

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

Barcode 790464

<u>Senate</u>	CHAMBER ACTION	<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,

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 \$150,000, 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, as defined in  
 20 s. 380.0651(3)(j). At a minimum, the plan shall identify  
 21 adequate sites for such housing. For purposes of this  
 22 sub-subparagraph, the term "workforce housing" means housing  
 23 that is affordable to natural persons or families whose total  
 24 household income does not exceed 140 percent of the area  
 25 median income, adjusted for household 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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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 (19) is added to section  
 23 163.3184, Florida Statutes, to read:

24           163.3184 Process for adoption of comprehensive plan or  
 25 plan amendment.--

26           (19) Any local government that identifies in its  
 27 comprehensive plan the types of housing developments and  
 28 conditions for which it will consider plan amendments that are  
 29 consistent with the local housing incentive strategies  
 30 identified in s. 420.9076 and authorized by the local  
 31 government, may expedite consideration of such plan

1 amendments. At least 30 days prior to adopting a plan  
2 amendment pursuant to this subsection, the local government  
3 shall notify the state land planning agency of its intent to  
4 adopt such an amendment, and the notice shall include the  
5 local government's evaluation of site suitability and  
6 availability of facilities and services. A plan amendment  
7 considered under this subsection shall require only a single  
8 public hearing before the local governing body, which shall be  
9 a plan amendment adoption hearing as described in subsection  
10 (7). The public notice of the hearing required under  
11 subparagraph (15)(b)2. must include a statement that the local  
12 government intends to use the expedited adoption process  
13 authorized under this subsection. The state land planning  
14 agency shall issue its notice of intent required under  
15 subsection (8) within 30 days after determining that the  
16 amendment package is complete. Any further proceedings shall  
17 be governed by subsections (9) through (16).

18 Section 3. Paragraph (p) is added to subsection (1) of  
19 section 163.3187, Florida Statutes, to read:

20 163.3187 Amendment of adopted comprehensive plan.--

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

24 (p) Any local government comprehensive plan amendment  
25 that is consistent with the local housing incentive strategies  
26 identified in s. 420.9076 and authorized by the local  
27 government.

28 Section 4. Subsection (14) is added to section  
29 163.3191, Florida Statutes, to read:

30 163.3191 Evaluation and appraisal of comprehensive  
31 plan.--

1       (14) The provision prohibiting a local government from  
2 adopting amendments to its comprehensive plan until the update  
3 amendments to the evaluation and appraisal report have been  
4 adopted and transmitted to the state land planning agency as  
5 set forth in subsection (10) does not apply to a proposed  
6 comprehensive plan amendment adopted by a local government in  
7 order to integrate a port master plan with the local  
8 comprehensive plan pursuant to s. 163.3178(2) if the port  
9 master plan and the proposed amendment to the comprehensive  
10 plan do not cause or contribute to the local government's  
11 failure to comply with the requirements of the evaluation or  
12 appraisal report.

13           Section 5. Sections 197.307, 197.3071, 197.3072,  
14 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078,  
15 and 197.3079, Florida Statutes, are created to read:

16           197.307 Deferrals for ad valorem taxes and non-ad  
17 valorem assessments on affordable rental housing property.--

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

24           (2) The board of county commissioners or the governing  
25 authority of a municipality may also, by ordinance, authorize  
26 the deferral of non-ad valorem assessments, as defined in s.  
27 197.3632, on affordable rental housing.

28           (3) The ordinance must designate the percentage or  
29 amount of the deferral and the type and location of affordable  
30 rental housing property for which a deferral may be granted.  
31 The ordinance may also require the property to be located

1 within a particular geographic area or areas of the county or  
2 municipality.

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

10 (5) The ordinance must specify that any deferral  
11 granted remains in effect for the period for which it is  
12 granted regardless of any change in the authority of the  
13 county or municipality to grant the deferral. In order to  
14 retain the deferral, however, the use and ownership of the  
15 property as affordable rental housing must be maintained over  
16 the period for which the deferral is granted.

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

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

22 1. The community redevelopment agency has previously  
23 issued instruments of indebtedness which are secured by  
24 increment revenues on deposit in the community redevelopment  
25 trust fund; and

26 2. The instruments of indebtedness are associated with  
27 the real property applying for the deferral.

28 (b) The tax deferral does not apply to an amount of  
29 taxes equal to the amount that must be deposited into the  
30 community redevelopment trust fund by the entity granting the  
31 deferral based upon the taxable value of the property upon

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1 which the deferral is being granted. Once all instruments of  
2 indebtedness that existed at the time the deferral was  
3 originally granted are no longer outstanding or have otherwise  
4 been defeased, this paragraph no longer applies.

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

11 (d) The tax collector shall notify a community  
12 redevelopment agency of any tax deferral that has been granted  
13 on property located within the agency's community  
14 redevelopment area.

15 (e) Issuance of debt obligation after the date a  
16 deferral has been granted does not reduce the amount of taxes  
17 eligible for deferral.

18 (7) The tax collector shall notify:

19 (a) The taxpayer of each parcel appearing on the real  
20 property assessment roll of the law allowing the deferral of  
21 taxes, non-ad valorem assessments, and interest under ss.  
22 197.307-197.3079. Such notice shall be printed on the back of  
23 envelopes used to mail the notice of taxes as provided under  
24 s. 197.322(3). Such notice shall read:

25  
26 NOTICE TO TAXPAYERS OWNING

27 AFFORDABLE RENTAL HOUSING PROPERTY

28  
29 If your property meets certain conditions you  
30 may qualify for a deferred tax payment plan on  
31 your affordable rental housing property. An

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1           application to determine your eligibility is  
2           available in the county tax collector's office.

3  
4           (b) On or before November 1 of each year, each  
5 taxpayer for whom a tax deferral has been previously granted  
6 of the accumulated sum of deferred taxes, non-ad valorem  
7 assessments, and interest outstanding.

8           197.3071 Eligibility for tax deferral.--The tax  
9 deferral authorized by this section is applicable only on a  
10 prorata basis to the ad valorem taxes levied on residential  
11 units within a property which meet the following conditions:

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

16           (2) Units that are occupied by extremely-low-income  
17 persons, very-low-income persons, low-income persons, or  
18 moderate-income persons as these terms are defined in s.  
19 420.0004.

20           197.3072 Deferral for affordable rental housing  
21 properties.--

22           (1) Any property owner in a jurisdiction that has  
23 adopted an ad valorem tax-deferral ordinance or a deferral of  
24 non-ad valorem assessments ordinance pursuant to s. 197.307  
25 and who owns an eligible affordable rental housing property as  
26 described in s. 197.3071 may apply for a deferral of payment  
27 by filing an annual application for deferral with the county  
28 tax collector on or before January 31 following the year in  
29 which the taxes and non-ad valorem assessments are assessed.  
30 The property owner has the burden to affirmatively demonstrate  
31 compliance with the requirements of this section.



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

5       (3) Deferral may not be granted if:

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

10           (b) The primary financing on the affordable rental  
 11 housing property is for an amount that exceeds 70 percent of  
 12 the assessed value of the property.

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

18       (5) The deferred taxes, non-ad valorem assessments,  
 19 and interest constitute a prior lien on the affordable rental  
 20 housing property and shall attach as of the date and in the  
 21 same manner and be collected as other liens for taxes as  
 22 provided for under this chapter, but such deferred taxes,  
 23 non-ad valorem assessments, and interest are due, payable, and  
 24 delinquent as provided in ss. 197.307-197.3079.

25       197.3073 Deferral application.--

26       (1) The application for a deferral of ad valorem taxes  
 27 and non-ad valorem assessments must be made annually upon a  
 28 form prescribed by the department and furnished by the county  
 29 tax collector. The application form must be signed under oath  
 30 by the property owner applying for the deferral before an  
 31 officer authorized by the state to administer oaths. The

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1 application form must provide notice to the property owner of  
2 the manner in which interest is computed. The application form  
3 must contain an explanation of the conditions to be met for  
4 approval of the deferral and the conditions under which  
5 deferred taxes, non-ad valorem assessments, and interest  
6 become due, payable, and delinquent. Each application must  
7 clearly state that all deferrals pursuant to this section  
8 constitute a lien on the property for which the deferral is  
9 granted. The tax collector may require the property owner to  
10 submit any other evidence and documentation considered  
11 necessary by the tax collector in reviewing the application.

12 (2) The tax collector shall consider and render his or  
13 her findings, determinations, and decision on each annual  
14 application for a deferral for affordable rental housing  
15 within 45 days after the date the application is filed. The  
16 tax collector shall exercise reasonable discretion based upon  
17 applicable information available under this section. The  
18 determinations and findings of the tax collector are not quasi  
19 judicial and are subject exclusively to review by the value  
20 adjustment board as provided by this section. A tax collector  
21 who finds that a property owner is entitled to the deferral  
22 shall approve the application and file the application in the  
23 permanent records.

24 (a) A tax collector who finds that a property owner is  
25 not entitled to the deferral shall send a notice of  
26 disapproval within 45 days after the date the application is  
27 filed, giving reasons for the disapproval. The notice must be  
28 sent by personal delivery or registered mail to the mailing  
29 address given by the property owner in the manner in which the  
30 original notice was served upon the property owner and must be  
31 filed among the permanent records of the tax collector's

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1 office. The original notice of disapproval sent to the  
2 property owner shall advise the property owner of the right to  
3 appeal the decision of the tax collector to the value  
4 adjustment board and provide the procedures for filing an  
5 appeal.

6 (b) An appeal by the property owner of the decision of  
7 the tax collector to deny the deferral must be submitted to  
8 the value adjustment board on a form prescribed by the  
9 department and furnished by the tax collector. The appeal must  
10 be filed with the value adjustment board within 20 days after  
11 the applicant's receipt of the notice of disapproval, and the  
12 board must approve or disapprove the appeal within 30 days  
13 after receipt of the appeal. The value adjustment board shall  
14 review the application and the evidence presented to the tax  
15 collector upon which the property owner based a claim for  
16 deferral and, at the election of the property owner, shall  
17 hear the property owner in person, or by agent on the property  
18 owner's behalf, concerning his or her right to the deferral.  
19 The value adjustment board shall reverse the decision of the  
20 tax collector and grant a deferral to the property owner if,  
21 in its judgment, the property owner is entitled to the  
22 deferral or shall affirm the decision of the tax collector.  
23 Action by the value adjustment board is final unless the  
24 property owner or tax collector or other lienholder, within 15  
25 days after the date of disapproval of the application by the  
26 board, files for a de novo proceeding for a declaratory  
27 judgment or other appropriate proceeding in the circuit court  
28 of the county in which the property is located.

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

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

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

11       (6) The tax collector shall notify the property  
12 appraiser in writing of those parcels for which taxes or  
13 assessments have been deferred.

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

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

20       197.3074 Deferred payment tax certificates.--

21       (1) The tax collector shall notify each local  
22 governing body of the amount of taxes and non-ad valorem  
23 assessments deferred which would otherwise have been collected  
24 for the governing body. The tax collector shall, at the time  
25 of the tax certificate sale held under s. 197.432 strike each  
26 certificate off to the county. Certificates issued under this  
27 section are exempt from the public sale of tax certificates  
28 held pursuant to s. 197.432.

29       (2) The certificates held by the county shall bear  
30 interest at a rate equal to the annually compounded rate of 3  
31 percent plus the Consumer Price Index for All Urban Consumers;

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1 however, the interest rate may not exceed 9.5 percent.

2 197.3075 Change in use or ownership of property.--

3 (1) If there is a change in use or ownership of the  
4 property that has been granted an ad valorem tax or non-ad  
5 valorem assessment deferral such that the property owner is no  
6 longer entitled to claim the property as an affordable rental  
7 housing property, or if there is a change in the legal or  
8 beneficial ownership of the property, or if the owner fails to  
9 maintain the required fire and extended insurance coverage,  
10 the total amount of deferred taxes, non-ad valorem  
11 assessments, and interest for all previous years becomes due  
12 and payable November 1 of the year in which the change in use  
13 or ownership occurs or on the date failure to maintain  
14 insurance occurs, and is delinquent on April 1 of the year  
15 following the year in which the change in use or ownership or  
16 failure to maintain insurance occurs.

17 (2) Whenever the property appraiser discovers that  
18 there has been a change in the use or ownership of the  
19 property that has been granted a deferral, the property  
20 appraiser shall notify the tax collector in writing of the  
21 date such change occurs, and the tax collector shall collect  
22 any taxes, non-ad valorem assessments, and interest due or  
23 delinquent.

24 (3) During any year in which the total amount of  
25 deferred taxes, non-ad valorem assessments, interest, and all  
26 other unsatisfied liens on the property exceeds 85 percent of  
27 the assessed value of the property, the tax collector shall  
28 immediately notify the property owner that the portion of  
29 taxes, non-ad valorem assessments, and interest which exceeds  
30 85 percent of the assessed value of the property is due and  
31 payable within 30 days after receipt of the notice. Failure to

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1 pay the amount due shall cause the total amount of deferred  
2 taxes, non-ad valorem assessments, and interest to become  
3 delinquent.

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

8 197.3076 Prepayment of deferred taxes and non-ad  
9 valorem assessments.--

10 (1) All or part of the deferred taxes, non-ad valorem  
11 assessments, and accrued interest may at any time be paid to  
12 the tax collector by:

13 (a) The property owner; or

14 (b) The property owner's next of kin, heir, child, or  
15 any person having or claiming a legal or equitable interest in  
16 the property, if an objection is not made by the owner within  
17 30 days after the tax collector notifies the property owner of  
18 the fact that such payment has been tendered.

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

21 197.3077 Distribution of payments.--When any deferred  
22 tax, non-ad valorem assessment, or interest is collected, the  
23 tax collector shall maintain a record of the payment, setting  
24 forth a description of the property and the amount of taxes or  
25 interest collected for the property. The tax collector shall  
26 distribute payments received in accordance with the procedures  
27 for distributing ad valorem taxes, non-ad valorem assessments,  
28 or redemption moneys as prescribed in this chapter.

29 197.3078 Construction.--This section does not prevent  
30 the collection of personal property taxes that become a lien  
31 against tax-deferred property, or defer payment of special

1 assessments to benefited property other than those  
 2 specifically allowed to be deferred, or affect any provision  
 3 of any mortgage or other instrument relating to property  
 4 requiring a person to pay ad valorem taxes or non-ad valorem  
 5 assessments.

6 197.3079 Penalties.--

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

10 (a) The person shall pay the total amount of deferred  
 11 taxes, non-ad valorem assessments, and interest which shall  
 12 immediately become due;

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

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

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

21 Section 6. Paragraph (c) of subsection (19) of section  
 22 380.06, Florida Statutes, is amended to read:

23 380.06 Developments of regional impact.--

24 (19) SUBSTANTIAL DEVIATIONS.--

25 (c) An extension of the date of buildout of a  
 26 development, or any phase thereof, by more than 7 years shall  
 27 be presumed to create a substantial deviation subject to  
 28 further development-of-regional-impact review. An extension of  
 29 the date of buildout, or any phase thereof, of more than 5  
 30 years but not more than 7 years shall be presumed not to  
 31 create a substantial deviation. The extension of the date of

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1 buildout of an areawide development of regional impact by more  
2 than 5 years but less than 10 years is presumed not to create  
3 a substantial deviation. These presumptions may be rebutted by  
4 clear and convincing evidence at the public hearing held by  
5 the local government. An extension of 5 years or less is not a  
6 substantial deviation. For the purpose of calculating when a  
7 buildout or phase date has been exceeded, the time shall be  
8 tolled during the pendency of administrative or judicial  
9 proceedings relating to development permits. Any extension of  
10 the buildout date of a project or a phase thereof shall  
11 automatically extend the commencement date of the project, the  
12 termination date of the development order, the expiration date  
13 of the development of regional impact, and the phases thereof  
14 if applicable by a like period of time. In recognition of the  
15 2007 real estate market conditions, all phase, buildout, and  
16 expiration dates for projects that are developments of  
17 regional impact and under active construction on July 1, 2007,  
18 are extended for 3 years regardless of any prior extension.  
19 The 3-year extension is not a substantial deviation, is not  
20 subject to further development-of-regional-impact review, and  
21 must not be considered when determining whether a subsequent  
22 extension is a substantial deviation under this subsection.

23 Section 7. Subsection (2) of section 420.504, Florida  
24 Statutes, is amended to read:

25 420.504 Public corporation; creation, membership,  
26 terms, expenses.--

27 (2) The corporation is constituted as a public  
28 instrumentality, and the exercise by the corporation of the  
29 power conferred by this act is considered to be the  
30 performance of an essential public function. The corporation  
31 ~~is shall constitute~~ an agency for the purposes of s. 120.52



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1 and is a state agency for purposes of s. 159.807(4). The  
2 corporation is subject to chapter 119, subject to exceptions  
3 applicable to the corporation, and to the provisions of  
4 chapter 286; however, the corporation shall be entitled to  
5 provide notice of internal review committee meetings for  
6 competitive proposals or procurement to applicants by mail, ~~or~~  
7 facsimile, or publication on an Internet website, rather than  
8 by means of publication. The corporation is not governed by  
9 chapter 607 or chapter 617, but by the provisions of this  
10 part. If for any reason the establishment of the corporation  
11 is deemed in violation of law, such provision is severable and  
12 the remainder of this act remains in full force and effect.

13 Section 8. Section 420.506, Florida Statutes, is  
14 amended to read:

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

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1 ~~supervision of the corporation, and shall retain the right to~~  
 2 ~~participate in the Florida Retirement System.~~ The board of  
 3 directors of the corporation is entitled to establish travel  
 4 procedures and guidelines for employees of the corporation.  
 5 The executive director's office and the corporation's files  
 6 and records must be located in Leon County.

7 Section 9. Section 420.5061, Florida Statutes, is  
 8 amended to read:

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

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1 420.525(1) were each trust funds. For purposes of s. 112.313,  
 2 the corporation is deemed to be a continuation of the agency,  
 3 and the provisions thereof are deemed to apply as if the same  
 4 entity remained in place. Any employees of the agency and  
 5 agency board members covered by s. 112.313(9)(a)6. shall  
 6 continue to be entitled to the exemption in that subparagraph,  
 7 notwithstanding being hired by the corporation or appointed as  
 8 board members of the corporation. ~~Effective January 1, 1998,~~  
 9 ~~all state property in use by the agency shall be transferred~~  
 10 ~~to and become the property of the corporation.~~

11 Section 10. Subsection (46) is added to section  
 12 420.507, Florida Statutes, to read:

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

18 (46) To require, as a condition of financing a  
 19 multifamily rental project, that an agreement be recorded in  
 20 the official records of the county where the real property is  
 21 located, which requires that the project be used for housing  
 22 defined as affordable in s. 420.0004(3) by persons defined in  
 23 420.0004(8), (10), (11), and (15). Such an agreement is a  
 24 state land use regulation that limits the highest and best use  
 25 of the property within the meaning of s. 193.011(2).

26 Section 11. Subsection (3) of section 420.5087,  
 27 Florida Statutes, is amended to read:

28 420.5087 State Apartment Incentive Loan  
 29 Program.--There is hereby created the State Apartment  
 30 Incentive Loan Program for the purpose of providing first,  
 31 second, or other subordinated mortgage loans or loan

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1 | guarantees to sponsors, including for-profit, nonprofit, and  
2 | public entities, to provide housing affordable to  
3 | very-low-income persons.

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

- 22 |       (a) Commercial fishing workers and farmworkers;
- 23 |       (b) Families;
- 24 |       (c) Persons who are homeless; and
- 25 |       (d) Elderly persons. Ten percent of the amount
- 26 | reserved for the elderly shall be reserved to provide loans to
- 27 | sponsors of housing for the elderly for the purpose of making
- 28 | building preservation, health, or sanitation repairs or
- 29 | improvements which are required by federal, state, or local
- 30 | regulation or code, or lifesafety or security-related repairs
- 31 | or improvements to such housing. Such a loan may not exceed

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1 \$750,000 per housing community for the elderly. In order to  
 2 receive the loan, the sponsor of the housing community must  
 3 make a commitment to match at least 5 percent of the loan  
 4 amount to pay the cost of such repair or improvement. The  
 5 corporation shall establish the rate of interest on the loan,  
 6 which may not exceed 3 percent, and the term of the loan,  
 7 which may not exceed 15 years; however, if the lien of the  
 8 corporation's encumbrance is subordinate to the lien of  
 9 another mortgagee, then the term may be made coterminous with  
 10 the longest term of the superior lien. The term of the loan  
 11 shall be based on ~~established on the basis of~~ a credit  
 12 analysis of the applicant. The corporation may forgive  
 13 indebtedness for a share of the loan attributable to the units  
 14 in a project reserved for extremely-low-income elderly by  
 15 nonprofit organizations, as defined in s. 420.0004(5), where  
 16 the project has provided affordable housing to the elderly for  
 17 15 years or more. The corporation shall establish, by rule,  
 18 the procedure and criteria for receiving, evaluating, and  
 19 competitively ranking all applications for loans under this  
 20 paragraph. A loan application must include evidence of the  
 21 first mortgagee's having reviewed and approved the sponsor's  
 22 intent to apply for a loan. A nonprofit organization or  
 23 sponsor may not use the proceeds of the loan to pay for  
 24 administrative costs, routine maintenance, or new  
 25 construction.

26 Section 12. Section 420.5095, Florida Statutes, is  
 27 amended to read:

28 420.5095 Community Workforce Housing Innovation Pilot  
 29 Program.--

30 (1) The Legislature finds and declares that recent  
 31 rapid increases in the median purchase price of a home and the

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1 cost of rental housing have far outstripped the increases in  
2 median income in the state, preventing essential services  
3 personnel from living in the communities where they serve and  
4 thereby creating the need for innovative solutions for the  
5 provision of housing opportunities for essential services  
6 personnel.

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

14 (3) For purposes of this section, the term following  
15 ~~definitions apply:~~

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

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

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1 (c) "Public-private partnership" means any form of  
 2 business entity that includes substantial involvement of at  
 3 least one county, one municipality, or one public sector  
 4 entity, such as a school district or other unit of local  
 5 government in which the project is to be located, and at least  
 6 one private sector for-profit or not-for-profit business or  
 7 charitable entity, and may be any form of business entity,  
 8 including a joint venture or contractual agreement.

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

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

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

29 (b) To achieve the goals of the pilot program, the  
 30 application review committee may approve or reject loan  
 31 applications or responses to questions raised during the

1 review of an application due to the insufficiency of  
2 information provided.

3 (c) The application review committee shall make  
4 recommendations concerning program participation and funding  
5 to the corporation's board of directors.

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

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

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

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

23 (b) One hundred and fifty percent of the area median  
24 income, adjusted for household size, in areas that were  
25 designated as areas of critical state concern for at least 20  
26 consecutive years prior to the removal of the designation and  
27 in areas of critical state concern, designated under s.  
28 380.05, for which the Legislature has declared its intent to  
29 provide affordable housing.

30 (7)(6) Funding shall be targeted to innovative  
31 projects in areas where the disparity between the area median



1 income and the median sales price for a single-family home is  
 2 greatest, and ~~for projects in areas~~ where population growth as  
 3 a percentage rate of increase is greatest. The corporation may  
 4 also fund projects in areas where innovative regulatory and  
 5 financial incentives are made available. The corporation shall  
 6 fund at least one eligible project in as many counties and  
 7 regions of the state as is practicable, consistent with  
 8 program goals ~~as possible~~.

9       (8)(7) Projects shall receive priority consideration  
 10 for funding where:

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

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

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1 aside to provide housing for the targeted population.

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

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

31 (10) The processing of approvals of development orders

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1 or development permits, as defined in s. 163.3164(7) and (8),  
2 for innovative community workforce housing projects shall be  
3 expedited.

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

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

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

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

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

31           (d) Have grants, donations of land, or contributions

1 from the public-private partnership or other sources  
 2 collectively totaling at least 15 percent of the total  
 3 development cost. Such grants, donations of land, or  
 4 contributions must be evidenced by a letter of commitment, an  
 5 agreement, contract, deed, memorandum of understanding, or  
 6 other written instrument ~~only~~ at the time of application.  
 7 Grants, donations of land, or contributions in excess of 15  
 8 percent of the development cost shall increase the application  
 9 score.

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

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

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

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

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

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

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1           ~~(15)(13)~~ The corporation may use a maximum of 2  
2 percent of the annual program appropriation for administration  
3 and compliance monitoring.

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

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

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

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

22           ~~1.(a)~~ Its operations and accomplishments;

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

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

30           ~~4.(d)~~ A schedule of its bonds outstanding at the end  
31 of its fiscal year, together with a statement of the principal

1 amounts of bonds issued and redeemed during the fiscal year;  
2 and

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

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

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

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

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

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

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

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

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

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

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

25 10. The extent to which geographic distribution has  
26 been achieved in accordance with the provisions of s.  
27 420.5087.

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

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

1 appropriate.

2 Section 14. Subsection (1) of section 420.513, Florida  
3 Statutes, is amended to read:

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

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

23 Section 15. Subsection (7) of section 420.526, Florida  
24 Statutes, is amended to read:

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

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

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

31 (b) Seven hundred and fifty ~~Five hundred~~ thousand

1 dollars.

2 Section 16. Subsections (2), (4), (5), and (6) of  
3 section 420.9076, Florida Statutes, are amended, and  
4 subsections (8) and (9) are added to that section, to read:

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

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

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

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

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

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

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

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

31 (g) One citizen who is actively engaged as a real



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1 estate professional in connection with affordable housing.

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

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

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

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

10

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

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

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

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

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

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

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

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

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

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

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

30 (i) The establishment of a process by which a local  
 31 government considers, before adoption, policies, procedures,

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1 ordinances, regulations, or plan provisions that increase the  
2 cost of housing.

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

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

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

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

29 (6) Within 90 days after the date of receipt of the  
30 local housing incentive strategies recommendations from the  
31 advisory committee, the governing body of the appointing local

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

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

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

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

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

23           Section 17. This act shall take effect July 1, 2007.

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 25  
 26 ===== T I T L E   A M E N D M E N T =====

27 And the title is amended as follows:

28           Delete everything before the enacting clause

29  
 30 and insert:

31                                   A bill to be entitled

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

Barcode 790464

1 An act relating to affordable housing; amending  
2 s. 163.3177, F.S., relating to the housing  
3 element of a local government comprehensive  
4 plan; requiring certain counties to adopt a  
5 plan for ensuring affordable workforce housing;  
6 providing that a local government that fails to  
7 comply with such requirement is ineligible to  
8 receive state housing assistance grants;  
9 amending s. 163.3184, F.S.; authorizing certain  
10 local government comprehensive plan amendments  
11 to be expedited; providing requirements for  
12 amendment notices; requiring a public hearing;  
13 amending s. 163.3187, F.S.; authorizing certain  
14 local government comprehensive plan amendments  
15 to be made more than twice a year; amending s.  
16 163.3191, F.S.; authorizing a local government  
17 to adopt amendments to the local comprehensive  
18 plan in order to integrate a port master plan  
19 with the local comprehensive plan; providing a  
20 limitation; creating ss. 197.307, 197.3071,  
21 197.3072, 197.3073, 197.3074, 197.3075,  
22 197.3076, 197.3077, 197.3078, and 197.3079,  
23 F.S.; authorizing a county commission or  
24 municipality to adopt an ordinance providing  
25 for the deferral of ad valorem taxes and non-ad  
26 valorem assessments for affordable rental  
27 housing property under certain conditions;  
28 requiring the tax collector to provide certain  
29 notices to taxpayers about deferrals; providing  
30 specifications for such ordinances; providing  
31 eligibility requirements; authorizing a

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1 property owner to defer payment of ad valorem  
2 taxes and certain assessments; providing  
3 circumstances in which taxes and assessments  
4 may not be deferred; specifying the rate for  
5 deferment; providing that the taxes,  
6 assessments, and interest deferred constitute a  
7 prior lien on the property; providing an  
8 application process; providing notice  
9 requirements for applications that are not  
10 approved for deferment; providing an appeals  
11 process; requiring applications for deferral to  
12 contain a list of outstanding liens; providing  
13 the date for calculating taxes due and payable;  
14 requiring that a property owner furnish proof  
15 of certain insurance coverage under certain  
16 conditions; requiring the tax collector and the  
17 property owner to notify the property appraiser  
18 of parcels for which taxes and assessments have  
19 been deferred; requiring the property appraiser  
20 to notify the tax collector of changes in  
21 ownership or use of tax-deferred properties;  
22 providing requirements for tax certificates for  
23 deferred payment; providing the rate of  
24 interest; providing circumstances in which  
25 deferrals cease; requiring the property  
26 appraiser to notify the tax collector of  
27 deferrals that have ceased; requiring the tax  
28 collector to collect taxes, assessments and  
29 interest due; requiring the tax collector to  
30 notify the property owner of due taxes on  
31 tax-deferred property under certain conditions;

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1 requiring the tax collector to sell a tax  
2 certificate under certain circumstances;  
3 specifying persons who may pay deferred taxes,  
4 assessments and accrued interest; requiring the  
5 tax collector to maintain a record of payment  
6 and to distribute payments; providing for  
7 construction of provisions authorizing the  
8 deferments; providing penalties; amending s.  
9 380.06, F.S.; providing that all phase,  
10 buildout, and expiration dates for projects  
11 that are developments of regional impact and  
12 under active construction on a specified date  
13 are extended for 3 years; providing an  
14 exemption from further  
15 development-of-regional-impact review; amending  
16 s. 420.504, F.S.; providing that the  
17 corporation is a state agency for purposes of  
18 the state allocation pool; authorizing the  
19 corporation to provide notice of internal  
20 review committee meetings by publication on an  
21 Internet website; providing that the  
22 corporation is not governed by certain  
23 provisions relating to corporations not for  
24 profit; amending s. 420.506, F.S.; deleting a  
25 provision relating to lease of certain state  
26 employees; amending s. 420.5061, F.S.; deleting  
27 obsolete provisions; removing a provision  
28 requiring all assets and liabilities and rights  
29 and obligations of the Florida Housing Finance  
30 Agency to be transferred to the corporation;  
31 providing that the corporation is the legal

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1 successor to the agency; removing a provision  
2 requiring all state property in use by the  
3 agency to be transferred to and become the  
4 property of the corporation; amending s.  
5 420.507, F.S.; requiring that an agreement  
6 financing affordable housing be recorded in the  
7 official records of the county where the real  
8 property is located; providing that such  
9 agreement is a state land use regulation;  
10 amending s. 420.5087, F.S.; authorizing the  
11 Florida Housing Finance Corporation to provide  
12 partially forgivable loans to nonprofit  
13 organizations that serve extremely-low-income  
14 elderly tenants; providing criteria; amending  
15 s. 420.5095, F.S.; specifying the content of  
16 rules for reviewing loan applications for  
17 workforce housing projects; requiring the  
18 corporation to establish a committee for  
19 reviewing loan applications; providing for  
20 membership; providing powers and duties of the  
21 committee; requiring the corporation's board of  
22 directors to make the final decisions  
23 concerning ranking and program participants;  
24 specifying areas where local governments may  
25 use program funds; expanding the types of  
26 projects that may receive priority funding;  
27 requiring that the processing of certain  
28 approvals of development orders or development  
29 permits be expedited; providing loan applicant  
30 requirements; revising reporting requirements;  
31 amending s. 420.511, F.S.; requiring that the



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1 corporation's annual report include information  
2 on the Community Workforce Housing Innovation  
3 Pilot Program; amending s. 420.513, F.S.;  
4 providing exemption from taxes for certain  
5 instruments issued in connection with the  
6 financing of certain housing; amending s.  
7 420.526, F.S.; revising the cap on  
8 predevelopment loans; amending s. 420.9076,  
9 F.S.; increasing affordable housing advisory  
10 committee membership; revising membership  
11 criteria; authorizing the use of fewer members  
12 under certain circumstances; revising and  
13 providing duties of the advisory committee;  
14 providing an effective date.

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