housing.

2 (j) The preparation of a printed inventory of locally
3 owned public lands suitable for affordable housing.

4 (k) The support of development near transportation
5 hubs and major employment centers and mixed-use developments.

6
7 The advisory committee recommendations ~~may~~ ~~must~~ also include
8 other affordable housing incentives identified by the advisory
9 committee. Local governments that receive the minimum
10 allocation under the State Housing Initiatives Partnership
11 Program shall perform the initial review, but may elect to not
12 perform the triennial review.

13 (5) The approval by the advisory committee of its
14 local housing incentive strategies recommendations and its
15 review of local government implementation of previously
16 recommended strategies must be made by affirmative vote of a
17 majority of the membership of the advisory committee taken at
18 a public hearing. Notice of the time, date, and place of the
19 public hearing of the advisory committee to adopt final local
20 housing incentive strategies recommendations must be published
21 in a newspaper of general paid circulation in the county. The
22 ~~Such~~ notice must contain a short and concise summary of the
23 local housing incentives strategies recommendations to be
24 considered by the advisory committee. The notice must state
25 the public place where a copy of the tentative advisory
26 committee recommendations can be obtained by interested
27 persons.

28 (6) Within 90 days after the date of receipt of the
29 local housing incentive strategies recommendations from the
30 advisory committee, the governing body of the appointing local
31 government shall adopt an amendment to its local housing

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 assistance plan to incorporate the local housing incentive
 2 strategies it will implement within its jurisdiction. The
 3 amendment must include, at a minimum, the local housing
 4 incentive strategies required under s. 420.9071(16). The local
 5 government must consider the strategies specified in
 6 paragraphs(4)(a)-(k) as recommended by the advisory committee
 7 ~~(4)(a)-(j).~~

8 (8) The advisory committee may perform other duties at
 9 the request of the local government, including:

10 (a) The provision of mentoring services to affordable
 11 housing partners including developers, banking institutions,
 12 employers, and others to identify available incentives, assist
 13 with applications for funding requests, and develop
 14 partnerships between various parties.

15 (b) The creation of best practices for the development
 16 of affordable housing in the community.

17 (9) The advisory committee shall be cooperatively
 18 staffed by the local government department or division having
 19 authority to administer local planning or housing programs to
 20 ensure an integrated approach to the work of the advisory
 21 committee.

22 Section 20. Section 624.46226, Florida Statutes, is
 23 created to read:

24 624.46226 Public housing authorities self-insurance
 25 funds; exemption for taxation and assessments.--

26 (1) Any two or more public housing authorities in the
 27 state as defined in chapter 421 may also create a
 28 self-insurance fund for the purpose of self-insuring real or
 29 personal property of every kind and every interest in such
 30 property against loss or damage from any hazard or cause and
 31 against any loss consequential to such loss or damage,

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 provided all the provisions of s. 624.4622 are met.

2 (2) Any public housing authority in the state as
3 defined in chapter 421 that is a member of a self-insurance
4 fund pursuant to this section shall be exempt from the
5 assessments imposed under ss. 627.351, 631.57, and 215.555.

6 Section 21. This act shall take effect July 1, 2007.

7
8

9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 Delete everything before the enacting clause

12

13 and insert:

14

A bill to be entitled

15

An act relating to affordable housing; amending

16

s. 163.3177, F.S., relating to the housing

17

element of a local government comprehensive

18

plan; requiring certain counties to adopt a

19

plan for ensuring affordable workforce housing;

20

providing that a local government that fails to

21

comply with such requirement is ineligible to

22

receive state housing assistance grants;

23

amending s. 163.3180, F.S.; providing an

24

exemption from transportation concurrency for

25

certain workforce housing units; amending s.

26

163.3184, F.S.; authorizing certain local

27

government comprehensive plan amendments to be

28

expedited; providing requirements for amendment

29

notices; requiring a public hearing; amending

30

s. 163.3187, F.S.; authorizing certain local

31

government comprehensive plan amendments to be

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 made more than twice a year; amending s.
2 163.3191, F.S.; authorizing a local government
3 to adopt amendments to the local comprehensive
4 plan in order to integrate a port master plan
5 with the local comprehensive plan; providing a
6 limitation; creating ss. 197.307, 197.3071,
7 197.3072, 197.3073, 197.3074, 197.3075,
8 197.3076, 197.3077, 197.3078, and 197.3079,
9 F.S.; authorizing a county commission or
10 municipality to adopt an ordinance providing
11 for the deferral of ad valorem taxes and non-ad
12 valorem assessments for affordable rental
13 housing property under certain conditions;
14 requiring the tax collector to provide certain
15 notices to taxpayers about deferrals; providing
16 specifications for such ordinances; providing
17 eligibility requirements; authorizing a
18 property owner to defer payment of ad valorem
19 taxes and certain assessments; providing
20 circumstances in which taxes and assessments
21 may not be deferred; specifying the rate for
22 deferment; providing that the taxes,
23 assessments, and interest deferred constitute a
24 prior lien on the property; providing an
25 application process; providing notice
26 requirements for applications that are not
27 approved for deferment; providing an appeals
28 process; requiring applications for deferral to
29 contain a list of outstanding liens; providing
30 the date for calculating taxes due and payable;
31 requiring that a property owner furnish proof

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 of certain insurance coverage under certain
2 conditions; requiring the tax collector and the
3 property owner to notify the property appraiser
4 of parcels for which taxes and assessments have
5 been deferred; requiring the property appraiser
6 to notify the tax collector of changes in
7 ownership or use of tax-deferred properties;
8 providing requirements for tax certificates for
9 deferred payment; providing the rate of
10 interest; providing circumstances in which
11 deferrals cease; requiring the property
12 appraiser to notify the tax collector of
13 deferrals that have ceased; requiring the tax
14 collector to collect taxes, assessments and
15 interest due; requiring the tax collector to
16 notify the property owner of due taxes on
17 tax-deferred property under certain conditions;
18 requiring the tax collector to sell a tax
19 certificate under certain circumstances;
20 specifying persons who may pay deferred taxes,
21 assessments and accrued interest; requiring the
22 tax collector to maintain a record of payment
23 and to distribute payments; providing for
24 construction of provisions authorizing the
25 deferments; providing penalties; amending s.
26 253.0341, F.S., requiring the Board of Trustees
27 of the Internal Improvement Trust Fund to
28 convey certain property; restricting the use of
29 property to be conveyed; providing a
30 consideration for conveyance; amending s.
31 380.06, F.S.; providing that all phase,

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 buildout, and expiration dates for projects
2 that are developments of regional impact and
3 under active construction on a specified date
4 are extended for 3 years; providing an
5 exemption from further
6 development-of-regional-impact review; amending
7 s. 380.0651, F.S.; revising certain
8 developments of regional impact statewide
9 guidelines and standards; amending s. 420.504,
10 F.S.; providing that the corporation is a state
11 agency for purposes of the state allocation
12 pool; authorizing the corporation to provide
13 notice of internal review committee meetings by
14 publication on an Internet website; providing
15 that the corporation is not governed by certain
16 provisions relating to corporations not for
17 profit; amending s. 420.506, F.S.; deleting a
18 provision relating to lease of certain state
19 employees; amending s. 420.5061, F.S.; deleting
20 obsolete provisions; removing a provision
21 requiring all assets and liabilities and rights
22 and obligations of the Florida Housing Finance
23 Agency to be transferred to the corporation;
24 providing that the corporation is the legal
25 successor to the agency; removing a provision
26 requiring all state property in use by the
27 agency to be transferred to and become the
28 property of the corporation; amending s.
29 420.507, F.S.; requiring that an agreement
30 financing affordable housing be recorded in the
31 official records of the county where the real

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 property is located; providing that such
2 agreement is a state land use regulation;
3 amending s. 420.5087, F.S.; authorizing the
4 Florida Housing Finance Corporation to provide
5 partially forgivable loans to nonprofit
6 organizations that serve extremely-low-income
7 elderly tenants; providing criteria; amending
8 s. 420.5095, F.S.; specifying the content of
9 rules for reviewing loan applications for
10 workforce housing projects; requiring the
11 corporation to establish a committee for
12 reviewing loan applications; providing for
13 membership; providing powers and duties of the
14 committee; requiring the corporation's board of
15 directors to make the final decisions
16 concerning ranking and program participants;
17 specifying areas where local governments may
18 use program funds; expanding the types of
19 projects that may receive priority funding;
20 requiring that the processing of certain
21 approvals of development orders or development
22 permits be expedited; providing loan applicant
23 requirements; revising reporting requirements;
24 amending s. 420.511, F.S.; requiring that the
25 corporation's annual report include information
26 on the Community Workforce Housing Innovation
27 Pilot Program; amending s. 420.513, F.S.;
28 providing exemption from taxes for certain
29 instruments issued in connection with the
30 financing of certain housing; amending s.
31 420.526, F.S.; revising the cap on

Bill No. CS/HB 1375, 2nd Eng.

Barcode 722114

1 predevelopment loans; amending s. 420.9076,
2 F.S.; increasing affordable housing advisory
3 committee membership; revising membership
4 criteria; authorizing the use of fewer members
5 under certain circumstances; revising and
6 providing duties of the advisory committee;
7 creating s. 624.46226, F.S.; authorizing
8 certain public housing authorities to create a
9 self-insurance fund; exempting such public
10 housing authorities that create a
11 self-insurance fund from certain assessments;
12 providing an effective date.

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