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CS/HB 1375, Engrossed 3

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1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 163.3177, F.S., relating to the housing element of a local
4 government comprehensive plan; requiring certain counties
5 to adopt a plan for ensuring affordable workforce housing;
6 providing that a local government that fails to comply
7 with such requirement is ineligible to receive state
8 housing assistance grants; amending s. 163.3180, F.S.;
9 providing an exemption from transportation concurrency for
10 certain workforce housing units; amending s. 163.3184,
11 F.S.; authorizing certain local government comprehensive
12 plan amendments to be expedited; providing requirements
13 for amendment notices; requiring a public hearing;
14 amending s. 163.3187, F.S.; authorizing certain local
15 government comprehensive plan amendments to be made more
16 than twice a year; amending s. 163.3191, F.S.; authorizing
17 a local government to adopt amendments to the local
18 comprehensive plan in order to integrate a port master
19 plan with the local comprehensive plan; providing a
20 limitation; creating ss. 197.307, 197.3071, 197.3072,
21 197.3073, 197.3074, 197.3075, 197.3076, 197.3077,
22 197.3078, and 197.3079, F.S.; authorizing a county
23 commission or municipality to adopt an ordinance providing
24 for the deferral of ad valorem taxes and non-ad valorem
25 assessments for affordable rental housing property under
26 certain conditions; requiring the tax collector to provide
27 certain notices to taxpayers about deferrals; providing
28 specifications for such ordinances; providing eligibility

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29 requirements; authorizing a property owner to defer
30 payment of ad valorem taxes and certain assessments;
31 providing circumstances in which taxes and assessments may
32 not be deferred; specifying the rate for deferment;
33 providing that the taxes, assessments, and interest
34 deferred constitute a prior lien on the property;
35 providing an application process; providing notice
36 requirements for applications that are not approved for
37 deferment; providing an appeals process; requiring
38 applications for deferral to contain a list of outstanding
39 liens; providing the date for calculating taxes due and
40 payable; requiring that a property owner furnish proof of
41 certain insurance coverage under certain conditions;
42 requiring the tax collector and the property owner to
43 notify the property appraiser of parcels for which taxes
44 and assessments have been deferred; requiring the property
45 appraiser to notify the tax collector of changes in
46 ownership or use of tax-deferred properties; providing
47 requirements for tax certificates for deferred payment;
48 providing the rate of interest; providing circumstances in
49 which deferrals cease; requiring the property appraiser to
50 notify the tax collector of deferrals that have ceased;
51 requiring the tax collector to collect taxes, assessments
52 and interest due; requiring the tax collector to notify
53 the property owner of due taxes on tax-deferred property
54 under certain conditions; requiring the tax collector to
55 sell a tax certificate under certain circumstances;
56 specifying persons who may pay deferred taxes, assessments

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57 | and accrued interest; requiring the tax collector to
58 | maintain a record of payment and to distribute payments;
59 | providing for construction of provisions authorizing the
60 | deferments; providing penalties; amending s. 253.0341,
61 | F.S., requiring the Board of Trustees of the Internal
62 | Improvement Trust Fund to convey certain property;
63 | restricting the use of property to be conveyed; providing
64 | a consideration for conveyance; amending s. 380.06, F.S.;
65 | providing that all phase, buildout, and expiration dates
66 | for projects that are developments of regional impact and
67 | under active construction on a specified date are extended
68 | for 3 years; providing an exemption from further
69 | development-of-regional-impact review; amending s.
70 | 380.0651, F.S.; revising certain developments of regional
71 | impact statewide guidelines and standards; amending s.
72 | 420.504, F.S.; providing that the corporation is a state
73 | agency for purposes of the state allocation pool;
74 | authorizing the corporation to provide notice of internal
75 | review committee meetings by publication on an Internet
76 | website; providing that the corporation is not governed by
77 | certain provisions relating to corporations not for
78 | profit; amending s. 420.506, F.S.; deleting a provision
79 | relating to lease of certain state employees; amending s.
80 | 420.5061, F.S.; deleting obsolete provisions; removing a
81 | provision requiring all assets and liabilities and rights
82 | and obligations of the Florida Housing Finance Agency to
83 | be transferred to the corporation; providing that the
84 | corporation is the legal successor to the agency; removing

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85 a provision requiring all state property in use by the
86 agency to be transferred to and become the property of the
87 corporation; amending s. 420.507, F.S.; requiring that an
88 agreement financing affordable housing be recorded in the
89 official records of the county where the real property is
90 located; providing that such agreement is a state land use
91 regulation; amending s. 420.5087, F.S.; authorizing the
92 Florida Housing Finance Corporation to provide partially
93 forgivable loans to nonprofit organizations that serve
94 extremely-low-income elderly tenants; providing criteria;
95 amending s. 420.5095, F.S.; specifying the content of
96 rules for reviewing loan applications for workforce
97 housing projects; requiring the corporation to establish a
98 committee for reviewing loan applications; providing for
99 membership; providing powers and duties of the committee;
100 requiring the corporation's board of directors to make the
101 final decisions concerning ranking and program
102 participants; specifying areas where local governments may
103 use program funds; expanding the types of projects that
104 may receive priority funding; requiring that the
105 processing of certain approvals of development orders or
106 development permits be expedited; providing loan applicant
107 requirements; revising reporting requirements; amending s.
108 420.511, F.S.; requiring that the corporation's annual
109 report include information on the Community Workforce
110 Housing Innovation Pilot Program; amending s. 420.513,
111 F.S.; providing exemption from taxes for certain
112 instruments issued in connection with the financing of

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113 certain housing; amending s. 420.526, F.S.; revising the
 114 cap on predevelopment loans; amending s. 420.9076, F.S.;
 115 increasing affordable housing advisory committee
 116 membership; revising membership criteria; authorizing the
 117 use of fewer members under certain circumstances; revising
 118 and providing duties of the advisory committee; creating
 119 s. 624.46226, F.S.; authorizing certain public housing
 120 authorities to create a self-insurance fund; exempting
 121 such public housing authorities that create a self-
 122 insurance fund from certain assessments; providing an
 123 effective date.

124

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

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127 Section 1. Paragraph (f) of subsection (6) of section
 128 163.3177, Florida Statutes, is amended to read:

129 163.3177 Required and optional elements of comprehensive
 130 plan; studies and surveys.--

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

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

136 a. The provision of housing for all current and
 137 anticipated future residents of the jurisdiction.

138 b. The elimination of substandard dwelling conditions.

139 c. The structural and aesthetic improvement of existing
 140 housing.

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141 d. The provision of adequate sites for future housing,
142 including affordable workforce housing as defined in s.
143 380.0651(3)(j), housing for low-income, very low-income, and
144 moderate-income families, mobile homes, and group home
145 facilities and foster care facilities, with supporting
146 infrastructure and public facilities.

147 e. Provision for relocation housing and identification of
148 historically significant and other housing for purposes of
149 conservation, rehabilitation, or replacement.

150 f. The formulation of housing implementation programs.

151 g. The creation or preservation of affordable housing to
152 minimize the need for additional local services and avoid the
153 concentration of affordable housing units only in specific areas
154 of the jurisdiction.

155 h. By July 1, 2008, each county in which the gap between
156 the buying power of a family of four and the median county home
157 sale price exceeds \$170,000, as determined by the Florida
158 Housing Finance Corporation, and which is not designated as an
159 area of critical state concern shall adopt a plan for ensuring
160 affordable workforce housing. At a minimum, the plan shall
161 identify adequate sites for such housing. For purposes of this
162 sub-subparagraph, the term "workforce housing" means housing
163 that is affordable to natural persons or families whose total
164 household income does not exceed 140 percent of the area median
165 income, adjusted for household size.

166 i. Failure by a local government to comply with the
167 requirement in sub-subparagraph h. will result in the local
168 government being ineligible to receive any state housing

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169 assistance grants until the requirement of sub-subparagraph h.
 170 is met.

171
 172 The goals, objectives, and policies of the housing element must
 173 be based on the data and analysis prepared on housing needs,
 174 including the affordable housing needs assessment. State and
 175 federal housing plans prepared on behalf of the local government
 176 must be consistent with the goals, objectives, and policies of
 177 the housing element. Local governments are encouraged to
 178 utilize job training, job creation, and economic solutions to
 179 address a portion of their affordable housing concerns.

180 2. To assist local governments in housing data collection
 181 and analysis and assure uniform and consistent information
 182 regarding the state's housing needs, the state land planning
 183 agency shall conduct an affordable housing needs assessment for
 184 all local jurisdictions on a schedule that coordinates the
 185 implementation of the needs assessment with the evaluation and
 186 appraisal reports required by s. 163.3191. Each local
 187 government shall utilize the data and analysis from the needs
 188 assessment as one basis for the housing element of its local
 189 comprehensive plan. The agency shall allow a local government
 190 the option to perform its own needs assessment, if it uses the
 191 methodology established by the agency by rule.

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

194 163.3180 Concurrency.--

195 (17) A local government and the developer of affordable
 196 workforce housing units developed in accordance with s.

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197 380.06(19) or s. 380.0651(3) may identify an employment center
 198 or centers in close proximity to the affordable workforce
 199 housing units. If at least 50 percent of the units are occupied
 200 by an employee or employees of an identified employment center
 201 or centers, all of the affordable workforce housing units are
 202 exempt from transportation concurrency requirements and the
 203 local government may not reduce any transportation trip-
 204 generation entitlements of an approved development-of-regional-
 205 impact development order. As used in this subsection, the term
 206 "close proximity" means 5 miles from the nearest point of the
 207 development of regional impact to the nearest point of the
 208 employment center and the term "employment center" means a place
 209 of employment that employs at least 25 or more full-time
 210 employees.

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

213 163.3184 Process for adoption of comprehensive plan or
 214 plan amendment.--

215 (19) Any local government that identifies in its
 216 comprehensive plan the types of housing developments and
 217 conditions for which it will consider plan amendments that are
 218 consistent with the local housing incentive strategies
 219 identified in s. 420.9076 and authorized by the local
 220 government, may expedite consideration of such plan amendments.
 221 At least 30 days prior to adopting a plan amendment pursuant to
 222 this subsection, the local government shall notify the state
 223 land planning agency of its intent to adopt such an amendment,
 224 and the notice shall include the local government's evaluation

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225 of site suitability and availability of facilities and services.
 226 A plan amendment considered under this subsection shall require
 227 only a single public hearing before the local governing body,
 228 which shall be a plan amendment adoption hearing as described in
 229 subsection (7). The public notice of the hearing required under
 230 subparagraph (15)(b)2. must include a statement that the local
 231 government intends to use the expedited adoption process
 232 authorized under this subsection. The state land planning agency
 233 shall issue its notice of intent required under subsection (8)
 234 within 30 days after determining that the amendment package is
 235 complete. Any further proceedings shall be governed by
 236 subsections (9) through (16).

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

239 163.3187 Amendment of adopted comprehensive plan.--

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

243 (p) Any local government comprehensive plan amendment that
 244 is consistent with the local housing incentive strategies
 245 identified in s. 420.9076 and authorized by the local
 246 government.

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

249 163.3191 Evaluation and appraisal of comprehensive plan.--

250 (14) The requirement of subsection (10) prohibiting a
 251 local government from adopting amendments to the local
 252 comprehensive plan until the evaluation and appraisal report

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253 update amendments have been adopted and transmitted to the state
 254 land planning agency does not apply to a plan amendment proposed
 255 for adoption by the appropriate local government as defined in
 256 s. 163.3178(2)(k) in order to integrate a port comprehensive
 257 master plan with the coastal management element of the local
 258 comprehensive plan as required by s. 163.3178(2)(k) if the port
 259 comprehensive master plan or the proposed plan amendment does
 260 not cause or contribute to the failure of the local government
 261 to comply with the requirements of the evaluation and appraisal
 262 report.

263 Section 6. Sections 197.307, 197.3071, 197.3072, 197.3073,
 264 197.3074, 197.3075, 197.3076, 197.3077, 197.3078, and 197.3079,
 265 Florida Statutes, are created to read:

266 197.307 Deferrals for ad valorem taxes and non-ad valorem
 267 assessments on affordable rental housing property.--

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

274 (2) The board of county commissioners or the governing
 275 authority of a municipality may also, by ordinance, authorize
 276 the deferral of non-ad valorem assessments, as defined in s.
 277 197.3632, on affordable rental housing.

278 (3) The ordinance must designate the percentage or amount
 279 of the deferral and the type and location of affordable rental
 280 housing property for which a deferral may be granted. The

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281 ordinance may also require the property to be located within a
 282 particular geographic area or areas of the county or
 283 municipality.

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

291 (5) The ordinance must specify that any deferral granted
 292 remains in effect for the period for which it is granted
 293 regardless of any change in the authority of the county or
 294 municipality to grant the deferral. In order to retain the
 295 deferral, however, the use and ownership of the property as
 296 affordable rental housing must be maintained over the period for
 297 which the deferral is granted.

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

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

303 1. The community redevelopment agency has previously
 304 issued instruments of indebtedness which are secured by
 305 increment revenues on deposit in the community redevelopment
 306 trust fund; and

307 2. The instruments of indebtedness are associated with the
 308 real property applying for the deferral.

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309 (b) The tax deferral does not apply to an amount of taxes
 310 equal to the amount that must be deposited into the community
 311 redevelopment trust fund by the entity granting the deferral
 312 based upon the taxable value of the property upon which the
 313 deferral is being granted. Once all instruments of indebtedness
 314 that existed at the time the deferral was originally granted are
 315 no longer outstanding or have otherwise been defeased, this
 316 paragraph no longer applies.

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

323 (d) The tax collector shall notify a community
 324 redevelopment agency of any tax deferral that has been granted
 325 on property located within the agency's community redevelopment
 326 area.

327 (e) Issuance of debt obligation after the date a deferral
 328 has been granted does not reduce the amount of taxes eligible
 329 for deferral.

330 (7) The tax collector shall notify:

331 (a) The taxpayer of each parcel appearing on the real
 332 property assessment roll of the law allowing the deferral of
 333 taxes, non-ad valorem assessments, and interest under ss.
 334 197.307-197.3079. Such notice shall be printed on the back of
 335 envelopes used to mail the notice of taxes as provided under s.
 336 197.322(3). Such notice shall read:

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NOTICE TO TAXPAYERS OWNING
AFFORDABLE RENTAL HOUSING PROPERTY

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

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

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

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

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

197.3072 Deferral for affordable rental housing properties.--

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365 (1) Any property owner in a jurisdiction that has adopted
 366 an ad valorem tax-deferral ordinance or a deferral of non-ad
 367 valorem assessments ordinance pursuant to s. 197.307 and who
 368 owns an eligible affordable rental housing property as described
 369 in s. 197.3071 may apply for a deferral of payment by filing an
 370 annual application for deferral with the county tax collector on
 371 or before January 31 following the year in which the taxes and
 372 non-ad valorem assessments are assessed. The property owner has
 373 the burden to affirmatively demonstrate compliance with the
 374 requirements of this section.

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

379 (3) Deferral may not be granted if:

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

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

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

392 (5) The deferred taxes, non-ad valorem assessments, and

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393 interest constitute a prior lien on the affordable rental
 394 housing property and shall attach as of the date and in the same
 395 manner and be collected as other liens for taxes as provided for
 396 under this chapter, but such deferred taxes, non-ad valorem
 397 assessments, and interest are due, payable, and delinquent as
 398 provided in ss. 197.307-197.3079.

399 197.3073 Deferral application.--

400 (1) The application for a deferral of ad valorem taxes and
 401 non-ad valorem assessments must be made annually upon a form
 402 prescribed by the department and furnished by the county tax
 403 collector. The application form must be signed under oath by the
 404 property owner applying for the deferral before an officer
 405 authorized by the state to administer oaths. The application
 406 form must provide notice to the property owner of the manner in
 407 which interest is computed. The application form must contain an
 408 explanation of the conditions to be met for approval of the
 409 deferral and the conditions under which deferred taxes, non-ad
 410 valorem assessments, and interest become due, payable, and
 411 delinquent. Each application must clearly state that all
 412 deferrals pursuant to this section constitute a lien on the
 413 property for which the deferral is granted. The tax collector
 414 may require the property owner to submit any other evidence and
 415 documentation considered necessary by the tax collector in
 416 reviewing the application.

417 (2) The tax collector shall consider and render his or her
 418 findings, determinations, and decision on each annual
 419 application for a deferral for affordable rental housing within
 420 45 days after the date the application is filed. The tax

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421 collector shall exercise reasonable discretion based upon
422 applicable information available under this section. The
423 determinations and findings of the tax collector are not quasi
424 judicial and are subject exclusively to review by the value
425 adjustment board as provided by this section. A tax collector
426 who finds that a property owner is entitled to the deferral
427 shall approve the application and file the application in the
428 permanent records.

429 (a) A tax collector who finds that a property owner is not
430 entitled to the deferral shall send a notice of disapproval
431 within 45 days after the date the application is filed, giving
432 reasons for the disapproval. The notice must be sent by personal
433 delivery or registered mail to the mailing address given by the
434 property owner in the manner in which the original notice was
435 served upon the property owner and must be filed among the
436 permanent records of the tax collector's office. The original
437 notice of disapproval sent to the property owner shall advise
438 the property owner of the right to appeal the decision of the
439 tax collector to the value adjustment board and provide the
440 procedures for filing an appeal.

441 (b) An appeal by the property owner of the decision of the
442 tax collector to deny the deferral must be submitted to the
443 value adjustment board on a form prescribed by the department
444 and furnished by the tax collector. The appeal must be filed
445 with the value adjustment board within 20 days after the
446 applicant's receipt of the notice of disapproval, and the board
447 must approve or disapprove the appeal within 30 days after
448 receipt of the appeal. The value adjustment board shall review

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449 the application and the evidence presented to the tax collector
450 upon which the property owner based a claim for deferral and, at
451 the election of the property owner, shall hear the property
452 owner in person, or by agent on the property owner's behalf,
453 concerning his or her right to the deferral. The value
454 adjustment board shall reverse the decision of the tax collector
455 and grant a deferral to the property owner if, in its judgment,
456 the property owner is entitled to the deferral or shall affirm
457 the decision of the tax collector. Action by the value
458 adjustment board is final unless the property owner or tax
459 collector or other lienholder, within 15 days after the date of
460 disapproval of the application by the board, files for a de novo
461 proceeding for a declaratory judgment or other appropriate
462 proceeding in the circuit court of the county in which the
463 property is located.

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

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

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

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

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

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

486 197.3074 Deferred payment tax certificates.--

487 (1) The tax collector shall notify each local governing
 488 body of the amount of taxes and non-ad valorem assessments
 489 deferred which would otherwise have been collected for the
 490 governing body. The tax collector shall, at the time of the tax
 491 certificate sale held under s. 197.432 strike each certificate
 492 off to the county. Certificates issued under this section are
 493 exempt from the public sale of tax certificates held pursuant to
 494 s. 197.432.

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

499 197.3075 Change in use or ownership of property.--

500 (1) If there is a change in use or ownership of the
 501 property that has been granted an ad valorem tax or non-ad
 502 valorem assessment deferral such that the property owner is no
 503 longer entitled to claim the property as an affordable rental
 504 housing property, or if there is a change in the legal or

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505 beneficial ownership of the property, or if the owner fails to
 506 maintain the required fire and extended insurance coverage, the
 507 total amount of deferred taxes, non-ad valorem assessments, and
 508 interest for all previous years becomes due and payable November
 509 1 of the year in which the change in use or ownership occurs or
 510 on the date failure to maintain insurance occurs, and is
 511 delinquent on April 1 of the year following the year in which
 512 the change in use or ownership or failure to maintain insurance
 513 occurs.

514 (2) Whenever the property appraiser discovers that there
 515 has been a change in the use or ownership of the property that
 516 has been granted a deferral, the property appraiser shall notify
 517 the tax collector in writing of the date such change occurs, and
 518 the tax collector shall collect any taxes, non-ad valorem
 519 assessments, and interest due or delinquent.

520 (3) During any year in which the total amount of deferred
 521 taxes, non-ad valorem assessments, interest, and all other
 522 unsatisfied liens on the property exceeds 85 percent of the
 523 assessed value of the property, the tax collector shall
 524 immediately notify the property owner that the portion of taxes,
 525 non-ad valorem assessments, and interest which exceeds 85
 526 percent of the assessed value of the property is due and payable
 527 within 30 days after receipt of the notice. Failure to pay the
 528 amount due shall cause the total amount of deferred taxes, non-
 529 ad valorem assessments, and interest to become delinquent.

530 (4) If on or before June 1 following the date the taxes
 531 deferred under this subsection become delinquent, the tax
 532 collector shall sell a tax certificate for the delinquent taxes

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533 and interest in the manner provided by s. 197.432.

534 197.3076 Prepayment of deferred taxes and non-ad valorem

535 assessments.--

536 (1) All or part of the deferred taxes, non-ad valorem

537 assessments, and accrued interest may at any time be paid to the

538 tax collector by:

539 (a) The property owner; or

540 (b) The property owner's next of kin, heir, child, or any

541 person having or claiming a legal or equitable interest in the

542 property, if an objection is not made by the owner within 30

543 days after the tax collector notifies the property owner of the

544 fact that such payment has been tendered.

545 (2) Any partial payment made pursuant to this section

546 shall be applied first to accrued interest.

547 197.3077 Distribution of payments.--When any deferred tax,

548 non-ad valorem assessment, or interest is collected, the tax

549 collector shall maintain a record of the payment, setting forth

550 a description of the property and the amount of taxes or

551 interest collected for the property. The tax collector shall

552 distribute payments received in accordance with the procedures

553 for distributing ad valorem taxes, non-ad valorem assessments,

554 or redemption moneys as prescribed in this chapter.

555 197.3078 Construction.--This section does not prevent the

556 collection of personal property taxes that become a lien against

557 tax-deferred property, or defer payment of special assessments

558 to benefited property other than those specifically allowed to

559 be deferred, or affect any provision of any mortgage or other

560 instrument relating to property requiring a person to pay ad

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561 valorem taxes or non-ad valorem assessments.

562 197.3079 Penalties.--

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

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

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

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

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

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

579 253.0341 Surplus of state-owned lands to counties or local
 580 governments.--Counties and local governments may submit
 581 surplus requests for state-owned lands directly to the board
 582 of trustees. County or local government requests for the state
 583 to surplus conservation or nonconservation lands, whether for
 584 purchase or exchange, shall be expedited throughout the
 585 surplus process. Property jointly acquired by the state and
 586 other entities shall not be surplus without the consent of all
 587 joint owners.

588 (4) Notwithstanding the requirements of this section and

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589 the requirements of s. 253.034 which provides a surplus process
 590 for the disposal of state lands, the board shall convey to
 591 Miami-Dade County title to the property on which the Graham
 592 Building, which houses the offices of the Miami-Dade State
 593 Attorney, is located. By January 1, 2008, the board shall convey
 594 fee simple title to the property to Miami-Dade County for a
 595 consideration of one dollar. The deed conveying title to Miami-
 596 Dade County must contain restrictions that limit the use of the
 597 property for the purpose of providing workforce housing as
 598 defined in s. 420.5095, and to house the offices of the Miami-
 599 Dade State Attorney. Employees of the Miami-Dade State Attorney
 600 and the Miami-Dade Public Defender who apply for and meet the
 601 income qualifications for workforce housing shall receive
 602 preference over other qualified applicants.

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

605 380.06 Developments of regional impact.--

606 (19) SUBSTANTIAL DEVIATIONS.--

607 (c) An extension of the date of buildout of a development,
 608 or any phase thereof, by more than 7 years shall be presumed to
 609 create a substantial deviation subject to further development-
 610 of-regional-impact review. An extension of the date of buildout,
 611 or any phase thereof, of more than 5 years but not more than 7
 612 years shall be presumed not to create a substantial deviation.
 613 The extension of the date of buildout of an areawide development
 614 of regional impact by more than 5 years but less than 10 years
 615 is presumed not to create a substantial deviation. These
 616 presumptions may be rebutted by clear and convincing evidence at

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617 the public hearing held by the local government. An extension of
 618 5 years or less is not a substantial deviation. For the purpose
 619 of calculating when a buildout or phase date has been exceeded,
 620 the time shall be tolled during the pendency of administrative
 621 or judicial proceedings relating to development permits. Any
 622 extension of the buildout date of a project or a phase thereof
 623 shall automatically extend the commencement date of the project,
 624 the termination date of the development order, the expiration
 625 date of the development of regional impact, and the phases
 626 thereof if applicable by a like period of time. In recognition
 627 of the 2007 real estate market conditions, all phase, buildout,
 628 and expiration dates for projects that are developments of
 629 regional impact and under active construction on July 1, 2007,
 630 are extended for 3 years regardless of any prior extension. The
 631 3-year extension is not a substantial deviation, is not subject
 632 to further development-of-regional-impact review, and must not
 633 be considered when determining whether a subsequent extension is
 634 a substantial deviation under this subsection.

635 Section 9. Paragraph (f) of subsection (3) of section
 636 380.0651, Florida Statutes, is amended to read:

637 380.0651 Statewide guidelines and standards.--

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

642 (f) Hotel or motel development.--

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

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

651 (e)1. Except for a development order rendered pursuant to
652 subsection (22) or subsection (25), a proposed change to a
653 development order that individually or cumulatively with any
654 previous change is less than any numerical criterion contained
655 in subparagraphs (b)1.-13. and does not exceed any other
656 criterion, or that involves an extension of the buildout date of
657 a development, or any phase thereof, of less than 5 years is not
658 subject to the public hearing requirements of subparagraph
659 (f)3., and is not subject to a determination pursuant to
660 subparagraph (f)5. Notice of the proposed change shall be made
661 to the regional planning council and the state land planning
662 agency. Such notice shall include a description of previous
663 individual changes made to the development, including changes
664 previously approved by the local government, and shall include
665 appropriate amendments to the development order.

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

668 a. Changes in the name of the project, developer, owner,
669 or monitoring official.

670 b. Changes to a setback that do not affect noise buffers,
671 environmental protection or mitigation areas, or archaeological
672 or historical resources.

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- 673 c. Changes to minimum lot sizes.
- 674 d. Changes in the configuration of internal roads that do
675 not affect external access points.
- 676 e. Changes to the building design or orientation that stay
677 approximately within the approved area designated for such
678 building and parking lot, and which do not affect historical
679 buildings designated as significant by the Division of
680 Historical Resources of the Department of State.
- 681 f. Changes to increase the acreage in the development,
682 provided that no development is proposed on the acreage to be
683 added.
- 684 g. Changes to eliminate an approved land use, provided
685 that there are no additional regional impacts.
- 686 h. Changes required to conform to permits approved by any
687 federal, state, or regional permitting agency, provided that
688 these changes do not create additional regional impacts.
- 689 i. Any renovation or redevelopment of development within a
690 previously approved development of regional impact which does
691 not change land use or increase density or intensity of use.
- 692 j. Changes that modify boundaries and configuration of
693 areas described in subparagraph (b)14. due to science-based
694 refinement of such areas by survey, by habitat evaluation, by
695 other recognized assessment methodology, or by an environmental
696 assessment. In order for changes to qualify under this sub-
697 subparagraph, the survey, habitat evaluation, or assessment must
698 occur prior to the time a conservation easement protecting such
699 lands is recorded and must not result in any net decrease in the
700 total acreage of the lands specifically set aside for permanent

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701 preservation in the final development order.

702 k. Changes to permit the sale of an affordable housing
 703 unit to a person who earns less than 120 percent of the area
 704 median income, provided the developer actively markets the unit
 705 for a minimum period of 6 months, is unable to close a sale to a
 706 qualified buyer in a lower income qualified income class, a
 707 certificate of occupancy is issued for the unit, and the
 708 developer proposes to sell the unit to a person who earns less
 709 than 120 percent of the area median income at a purchase price
 710 that is no greater than the purchase price at which the unit was
 711 originally marketed to a lower income qualified class. This
 712 provision may not be applied to residential units approved
 713 pursuant to subparagraph (b)7. or paragraph (i), and shall
 714 expire on July 1, 2009.

715 ~~1.k.~~ Any other change which the state land planning
 716 agency, in consultation with the regional planning council,
 717 agrees in writing is similar in nature, impact, or character to
 718 the changes enumerated in sub-subparagraphs a.-j. and which does
 719 not create the likelihood of any additional regional impact.

720
 721 This subsection does not require the filing of a notice of
 722 proposed change but shall require an application to the local
 723 government to amend the development order in accordance with the
 724 local government's procedures for amendment of a development
 725 order. In accordance with the local government's procedures,
 726 including requirements for notice to the applicant and the
 727 public, the local government shall either deny the application
 728 for amendment or adopt an amendment to the development order

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729 which approves the application with or without conditions.
730 Following adoption, the local government shall render to the
731 state land planning agency the amendment to the development
732 order. The state land planning agency may appeal, pursuant to s.
733 380.07(3), the amendment to the development order if the
734 amendment involves sub-subparagraph g., sub-subparagraph h.,
735 sub-subparagraph j., ~~or~~ sub-subparagraph k., or sub-
736 subparagraph l., and it believes the change creates a reasonable
737 likelihood of new or additional regional impacts.

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

743 4. Any submittal of a proposed change to a previously
744 approved development shall include a description of individual
745 changes previously made to the development, including changes
746 previously approved by the local government. The local
747 government shall consider the previous and current proposed
748 changes in deciding whether such changes cumulatively constitute
749 a substantial deviation requiring further development-of-
750 regional-impact review.

751 5. The following changes to an approved development of
752 regional impact shall be presumed to create a substantial
753 deviation. Such presumption may be rebutted by clear and
754 convincing evidence.

755 a. A change proposed for 15 percent or more of the acreage
756 to a land use not previously approved in the development order.

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757 Changes of less than 15 percent shall be presumed not to create
758 a substantial deviation.

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

765 Section 10. Subsection (2) of section 420.504, Florida
766 Statutes, is amended to read:

767 420.504 Public corporation; creation, membership, terms,
768 expenses.--

769 (2) The corporation is constituted as a public
770 instrumentality, and the exercise by the corporation of the
771 power conferred by this act is considered to be the performance
772 of an essential public function. The corporation is ~~shall~~
773 ~~constitute~~ an agency for the purposes of s. 120.52 and is a
774 state agency for purposes of s. 159.807(4). The corporation is
775 subject to chapter 119, subject to exceptions applicable to the
776 corporation, and to the provisions of chapter 286; however, the
777 corporation shall be entitled to provide notice of internal
778 review committee meetings for competitive proposals or
779 procurement to applicants by mail, ~~or~~ facsimile, or publication
780 on an Internet website, rather than by means of publication. The
781 corporation is not governed by chapter 607 or chapter 617, but
782 by the provisions of this part. If for any reason the
783 establishment of the corporation is deemed in violation of law,
784 such provision is severable and the remainder of this act

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785 | remains in full force and effect.

786 | Section 11. Section 420.506, Florida Statutes, is amended
787 | to read:

788 | 420.506 Executive director; agents and employees.--The
789 | appointment and removal of an executive director shall be by the
790 | Secretary of Community Affairs, with the advice and consent of
791 | the corporation's board of directors. The executive director
792 | shall employ legal and technical experts and such other agents
793 | and employees, permanent and temporary, as the corporation may
794 | require, and shall communicate with and provide information to
795 | the Legislature with respect to the corporation's activities.
796 | The board is authorized, notwithstanding the provisions of s.
797 | 216.262, to develop and implement rules regarding the employment
798 | of employees of the corporation and service providers, including
799 | legal counsel. ~~The corporation is authorized to enter into a
800 | lease agreement with the Department of Management Services or
801 | the Department of Community Affairs for the lease of state
802 | employees from such entities, wherein an employee shall retain
803 | his or her status as a state employee but shall work under the
804 | direct supervision of the corporation, and shall retain the
805 | right to participate in the Florida Retirement System.~~ The board
806 | of directors of the corporation is entitled to establish travel
807 | procedures and guidelines for employees of the corporation. The
808 | executive director's office and the corporation's files and
809 | records must be located in Leon County.

810 | Section 12. Section 420.5061, Florida Statutes, is amended
811 | to read:

812 | 420.5061 Transfer of agency assets and liabilities.--

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813 ~~Effective January 1, 1998, all assets and liabilities and rights~~
 814 ~~and obligations, including any outstanding contractual~~
 815 ~~obligations, of the agency shall be transferred to The~~
 816 corporation is the as legal successor in all respects to the
 817 agency, ~~is. the corporation shall thereupon become~~ obligated to
 818 the same extent as the agency under any ~~existing~~ agreements
 819 existing on December 31, 1997, and is ~~be~~ entitled to any rights
 820 and remedies previously afforded the agency by law or contract,
 821 including specifically the rights of the agency under chapter
 822 201 and part VI of chapter 159. ~~The corporation is a state~~
 823 ~~agency for purposes of s. 159.807(4)(a).~~ Effective January 1,
 824 1998, all references under Florida law to the agency are deemed
 825 to mean the corporation. The corporation shall transfer to the
 826 General Revenue Fund an amount which otherwise would have been
 827 deducted as a service charge pursuant to s. 215.20(1) if the
 828 Florida Housing Finance Corporation Fund established by s.
 829 420.508(5), the State Apartment Incentive Loan Fund established
 830 by s. 420.5087(7), the Florida Homeownership Assistance Fund
 831 established by s. 420.5088(4), the HOME Investment Partnership
 832 Fund established by s. 420.5089(1), and the Housing
 833 Predevelopment Loan Fund established by s. 420.525(1) were each
 834 trust funds. For purposes of s. 112.313, the corporation is
 835 deemed to be a continuation of the agency, and the provisions
 836 thereof are deemed to apply as if the same entity remained in
 837 place. Any employees of the agency and agency board members
 838 covered by s. 112.313(9)(a)6. shall continue to be entitled to
 839 the exemption in that subparagraph, notwithstanding being hired
 840 by the corporation or appointed as board members of the

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841 corporation. ~~Effective January 1, 1998, all state property in~~
 842 ~~use by the agency shall be transferred to and become the~~
 843 ~~property of the corporation.~~

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

846 420.507 Powers of the corporation.--The corporation shall
 847 have all the powers necessary or convenient to carry out and
 848 effectuate the purposes and provisions of this part, including
 849 the following powers which are in addition to all other powers
 850 granted by other provisions of this part:

851 (46) To require, as a condition of financing a multifamily
 852 rental project, that an agreement be recorded in the official
 853 records of the county where the real property is located, which
 854 requires that the project be used for housing defined as
 855 affordable in s. 420.0004(3) by persons defined in 420.0004(8),
 856 (10), (11), and (15). Such an agreement is a state land use
 857 regulation that limits the highest and best use of the property
 858 within the meaning of s. 193.011(2).

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

861 420.5087 State Apartment Incentive Loan Program.--There is
 862 hereby created the State Apartment Incentive Loan Program for
 863 the purpose of providing first, second, or other subordinated
 864 mortgage loans or loan guarantees to sponsors, including for-
 865 profit, nonprofit, and public entities, to provide housing
 866 affordable to very-low-income persons.

867 (3) During the first 6 months of loan or loan guarantee
 868 availability, program funds shall be reserved for use by

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869 sponsors who provide the housing set-aside required in
 870 subsection (2) for the tenant groups designated in this
 871 subsection. The reservation of funds to each of these groups
 872 shall be determined using the most recent statewide very-low-
 873 income rental housing market study available at the time of
 874 publication of each notice of fund availability required by
 875 paragraph (6)(b). The reservation of funds within each notice of
 876 fund availability to the tenant groups in paragraphs (a), (b),
 877 and (d) may not be less than 10 percent of the funds available
 878 at that time. Any increase in funding required to reach the 10-
 879 percent minimum must ~~shall~~ be taken from the tenant group that
 880 has the largest reservation. The reservation of funds within
 881 each notice of fund availability to the tenant group in
 882 paragraph (c) may not be less than 5 percent of the funds
 883 available at that time. The tenant groups are:

- 884 (a) Commercial fishing workers and farmworkers;
- 885 (b) Families;
- 886 (c) Persons who are homeless; and
- 887 (d) Elderly persons. Ten percent of the amount reserved
 888 for the elderly shall be reserved to provide loans to sponsors
 889 of housing for the elderly for the purpose of making building
 890 preservation, health, or sanitation repairs or improvements
 891 which are required by federal, state, or local regulation or
 892 code, or lifesafety or security-related repairs or improvements
 893 to such housing. Such a loan may not exceed \$750,000 per housing
 894 community for the elderly. In order to receive the loan, the
 895 sponsor of the housing community must make a commitment to match
 896 at least 5 percent of the loan amount to pay the cost of such

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897 repair or improvement. The corporation shall establish the rate
 898 of interest on the loan, which may not exceed 3 percent, and the
 899 term of the loan, which may not exceed 15 years; however, if the
 900 lien of the corporation's encumbrance is subordinate to the lien
 901 of another mortgagee, then the term may be made coterminous with
 902 the longest term of the superior lien. The term of the loan
 903 shall be based on ~~established on the basis of~~ a credit analysis
 904 of the applicant. The corporation may forgive indebtedness for a
 905 share of the loan attributable to the units in a project
 906 reserved for extremely-low-income elderly by nonprofit
 907 organizations, as defined in s. 420.0004(5), where the project
 908 has provided affordable housing to the elderly for 15 years or
 909 more. The corporation shall establish, by rule, the procedure
 910 and criteria for receiving, evaluating, and competitively
 911 ranking all applications for loans under this paragraph. A loan
 912 application must include evidence of the first mortgagee's
 913 having reviewed and approved the sponsor's intent to apply for a
 914 loan. A nonprofit organization or sponsor may not use the
 915 proceeds of the loan to pay for administrative costs, routine
 916 maintenance, or new construction.

917 Section 15. Section 420.5095, Florida Statutes, is amended
 918 to read:

919 420.5095 Community Workforce Housing Innovation Pilot
 920 Program.--

921 (1) The Legislature finds and declares that recent rapid
 922 increases in the median purchase price of a home and the cost of
 923 rental housing have far outstripped the increases in median
 924 income in the state, preventing essential services personnel

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925 from living in the communities where they serve and thereby
 926 creating the need for innovative solutions for the provision of
 927 housing opportunities for essential services personnel.

928 (2) The Community Workforce Housing Innovation Pilot
 929 Program is created to provide affordable rental and home
 930 ownership community workforce housing for essential services
 931 personnel affected by the high cost of housing, using regulatory
 932 incentives and state and local funds to promote local public-
 933 private partnerships and leverage government and private
 934 resources.

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

937 (a) "Workforce housing" means housing affordable to
 938 natural persons or families whose total annual household income
 939 does not exceed 140 percent of the area median income, adjusted
 940 for household size, or 150 percent of area median income,
 941 adjusted for household size, in areas of critical state concern
 942 designated under s. 380.05, for which the Legislature has
 943 declared its intent to provide affordable housing, and areas
 944 that were designated as areas of critical state concern for at
 945 least 20 consecutive years prior to removal of the designation.

946 (b) "Essential services personnel" means persons in need
 947 of affordable housing who are employed in occupations or
 948 professions in which they are considered essential services
 949 personnel, as defined by each county and eligible municipality
 950 within its respective local housing assistance plan pursuant to
 951 s. 420.9075(3)(a).

952 (c) "Public-private partnership" means any form of

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953 business entity that includes substantial involvement of at
 954 least one county, one municipality, or one public sector entity,
 955 such as a school district or other unit of local government in
 956 which the project is to be located, and at least one private
 957 sector for-profit or not-for-profit business or charitable
 958 entity, and may be any form of business entity, including a
 959 joint venture or contractual agreement.

960 (4) The Florida Housing Finance Corporation is authorized
 961 to provide Community Workforce Housing Innovation Pilot Program
 962 loans to an applicant for construction or rehabilitation of
 963 workforce housing in eligible areas. ~~The corporation shall~~
 964 ~~establish a funding process and selection criteria by rule or~~
 965 ~~request for proposals.~~ This funding is intended to be used with
 966 other public and private sector resources.

967 (5) The corporation shall establish a loan application
 968 process by rule which includes selection criteria, an
 969 application review process, and a funding process. The
 970 corporation shall also establish an application review committee
 971 that may include up to three private citizens representing the
 972 areas of housing or real estate development, banking, community
 973 planning, or other areas related to the development or financing
 974 of workforce and affordable housing.

975 (a) The selection criteria and application review process
 976 must include a procedure for curing errors in the loan
 977 applications which do not make a substantial change to the
 978 proposed project.

979 (b) To achieve the goals of the pilot program, the
 980 application review committee may approve or reject loan

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981 applications or responses to questions raised during the review
982 of an application due to the insufficiency of information
983 provided.

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

987 (d) The board of directors shall approve or reject loan
988 applications, determine the tentative loan amount available to
989 each applicant, and rank all approved applications.

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

993 (6)-(5) The corporation shall provide incentives for local
994 governments in eligible areas to use local affordable housing
995 funds, such as those from the State Housing Initiatives
996 Partnership Program, to assist in meeting the affordable housing
997 needs of persons eligible under this program. Local governments
998 are authorized to use State Housing Initiative Partnership
999 Program funds for persons or families whose total annual
1000 household income does not exceed:

1001 (a) One hundred and forty percent of the area median
1002 income, adjusted for household size; or

1003 (b) One hundred and fifty percent of the area median
1004 income, adjusted for household size, in areas that were
1005 designated as areas of critical state concern for at least 20
1006 consecutive years prior to the removal of the designation and in
1007 areas of critical state concern, designated under s. 380.05, for
1008 which the Legislature has declared its intent to provide

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1009 affordable housing.

1010 (7)~~(6)~~ Funding shall be targeted to innovative projects in
 1011 areas where the disparity between the area median income and the
 1012 median sales price for a single-family home is greatest, and ~~for~~
 1013 ~~projects in areas~~ where population growth as a percentage rate
 1014 of increase is greatest. The corporation may also fund projects
 1015 in areas where innovative regulatory and financial incentives
 1016 are made available. The corporation shall fund at least one
 1017 eligible project in as many counties and regions of the state as
 1018 is practicable, consistent with program goals as possible.

1019 (8)~~(7)~~ Projects shall receive priority consideration for
 1020 funding where:

1021 (a) The local jurisdiction has adopted, or is committed to
 1022 adopting, adopts appropriate regulatory incentives, or the local
 1023 jurisdiction or public-private partnership has adopted or is
 1024 committed to adopting local contributions or financial
 1025 strategies, or other funding sources to promote the development
 1026 and ongoing financial viability of such projects. Local
 1027 incentives include such actions as expediting review of
 1028 development orders and permits, supporting development near
 1029 transportation hubs and major employment centers, and adopting
 1030 land development regulations designed to allow flexibility in
 1031 densities, use of accessory units, mixed-use developments, and
 1032 flexible lot configurations. Financial strategies include such
 1033 actions as promoting employer-assisted housing programs,
 1034 providing tax increment financing, and providing land.

1035 (b) Projects are innovative and include new construction
 1036 or rehabilitation ;~~;~~ mixed-income housing;~~;~~ ~~or~~ commercial and

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1037 housing mixed-use elements; innovative design, green building
 1038 principles; storm-resistant construction; or other elements that
 1039 reduce long-term costs relating to maintenance, utilities, or
 1040 insurance and ~~those that~~ promote homeownership. The program
 1041 funding may ~~shall~~ not exceed the costs attributable to the
 1042 portion of the project that is set aside to provide housing for
 1043 the targeted population.

1044 (c) Projects that set aside at least 80 percent of units
 1045 for workforce housing and at least 50 percent for essential
 1046 services personnel and for projects that require the least
 1047 amount of program funding compared to the overall housing costs
 1048 for the project.

1049 (9)~~(8)~~ Notwithstanding ~~the provisions of~~ s. 163.3184(3)-
 1050 (6), any local government comprehensive plan amendment to
 1051 implement a Community Workforce Housing Innovation Pilot Program
 1052 project found consistent with the provisions of this section
 1053 shall be expedited as provided in this subsection. At least 30
 1054 days prior to adopting a plan amendment under ~~pursuant to~~ this
 1055 subsection, the local government shall notify the state land
 1056 planning agency of its intent to adopt such an amendment, and
 1057 the notice shall include its evaluation related to site
 1058 suitability and availability of facilities and services. The
 1059 public notice of the hearing required by s. 163.3184(15)(b)2. ~~s.~~
 1060 ~~163.3184(15)(e)~~ shall include a statement that the local
 1061 government intends to use ~~utilize~~ the expedited adoption process
 1062 authorized by this subsection. Such amendments shall require
 1063 only a single public hearing before the governing board, which
 1064 shall be an adoption hearing as described in s. 163.3184(7).7

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1065 ~~and~~ The state land planning agency shall issue its notice of
 1066 intent pursuant to s. 163.3184(8) within 30 days after
 1067 determining that the amendment package is complete. Any further
 1068 proceedings shall be governed by ss. 163.3184(9) - (16).

1069 Amendments proposed under this section are not subject to s.
 1070 163.3187(1), which limits the adoption of a comprehensive plan
 1071 amendment to no more than two times during any calendar year.

1072 (10) The processing of approvals of development orders or
 1073 development permits, as defined in s. 163.3164(7) and (8), for
 1074 innovative community workforce housing projects shall be
 1075 expedited.

1076 ~~(11)-(9)~~ The corporation shall award loans with interest
 1077 rates set at 1 to 3 percent, which may be made forgivable when
 1078 long-term affordability is provided and when at least 80 percent
 1079 of the units are set aside for workforce housing and at least 50
 1080 percent of the units are set aside for essential services
 1081 personnel.

1082 ~~(12)-(10)~~ All eligible applications shall:

1083 (a) For home ownership, limit the sales price of a
 1084 detached unit, townhome, or condominium unit to not more than 90
 1085 ~~80~~ percent of the median sales price for that type of unit in
 1086 that county, or the statewide median sales price for that type
 1087 of unit, whichever is higher, and require that all eligible
 1088 purchasers of home ownership units occupy the homes as their
 1089 primary residence.

1090 (b) For rental units, restrict rents for all workforce
 1091 housing serving those with incomes at or below 120 percent of
 1092 area median income at the appropriate income level using the

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1093 restricted rents for the federal low-income housing tax credit
 1094 program and, for workforce housing units serving those with
 1095 incomes above 120 percent of area median income, restrict rents
 1096 to those established by the corporation, not to exceed 30
 1097 percent of the maximum household income adjusted to unit size.

1098 (c) Demonstrate that the applicant is a public-private
 1099 partnership in an agreement, contract, partnership agreement,
 1100 memorandum of understanding, or other written instrument signed
 1101 by all the project partners.

1102 (d) Have grants, donations of land, or contributions from
 1103 the public-private partnership or other sources collectively
 1104 totaling at least 10 ~~15~~ percent of the total development cost or
 1105 \$2 million, whichever is less. Such grants, donations of land,
 1106 or contributions must be evidenced by a letter of commitment, an
 1107 agreement, contract, deed, memorandum of understanding, or other
 1108 written instrument ~~only~~ at the time of application. Grants,
 1109 donations of land, or contributions in excess of 10 ~~15~~ percent
 1110 of the development cost shall increase the application score.

1111 (e) Demonstrate how the applicant will use the regulatory
 1112 incentives and financial strategies outlined in subsection (8)
 1113 ~~paragraph (7)(a)~~ from the local jurisdiction in which the
 1114 proposed project is to be located. The corporation may consult
 1115 with the Department of Community Affairs in evaluating the use
 1116 of regulatory incentives by applicants.

1117 (f) Demonstrate that the applicant possesses title to or
 1118 site control of land and evidences availability of required
 1119 infrastructure.

1120 (g) Demonstrate the applicant's affordable housing

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1121 development and management experience.

1122 (h) Provide any research or facts available supporting the
 1123 demand and need for rental or home ownership workforce housing
 1124 for eligible persons in the market in which the project is
 1125 proposed.

1126 (13)~~(11)~~ Projects may include manufactured housing
 1127 constructed after June 1994 and installed in accordance with
 1128 mobile home installation standards of the Department of Highway
 1129 Safety and Motor Vehicles.

1130 (14)~~(12)~~ The corporation may adopt rules pursuant to ss.
 1131 120.536(1) and 120.54 to implement ~~the provisions of~~ this
 1132 section.

1133 (15)~~(13)~~ The corporation may use a maximum of 2 percent of
 1134 the annual program appropriation for administration and
 1135 compliance monitoring.

1136 (16)~~(14)~~ The corporation shall review the success of the
 1137 Community Workforce Housing Innovation Pilot Program to
 1138 ascertain whether the projects financed by the program are
 1139 useful in meeting the housing needs of eligible areas and shall
 1140 include its findings in the annual report required under s.
 1141 420.511(3). ~~The corporation shall submit its report and any~~
 1142 ~~recommendations regarding the program to the Governor, the~~
 1143 ~~Speaker of the House of Representatives, and the President of~~
 1144 ~~the Senate not later than 2 months after the end of the~~
 1145 ~~corporation's fiscal year.~~

1146 Section 16. Subsection (3) of section 420.511, Florida
 1147 Statutes, is amended to read:

1148 420.511 Business plan; strategic plan; annual report.--

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1149 (3) (a) The corporation shall submit to the Governor and
 1150 the presiding officers of each house of the Legislature, within
 1151 2 months after the end of its fiscal year, a complete and
 1152 detailed report setting forth:

1153 1.(a) Its operations and accomplishments;

1154 2.(b) Its receipts and expenditures during its fiscal year
 1155 in accordance with the categories or classifications established
 1156 by the corporation for its operating and capital outlay
 1157 purposes;

1158 3.(c) Its assets and liabilities at the end of its fiscal
 1159 year and the status of reserve, special, or other funds;

1160 4.(d) A schedule of its bonds outstanding at the end of
 1161 its fiscal year, together with a statement of the principal
 1162 amounts of bonds issued and redeemed during the fiscal year; and

1163 5.(e) Information relating to the corporation's activities
 1164 in implementing the provisions of ss. 420.5087, ~~and~~ 420.5088,
 1165 and 420.5095.

1166 (b) The report ~~required by this subsection~~ shall include,
 1167 but not be limited to:

1168 1. The number of people served, delineated by income, age,
 1169 family size, and racial characteristics.

1170 2. The number of units produced under each program.

1171 3. The average cost of producing units under each program.

1172 4. The average sales price of single-family units financed
 1173 under s. 420.5088.

1174 5. The average amount of rent charged based on unit size
 1175 on units financed under s. 420.5087.

1176 6. The number of persons in rural communities served under

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1177 each program.

1178 7. The number of farmworkers served under each program.

1179 8. The number of homeless persons served under each

1180 program.

1181 9. The number of elderly persons served under each

1182 program.

1183 10. The extent to which geographic distribution has been

1184 achieved in accordance with the provisions of s. 420.5087.

1185 11. The success of the Community Workforce Housing

1186 Innovation Pilot Program in meeting the housing needs of

1187 eligible areas.

1188 ~~12.11.~~ Any other information the corporation deems

1189 appropriate.

1190 Section 17. Subsection (1) of section 420.513, Florida

1191 Statutes, is amended to read:

1192 420.513 Exemption from taxes and eligibility as

1193 investment.--

1194 (1) The property of the corporation, the transactions and

1195 operations thereof, the income therefrom, and the bonds of the

1196 corporation issued under this act, together with all notes,

1197 mortgages, security agreements, letters of credit, or other

1198 instruments that arise out of or are given to secure the

1199 repayment of bonds issued in connection with the financing of

1200 any housing ~~development~~ under this part, and all notes,

1201 mortgages, security agreements, letters of credit, or other

1202 instruments that arise out of or are given to secure the

1203 repayment of loans issued in connection with the financing of

1204 any housing under this part, as well as the interest thereon and

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1205 income therefrom, regardless of the status of any party thereto
 1206 as a private party, shall be exempt from taxation by the state
 1207 and its political subdivisions. The exemption granted by this
 1208 subsection shall not apply to any tax imposed by chapter 220 on
 1209 interest, income, or profits on debt obligations owned by
 1210 corporations.

1211 Section 18. Subsection (7) of section 420.526, Florida
 1212 Statutes, is amended to read:

1213 420.526 Predevelopment Loan Program; loans and grants
 1214 authorized; activities eligible for support.--

1215 (7) No predevelopment loan made under this section shall
 1216 exceed the lesser of:

1217 (a) The development and acquisition costs for the project,
 1218 as determined by rule of the corporation; or

1219 (b) Seven hundred and fifty ~~Five hundred~~ thousand dollars.

1220 Section 19. Subsections (2), (4), (5), and (6) of section
 1221 420.9076, Florida Statutes, are amended, and subsections (8) and
 1222 (9) are added to that section, to read:

1223 420.9076 Adoption of affordable housing incentive
 1224 strategies; committees.--

1225 (2) The governing board of a county or municipality shall
 1226 appoint the members of the affordable housing advisory committee
 1227 by resolution. Pursuant to the terms of any interlocal
 1228 agreement, a county and municipality may create and jointly
 1229 appoint an advisory committee to prepare a joint plan. The
 1230 ordinance adopted pursuant to s. 420.9072 which creates the
 1231 advisory committee or the resolution appointing the advisory
 1232 committee members must provide for eleven ~~nine~~ committee members

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- 1233 and their terms. The committee must include:
- 1234 (a) One citizen who is actively engaged in the residential
- 1235 home building industry in connection with affordable housing.
- 1236 (b) One citizen who is actively engaged in the banking or
- 1237 mortgage banking industry in connection with affordable housing.
- 1238 (c) One citizen who is a representative of those areas of
- 1239 labor actively engaged in home building in connection with
- 1240 affordable housing.
- 1241 (d) One citizen who is actively engaged as an advocate for
- 1242 low-income persons in connection with affordable housing.
- 1243 (e) One citizen who is actively engaged as a for-profit
- 1244 provider of affordable housing.
- 1245 (f) One citizen who is actively engaged as a not-for-
- 1246 profit provider of affordable housing.
- 1247 (g) One citizen who is actively engaged as a real estate
- 1248 professional in connection with affordable housing.
- 1249 (h) One citizen who actively serves on the local planning
- 1250 agency pursuant to s. 163.3174.
- 1251 (i) One citizen who resides within the jurisdiction of the
- 1252 local governing body making the appointments.
- 1253 (j) One citizen who represents employers within the
- 1254 jurisdiction.
- 1255 (k) One citizen who represents essential services
- 1256 personnel, as defined in the local housing assistance plan.

1257

1258 If a county or eligible municipality whether due to its small

1259 size, the presence of a conflict of interest by prospective

1260 appointees, or other reasonable factor, is unable to appoint a

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1261 citizen actively engaged in these activities in connection with
 1262 affordable housing, a citizen engaged in the activity without
 1263 regard to affordable housing may be appointed. Local governments
 1264 that receive the minimum allocation under the State Housing
 1265 Initiatives Partnership Program may elect to appoint an
 1266 affordable housing advisory committee with fewer than eleven
 1267 representatives if they are unable to find representatives that
 1268 meet the criteria of paragraphs (a)-(k).

1269 (4) Triennially, the advisory committee shall review the
 1270 established policies and procedures, ordinances, land
 1271 development regulations, and adopted local government
 1272 comprehensive plan of the appointing local government and shall
 1273 recommend specific actions or initiatives to encourage or
 1274 facilitate affordable housing while protecting the ability of
 1275 the property to appreciate in value. The ~~Such~~ recommendations
 1276 may include the modification or repeal of existing policies,
 1277 procedures, ordinances, regulations, or plan provisions; the
 1278 creation of exceptions applicable to affordable housing; or the
 1279 adoption of new policies, procedures, regulations, ordinances,
 1280 or plan provisions, including recommendations to amend the local
 1281 government comprehensive plan and corresponding regulations,
 1282 ordinances, and other policies. At a minimum, each advisory
 1283 committee shall submit a report to the local governing body that
 1284 includes ~~make~~ recommendations on, and triennially thereafter
 1285 evaluates the implementation of, affordable housing incentives
 1286 in the following areas:

1287 (a) The processing of approvals of development orders or
 1288 permits, as defined in s. 163.3164(7) and (8), for affordable

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1289 housing projects is expedited to a greater degree than other
 1290 projects.

1291 (b) The modification of impact-fee requirements, including
 1292 reduction or waiver of fees and alternative methods of fee
 1293 payment for affordable housing.

1294 (c) The allowance of flexibility in densities ~~increased~~
 1295 ~~density levels~~ for affordable housing.

1296 (d) The reservation of infrastructure capacity for housing
 1297 for very-low-income persons, ~~and~~ low-income persons, and
 1298 moderate-income persons.

1299 (e) The allowance of affordable accessory residential
 1300 units in residential zoning districts.

1301 (f) The reduction of parking and setback requirements for
 1302 affordable housing.

1303 (g) The allowance of flexible lot configurations,
 1304 including zero-lot-line configurations for affordable housing.

1305 (h) The modification of street requirements for affordable
 1306 housing.

1307 (i) The establishment of a process by which a local
 1308 government considers, before adoption, policies, procedures,
 1309 ordinances, regulations, or plan provisions that increase the
 1310 cost of housing.

1311 (j) The preparation of a printed inventory of locally
 1312 owned public lands suitable for affordable housing.

1313 (k) The support of development near transportation hubs
 1314 and major employment centers and mixed-use developments.

1315
 1316 The advisory committee recommendations may ~~must~~ also include

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1317 other affordable housing incentives identified by the advisory
 1318 committee. Local governments that receive the minimum allocation
 1319 under the State Housing Initiatives Partnership Program shall
 1320 perform the initial review, but may elect to not perform the
 1321 triennial review.

1322 (5) The approval by the advisory committee of its local
 1323 housing incentive strategies recommendations and its review of
 1324 local government implementation of previously recommended
 1325 strategies must be made by affirmative vote of a majority of the
 1326 membership of the advisory committee taken at a public hearing.
 1327 Notice of the time, date, and place of the public hearing of the
 1328 advisory committee to adopt final local housing incentive
 1329 strategies recommendations must be published in a newspaper of
 1330 general paid circulation in the county. The ~~Such~~ notice must
 1331 contain a short and concise summary of the local housing
 1332 incentives strategies recommendations to be considered by the
 1333 advisory committee. The notice must state the public place where
 1334 a copy of the tentative advisory committee recommendations can
 1335 be obtained by interested persons.

1336 (6) Within 90 days after the date of receipt of the local
 1337 housing incentive strategies recommendations from the advisory
 1338 committee, the governing body of the appointing local government
 1339 shall adopt an amendment to its local housing assistance plan to
 1340 incorporate the local housing incentive strategies it will
 1341 implement within its jurisdiction. The amendment must include,
 1342 at a minimum, the local housing incentive strategies required
 1343 under s. 420.9071(16). The local government must consider the
 1344 strategies specified in paragraphs (4) (a) - (k) as recommended by

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1345 the advisory committee ~~(4)(a)-(j)~~.

1346 (8) The advisory committee may perform other duties at the
 1347 request of the local government, including:

1348 (a) The provision of mentoring services to affordable
 1349 housing partners including developers, banking institutions,
 1350 employers, and others to identify available incentives, assist
 1351 with applications for funding requests, and develop partnerships
 1352 between various parties.

1353 (b) The creation of best practices for the development of
 1354 affordable housing in the community.

1355 (9) The advisory committee shall be cooperatively staffed
 1356 by the local government department or division having authority
 1357 to administer local planning or housing programs to ensure an
 1358 integrated approach to the work of the advisory committee.

1359 Section 20. Section 624.46226, Florida Statutes, is
 1360 created to read:

1361 624.46226 Public housing authorities self-insurance funds;
 1362 exemption for taxation and assessments.--

1363 (1) Any two or more public housing authorities in the
 1364 state as defined in chapter 421 may also create a self-insurance
 1365 fund for the purpose of self-insuring real or personal property
 1366 of every kind and every interest in such property against loss
 1367 or damage from any hazard or cause and against any loss
 1368 consequential to such loss or damage, provided all the
 1369 provisions of s. 624.4622 are met.

1370 (2) Any public housing authority in the state as defined
 1371 in chapter 421 that is a member of a self-insurance fund
 1372 pursuant to this section shall be exempt from the assessments

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1373 imposed under ss. 627.351, 631.57, and 215.555.

1374 Section 21. This act shall take effect July 1, 2007.