

1                   A bill to be entitled  
2           An act relating to affordable housing; amending s.  
3           163.3177, F.S.; revising elements of local government  
4           comprehensive plans relating to future land use and  
5           housing; requiring certain counties to adopt a plan for  
6           ensuring workforce housing by a specified date; providing  
7           a definition; providing a penalty; amending s. 163.31771,  
8           F.S.; authorizing local governments to elect not to apply  
9           transportation concurrency and impact fee requirements on  
10          accessory units on certain accessory dwelling units;  
11          amending s. 163.3180, F.S.; authorizing local governments  
12          to grant an exception from the concurrency requirement for  
13          transportation facilities; authorizing local governments  
14          to exempt certain trips from the concurrency requirement;  
15          amending s. 163.3184, F.S.; authorizing certain local  
16          government comprehensive plan amendments to be expedited;  
17          providing requirements for amendment notices; requiring a  
18          public hearing; amending s. 163.3187, F.S.; authorizing  
19          certain local government comprehensive plan amendments to  
20          be adopted more than twice a year; amending s. 163.3202,  
21          F.S.; requiring a local government's land development  
22          regulations to maintain density for certain types of  
23          parcels zoned for residential use; creating s. 193.018,  
24          F.S.; creating the Affordable Housing Property Tax Relief  
25          Initiative; providing criteria to be used in assessing  
26          just valuation of certain affordable housing properties;  
27          providing assessment guidelines; authorizing certain  
28          agreements to be considered a land use regulation and a

29 | limitation on the highest and best use of the property;  
30 | creating s. 193.0185, F.S.; providing a definition;  
31 | providing assessment criteria for improvements used for  
32 | permanently affordable housing subject to a 99-year ground  
33 | lease; amending s. 196.1978, F.S.; revising an affordable  
34 | housing property exemption to require that the owner be a  
35 | corporation not for profit or a Florida limited  
36 | partnership the sole general partner of which is such a  
37 | corporation; expanding the scope of the exemption;  
38 | creating ss. 197.307, 197.3071, 197.3072, 197.3073,  
39 | 197.3074, 197.3075, 197.3076, 197.3077, 197.3078, and  
40 | 197.3079, F.S.; authorizing a county commission or  
41 | municipality to adopt an ordinance providing for the  
42 | deferral of ad valorem taxes and non-ad valorem  
43 | assessments for affordable rental housing property under  
44 | certain conditions; requiring the tax collector to provide  
45 | certain notices to taxpayers about deferrals; providing  
46 | specifications for such ordinances; providing eligibility  
47 | requirements; authorizing a property owner to defer  
48 | payment of ad valorem taxes and certain assessments;  
49 | providing circumstances in which taxes and assessments may  
50 | not be deferred; specifying the rate for deferment;  
51 | providing that the taxes, assessments, and interest  
52 | deferred constitute a prior lien on the property;  
53 | providing an application process; providing notice  
54 | requirements for applications that are not approved for  
55 | deferment; providing an appeals process; requiring  
56 | applications for deferral to contain a list of outstanding

57 | liens; providing the date for calculating taxes due and  
58 | payable; requiring that a property owner furnish proof of  
59 | certain insurance coverage under certain conditions;  
60 | requiring the tax collector and the property owner to  
61 | notify the property appraiser of parcels for which taxes  
62 | and assessments have been deferred; requiring the property  
63 | appraiser to notify the tax collector of changes in  
64 | ownership or use of tax-deferred properties; providing  
65 | requirements for tax certificates for deferred payment;  
66 | providing the rate of interest; providing circumstances in  
67 | which deferrals cease; requiring the property appraiser to  
68 | notify the tax collector of deferrals that have ceased;  
69 | requiring the tax collector to collect taxes, assessments  
70 | and interest due; requiring the tax collector to notify  
71 | the property owner of due taxes on tax-deferred property  
72 | under certain conditions; requiring the tax collector to  
73 | sell a tax certificate under certain circumstances;  
74 | specifying persons who may pay deferred taxes, assessments  
75 | and accrued interest; requiring the tax collector to  
76 | maintain a record of payment and to distribute payments;  
77 | providing for construction of provisions authorizing the  
78 | deferments; providing penalties; amending s. 380.06, F.S.;  
79 | providing that certain changes to permit the sale of  
80 | owner-occupied affordable housing units do not constitute  
81 | a substantial deviation; providing exemptions from  
82 | transportation concurrency regulations for certain  
83 | affordable workforce housing units; providing that certain  
84 | additional trips do not reduce development of regional

85 impact development order entitlements; amending s.  
86 380.0651, F.S.; changing certain developments of regional  
87 impact statewide guidelines and standards; amending s.  
88 420.504, F.S.; providing that the corporation is a state  
89 agency for purposes of the state allocation pool;  
90 authorizing the corporation to provide notice of internal  
91 review committee meetings by publication on an Internet  
92 website; providing that the corporation is not governed by  
93 certain provisions relating to corporations not for  
94 profit; providing that a designee may represent the  
95 Secretary of Community Affairs on the board of directors;  
96 amending s. 420.506, F.S.; deleting a provision relating  
97 to lease of certain state employees; amending s. 420.5061,  
98 F.S.; deleting obsolete provisions; removing a provision  
99 requiring all assets and liabilities and rights and  
100 obligations of the Florida Housing Finance Agency to be  
101 transferred to the corporation; providing that the  
102 corporation is the legal successor to the agency; removing  
103 a provision requiring the corporation to make transfers to  
104 certain trust funds; removing a provision requiring all  
105 state property in use by the agency to be transferred to  
106 and become the property of the corporation; amending s.  
107 420.507, F.S.; removing a requirement that the corporation  
108 prepare and submit a budget request to the secretary of  
109 the department; providing the corporation the power to  
110 require that an agreement be recorded in the official  
111 records of the county where the real property is located;  
112 amending s. 420.5087, F.S.; authorizing the corporation to

113 | forgive indebtedness for a share of certain loans to  
114 | nonprofit organizations that serve extremely-low-income  
115 | elderly tenants; amending s. 420.5095, F.S.; requiring the  
116 | corporation to establish a review committee for the  
117 | Community Workforce Housing Innovation Pilot Program;  
118 | providing for membership; requiring the corporation to  
119 | establish a scoring system for evaluation and competitive  
120 | ranking of applications; providing powers and duties of  
121 | the committee; requiring the corporation's board of  
122 | directors to make the final ranking and program  
123 | participant decision; revising which projects may receive  
124 | priority consideration for funding; requiring the  
125 | processing of certain approvals of development orders or  
126 | development permits to be expedited; providing applicant  
127 | requirements; authorizing certain incentives to be offered  
128 | by local governments for program participants; creating s.  
129 | 420.5096, F.S.; creating the Florida Housing Preservation  
130 | Bridge Loan Program; providing legislative findings;  
131 | providing purpose; providing definitions; providing  
132 | eligibility criteria; providing agreement requirements;  
133 | providing reporting requirements; providing rulemaking  
134 | authority; authorizing use of funds for administration and  
135 | monitoring; amending s. 420.526, F.S.; increasing the  
136 | threshold that certain predevelopment loans may not  
137 | exceed; amending s. 420.606, F.S.; revising legislative  
138 | findings and purpose of the training and technical  
139 | assistance program; amending s. 420.9076, F.S.; increasing  
140 | affordable housing advisory committee membership;

141 providing membership criteria; authorizing the use of  
 142 fewer members under certain circumstances; revising and  
 143 providing duties of the advisory committee; providing that  
 144 the advisory committee shall be cooperatively staffed by  
 145 the local government planning and housing departments;  
 146 creating s. 624.46226, F.S.; authorizing certain public  
 147 housing authorities to create a self-insurance fund;  
 148 exempting such public housing authorities that create a  
 149 self-insurance fund from certain assessments; amending s.  
 150 1001.64, F.S.; providing for certain properties owned by  
 151 community colleges to be used for affordable housing for  
 152 community college faculty or other college personnel;  
 153 providing an effective date.

154

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

156

157 Section 1. Paragraphs (a) and (f) of subsection (6) of  
 158 section 163.3177, Florida Statutes, are amended to read:

159 163.3177 Required and optional elements of comprehensive  
 160 plan; studies and surveys.--

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

164 (a) A future land use plan element designating proposed  
 165 future general distribution, location, and extent of the uses of  
 166 land for residential uses, commercial uses, industry,  
 167 agriculture, recreation, conservation, education, public  
 168 buildings and grounds, other public facilities, and other

169 categories of the public and private uses of land. Counties are  
170 encouraged to designate rural land stewardship areas, pursuant  
171 to the provisions of paragraph (11)(d), as overlays on the  
172 future land use map. Each future land use category must be  
173 defined in terms of uses included, and must include standards to  
174 be followed in the control and distribution of population  
175 densities and building and structure intensities. The proposed  
176 distribution, location, and extent of the various categories of  
177 land use shall be shown on a land use map or map series which  
178 shall be supplemented by goals, policies, and measurable  
179 objectives. The future land use plan shall be based upon  
180 surveys, studies, and data regarding the area, including the  
181 amount of land required to accommodate anticipated growth; the  
182 projected population of the area; the character of undeveloped  
183 land; the availability of water supplies, public facilities, and  
184 services; the need for redevelopment, including the renewal of  
185 blighted areas and the elimination of nonconforming uses which  
186 are inconsistent with the character of the community; the  
187 compatibility of uses on lands adjacent to or closely proximate  
188 to military installations; the need for affordable housing  
189 adjacent to or closely proximate to employment centers; and, in  
190 rural communities, the need for job creation, capital  
191 investment, and economic development that will strengthen and  
192 diversify the community's economy. The future land use plan may  
193 designate areas for future planned development use involving  
194 combinations of types of uses for which special regulations may  
195 be necessary to ensure development in accord with the principles  
196 and standards of the comprehensive plan and this act. The future

197 land use plan element shall include criteria to be used to  
198 achieve the compatibility of adjacent or closely proximate lands  
199 with military installations. If the local government elects to  
200 provide transportation concurrency exceptions for trips  
201 associated with affordable housing, the future land use plan  
202 element shall include criteria used to determine how the local  
203 government will determine what qualifies as affordable housing  
204 adjacent to or closely proximate to employment centers. In  
205 addition, for rural communities, the amount of land designated  
206 for future planned industrial use shall be based upon surveys  
207 and studies that reflect the need for job creation, capital  
208 investment, and the necessity to strengthen and diversify the  
209 local economies, and shall not be limited solely by the  
210 projected population of the rural community. The future land use  
211 plan of a county may also designate areas for possible future  
212 municipal incorporation. The land use maps or map series shall  
213 generally identify and depict historic district boundaries and  
214 shall designate historically significant properties meriting  
215 protection. For coastal counties, the future land use element  
216 must include, without limitation, regulatory incentives and  
217 criteria that encourage the preservation of recreational and  
218 commercial working waterfronts as defined in s. 342.07. The  
219 future land use element must clearly identify the land use  
220 categories in which public schools are an allowable use. When  
221 delineating the land use categories in which public schools are  
222 an allowable use, a local government shall include in the  
223 categories sufficient land proximate to residential development  
224 to meet the projected needs for schools in coordination with



225 public school boards and may establish differing criteria for  
226 schools of different type or size. Each local government shall  
227 include lands contiguous to existing school sites, to the  
228 maximum extent possible, within the land use categories in which  
229 public schools are an allowable use. The failure by a local  
230 government to comply with these school siting requirements will  
231 result in the prohibition of the local government's ability to  
232 amend the local comprehensive plan, except for plan amendments  
233 described in s. 163.3187(1)(b), until the school siting  
234 requirements are met. Amendments proposed by a local government  
235 for purposes of identifying the land use categories in which  
236 public schools are an allowable use are exempt from the  
237 limitation on the frequency of plan amendments contained in s.  
238 163.3187. The future land use element shall include criteria  
239 that encourage the location of schools proximate to urban  
240 residential areas to the extent possible and shall require that  
241 the local government seek to collocate public facilities, such  
242 as parks, libraries, and community centers, with schools to the  
243 extent possible and to encourage the use of elementary schools  
244 as focal points for neighborhoods. For schools serving  
245 predominantly rural counties, defined as a county with a  
246 population of 100,000 or fewer, an agricultural land use  
247 category shall be eligible for the location of public school  
248 facilities if the local comprehensive plan contains school  
249 siting criteria and the location is consistent with such  
250 criteria. Local governments required to update or amend their  
251 comprehensive plan to include criteria and address compatibility  
252 of adjacent or closely proximate lands with existing military

253 installations in their future land use plan element shall  
254 transmit the update or amendment to the department by June 30,  
255 2006.

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

258 a. The provision of housing for all current and  
259 anticipated future residents of the jurisdiction.

260 b. The elimination of substandard dwelling conditions.

261 c. The structural and aesthetic improvement of existing  
262 housing.

263 d. The provision of adequate sites for future housing,  
264 including housing for low-income, very low-income, and moderate-  
265 income families, affordable workforce housing as defined in s.  
266 380.0651(3)(j), mobile homes, and group home facilities and  
267 foster care facilities, with supporting infrastructure and  
268 public facilities.

269 e. The provision of ~~for~~ relocation housing and  
270 identification of historically significant and other housing for  
271 purposes of conservation, rehabilitation, or replacement.

272 f. The formulation of housing implementation programs.

273 g. The creation or preservation of affordable housing to  
274 minimize the need for additional local services and avoid the  
275 concentration of affordable housing units only in specific areas  
276 of the jurisdiction.

277 h. The provision of housing adjacent to or closely  
278 proximate to employment centers that reduce trip lengths and is  
279 affordable to the employees and persons served by the employment  
280 center.

281 i. By July 1, 2008, each county in which the gap between  
282 the buying power of a family of four and the median county home  
283 sale price exceeds \$150,000, as determined by the Florida  
284 Housing Finance Corporation, and which is not designated as an  
285 area of critical state concern shall adopt a plan for ensuring  
286 affordable workforce housing, as defined in s. 380.0651(3)(j).  
287 At a minimum, the plan shall identify adequate sites for such  
288 housing. For purposes of this sub-subparagraph, the term  
289 "workforce housing" means housing that is affordable to natural  
290 persons or families whose total household income does not exceed  
291 140 percent of the area median income, adjusted for household  
292 size.

293 j. Failure by a local government to comply with the  
294 requirement of sub-subparagraph h. will result in the local  
295 government being ineligible to receive any state housing  
296 assistance grants until the requirement of sub-subparagraph h.  
297 is met.

298  
299 The goals, objectives, and policies of the housing element must  
300 be based on the data and analysis prepared on housing needs,  
301 including the affordable housing needs assessment. State and  
302 federal housing plans prepared on behalf of the local government  
303 must be consistent with the goals, objectives, and policies of  
304 the housing element. Local governments are encouraged to utilize  
305 job training, job creation, and economic solutions to address a  
306 portion of their affordable housing concerns.

307 2. To assist local governments in housing data collection  
308 and analysis and assure uniform and consistent information

309 regarding the state's housing needs, the state land planning  
310 agency shall conduct an affordable housing needs assessment for  
311 all local jurisdictions on a schedule that coordinates the  
312 implementation of the needs assessment with the evaluation and  
313 appraisal reports required by s. 163.3191. Each local government  
314 shall utilize the data and analysis from the needs assessment as  
315 one basis for the housing element of its local comprehensive  
316 plan. The agency shall allow a local government the option to  
317 perform its own needs assessment, if it uses the methodology  
318 established by the agency by rule.

319 3. The housing element shall contain goals and policies to  
320 guide the local government in facilitating private and public  
321 provision of affordable housing to serve the residents and  
322 workforce with consideration given to recommendations by the  
323 affordable housing advisory committee pursuant to s. 420.9076,  
324 if applicable.

325 Section 2. Subsection (5) of section 163.31771, Florida  
326 Statutes, is amended to read:

327 163.31771 Accessory dwelling units.--

328 (5) Each accessory dwelling unit allowed by an ordinance  
329 adopted under this section shall apply toward satisfying the  
330 affordable housing component of the housing element in the local  
331 government's comprehensive plan under s. 163.3177(6)(f). The  
332 local government may elect not to apply transportation  
333 concurrency and impact fee requirements on accessory units that  
334 are subject to a recorded land use restriction agreement  
335 restricting the unit's use to affordable housing.

336 Section 3. Subsection (5) of section 163.3180, Florida

337 Statutes, is amended to read:

338 163.3180 Concurrency.--

339 (5) (a) The Legislature finds that under limited  
 340 circumstances dealing with transportation facilities,  
 341 countervailing planning and public policy goals may come into  
 342 conflict with the requirement that adequate public facilities  
 343 and services be available concurrent with the impacts of such  
 344 development. The Legislature further finds that often the  
 345 unintended result of the concurrency requirement for  
 346 transportation facilities is the discouragement of urban infill  
 347 development and redevelopment. Such unintended results directly  
 348 conflict with the goals and policies of the state comprehensive  
 349 plan and the intent of this part. Therefore, exceptions from the  
 350 concurrency requirement for transportation facilities may be  
 351 granted as provided by this subsection.

352 (b) A local government may grant an exception from the  
 353 concurrency requirement for transportation facilities if the  
 354 proposed development is otherwise consistent with the adopted  
 355 local government comprehensive plan and is a project that  
 356 promotes public transportation, provides affordable housing in  
 357 close proximity to employment centers, or is located within an  
 358 area designated in the comprehensive plan for:

- 359 1. Urban infill development,
- 360 2. Urban redevelopment,
- 361 3. Downtown revitalization, or
- 362 4. Urban infill and redevelopment under s. 163.2517.

363 (c) The Legislature also finds that developments located  
 364 within urban infill, urban redevelopment, existing urban

365 service, or downtown revitalization areas or areas designated as  
366 urban infill and redevelopment areas under s. 163.2517 which  
367 pose only special part-time demands on the transportation system  
368 should be excepted from the concurrency requirement for  
369 transportation facilities. A special part-time demand is one  
370 that does not have more than 200 scheduled events during any  
371 calendar year and does not affect the 100 highest traffic volume  
372 hours.

373 (d) The Legislature finds that where residential units are  
374 placed in close proximity to places of employment to reduce the  
375 burden on transportation facilities, and where the units are  
376 developed in a manner to be affordable to the workforce of that  
377 employment center, local governments should consider the  
378 systemwide benefits to the transportation system and may exempt  
379 trips associated with the residential units from concurrency if  
380 locating additional residential units in specific areas will  
381 reduce long trip length burdens on the larger transportation  
382 system.

383 (e)~~(d)~~ A local government shall establish guidelines in  
384 the comprehensive plan for granting the exceptions authorized in  
385 paragraphs (b), ~~and~~ (c), and (d) and subsections (7) and (15)  
386 which must be consistent with and support a comprehensive  
387 strategy adopted in the plan to promote the purpose of the  
388 exceptions.

389 (f)~~(e)~~ The local government shall adopt into the plan and  
390 implement strategies to support and fund mobility within the  
391 designated exception area, including alternative modes of  
392 transportation. The plan amendment shall also demonstrate how

393 strategies will support the purpose of the exception and how  
394 mobility within the designated exception area will be provided.  
395 In addition, the strategies must address urban design;  
396 appropriate land use mixes, including intensity and density; and  
397 network connectivity plans needed to promote urban infill,  
398 redevelopment, or downtown revitalization. The comprehensive  
399 plan amendment designating the concurrency exception area shall  
400 be accompanied by data and analysis justifying the size of the  
401 area.

402 (g)~~(f)~~ Prior to the designation of a concurrency exception  
403 area, the Department of Transportation shall be consulted by the  
404 local government to assess the impact that the proposed  
405 exception area is expected to have on the adopted level-of-  
406 service standards established for Strategic Intermodal System  
407 facilities, as defined in s. 339.64, and roadway facilities  
408 funded in accordance with s. 339.2819. Further, the local  
409 government shall, in cooperation with the Department of  
410 Transportation, develop a plan to mitigate any impacts to the  
411 Strategic Intermodal System, including, if appropriate, the  
412 development of a long-term concurrency management system  
413 pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions  
414 may be available only within the specific geographic area of the  
415 jurisdiction designated in the plan. Pursuant to s. 163.3184,  
416 any affected person may challenge a plan amendment establishing  
417 these guidelines and the areas within which an exception could  
418 be granted.

419 (h)~~(g)~~ Transportation concurrency exception areas existing  
420 prior to July 1, 2005, shall meet, at a minimum, the provisions

421 of this section by July 1, 2006, or at the time of the  
422 comprehensive plan update pursuant to the evaluation and  
423 appraisal report, whichever occurs last.

424 Section 4. Subsection (19) is added to section 163.3184,  
425 Florida Statutes, to read:

426 163.3184 Process for adoption of comprehensive plan or  
427 plan amendment.--

428 (19) Any local government that identifies in its  
429 comprehensive plan the types of housing developments and  
430 conditions for which it will consider plan amendments that are  
431 consistent with the local housing incentive strategies  
432 identified in s. 420.9076 and authorized by the local government  
433 may expedite consideration of such plan amendments. At least 30  
434 days prior to adopting a plan amendment pursuant to this  
435 subsection, the local government shall provide notice to the  
436 state land planning agency of its intent to adopt such an  
437 amendment, and the notice shall include the local government's  
438 evaluation related to site suitability and availability of  
439 facilities and services. A plan amendment considered under this  
440 subsection shall require only a single public hearing before the  
441 local governmental body, which shall be a plan amendment  
442 adoption hearing as described in subsection (7). The public  
443 notice of the hearing required under subparagraph (15)(b)2.  
444 shall include a statement that the local government intends to  
445 utilize the expedited adoption process authorized by this  
446 subsection. The state land planning agency shall issue its  
447 notice of intent required under subsection (8) within 30 days  
448 after determining that the amendment package is complete. Any



449 further proceedings shall be governed by subsections (9)-(16).

450 Section 5. Paragraph (p) is added to subsection (1) of  
 451 section 163.3187, Florida Statutes, to read:

452 163.3187 Amendment of adopted comprehensive plan.--

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

456 (p) Any local government comprehensive plan amendment that  
 457 is consistent with the local housing incentive strategies  
 458 identified in s. 420.9076 and is authorized by the local  
 459 government.

460 Section 6. Paragraph (i) is added to subsection (2) of  
 461 section 163.3202, Florida Statutes, to read:

462 163.3202 Land development regulations.--

463 (2) Local land development regulations shall contain  
 464 specific and detailed provisions necessary or desirable to  
 465 implement the adopted comprehensive plan and shall as a minimum:

466 (i) Maintain the existing density of residential  
 467 properties or recreational vehicle parks when the properties are  
 468 intended for residential use and are located in unincorporated  
 469 areas with sufficient infrastructure, as determined by a local  
 470 governing authority.

471 Section 7. Section 193.018, Florida Statutes, is created  
 472 to read:

473 193.018 Affordable Housing Property Tax Relief  
 474 Initiative.--

475 (1) For the purpose of assessing just valuation of  
 476 affordable housing properties that have a land use restriction

477 recorded with the clerk of the county that requires  
 478 affordability, as provided in this subsection, for a period of  
 479 at least 20 years, the actual rental income from rent-restricted  
 480 units in each property shall be recognized by the property  
 481 appraiser for assessment purposes, and a rental income approach  
 482 pursuant to s. 193.011(7) shall be used for assessment of the  
 483 following affordable housing properties:

484 (a) Properties that are funded and rent restricted by the  
 485 United States Department of Housing and Urban Development under  
 486 s. 8 of the United States Housing Act of 1937 that are used to  
 487 provide affordable housing serving eligible persons as defined  
 488 by s. 159.603(7) and elderly persons, extremely-low-income  
 489 persons, and very-low-income persons as defined by s.  
 490 420.0004(7), (8), and (15) and that has undergone financial  
 491 restructuring as provided in s. 501, Title V, Subtitle A of the  
 492 Multifamily Assisted Housing Reform and Affordability Act of  
 493 1997;

494 (b) Multifamily, farmworker, or elderly rental properties  
 495 that are funded and rent restricted by the Florida Housing  
 496 Finance Corporation under ss. 420.5087, 420.5089, and 420.5095,  
 497 the State Housing Initiatives Partnership Program under ss.  
 498 420.9072 and 420.9075, and s. 42 of the Internal Revenue Code of  
 499 1986, as amended; the HOME Investment Partnership Program under  
 500 the Cranston-Gonzalez National Affordable Housing Act, 42 U.S.C.  
 501 ss. 12741 et seq.; or the Federal Home Loan Banks' Affordable  
 502 Housing Program established pursuant to the Financial  
 503 Institutions Reform, Recovery and Enforcement Act of 1989, Pub.  
 504 L. No. 101-73; or

505 (c) Multifamily residential rental properties of 10 or  
506 more units that are certified as being deed restricted by the  
507 local public housing agency as having 100 percent of its units  
508 providing affordable housing to extremely-low-income persons,  
509 low-income persons, moderate-income persons, and very-low-income  
510 persons, as defined by s. 420.0004(8), (10), (11), and (15).

511 (2) Properties used for affordable housing which have  
512 received a low-income housing tax credit from the Florida  
513 Housing Finance Corporation, as authorized by s. 420.5099, shall  
514 be assessed with the rental income approach under s. 193.011(7)  
515 and, consistent with s. 420.5099(5) and (6), pursuant to this  
516 section, the following assumptions shall apply:

517 (a) The tax credits granted and the financing generated by  
518 the tax credits may not be considered as income to the property.

519 (b) The actual rental income from rent-restricted units in  
520 each property shall be recognized by the property appraiser as  
521 the real rents for assessing just value.

522 (c) Any costs paid for by tax credits and costs paid for  
523 by additional financing proceeds received under chapter 420 may  
524 not be included in the valuation of the property.

525 (3) If an extended low-income housing agreement is filed  
526 in the official public records of the county in which an  
527 affordable housing property serving extremely-low-income  
528 persons, low-income persons, moderate-income persons, and very-  
529 low-income persons, as defined in s. 420.0004(8), (10), (11),  
530 and (15), is located, the agreement and any recorded amendment  
531 or supplement thereto shall be considered a land use regulation  
532 and a limitation on the highest and best use of the property

533 during the term of the agreement, amendment, or supplement.

534 Section 8. Section 193.0185, Florida Statutes, is created  
535 to read:

536 193.0185 Assessment of improvements on lands used by a  
537 community land trust to provide affordable housing.--

538 (1) As used in this section, the term "community land  
539 trust" means a nonprofit entity that is qualified as charitable  
540 under s. 501(c)(3) of the Internal Revenue Code and has as one  
541 of its purposes the acquisition of land to be held in perpetuity  
542 for the primary purpose of providing affordable homeownership  
543 through the conveyance of structural improvements located on  
544 such land, subject to a ground lease having a term of 99 years,  
545 while retaining a preemptive option to purchase any structural  
546 improvements on the land at a price determined by a formula that  
547 is designed to ensure that the improvements remain affordable to  
548 persons who meet the income limits in s. 420.0004(8), (10),  
549 (11), or (15).

550 (2) In assessing property for ad valorem taxation under s.  
551 193.011, an improvement used for affordable housing on land  
552 owned by a community land trust and subject to such a ground  
553 lease shall be assessed according to the following criteria:

554 (a) The amount a willing purchaser would pay a willing  
555 seller shall be limited to the amount determined by the formula  
556 in the ground lease.

557 (b) If the ground lease and all amendments and supplements  
558 to such lease, or a memorandum documenting how such lease and  
559 amendments or supplements restrict the price at which the  
560 improvements may be sold, is recorded and filed in the official

561 public records of the county in which the leased land is  
 562 located, the lease and any amendments or supplements shall be  
 563 deemed a land use regulation during the term of the lease as  
 564 amended or supplemented.

565 Section 9. Section 196.1978, Florida Statutes, is amended  
 566 to read:

567 196.1978 Affordable housing property exemption.--Property  
 568 used to provide affordable housing serving eligible persons as  
 569 defined by s. 159.603(7) and persons meeting income limits  
 570 specified in s. 420.0004(8), (10), (11), and (15), which  
 571 property is owned entirely by a nonprofit entity that is a  
 572 corporation not for profit pursuant to chapter 617 or a Florida  
 573 limited partnership, the sole general partner of which is a  
 574 corporation not for profit pursuant to chapter 617, that ~~which~~  
 575 is qualified as charitable under s. 501(c)(3) of the Internal  
 576 Revenue Code, and that ~~and which~~ complies with Rev. Proc. 96-32,  
 577 1996-1 C.B. 717, shall be considered property owned by an exempt  
 578 entity and used for a charitable purpose, and those portions of  
 579 the affordable housing property which provide housing to  
 580 individuals with incomes as defined in s. 420.0004(10) and (15)  
 581 shall be exempt from ad valorem taxation to the extent  
 582 authorized in s. 196.196. All property identified in this  
 583 section shall comply with the criteria for determination of  
 584 exempt status to be applied by property appraisers on an annual  
 585 basis as defined in s. 196.195. The Legislature intends that any  
 586 property owned by a limited liability company or limited  
 587 partnership which is disregarded as an entity for federal income

588 tax purposes pursuant to Treasury Regulation 301.7701-  
589 3(b)(1)(ii) shall be treated as owned by its sole member.

590 Section 10. Sections 197.307, 197.3071, 197.3072,  
591 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078, and  
592 197.3079, Florida Statutes, are created to read:

593 197.307 Deferrals for ad valorem taxes and non-ad valorem  
594 assessments on affordable rental housing property.--

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

601 (2) The board of county commissioners or the governing  
602 authority of a municipality may also, by ordinance, authorize  
603 the deferral of non-ad valorem assessments, as defined in s.  
604 197.3632, on affordable rental housing.

605 (3) The ordinance must designate the percentage or amount  
606 of the deferral and the type and location of affordable rental  
607 housing property for which a deferral may be granted. The  
608 ordinance may also require the property to be located within a  
609 particular geographic area or areas of the county or  
610 municipality.

611 (4) The ordinance must specify that the deferral applies  
612 only to taxes and assessments levied by the unit of government  
613 granting the deferral. However, a deferral may not be granted  
614 for taxes or non-ad valorem assessments levied for the payment  
615 of bonds or for taxes authorized by a vote of the electors

616 pursuant to s. 9(b) or s. 12, Art. VII of the State  
 617 Constitution.

618 (5) The ordinance must specify that any deferral granted  
 619 remains in effect for the period for which it is granted  
 620 regardless of any change in the authority of the county or  
 621 municipality to grant the deferral. In order to retain the  
 622 deferral, however, the use and ownership of the property as  
 623 affordable rental housing must be maintained over the period for  
 624 which the deferral is granted.

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

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

630 1. The community redevelopment agency has previously  
 631 issued instruments of indebtedness which are secured by  
 632 increment revenues on deposit in the community redevelopment  
 633 trust fund; and

634 2. The instruments of indebtedness are associated with the  
 635 real property applying for the deferral.

636 (b) The tax deferral does not apply to an amount of taxes  
 637 equal to the amount that must be deposited into the community  
 638 redevelopment trust fund by the entity granting the deferral  
 639 based upon the taxable value of the property upon which the  
 640 deferral is being granted. Once all instruments of indebtedness  
 641 that existed at the time the deferral was originally granted are  
 642 no longer outstanding or have otherwise been defeased, this  
 643 paragraph no longer applies.

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

650 (d) The tax collector shall notify a community  
 651 redevelopment agency of any tax deferral that has been granted  
 652 on property located within the agency's community redevelopment  
 653 area.

654 (e) Issuance of debt obligation after the date a deferral  
 655 has been granted does not reduce the amount of taxes eligible  
 656 for deferral.

657 (7) The tax collector shall notify:

658 (a) The taxpayer of each parcel appearing on the real  
 659 property assessment roll of the law allowing the deferral of  
 660 taxes, non-ad valorem assessments, and interest under ss.  
 661 197.307-197.3079. Such notice shall be printed on the back of  
 662 envelopes used to mail the notice of taxes as provided under s.  
 663 197.322(3). Such notice shall read:

665 NOTICE TO TAXPAYERS OWNING

667 AFFORDABLE RENTAL HOUSING PROPERTY

669 If your property meets certain conditions you may qualify for a  
 670 deferred tax payment plan on your affordable rental housing  
 671 property. An application to determine your eligibility is



672 available in the county tax collector's office.

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

677 197.3071 Eligibility for tax deferral.--The tax deferral  
 678 authorized by this section is applicable only on a prorata basis  
 679 to the ad valorem taxes levied on residential units within a  
 680 property which meet the following conditions:

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

685 (2) Units that are occupied by extremely-low-income  
 686 persons, very-low-income persons, low-income persons, or  
 687 moderate-income persons as these terms are defined in s.  
 688 420.0004.

689 197.3072 Deferral for affordable rental housing  
 690 properties.--

691 (1) Any property owner in a jurisdiction that has adopted  
 692 an ad valorem tax-deferral ordinance or a deferral of non-ad  
 693 valorem assessments ordinance pursuant to s. 197.307 and who  
 694 owns an eligible affordable rental housing property as described  
 695 in s. 197.3071 may apply for a deferral of payment by filing an  
 696 annual application for deferral with the county tax collector on  
 697 or before January 31 following the year in which the taxes and  
 698 non-ad valorem assessments are assessed. The property owner has  
 699 the burden to affirmatively demonstrate compliance with the

700 requirements of this section.

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

705 (3) Deferral may not be granted if:

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

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

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

718 (5) The deferred taxes, non-ad valorem assessments, and  
 719 interest constitute a prior lien on the affordable rental  
 720 housing property and shall attach as of the date and in the same  
 721 manner and be collected as other liens for taxes as provided for  
 722 under this chapter, but such deferred taxes, non-ad valorem  
 723 assessments, and interest are due, payable, and delinquent as  
 724 provided in ss. 197.307-197.3079.

725 197.3073 Deferral application.--

726 (1) The application for a deferral of ad valorem taxes and  
 727 non-ad valorem assessments must be made annually upon a form

728 prescribed by the department and furnished by the county tax  
729 collector. The application form must be signed under oath by the  
730 property owner applying for the deferral before an officer  
731 authorized by the state to administer oaths. The application  
732 form must provide notice to the property owner of the manner in  
733 which interest is computed. The application form must contain an  
734 explanation of the conditions to be met for approval of the  
735 deferral and the conditions under which deferred taxes, non-ad  
736 valorem assessments, and interest become due, payable, and  
737 delinquent. Each application must clearly state that all  
738 deferrals pursuant to this section constitute a lien on the  
739 property for which the deferral is granted. The tax collector  
740 may require the property owner to submit any other evidence and  
741 documentation considered necessary by the tax collector in  
742 reviewing the application.

743 (2) The tax collector shall consider and render his or her  
744 findings, determinations, and decision on each annual  
745 application for a deferral for affordable rental housing within  
746 45 days after the date the application is filed. The tax  
747 collector shall exercise reasonable discretion based upon  
748 applicable information available under this section. The  
749 determinations and findings of the tax collector are not quasi  
750 judicial and are subject exclusively to review by the value  
751 adjustment board as provided by this section. A tax collector  
752 who finds that a property owner is entitled to the deferral  
753 shall approve the application and file the application in the  
754 permanent records.

755 (a) A tax collector who finds that a property owner is not

756 entitled to the deferral shall send a notice of disapproval  
757 within 45 days after the date the application is filed, giving  
758 reasons for the disapproval. The notice must be sent by personal  
759 delivery or registered mail to the mailing address given by the  
760 property owner in the manner in which the original notice was  
761 served upon the property owner and must be filed among the  
762 permanent records of the tax collector's office. The original  
763 notice of disapproval sent to the property owner shall advise  
764 the property owner of the right to appeal the decision of the  
765 tax collector to the value adjustment board and provide the  
766 procedures for filing an appeal.

767 (b) An appeal by the property owner of the decision of the  
768 tax collector to deny the deferral must be submitted to the  
769 value adjustment board on a form prescribed by the department  
770 and furnished by the tax collector. The appeal must be filed  
771 with the value adjustment board within 20 days after the  
772 applicant's receipt of the notice of disapproval, and the board  
773 must approve or disapprove the appeal within 30 days after  
774 receipt of the appeal. The value adjustment board shall review  
775 the application and the evidence presented to the tax collector  
776 upon which the property owner based a claim for deferral and, at  
777 the election of the property owner, shall hear the property  
778 owner in person, or by agent on the property owner's behalf,  
779 concerning his or her right to the deferral. The value  
780 adjustment board shall reverse the decision of the tax collector  
781 and grant a deferral to the property owner if, in its judgment,  
782 the property owner is entitled to the deferral or shall affirm  
783 the decision of the tax collector. Action by the value

784 adjustment board is final unless the property owner or tax  
785 collector or other lienholder, within 15 days after the date of  
786 disapproval of the application by the board, files for a de novo  
787 proceeding for a declaratory judgment or other appropriate  
788 proceeding in the circuit court of the county in which the  
789 property is located.

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

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

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

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

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

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

812 197.3074 Deferred payment tax certificates.--

813 (1) The tax collector shall notify each local governing  
 814 body of the amount of taxes and non-ad valorem assessments  
 815 deferred which would otherwise have been collected for the  
 816 governing body. The tax collector shall, at the time of the tax  
 817 certificate sale held under s. 197.432 strike each certificate  
 818 off to the county. Certificates issued under this section are  
 819 exempt from the public sale of tax certificates held pursuant to  
 820 s. 197.432.

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

825 197.3075 Change in use or ownership of property.--

826 (1) If there is a change in use or ownership of the  
 827 property that has been granted an ad valorem tax or non-ad  
 828 valorem assessment deferral such that the property owner is no  
 829 longer entitled to claim the property as an affordable rental  
 830 housing property, or if there is a change in the legal or  
 831 beneficial ownership of the property, or if the owner fails to  
 832 maintain the required fire and extended insurance coverage, the  
 833 total amount of deferred taxes, non-ad valorem assessments, and  
 834 interest for all previous years becomes due and payable November  
 835 1 of the year in which the change in use or ownership occurs or  
 836 on the date failure to maintain insurance occurs, and is  
 837 delinquent on April 1 of the year following the year in which  
 838 the change in use or ownership or failure to maintain insurance  
 839 occurs.

840           (2) Whenever the property appraiser discovers that there  
841 has been a change in the use or ownership of the property that  
842 has been granted a deferral, the property appraiser shall notify  
843 the tax collector in writing of the date such change occurs, and  
844 the tax collector shall collect any taxes, non-ad valorem  
845 assessments, and interest due or delinquent.

846           (3) During any year in which the total amount of deferred  
847 taxes, non-ad valorem assessments, interest, and all other  
848 unsatisfied liens on the property exceeds 85 percent of the  
849 assessed value of the property, the tax collector shall  
850 immediately notify the property owner that the portion of taxes,  
851 non-ad valorem assessments, and interest which exceeds 85  
852 percent of the assessed value of the property is due and payable  
853 within 30 days after receipt of the notice. Failure to pay the  
854 amount due shall cause the total amount of deferred taxes, non-  
855 ad valorem assessments, and interest to become delinquent.

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

860           197.3076 Prepayment of deferred taxes and non-ad valorem  
861 assessments.--

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

865           (a) The property owner; or

866           (b) The property owner's next of kin, heir, child, or any  
867 person having or claiming a legal or equitable interest in the

868 property, if an objection is not made by the owner within 30  
 869 days after the tax collector notifies the property owner of the  
 870 fact that such payment has been tendered.

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

873 197.3077 Distribution of payments.--When any deferred tax,  
 874 non-ad valorem assessment, or interest is collected, the tax  
 875 collector shall maintain a record of the payment, setting forth  
 876 a description of the property and the amount of taxes or  
 877 interest collected for the property. The tax collector shall  
 878 distribute payments received in accordance with the procedures  
 879 for distributing ad valorem taxes, non-ad valorem assessments,  
 880 or redemption moneys as prescribed in this chapter.

881 197.3078 Construction.--This section does not prevent the  
 882 collection of personal property taxes that become a lien against  
 883 tax-deferred property, or defer payment of special assessments  
 884 to benefited property other than those specifically allowed to  
 885 be deferred, or affect any provision of any mortgage or other  
 886 instrument relating to property requiring a person to pay ad  
 887 valorem taxes or non-ad valorem assessments.

888 197.3079 Penalties.--

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

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

895 (b) The person shall be disqualified from filing a tax-



896 deferral application for the next 3 years; and

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

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

903 Section 11. Paragraphs (e) and (i) of subsection (19) of  
 904 section 380.06, Florida Statutes, are amended to read:

905 380.06 Developments of regional impact.--

906 (19) SUBSTANTIAL DEVIATIONS.--

907 (e)1. Except for a development order rendered pursuant to  
 908 subsection (22) or subsection (25), a proposed change to a  
 909 development order that individually or cumulatively with any  
 910 previous change is less than any numerical criterion contained  
 911 in subparagraphs (b)1.-13. and does not exceed any other  
 912 criterion, or that involves an extension of the buildout date of  
 913 a development, or any phase thereof, of less than 5 years is not  
 914 subject to the public hearing requirements of subparagraph  
 915 (f)3., and is not subject to a determination pursuant to  
 916 subparagraph (f)5. Notice of the proposed change shall be made  
 917 to the regional planning council and the state land planning  
 918 agency. Such notice shall include a description of previous  
 919 individual changes made to the development, including changes  
 920 previously approved by the local government, and shall include  
 921 appropriate amendments to the development order.

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

- 924 a. Changes in the name of the project, developer, owner,  
925 or monitoring official.
- 926 b. Changes to a setback that do not affect noise buffers,  
927 environmental protection or mitigation areas, or archaeological  
928 or historical resources.
- 929 c. Changes to minimum lot sizes.
- 930 d. Changes in the configuration of internal roads that do  
931 not affect external access points.
- 932 e. Changes to the building design or orientation that stay  
933 approximately within the approved area designated for such  
934 building and parking lot, and which do not affect historical  
935 buildings designated as significant by the Division of  
936 Historical Resources of the Department of State.
- 937 f. Changes to increase the acreage in the development,  
938 provided that no development is proposed on the acreage to be  
939 added.
- 940 g. Changes to eliminate an approved land use, provided  
941 that there are no additional regional impacts.
- 942 h. Changes required to conform to permits approved by any  
943 federal, state, or regional permitting agency, provided that  
944 these changes do not create additional regional impacts.
- 945 i. Any renovation or redevelopment of development within a  
946 previously approved development of regional impact which does  
947 not change land use or increase density or intensity of use.
- 948 j. Changes that modify boundaries and configuration of  
949 areas described in subparagraph (b)14. due to science-based  
950 refinement of such areas by survey, by habitat evaluation, by  
951 other recognized assessment methodology, or by an environmental

952 assessment. In order for changes to qualify under this sub-  
953 subparagraph, the survey, habitat evaluation, or assessment must  
954 occur prior to the time a conservation easement protecting such  
955 lands is recorded and must not result in any net decrease in the  
956 total acreage of the lands specifically set aside for permanent  
957 preservation in the final development order.

958 k. Changes to permit the sale of owner-occupied affordable  
959 housing units to the next higher income qualified class as  
960 defined in the development order, provided that the developer  
961 has actively marketed the unit for a minimum period of 6 months,  
962 is unable to close a sale to a qualified buyer in the targeted  
963 income class, the unit has been issued a certificate of  
964 occupancy, and sells to a buyer qualified in the next higher  
965 income qualified class at a price no greater than the price the  
966 unit was originally marketed to the lower income qualified  
967 class. This provision shall not be applied to residential units  
968 approved pursuant to subparagraph (b)7. or paragraph (i).

969 ~~l.k.~~ Any other change which the state land planning  
970 agency, in consultation with the regional planning council,  
971 agrees in writing is similar in nature, impact, or character to  
972 the changes enumerated in sub-subparagraphs a.-j. and which does  
973 not create the likelihood of any additional regional impact.

974  
975 This subsection does not require the filing of a notice of  
976 proposed change but shall require an application to the local  
977 government to amend the development order in accordance with the  
978 local government's procedures for amendment of a development  
979 order. In accordance with the local government's procedures,

980 including requirements for notice to the applicant and the  
981 public, the local government shall either deny the application  
982 for amendment or adopt an amendment to the development order  
983 which approves the application with or without conditions.  
984 Following adoption, the local government shall render to the  
985 state land planning agency the amendment to the development  
986 order. The state land planning agency may appeal, pursuant to s.  
987 380.07(3), the amendment to the development order if the  
988 amendment involves sub-subparagraph g., sub-subparagraph h.,  
989 sub-subparagraph j., ~~or sub-subparagraph k.,~~ or sub-subparagraph  
990 l., and it believes the change creates a reasonable likelihood  
991 of new or additional regional impacts.

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

997 4. Any submittal of a proposed change to a previously  
998 approved development shall include a description of individual  
999 changes previously made to the development, including changes  
1000 previously approved by the local government. The local  
1001 government shall consider the previous and current proposed  
1002 changes in deciding whether such changes cumulatively constitute  
1003 a substantial deviation requiring further development-of-  
1004 regional-impact review.

1005 5. The following changes to an approved development of  
1006 regional impact shall be presumed to create a substantial  
1007 deviation. Such presumption may be rebutted by clear and

1008 convincing evidence.

1009 a. A change proposed for 15 percent or more of the acreage  
 1010 to a land use not previously approved in the development order.  
 1011 Changes of less than 15 percent shall be presumed not to create  
 1012 a substantial deviation.

1013 b. Notwithstanding any provision of paragraph (b) to the  
 1014 contrary, a proposed change consisting of simultaneous increases  
 1015 and decreases of at least two of the uses within an authorized  
 1016 multiuse development of regional impact which was originally  
 1017 approved with three or more uses specified in s. 380.0651(3)(c),  
 1018 (d), (e), and (f) and residential use.

1019 (i) An increase in the number of residential dwelling  
 1020 units shall not constitute a substantial deviation and shall not  
 1021 be subject to development-of-regional-impact review for  
 1022 additional impacts, provided that all the residential dwelling  
 1023 units are dedicated to affordable workforce housing and the  
 1024 total number of new residential units does not exceed 200  
 1025 percent of the substantial deviation threshold. The affordable  
 1026 workforce housing shall be subject to a recorded land use  
 1027 restriction that shall be for a period of not less than 20 years  
 1028 and that includes resale provisions to ensure long-term  
 1029 affordability for income-eligible homeowners and renters. For  
 1030 purposes of this paragraph, the term "affordable workforce  
 1031 housing" means housing that is affordable to a person who earns  
 1032 less than 120 percent of the area median income, or less than  
 1033 140 percent of the area median income if located in a county in  
 1034 which the median purchase price for a single-family existing  
 1035 home exceeds the statewide median purchase price of a single-

1036 family existing home. For purposes of this paragraph, the term  
 1037 "statewide median purchase price of a single-family existing  
 1038 home" means the statewide purchase price as determined in the  
 1039 Florida Sales Report, Single-Family Existing Homes, released  
 1040 each January by the Florida Association of Realtors and the  
 1041 University of Florida Real Estate Research Center. The  
 1042 affordable workforce housing units developed in accordance with  
 1043 these provisions which are in close proximity to employment  
 1044 centers, as determined by the local government in accordance  
 1045 with s. 163.3177(6)(a), may be exempted from transportation  
 1046 concurrency regulations of s. 163.3180 and the local government  
 1047 may determine that associated trips do not reduce any  
 1048 transportation trip generation entitlements of the approved  
 1049 development-of-regional-impact development order.

1050 Section 12. Paragraph (f) of subsection (3) of section  
 1051 380.0651, Florida Statutes, is amended to read:

1052 380.0651 Statewide guidelines and standards.--

1053 (3) The following statewide guidelines and standards shall  
 1054 be applied in the manner described in s. 380.06(2) to determine  
 1055 whether the following developments shall be required to undergo  
 1056 development-of-regional-impact review:

1057 (f) Hotel or motel development.--

1058 1. Any proposed hotel or motel development that is planned  
 1059 to create or accommodate 350 or more units; or

1060 2. Any proposed hotel or motel development that is planned  
 1061 to create or accommodate 750 or more units, in a county with a  
 1062 population greater than 500,000, ~~and only in a geographic area~~  
 1063 ~~specifically designated as highly suitable for increased~~

1064 ~~threshold intensity in the approved local comprehensive plan and~~  
 1065 ~~in the strategic regional policy plan.~~

1066 Section 13. Subsections (2) and (3) of section 420.504,  
 1067 Florida Statutes, are amended to read:

1068 420.504 Public corporation; creation, membership, terms,  
 1069 expenses.--

1070 (2) The corporation is constituted as a public  
 1071 instrumentality, and the exercise by the corporation of the  
 1072 power conferred by this act is considered to be the performance  
 1073 of an essential public function. The corporation ~~is shall~~  
 1074 ~~constitute~~ an agency for the purposes of s. 120.52. The  
 1075 corporation is a state agency for purposes of s. 159.807(4)(a).  
 1076 The corporation is subject to chapter 119, subject to exceptions  
 1077 applicable to the corporation, and to the provisions of chapter  
 1078 286; however, the corporation shall be entitled to provide  
 1079 notice of internal review committee meetings for competitive  
 1080 proposals or procurement to applicants by mail, ~~or~~ facsimile, or  
 1081 publication on an Internet website, rather than by means of  
 1082 publication. The corporation is not governed by chapter 607 or  
 1083 chapter 617, but by the provisions of this part. If for any  
 1084 reason the establishment of the corporation is deemed in  
 1085 violation of law, such provision is severable and the remainder  
 1086 of this act remains in full force and effect.

1087 (3) The corporation is a separate budget entity and is not  
 1088 subject to control, supervision, or direction by the Department  
 1089 of Community Affairs in any manner, including, but not limited  
 1090 to, personnel, purchasing, transactions involving real or  
 1091 personal property, and budgetary matters. The corporation shall

1092 consist of a board of directors composed of the Secretary of  
 1093 Community Affairs, or the secretary's designee, as an ex officio  
 1094 and voting member and eight members appointed by the Governor  
 1095 subject to confirmation by the Senate from the following:

1096 (a) One citizen actively engaged in the residential home  
 1097 building industry.

1098 (b) One citizen actively engaged in the banking or  
 1099 mortgage banking industry.

1100 (c) One citizen who is a representative of those areas of  
 1101 labor engaged in home building.

1102 (d) One citizen with experience in housing development who  
 1103 is an advocate for low-income persons.

1104 (e) One citizen actively engaged in the commercial  
 1105 building industry.

1106 (f) One citizen who is a former local government elected  
 1107 official.

1108 (g) Two citizens of the state who are not principally  
 1109 employed as members or representatives of any of the groups  
 1110 specified in paragraphs (a) - (f).

1111 Section 14. Section 420.506, Florida Statutes, is amended  
 1112 to read:

1113 420.506 Executive director; agents and employees.--The  
 1114 appointment and removal of an executive director shall be by the  
 1115 Secretary of Community Affairs, with the advice and consent of  
 1116 the corporation's board of directors. The executive director  
 1117 shall employ legal and technical experts and such other agents  
 1118 and employees, permanent and temporary, as the corporation may  
 1119 require, and shall communicate with and provide information to



1120 the Legislature with respect to the corporation's activities.  
 1121 The board is authorized, notwithstanding the provisions of s.  
 1122 216.262, to develop and implement rules regarding the employment  
 1123 of employees of the corporation and service providers, including  
 1124 legal counsel. ~~The corporation is authorized to enter into a~~  
 1125 ~~lease agreement with the Department of Management Services or~~  
 1126 ~~the Department of Community Affairs for the lease of state~~  
 1127 ~~employees from such entities, wherein an employee shall retain~~  
 1128 ~~his or her status as a state employee but shall work under the~~  
 1129 ~~direct supervision of the corporation, and shall retain the~~  
 1130 ~~right to participate in the Florida Retirement System.~~ The board  
 1131 of directors of the corporation is entitled to establish travel  
 1132 procedures and guidelines for employees of the corporation. The  
 1133 executive director's office and the corporation's files and  
 1134 records must be located in Leon County.

1135 Section 15. Section 420.5061, Florida Statutes, is amended  
 1136 to read:

1137 420.5061 Transfer of agency assets and  
 1138 liabilities.--~~Effective January 1, 1998, all assets and~~  
 1139 ~~liabilities and rights and obligations, including any~~  
 1140 ~~outstanding contractual obligations, of the agency shall be~~  
 1141 ~~transferred to~~ The corporation is the as legal successor in all  
 1142 respects to the agency, ~~and-~~ the corporation is ~~shall thereupon~~  
 1143 ~~become~~ obligated to the same extent as the agency under any  
 1144 ~~existing~~ agreements existing on December 31, 1997, and is ~~be~~  
 1145 entitled to any rights and remedies previously afforded the  
 1146 agency by law or contract, including specifically the rights of  
 1147 the agency under chapter 201 and part VI of chapter 159. ~~The~~

1148 ~~corporation is a state agency for purposes of s. 159.807(4)(a).~~  
1149 Effective January 1, 1998, all references under Florida law to  
1150 the agency are deemed to mean the corporation. ~~The corporation~~  
1151 ~~shall transfer to the General Revenue Fund an amount which~~  
1152 ~~otherwise would have been deducted as a service charge pursuant~~  
1153 ~~to s. 215.20(1) if the Florida Housing Finance Corporation Fund~~  
1154 ~~established by s. 420.508(5), the State Apartment Incentive Loan~~  
1155 ~~Fund established by s. 420.5087(7), the Florida Homeownership~~  
1156 ~~Assistance Fund established by s. 420.5088(4), the HOME~~  
1157 ~~Investment Partnership Fund established by s. 420.5089(1), and~~  
1158 ~~the Housing Predevelopment Loan Fund established by s.~~  
1159 ~~420.525(1) were each trust funds. For purposes of s. 112.313,~~  
1160 the corporation is deemed to be a continuation of the agency,  
1161 and the provisions thereof are deemed to apply as if the same  
1162 entity remained in place. Any employees of the agency and agency  
1163 board members covered by s. 112.313(9)(a)6. shall continue to be  
1164 entitled to the exemption in that subparagraph, notwithstanding  
1165 being hired by the corporation or appointed as board members of  
1166 the corporation. ~~Effective January 1, 1998, all state property~~  
1167 ~~in use by the agency shall be transferred to and become the~~  
1168 ~~property of the corporation.~~

1169 Section 16. Subsection (30) of section 420.507, Florida  
1170 Statutes, is amended, and subsection (46) is added to that  
1171 section, to read:

1172 420.507 Powers of the corporation.--The corporation shall  
1173 have all the powers necessary or convenient to carry out and  
1174 effectuate the purposes and provisions of this part, including  
1175 the following powers which are in addition to all other powers

1176 granted by other provisions of this part:

1177       (30) To prepare and submit to the Executive Office of the  
 1178 Governor, the President of the Senate, and the Speaker of the  
 1179 House of Representatives ~~secretary of the department~~ a budget  
 1180 request for purposes of the corporation, which request shall,  
 1181 notwithstanding the provisions of chapter 216 and in accordance  
 1182 with s. 216.351, contain a request for operational expenditures  
 1183 and ~~separate requests for other~~ authorized corporation programs.  
 1184 The request shall not be required to contain information on the  
 1185 number of employees, salaries, or any classification thereof,  
 1186 and the approved operating budget therefor need not comply with  
 1187 s. 216.181(8) - (10). ~~The secretary is authorized to include~~  
 1188 ~~within the department's budget request the corporation's budget~~  
 1189 ~~request in the form as authorized by this section.~~

1190       (46) To require, as a condition of financing a multifamily  
 1191 rental project, that an agreement be recorded in the official  
 1192 records of the county where the real property is located, which  
 1193 requires that the project be used for housing defined as  
 1194 affordable in s. 420.0004(3) by persons defined in 420.0004(8),  
 1195 (10), (11), and (15). Such an agreement is a state land use  
 1196 regulation that limits the highest and best use of the property  
 1197 within the meaning of s. 193.011(2).

1198       Section 17. Paragraph (d) of subsection (3) of section  
 1199 420.5087, Florida Statutes, is amended to read:

1200       420.5087 State Apartment Incentive Loan Program.--There is  
 1201 hereby created the State Apartment Incentive Loan Program for  
 1202 the purpose of providing first, second, or other subordinated  
 1203 mortgage loans or loan guarantees to sponsors, including for-

1204 profit, nonprofit, and public entities, to provide housing  
1205 affordable to very-low-income persons.

1206 (3) During the first 6 months of loan or loan guarantee  
1207 availability, program funds shall be reserved for use by  
1208 sponsors who provide the housing set-aside required in  
1209 subsection (2) for the tenant groups designated in this  
1210 subsection. The reservation of funds to each of these groups  
1211 shall be determined using the most recent statewide very-low-  
1212 income rental housing market study available at the time of  
1213 publication of each notice of fund availability required by  
1214 paragraph (6)(b). The reservation of funds within each notice of  
1215 fund availability to the tenant groups in paragraphs (a), (b),  
1216 and (d) may not be less than 10 percent of the funds available  
1217 at that time. Any increase in funding required to reach the 10-  
1218 percent minimum shall be taken from the tenant group that has  
1219 the largest reservation. The reservation of funds within each  
1220 notice of fund availability to the tenant group in paragraph (c)  
1221 may not be less than 5 percent of the funds available at that  
1222 time. The tenant groups are:

1223 (d) Elderly persons. Ten percent of the amount reserved  
1224 for the elderly shall be reserved to provide loans to sponsors  
1225 of housing for the elderly for the purpose of making building  
1226 preservation, health, or sanitation repairs or improvements  
1227 which are required by federal, state, or local regulation or  
1228 code, or lifesafety or security-related repairs or improvements  
1229 to such housing. Such a loan may not exceed \$750,000 per housing  
1230 community for the elderly. In order to receive the loan, the  
1231 sponsor of the housing community must make a commitment to match

1232 at least 5 percent of the loan amount to pay the cost of such  
 1233 repair or improvement. The corporation shall establish the rate  
 1234 of interest on the loan, which may not exceed 3 percent, and the  
 1235 term of the loan, which may not exceed 15 years; however, if the  
 1236 lien of the corporation's encumbrance is subordinate to the lien  
 1237 of another mortgagee, then the term may be made coterminous with  
 1238 the longest term of the superior lien. The term of the loan  
 1239 shall be established on the basis of a credit analysis of the  
 1240 applicant. The corporation may forgive indebtedness for a share  
 1241 of the loan attributable to the units in a project reserved for  
 1242 extremely-low-income elderly for nonprofit organizations, as  
 1243 defined in s. 420.0004(5), where the project has provided  
 1244 affordable housing to the elderly for 15 years or more. The  
 1245 corporation shall establish, by rule, the procedure and criteria  
 1246 for receiving, evaluating, and competitively ranking all  
 1247 applications for loans under this paragraph. A loan application  
 1248 must include evidence of the first mortgagee's having reviewed  
 1249 and approved the sponsor's intent to apply for a loan. A  
 1250 nonprofit organization or sponsor may not use the proceeds of  
 1251 the loan to pay for administrative costs, routine maintenance,  
 1252 or new construction.

1253 Section 18. Section 420.5095, Florida Statutes, is amended  
 1254 to read:

1255 420.5095 Community Workforce Housing Innovation Pilot  
 1256 Program.--

1257 (1) The Legislature finds and declares that recent rapid  
 1258 increases in the median purchase price of a home and the cost of  
 1259 rental housing have far outstripped the increases in median

1260 income in the state, preventing essential services personnel  
1261 from living in the communities where they serve and thereby  
1262 creating the need for innovative solutions for the provision of  
1263 housing opportunities for essential services personnel.

1264 (2) The Community Workforce Housing Innovation Pilot  
1265 Program is created to provide affordable rental and home  
1266 ownership community workforce housing for essential services  
1267 personnel affected by the high cost of housing, using regulatory  
1268 incentives and state and local funds to promote local public-  
1269 private partnerships and leverage government and private  
1270 resources.

1271 (3) For purposes of this section, the following  
1272 definitions apply:

1273 (a) "Workforce housing" means housing affordable to  
1274 natural persons or families whose total annual household income  
1275 does not exceed 140 percent of the area median income, adjusted  
1276 for household size, or 150 percent of area median income,  
1277 adjusted for household size, in areas of critical state concern  
1278 designated under s. 380.05, for which the Legislature has  
1279 declared its intent to provide affordable housing, and areas  
1280 that were designated as areas of critical state concern for at  
1281 least 20 consecutive years prior to removal of the designation.

1282 (b) "Essential services personnel" means persons in need  
1283 of affordable housing who are employed in occupations or  
1284 professions in which they are considered essential services  
1285 personnel, as defined by each county and eligible municipality  
1286 within its respective local housing assistance plan pursuant to  
1287 s. 420.9075(3)(a).

1288 (c) "Public-private partnership" means any form of  
1289 business entity that includes substantial involvement of at  
1290 least one county, one municipality, or one public sector entity,  
1291 such as a school district or other unit of local government in  
1292 which the project is to be located, and at least one private  
1293 sector for-profit or not-for-profit business or charitable  
1294 entity, and may be any form of business entity, including a  
1295 joint venture or contractual agreement.

1296 (4) The Florida Housing Finance Corporation is authorized  
1297 to provide Community Workforce Housing Innovation Pilot Program  
1298 loans to an applicant for new construction or rehabilitation of  
1299 workforce housing in eligible areas. The corporation shall  
1300 establish a funding process and selection criteria by rule or  
1301 request for proposals. This funding is intended to be used with  
1302 other public and private sector resources.

1303 (5) (a) The corporation shall provide by rule for the  
1304 establishment of a review committee composed of corporation  
1305 staff and, in addition, may include three private citizens  
1306 representing the areas of housing or real estate development,  
1307 banking, community planning, or other areas related to the  
1308 development or financing of workforce affordable housing. The  
1309 review and selection process shall include a process for curing  
1310 minor errors in the applications. The corporation shall  
1311 establish by rule a scoring system for evaluation and  
1312 competitive ranking of applications submitted in this program,  
1313 including, but not limited to, the following criteria:

1314 1. Private and public sector entities' involvement as  
1315 partners in the project.

1316        2. The sponsor's agreement to reserve at least 50 percent  
1317 of the units in the project for essential services personnel.

1318        3. Projects requiring the most effective use of the  
1319 community workforce housing loan.

1320        4. Contributions to the project.

1321        5. Local government comprehensive planning, zoning,  
1322 permitting, and other regulatory and financial incentives that  
1323 promote workforce housing or commitment to be innovative with  
1324 existing regulatory incentive structures to promote workforce  
1325 housing.

1326        6. Proximity to employment centers and transportation  
1327 facilities.

1328        7. Project feasibility.

1329        8. Economic viability of the project.

1330        9. Commitment of first mortgage financing.

1331        10. The sponsor's prior affordable housing development and  
1332 management experience.

1333        11. The sponsor's ability to proceed with construction.

1334        (b) The corporation may reject any and all applications.

1335        (c) The corporation may approve and reject applications  
1336 for the purpose of achieving geographic and demographic  
1337 targeting.

1338        (d) The review committee established pursuant to this  
1339 subsection shall make recommendations to the board of directors  
1340 of the corporation regarding program participation under the  
1341 Community Workforce Housing Innovation Pilot Program.

1342        (e) The corporation's board of directors shall make the  
1343 final ranking and the decisions regarding which applicants shall



1344 become program participants based on the scores received in the  
 1345 competitive ranking, further review of applications, and the  
 1346 recommendations of the review committee. The board shall approve  
 1347 or reject applications for loans and shall determine the  
 1348 tentative loan amount available to each applicant selected for  
 1349 participation in the program. The maximum loan amount shall be  
 1350 determined pursuant to rule adopted by the corporation.

1351 (6)(5) The corporation shall provide incentives for local  
 1352 governments in eligible areas to use local affordable housing  
 1353 funds, such as those from the State Housing Initiatives  
 1354 Partnership Program, to assist in meeting the affordable housing  
 1355 needs of persons eligible under this program. For workforce  
 1356 housing projects funded under this program, local governments  
 1357 are authorized to utilize State Housing Initiatives Partnership  
 1358 Program funds for persons or families with incomes up to 140  
 1359 percent of the area median income and, in areas of critical  
 1360 state concern designated under s. 380.05, for which the  
 1361 Legislature has declared its intent to provide affordable  
 1362 housing, and in areas that were designated as areas of critical  
 1363 state concern for at least 20 consecutive years prior to removal  
 1364 of the designation, 150 percent of the area median income.

1365 (7)(6) Funding shall be targeted to innovative projects in  
 1366 areas where:

1367 (a) The disparity between the area median income and the  
 1368 median sales price for a single-family home is greatest; ~~and~~  
 1369 ~~for projects in areas where~~

1370 (b) The population growth as a percentage rate of increase  
 1371 is greatest; and

1372           (c) There is a demonstrated need for workforce housing for  
 1373 essential services personnel and. ~~The corporation may also fund~~  
 1374 ~~projects in areas where~~ innovative regulatory and financial  
 1375 incentives are made available or committed by the local  
 1376 government or private sector.

1377  
 1378 The corporation shall fund at least one eligible project in as  
 1379 many counties and regions of the state as is practicable,  
 1380 consistent with program goals as possible.

1381           (8)(7) Projects shall receive priority consideration for  
 1382 funding where:

1383           (a) The local jurisdiction or public-private partnership  
 1384 has adopted, or is committed to adopting or providing, ~~adopts~~  
 1385 appropriate regulatory incentives, local contributions or  
 1386 financial strategies, or other funding sources to promote the  
 1387 development and ongoing financial viability of such projects.  
 1388 Local incentives include such actions as expediting review of  
 1389 development orders and permits, supporting development near  
 1390 transportation hubs and major employment centers, and adopting  
 1391 land development regulations designed to allow flexibility in  
 1392 densities, use of accessory units, mixed-use developments, and  
 1393 flexible lot configurations. Financial strategies include such  
 1394 actions as promoting employer-assisted housing programs,  
 1395 providing tax increment financing, and providing land.

1396           (b) Projects are innovative and include new construction  
 1397 or rehabilitation, mixed-income housing, or commercial and  
 1398 housing mixed-use elements and those that promote homeownership.  
 1399 The program funding shall not exceed the costs attributable to

1400 the portion of the project that is set aside to provide housing  
 1401 for the targeted population.

1402 (c) Projects that set aside at least 80 percent of units  
 1403 for workforce housing and at least 50 percent for essential  
 1404 services personnel and for projects that require the least  
 1405 amount of program funding compared to the overall housing costs  
 1406 for the project.

1407 (d) Projects that utilize innovative design and techniques  
 1408 in order to reduce the future costs to the homeowner related to  
 1409 maintenance, utilities, or insurance.

1410 (9) ~~(8)~~ Notwithstanding ~~the provisions of~~ s. 163.3184(3) -  
 1411 (6), any local government comprehensive plan amendment to  
 1412 implement a Community Workforce Housing Innovation Pilot Program  
 1413 project found consistent with the provisions of this section  
 1414 shall be expedited as provided in this subsection. At least 30  
 1415 days prior to adopting a plan amendment pursuant to this  
 1416 subsection, the local government shall notify the state land  
 1417 planning agency of its intent to adopt such an amendment, and  
 1418 the notice shall include its evaluation related to site  
 1419 suitability and availability of facilities and services. The  
 1420 public notice of the hearing required by s. 163.3184(15)(b)2.  
 1421 ~~163.3184(15)(e)~~ shall include a statement that the local  
 1422 government intends to utilize the expedited adoption process  
 1423 authorized by this subsection. Such amendments shall require  
 1424 only a single public hearing before the governing board, which  
 1425 shall be an adoption hearing as described in s. 163.3184(7), and  
 1426 the state land planning agency shall issue its notice of intent  
 1427 pursuant to s. 163.3184(8) within 30 days after determining that

1428 the amendment package is complete. Any further proceedings shall  
 1429 be governed by ss. 163.3184(9)-(16). Amendments proposed under  
 1430 this section are not subject to the restriction of s.  
 1431 163.3187(1) limiting the adoption of a comprehensive plan  
 1432 amendment to no more than two times during any calendar year.

1433 (10) The processing of approvals of development orders or  
 1434 development permits, as defined in s. 163.3164(7) and (8), for  
 1435 affordable housing projects shall be expedited.

1436 (11)~~(9)~~ The corporation shall award loans with interest  
 1437 rates set at 1 to 3 percent, which may be made forgivable when  
 1438 long-term affordability is provided and when at least 80 percent  
 1439 of the units are set aside for workforce housing and at least 50  
 1440 percent of the units are set aside for essential services  
 1441 personnel.

1442 (12)~~(10)~~ All eligible applications shall:

1443 (a) For home ownership, limit the sales price of a  
 1444 detached unit, townhome, or condominium unit to not more than 90  
 1445 ~~80~~ percent of the median sales price for that type of unit in  
 1446 that county, or the statewide median sales price for that type  
 1447 of unit, whichever is higher, and require that all eligible  
 1448 purchasers of home ownership units occupy the homes as their  
 1449 primary residence.

1450 (b) For rental units, restrict rents for all workforce  
 1451 housing serving those with incomes at or below 120 percent of  
 1452 area median income at the appropriate income level using the  
 1453 restricted rents for the federal low-income housing tax credit  
 1454 program and, for workforce housing units serving those with  
 1455 incomes above 120 percent of area median income, restrict rents

1456 to those established by the corporation, not to exceed 30  
 1457 percent of the maximum household income adjusted to unit size.

1458 (c) Demonstrate that the applicant is a public-private  
 1459 partnership in an agreement, contract, partnership agreement,  
 1460 memorandum of understanding, or other written instrument signed  
 1461 by all the project partners.

1462 (d) Have grants, donations of land, or contributions from  
 1463 the public-private partnership or other sources collectively  
 1464 totaling at least 10 ~~15~~ percent of the total development cost or  
 1465 \$2 million, whichever is less. Such grants, donations of land,  
 1466 or contributions must be evidenced by a letter of commitment, an  
 1467 agreement, contract, deed, memorandum of understanding, or other  
 1468 written instrument ~~only~~ at the time of application. Grants,  
 1469 donations of land, or contributions in excess of 10 ~~15~~ percent  
 1470 of the development cost shall increase the application score.

1471 (e) Demonstrate how the applicant will use the regulatory  
 1472 incentives and financial strategies outlined in paragraph (7)(a)  
 1473 and subsection (13) from the local jurisdiction in which the  
 1474 proposed project is to be located. The corporation may consult  
 1475 with the Department of Community Affairs in evaluating the use  
 1476 of regulatory incentives by applicants.

1477 (f) Demonstrate that the applicant possesses title to or  
 1478 site control of land and evidences availability of required  
 1479 infrastructure.

1480 ~~(g) Demonstrate the applicant's affordable housing~~  
 1481 ~~development and management experience.~~

1482 ~~(h) Provide any research or facts available supporting the~~  
 1483 ~~demand and need for rental or home ownership workforce housing~~

1484 ~~for eligible persons in the market in which the project is~~  
1485 ~~proposed.~~

1486 (13) Local governments are authorized to make available to  
1487 approved Community Workforce Housing Innovation Pilot Program  
1488 projects workforce housing incentives to promote the financial  
1489 viability, successful development, and ongoing maintenance of  
1490 these housing developments, including, but not limited to:

1491 (a) Impact fees may be reduced, may be waived entirely, or  
1492 may be deferred by the local government, or an applicant may be  
1493 provided with an alternative method of fee payment.

1494 (b) Increased density levels or higher density per acre  
1495 may be allowed.

1496 (c) The infrastructure capacity in the local comprehensive  
1497 plan for affordable housing may be reserved for these  
1498 communities.

1499 (d) Additional affordable residential units in residential  
1500 zoning districts may be allowed.

1501 (e) Open space and setback requirements for affordable  
1502 housing may be reduced by 50 percent.

1503 (f) Zero-lot-line configurations may be allowed.

1504 (g) Trips associated with affordable housing in close  
1505 proximity of employment centers may be exempt from  
1506 transportation concurrency pursuant to s. 163.3180(5)(d).

1507 (h) Local transportation infrastructure funding may be  
1508 prioritized by local metropolitan planning organizations.

1509 (i) Local State Housing Initiatives Partnership program  
1510 funds may be used to support construction of workforce housing  
1511 projects and down payment assistance for residents with incomes

1512 that do not exceed 140 percent of the area median income  
 1513 residing in such projects.

1514 (j) Tax increment financing may be made available to  
 1515 workforce housing projects to assist in maintaining long-term  
 1516 affordability of the units.

1517 (14)~~(11)~~ Projects may include manufactured housing  
 1518 constructed after June 1994 and installed in accordance with  
 1519 mobile home installation standards of the Department of Highway  
 1520 Safety and Motor Vehicles.

1521 (15)~~(12)~~ The corporation may adopt rules pursuant to ss.  
 1522 120.536(1) and 120.54 to implement the provisions of this  
 1523 section.

1524 (16)~~(13)~~ The corporation may use a maximum of 2 percent of  
 1525 the annual program appropriation for administration and  
 1526 compliance monitoring.

1527 (17)~~(14)~~ The corporation shall review the success of the  
 1528 Community Workforce Housing Innovation Pilot Program to  
 1529 ascertain whether the projects financed by the program are  
 1530 useful in meeting the housing needs of eligible areas. The  
 1531 corporation shall submit its report and any recommendations  
 1532 regarding the program to the Governor, the Speaker of the House  
 1533 of Representatives, and the President of the Senate not later  
 1534 than 2 months after the end of the corporation's fiscal year.

1535 Section 19. Section 420.5096, Florida Statutes, is created  
 1536 to read:

1537 420.5096 The Florida Housing Preservation Bridge Loan  
 1538 Program.--

1539 (1) The Legislature finds and declares that preserving

1540 affordable multifamily rental and mobile home park housing for  
1541 low-income families is essential to Florida's economy and the  
1542 well-being of all of its citizens; that the state lacks  
1543 sufficient resources to preserve substantial numbers of  
1544 multifamily rental properties and mobile home parks that  
1545 currently provide affordable housing to thousands of Floridians;  
1546 and that there are state and national community development  
1547 financial institutions with established experience in securing  
1548 and deploying public, private, and philanthropic capital to  
1549 preserve affordable housing; therefore, the Legislature finds a  
1550 need to use state funds to leverage public, private, and  
1551 philanthropic capital to preserve affordable rental housing and  
1552 mobile home parks.

1553 (2) There is created the Florida Housing Preservation  
1554 Bridge Loan Program for the purpose of establishing a revolving  
1555 bridge loan program to preserve mobile home parks and affordable  
1556 multifamily rental housing for low-income persons and families.

1557 (3) For purposes of this section, the following  
1558 definitions apply:

1559 (a) "Bridge loan" means short-term financing of up to 3  
1560 years for acquisition, rehabilitation, or predevelopment costs  
1561 necessary to stabilize or position a property for permanent  
1562 financing.

1563 (b) "Eligible project" means an expiring use property,  
1564 mobile home park, or other nonregulated affordable multifamily  
1565 property.

1566 (c) "Expiring use property" means a property that has  
1567 income restrictions on its use to benefit low-income persons and



1568 families, which restrictions will terminate within 2 years of  
 1569 the application for funding.

1570 (4) To be eligible to receive funds under this program, an  
 1571 entity shall:

1572 (a) Be certified by the United States Department of the  
 1573 Treasury as a community development financial institution.

1574 (b) Be a qualified s. 501(c)(3) organization under the  
 1575 Internal Revenue Code.

1576 (c) Possess a demonstrated record and ability to  
 1577 effectively deploy financing for community development purposes.

1578 (d) Demonstrate knowledge and experience in lending to  
 1579 acquire, develop, and rehabilitate affordable housing.

1580 (e) Demonstrate knowledge and experience in raising  
 1581 matching capital from private, public, and philanthropic  
 1582 sources.

1583 (f) Have statewide lending operations.

1584 (g) Demonstrate experience and capacity to provide,  
 1585 directly or through contracts with other entities, technical  
 1586 assistance to developers.

1587 (h) Document established and proven underwriting policies,  
 1588 risk management ratings, portfolio management, and servicing  
 1589 systems.

1590 (i) Have an independent financial audit for prior years.

1591 (j) Meet requirements established by rule.

1592 (5) A community development financial institution that  
 1593 receives state funds under this program shall create a revolving  
 1594 affordable housing preservation bridge loan fund to make loans  
 1595 to eligible projects. Multifamily rental properties that are

1596 affordable to low-income persons and families without rental  
 1597 restrictions, but which will institute rental restrictions as a  
 1598 condition of this funding, may be funded after expiring use  
 1599 properties and mobile home park projects are funded.

1600 (6) The corporation shall establish a funding process and  
 1601 selection criteria by rule or by issuing a request for proposals  
 1602 to select entities for funding.

1603 (a) The corporation may reject any and all applicants.

1604 (b) The corporation may establish a review committee by  
 1605 rule and shall make recommendations to the board regarding  
 1606 program participation selection. The board shall determine the  
 1607 final ranking for participation based on the scores received in  
 1608 the ranking, further review of the applications, and the  
 1609 recommendations of the review committee. The board shall approve  
 1610 or reject applicants and shall determine the tentative funding  
 1611 amount available to each applicant. The final funding amount  
 1612 shall be determined by rule.

1613 (7) Prior to providing any assistance, the corporation and  
 1614 the participant shall execute an agreement that requires the  
 1615 participant to comply with all other terms and conditions of  
 1616 assistance.

1617 (8) In the event of fraud, mismanagement, or noncompliance  
 1618 with the applicable statutes, rules, or terms and conditions of  
 1619 the agreement on the part of the participant, the corporation  
 1620 may:

1621 (a) Require changes in the agreement;

1622 (b) Reduce or terminate funding;

1623 (c) Require repayment of any funding that has been

1624 distributed;  
 1625 (d) Revoke the participation in the program; or  
 1626 (e) Take such other actions as the corporation deems  
 1627 appropriate.  
 1628 (9) A participant shall submit such financial and activity  
 1629 reports and data at such times and in such forms as required by  
 1630 the corporation to ensure compliance and to evaluate the  
 1631 participant's performance in this program.  
 1632 (10) The corporation may adopt rules pursuant to ss.  
 1633 120.536(1) and 120.54 to implement the provisions of this  
 1634 section.  
 1635 (11) The corporation may use a maximum of 2 percent of the  
 1636 annual program appropriation for administration and compliance  
 1637 monitoring.  
 1638 Section 20. Paragraph (b) of subsection (7) of section  
 1639 420.526, Florida Statutes, is amended to read:  
 1640 420.526 Predevelopment Loan Program; loans and grants  
 1641 authorized; activities eligible for support.--  
 1642 (7) No predevelopment loan made under this section shall  
 1643 exceed the lesser of:  
 1644 (b) Seven hundred and fifty ~~Five hundred~~ thousand dollars.  
 1645 Section 21. Subsections (1) and (2) of section 420.606,  
 1646 Florida Statutes, are amended to read:  
 1647 420.606 Training and technical assistance program.--  
 1648 (1) LEGISLATIVE FINDINGS.--In addition to the legislative  
 1649 findings set forth in s. 420.6015, the Legislature finds and  
 1650 declares that:  
 1651 (a) Housing in economically declining or distressed areas

1652 is frequently substandard and is often unaffordable to very-low-  
1653 income persons and low-income persons.~~†~~

1654 (b) Recent rapid increases in the median purchase price of  
1655 homes and the cost of rental housing have far outstripped the  
1656 increases in median income in the state, preventing essential  
1657 services personnel from living in the communities where they  
1658 serve and thereby creating the need for innovative solutions for  
1659 the provision of housing opportunities for essential services  
1660 personnel.

1661 (c)~~(b)~~ Community-based organizations often have limited  
1662 experience in development of quality housing for very-low-income  
1663 persons and low-income persons in economically declining or  
1664 distressed areas.~~†~~~~and~~

1665 (d) The private market should be encouraged to provide  
1666 affordable rental and home ownership housing for essential  
1667 services personnel affected by the high cost of housing.  
1668 Technical assistance should address development costs through  
1669 promoting local public-private partnerships that leverage  
1670 government and private resources.

1671 (e)~~(e)~~ The staffs and board members of community-based  
1672 organizations need additional training in housing development as  
1673 well as technical support to assist them in gaining the  
1674 experience they need to better serve their communities.

1675 (f)~~(d)~~ The staffs of state and regional agencies and local  
1676 governments, whether directly involved in the production of  
1677 affordable housing or acting in a supportive role, can better  
1678 serve the goals of state and local governments if their  
1679 expertise in housing development is expanded.

1680 (2) PURPOSE.--The purpose of this section is to provide  
 1681 community-based organizations and staff of state and local  
 1682 governments with the necessary training and technical assistance  
 1683 to meet the needs of very-low-income persons, low-income  
 1684 persons, and moderate-income persons for standard, affordable  
 1685 housing and for workforce housing in those areas where housing  
 1686 costs have severely limited housing affordability.

1687 Section 22. Present subsections (5) through (7) of section  
 1688 420.9076, Florida Statutes, are redesignated as subsections (6)  
 1689 through (8), respectively, present subsections (2), (4), (5),  
 1690 and (6) are amended, and subsections (5) and (8) are added to  
 1691 that section, to read:

1692 420.9076 Adoption of affordable housing incentive  
 1693 strategies; committees.--

1694 (2) The governing board of a county or municipality shall  
 1695 appoint the members of the affordable housing advisory committee  
 1696 by resolution. Pursuant to the terms of any interlocal  
 1697 agreement, a county and municipality may create and jointly  
 1698 appoint an advisory committee to prepare a joint plan. The  
 1699 ordinance adopted pursuant to s. 420.9072 which creates the  
 1700 advisory committee or the resolution appointing the advisory  
 1701 committee members must provide for 11 ~~nine~~ committee members and  
 1702 their terms. The committee must include:

1703 (a) One citizen who is actively engaged in the residential  
 1704 home building industry in connection with affordable housing.

1705 (b) One citizen who is actively engaged in the banking or  
 1706 mortgage banking industry in connection with affordable housing.

1707 (c) One citizen who is a representative of those areas of

1708 labor actively engaged in home building in connection with  
 1709 affordable housing.

1710 (d) One citizen who is actively engaged as an advocate for  
 1711 low-income persons in connection with affordable housing.

1712 (e) One citizen who is actively engaged as a for-profit  
 1713 provider of affordable housing.

1714 (f) One citizen who is actively engaged as a not-for-  
 1715 profit provider of affordable housing.

1716 (g) One citizen who is actively engaged as a real estate  
 1717 professional in connection with affordable housing.

1718 (h) One citizen who actively serves on the local planning  
 1719 agency pursuant to s. 163.3174.

1720 (i) One citizen who resides within the jurisdiction of the  
 1721 local governing body making the appointments.

1722 (j) One citizen who represents employers within the  
 1723 jurisdiction.

1724 (k) One citizen who represents essential services  
 1725 personnel, as defined in the local housing assistance plan.

1726  
 1727 If a county or eligible municipality whether due to its small  
 1728 size, the presence of a conflict of interest by prospective  
 1729 appointees, or other reasonable factor, is unable to appoint a  
 1730 citizen actively engaged in these activities in connection with  
 1731 affordable housing, a citizen engaged in the activity without  
 1732 regard to affordable housing may be appointed. Local governments  
 1733 that receive the minimum allocation under the State Housing  
 1734 Initiatives Partnership Program may elect to appoint an  
 1735 affordable housing advisory committee with fewer than 11

1736 representatives if they are unable to find representatives that  
 1737 meet the criteria of paragraphs (a)-(k).

1738 (4) Biennially, the advisory committee shall review the  
 1739 established policies and procedures, ordinances, land  
 1740 development regulations, and adopted local government  
 1741 comprehensive plan of the appointing local government and shall  
 1742 recommend specific actions or initiatives to encourage or  
 1743 facilitate affordable housing while protecting the ability of  
 1744 the property to appreciate in value. Such recommendations may  
 1745 include the modification or repeal of existing policies,  
 1746 procedures, ordinances, regulations, or plan provisions; the  
 1747 creation of exceptions applicable to affordable housing; or the  
 1748 adoption of new policies, procedures, regulations, ordinances,  
 1749 or plan provisions, including recommendations to amend the local  
 1750 government comprehensive plan and corresponding regulations,  
 1751 ordinances, and other policies. At a minimum, each advisory  
 1752 committee shall submit a report to the local governing body that  
 1753 includes ~~make~~ recommendations on, and every 2 years thereafter  
 1754 evaluates the implementation of, affordable housing incentives  
 1755 in the following areas:

1756 (a) The processing of approvals of development orders or  
 1757 permits, as defined in s. 163.3164(7) and (8), for affordable  
 1758 housing projects is expedited to a greater degree than other  
 1759 projects.

1760 (b) The modification of impact-fee requirements, including  
 1761 reduction or waiver of fees and alternative methods of fee  
 1762 payment for affordable housing.

1763 (c) The allowance of flexibility in densities ~~increased~~

1764 ~~density levels~~ for affordable housing.

1765 (d) The reservation of infrastructure capacity for housing  
 1766 for very-low-income persons, ~~and~~ low-income persons, and  
 1767 moderate income persons.

1768 (e) The allowance of affordable accessory residential  
 1769 units in residential zoning districts.

1770 (f) The reduction of parking and setback requirements for  
 1771 affordable housing.

1772 (g) The allowance of flexible lot configurations,  
 1773 including zero-lot-line configurations for affordable housing.

1774 (h) The modification of street requirements for affordable  
 1775 housing.

1776 (i) The establishment of a process by which a local  
 1777 government considers, before adoption, policies, procedures,  
 1778 ordinances, regulations, or plan provisions that increase the  
 1779 cost of housing.

1780 (j) The preparation of a printed inventory of locally  
 1781 owned public lands suitable for affordable housing.

1782 (k) The support of development near transportation hubs  
 1783 and major employment centers and mixed-use developments.

1784  
 1785 The advisory committee recommendations may ~~must~~ also include  
 1786 other affordable housing incentives identified by the advisory  
 1787 committee. Local governments that receive the minimum allocation  
 1788 under the State Housing Initiatives Partnership Program shall  
 1789 perform the initial review, but may elect to not perform the  
 1790 biennial review.

1791 (5) The advisory committee shall be cooperatively staffed



1792 by the local government planning and housing departments to  
1793 ensure that an integrated approach is brought to the committee's  
1794 work.

1795 (6)~~(5)~~ The approval by the advisory committee of its local  
1796 housing incentive strategies recommendations and its review of  
1797 local government implementation of previously recommended  
1798 strategies must be made by affirmative vote of a majority of the  
1799 membership of the advisory committee taken at a public hearing.  
1800 Notice of the time, date, and place of the public hearing of the  
1801 advisory committee to adopt final local housing incentive  
1802 strategies recommendations must be published in a newspaper of  
1803 general paid circulation in the county. Such notice must contain  
1804 a short and concise summary of the local housing incentives  
1805 strategies recommendations to be considered by the advisory  
1806 committee. The notice must state the public place where a copy  
1807 of the tentative advisory committee recommendations can be  
1808 obtained by interested persons.

1809 (7)~~(6)~~ Within 90 days after the date of receipt of the  
1810 local housing incentive strategies recommendations from the  
1811 advisory committee, the governing body of the appointing local  
1812 government shall adopt an amendment to its local housing  
1813 assistance plan to incorporate the local housing incentive  
1814 strategies it will implement within its jurisdiction. The  
1815 amendment must include, at a minimum, the local housing  
1816 incentive strategies required in s. 420.9071(16). The local  
1817 government must consider the strategies specified in paragraphs  
1818 (4) (a) - (k) as recommended by the advisory committee ~~(4) (a) - (j)~~.

1819 (8) The advisory committee may perform other

1820 responsibilities at the request of the local government,  
 1821 including:

1822 (a) The provision of mentoring services to affordable  
 1823 housing partners, including developers, banking institutions,  
 1824 employers, and others to identify available incentives, assist  
 1825 with applications for funding requests, and develop partnerships  
 1826 between various parties.

1827 (b) The creation of best practices for development of  
 1828 affordable housing in the community.

1829 Section 23. Section 624.46226, Florida Statutes, is  
 1830 created to read:

1831 624.46226 Public housing authorities self-insurance funds;  
 1832 exemption for taxation and assessments.--

1833 (1) Any two or more public housing authorities in the  
 1834 state as defined in chapter 421 may also create a self-insurance  
 1835 fund as defined in s. 624.4622 for the purpose of self-insuring  
 1836 real or personal property of every kind and every interest in  
 1837 such property against loss or damage from any hazard or cause  
 1838 and against any loss consequential to such loss or damage,  
 1839 provided all the provisions of s. 624.4622 are met.

1840 (2) Any public housing authority in the state as defined  
 1841 in chapter 421 that is a member of a self-insurance fund  
 1842 pursuant to this section shall be exempt from the assessments  
 1843 imposed under ss. 627.351, 631.57, and 215.555.

1844 Section 24. Subsections (38) through (46) of section  
 1845 1001.64, Florida Statutes, are renumbered as subsections (39)  
 1846 through (47), respectively, and a new subsection (38) is added  
 1847 to that section, to read:

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1848           1001.64 Community college boards of trustees; powers and  
1849 duties.--

1850           (38) Each board of trustees may use portions of property  
1851 sites purchased within the guidelines of the State Requirements  
1852 for Educational Facilities, land deemed not usable for  
1853 educational purposes because of location or other factors, or  
1854 land declared surplus by the board to provide sites for  
1855 affordable housing for community college faculty or other  
1856 college personnel independently or in conjunction with local  
1857 governments and planning authorities. Each board of trustees may  
1858 enter into lease-purchase arrangements with private or not-for-  
1859 profit entities or corporations to accomplish this objective.

1860           Section 25. This act shall take effect July 1, 2007.