

By the Committee on Community Affairs; and Senator Garcia

578-2431-07

1 A bill to be entitled

2 An act relating to affordable housing; amending

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

4 element of a local government comprehensive

5 plan; requiring certain counties to adopt a

6 plan for ensuring affordable workforce housing;

7 providing that a local government that fails to

8 comply with such requirement is ineligible to

9 receive state housing assistance grants;

10 amending s. 163.3184, F.S.; authorizing certain

11 local government comprehensive plan amendments

12 to be expedited; providing requirements for

13 amendment notices; requiring a public hearing;

14 amending s. 163.3187, F.S.; authorizing certain

15 local government comprehensive plan amendments

16 to be made more than twice a year; creating ss.

17 197.307, 197.3071, 197.3072, 197.3073,

18 197.3074, 197.3075, 197.3076, 197.3077,

19 197.3078, and 197.3079, F.S.; authorizing a

20 county commission or municipality to adopt an

21 ordinance providing for the deferral of ad

22 valorem taxes and non-ad valorem assessments

23 for affordable rental housing property under

24 certain conditions; requiring the tax collector

25 to provide certain notices to taxpayers about

26 deferrals; providing specifications for such

27 ordinances; providing eligibility requirements;

28 authorizing a property owner to defer payment

29 of ad valorem taxes and certain assessments;

30 providing circumstances in which taxes and

31 assessments may not be deferred; specifying the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

1 tax collector to maintain a record of payment
2 and to distribute payments; providing for
3 construction of provisions authorizing the
4 deferments; providing penalties; amending s.
5 420.504, F.S.; providing that the corporation
6 is a state agency for purposes of the state
7 allocation pool; authorizing the corporation to
8 provide notice of internal review committee
9 meetings by publication on an Internet website;
10 providing that the corporation is not governed
11 by certain provisions relating to corporations
12 not for profit; amending s. 420.506, F.S.;
13 deleting a provision relating to lease of
14 certain state employees; amending s. 420.5061,
15 F.S.; deleting obsolete provisions; removing a
16 provision requiring all assets and liabilities
17 and rights and obligations of the Florida
18 Housing Finance Agency to be transferred to the
19 corporation; providing that the corporation is
20 the legal successor to the agency; removing a
21 provision requiring the corporation to make
22 transfers to the General Revenue Fund; removing
23 a provision requiring all state property in use
24 by the agency to be transferred to and become
25 the property of the corporation; amending s.
26 420.507, F.S.; requiring that an agreement
27 financing affordable housing be recorded in the
28 official records of the county where the real
29 property is located; providing that such
30 agreement is a state land use regulation;
31 amending s. 420.5087, F.S.; authorizing the

1 Florida Housing Finance Corporation to provide
2 partially forgivable loans to nonprofit
3 organizations that serve extremely-low-income
4 elderly tenants; providing criteria; amending
5 s. 420.5095, F.S.; specifying the content of
6 rules for reviewing loan applications for
7 workforce housing projects; requiring the
8 corporation to establish a committee for
9 reviewing loan applications; providing for
10 membership; providing powers and duties of the
11 committee; requiring the corporation's board of
12 directors to make the final decisions
13 concerning ranking and program participants;
14 specifying areas where local governments may
15 use program funds; expanding the types of
16 projects that may receive priority funding;
17 requiring that the processing of certain
18 approvals of development orders or development
19 permits be expedited; providing loan applicant
20 requirements; revising reporting requirements;
21 amending s. 420.511, F.S.; requiring that the
22 corporation's annual report include information
23 on the Community Workforce Housing Innovation
24 Pilot Program; amending s. 420.513, F.S.;
25 providing exemption from taxes for certain
26 instruments issued in connection with the
27 financing of certain housing; amending s.
28 420.526, F.S.; revising the cap on
29 predevelopment loans; amending s. 420.9076,
30 F.S.; increasing affordable housing advisory
31 committee membership; revising membership

1 criteria; authorizing the use of fewer members
2 under certain circumstances; revising and
3 providing duties of the advisory committee;
4 providing an effective date.
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6 Be It Enacted by the Legislature of the State of Florida:
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8 Section 1. Paragraph (f) of subsection (6) of section
9 163.3177, Florida Statutes, is amended to read:

10 163.3177 Required and optional elements of
11 comprehensive plan; studies and surveys.--

12 (6) In addition to the requirements of subsections
13 (1)-(5) and (12), the comprehensive plan shall include the
14 following elements:

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

17 a. The provision of housing for all current and
18 anticipated future residents of the jurisdiction.

19 b. The elimination of substandard dwelling conditions.

20 c. The structural and aesthetic improvement of
21 existing housing.

22 d. The provision of adequate sites for future housing,
23 including housing for low-income, very low-income, and
24 moderate-income families, mobile homes, and group home
25 facilities and foster care facilities, with supporting
26 infrastructure and public facilities.

27 e. Provision for relocation housing and identification
28 of historically significant and other housing for purposes of
29 conservation, rehabilitation, or replacement.

30 f. The formulation of housing implementation programs.
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1 g. The creation or preservation of affordable housing
2 to minimize the need for additional local services and avoid
3 the concentration of affordable housing units only in specific
4 areas of the jurisdiction.

5 h. By July 1, 2008, each county in which the gap
6 between the buying power of a family of four and the median
7 county home sale price exceeds \$150,000, as determined by the
8 Florida Housing Finance Corporation, and which is not
9 designated as an area of critical state concern shall adopt a
10 plan for ensuring affordable workforce housing, as defined in
11 s. 380.0651(3)(j). At a minimum, the plan shall identify
12 adequate sites for such housing. For purposes of this
13 sub-subparagraph, the term "workforce housing" means housing
14 that is affordable to natural persons or families whose total
15 household income does not exceed 140 percent of the area
16 median income, adjusted for household size.

17 i. Failure by a local government to comply with the
18 requirement in sub-subparagraph h. will result in the local
19 government being ineligible to receive any state housing
20 assistance grants until the requirement of sub-subparagraph h.
21 is met.

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23 The goals, objectives, and policies of the housing element
24 must be based on the data and analysis prepared on housing
25 needs, including the affordable housing needs assessment.
26 State and federal housing plans prepared on behalf of the
27 local government must be consistent with the goals,
28 objectives, and policies of the housing element. Local
29 governments are encouraged to utilize job training, job
30 creation, and economic solutions to address a portion of their
31 affordable housing concerns.

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

13 Section 2. Subsection (19) is added to section
14 163.3184, Florida Statutes, to read:

15 163.3184 Process for adoption of comprehensive plan or
16 plan amendment.--

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

1 (7). The public notice of the hearing required under
2 subparagraph (15)(b)2. must include a statement that the local
3 government intends to use the expedited adoption process
4 authorized under this subsection. The state land planning
5 agency shall issue its notice of intent required under
6 subsection (8) within 30 days after determining that the
7 amendment package is complete. Any further proceedings shall
8 be governed by subsections (9) through (16).

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

11 163.3187 Amendment of adopted comprehensive plan.--

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

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

19 Section 4. Sections 197.307, 197.3071, 197.3072,
20 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078,
21 and 197.3079, Florida Statutes, are created to read:

22 197.307 Deferrals for ad valorem taxes and non-ad
23 valorem assessments on affordable rental housing property.--

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

30 (2) The board of county commissioners or the governing
31 authority of a municipality may also, by ordinance, authorize

1 the deferral of non-ad valorem assessments, as defined in s.
2 197.3632, on affordable rental housing.

3 (3) The ordinance must designate the percentage or
4 amount of the deferral and the type and location of affordable
5 rental housing property for which a deferral may be granted.
6 The ordinance may also require the property to be located
7 within a particular geographic area or areas of the county or
8 municipality.

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

16 (5) The ordinance must specify that any deferral
17 granted remains in effect for the period for which it is
18 granted regardless of any change in the authority of the
19 county or municipality to grant the deferral. In order to
20 retain the deferral, however, the use and ownership of the
21 property as affordable rental housing must be maintained over
22 the period for which the deferral is granted.

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

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

28 1. The community redevelopment agency has previously
29 issued instruments of indebtedness which are secured by
30 increment revenues on deposit in the community redevelopment
31 trust fund; and

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

3 (b) The tax deferral does not apply to an amount of
4 taxes equal to the amount that must be deposited into the
5 community redevelopment trust fund by the entity granting the
6 deferral based upon the taxable value of the property upon
7 which the deferral is being granted. Once all instruments of
8 indebtedness that existed at the time the deferral was
9 originally granted are no longer outstanding or have otherwise
10 been defeased, this paragraph no longer applies.

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

17 (d) The tax collector shall notify a community
18 redevelopment agency of any tax deferral that has been granted
19 on property located within the agency's community
20 redevelopment area.

21 (e) Issuance of debt obligation after the date a
22 deferral has been granted does not reduce the amount of taxes
23 eligible for deferral.

24 (7) The tax collector shall notify:

25 (a) The taxpayer of each parcel appearing on the real
26 property assessment roll of the law allowing the deferral of
27 taxes, non-ad valorem assessments, and interest under ss.
28 197.307-197.3079. Such notice shall be printed on the back of
29 envelopes used to mail the notice of taxes as provided under
30 s. 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, 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.--

(1) Any property owner in a jurisdiction that has adopted an ad valorem tax-deferral ordinance or a deferral of non-ad valorem assessments ordinance pursuant to s. 197.307 and who owns an eligible affordable rental housing property as

1 described in s. 197.3071 may apply for a deferral of payment
2 by filing an annual application for deferral with the county
3 tax collector on or before January 31 following the year in
4 which the taxes and non-ad valorem assessments are assessed.
5 The property owner has the burden to affirmatively demonstrate
6 compliance with the requirements of this section.

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

11 (3) Deferral may not be granted if:

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

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

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

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

31 197.3073 Deferral application.--

1 (1) The application for a deferral of ad valorem taxes
2 and non-ad valorem assessments must be made annually upon a
3 form prescribed by the department and furnished by the county
4 tax collector. The application form must be signed under oath
5 by the property owner applying for the deferral before an
6 officer authorized by the state to administer oaths. The
7 application form must provide notice to the property owner of
8 the manner in which interest is computed. The application form
9 must contain an explanation of the conditions to be met for
10 approval of the deferral and the conditions under which
11 deferred taxes, non-ad valorem assessments, and interest
12 become due, payable, and delinquent. Each application must
13 clearly state that all deferrals pursuant to this section
14 constitute a lien on the property for which the deferral is
15 granted. The tax collector may require the property owner to
16 submit any other evidence and documentation considered
17 necessary by the tax collector in reviewing the application.

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

30 (a) A tax collector who finds that a property owner is
31 not entitled to the deferral shall send a notice of

1 disapproval within 45 days after the date the application is
2 filed, giving reasons for the disapproval. The notice must be
3 sent by personal delivery or registered mail to the mailing
4 address given by the property owner in the manner in which the
5 original notice was served upon the property owner and must be
6 filed among the permanent records of the tax collector's
7 office. The original notice of disapproval sent to the
8 property owner shall advise the property owner of the right to
9 appeal the decision of the tax collector to the value
10 adjustment board and provide the procedures for filing an
11 appeal.

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

1 board, files for a de novo proceeding for a declaratory
2 judgment or other appropriate proceeding in the circuit court
3 of the county in which the property is located.

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

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

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

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

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

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

26 197.3074 Deferred payment tax certificates.--

27 (1) The tax collector shall notify each local
28 governing body of the amount of taxes and non-ad valorem
29 assessments deferred which would otherwise have been collected
30 for the governing body. The tax collector shall, at the time
31 of the tax certificate sale held under s. 197.432 strike each

1 certificate off to the county. Certificates issued under this
2 section are exempt from the public sale of tax certificates
3 held pursuant to s. 197.432.

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

8 197.3075 Change in use or ownership of property.--

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

23 (2) Whenever the property appraiser discovers that
24 there has been a change in the use or ownership of the
25 property that has been granted a deferral, the property
26 appraiser shall notify the tax collector in writing of the
27 date such change occurs, and the tax collector shall collect
28 any taxes, non-ad valorem assessments, and interest due or
29 delinquent.

30 (3) During any year in which the total amount of
31 deferred taxes, non-ad valorem assessments, interest, and all

1 other unsatisfied liens on the property exceeds 85 percent of
2 the assessed value of the property, the tax collector shall
3 immediately notify the property owner that the portion of
4 taxes, non-ad valorem assessments, and interest which exceeds
5 85 percent of the assessed value of the property is due and
6 payable within 30 days after receipt of the notice. Failure to
7 pay the amount due shall cause the total amount of deferred
8 taxes, non-ad valorem assessments, and interest to become
9 delinquent.

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

14 197.3076 Prepayment of deferred taxes and non-ad
15 valorem assessments.--

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

19 (a) The property owner; or

20 (b) The property owner's next of kin, heir, child, or
21 any person having or claiming a legal or equitable interest in
22 the property, if an objection is not made by the owner within
23 30 days after the tax collector notifies the property owner of
24 the fact that such payment has been tendered.

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

27 197.3077 Distribution of payments.--When any deferred
28 tax, non-ad valorem assessment, or interest is collected, the
29 tax collector shall maintain a record of the payment, setting
30 forth a description of the property and the amount of taxes or
31 interest collected for the property. The tax collector shall

1 distribute payments received in accordance with the procedures
2 for distributing ad valorem taxes, non-ad valorem assessments,
3 or redemption moneys as prescribed in this chapter.

4 197.3078 Construction.--This section does not prevent
5 the collection of personal property taxes that become a lien
6 against tax-deferred property, or defer payment of special
7 assessments to benefited property other than those
8 specifically allowed to be deferred, or affect any provision
9 of any mortgage or other instrument relating to property
10 requiring a person to pay ad valorem taxes or non-ad valorem
11 assessments.

12 197.3079 Penalties.--

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

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

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

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

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

27 Section 5. Subsection (2) of section 420.504, Florida
28 Statutes, is amended to read:

29 420.504 Public corporation; creation, membership,
30 terms, expenses.--

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1 (2) The corporation is constituted as a public
2 instrumentality, and the exercise by the corporation of the
3 power conferred by this act is considered to be the
4 performance of an essential public function. The corporation
5 ~~is shall constitute~~ an agency for the purposes of s. 120.52
6 and is a state agency for purposes of s. 159.807(4). The
7 corporation is subject to chapter 119, subject to exceptions
8 applicable to the corporation, and to the provisions of
9 chapter 286; however, the corporation shall be entitled to
10 provide notice of internal review committee meetings for
11 competitive proposals or procurement to applicants by mail, ~~or~~
12 facsimile, or publication on an Internet website, rather than
13 by means of publication. The corporation is not governed by
14 chapter 607 or chapter 617, but by the provisions of this
15 part. If for any reason the establishment of the corporation
16 is deemed in violation of law, such provision is severable and
17 the remainder of this act remains in full force and effect.

18 Section 6. Section 420.506, Florida Statutes, is
19 amended to read:

20 420.506 Executive director; agents and employees.--The
21 appointment and removal of an executive director shall be by
22 the Secretary of Community Affairs, with the advice and
23 consent of the corporation's board of directors. The executive
24 director shall employ legal and technical experts and such
25 other agents and employees, permanent and temporary, as the
26 corporation may require, and shall communicate with and
27 provide information to the Legislature with respect to the
28 corporation's activities. The board is authorized,
29 notwithstanding the provisions of s. 216.262, to develop and
30 implement rules regarding the employment of employees of the
31 corporation and service providers, including legal counsel.

1 ~~The corporation is authorized to enter into a lease agreement~~
2 ~~with the Department of Management Services or the Department~~
3 ~~of Community Affairs for the lease of state employees from~~
4 ~~such entities, wherein an employee shall retain his or her~~
5 ~~status as a state employee but shall work under the direct~~
6 ~~supervision of the corporation, and shall retain the right to~~
7 ~~participate in the Florida Retirement System.~~ The board of
8 directors of the corporation is entitled to establish travel
9 procedures and guidelines for employees of the corporation.
10 The executive director's office and the corporation's files
11 and records must be located in Leon County.

12 Section 7. Section 420.5061, Florida Statutes, is
13 amended to read:

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

1 ~~420.508(5), the State Apartment Incentive Loan Fund~~
2 ~~established by s. 420.5087(7), the Florida Homeownership~~
3 ~~Assistance Fund established by s. 420.5088(4), the HOME~~
4 ~~Investment Partnership Fund established by s. 420.5089(1), and~~
5 ~~the Housing Predevelopment Loan Fund established by s.~~
6 ~~420.525(1) were each trust funds.~~ For purposes of s. 112.313,
7 the corporation is deemed to be a continuation of the agency,
8 and the provisions thereof are deemed to apply as if the same
9 entity remained in place. Any employees of the agency and
10 agency board members covered by s. 112.313(9)(a)6. shall
11 continue to be entitled to the exemption in that subparagraph,
12 notwithstanding being hired by the corporation or appointed as
13 board members of the corporation. ~~Effective January 1, 1998,~~
14 ~~all state property in use by the agency shall be transferred~~
15 ~~to and become the property of the corporation.~~

16 Section 8. Subsection (46) is added to section
17 420.507, Florida Statutes, to read:

18 420.507 Powers of the corporation.--The corporation
19 shall have all the powers necessary or convenient to carry out
20 and effectuate the purposes and provisions of this part,
21 including the following powers which are in addition to all
22 other powers granted by other provisions of this part:

23 (46) To require, as a condition of financing a
24 multifamily rental project, that an agreement be recorded in
25 the official records of the county where the real property is
26 located, which requires that the project be used for housing
27 defined as affordable in s. 420.0004(3) by persons defined in
28 420.0004(8), (10), (11), and (15). Such an agreement is a
29 state land use regulation that limits the highest and best use
30 of the property within the meaning of s. 193.011(2).
31

1 Section 9. Subsection (3) of section 420.5087, Florida
2 Statutes, is amended to read:

3 420.5087 State Apartment Incentive Loan
4 Program.--There is hereby created the State Apartment
5 Incentive Loan Program for the purpose of providing first,
6 second, or other subordinated mortgage loans or loan
7 guarantees to sponsors, including for-profit, nonprofit, and
8 public entities, to provide housing affordable to
9 very-low-income persons.

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

- 28 (a) Commercial fishing workers and farmworkers;
29 (b) Families;
30 (c) Persons who are homeless; and
31

1 (d) Elderly persons. Ten percent of the amount
2 reserved for the elderly shall be reserved to provide loans to
3 sponsors of housing for the elderly for the purpose of making
4 building preservation, health, or sanitation repairs or
5 improvements which are required by federal, state, or local
6 regulation or code, or lifesafety or security-related repairs
7 or improvements to such housing. Such a loan may not exceed
8 \$750,000 per housing community for the elderly. In order to
9 receive the loan, the sponsor of the housing community must
10 make a commitment to match at least 5 percent of the loan
11 amount to pay the cost of such repair or improvement. The
12 corporation shall establish the rate of interest on the loan,
13 which may not exceed 3 percent, and the term of the loan,
14 which may not exceed 15 years; however, if the lien of the
15 corporation's encumbrance is subordinate to the lien of
16 another mortgagee, then the term may be made coterminous with
17 the longest term of the superior lien. The term of the loan
18 shall be based on ~~established on the basis of~~ a credit
19 analysis of the applicant. The corporation may forgive
20 indebtedness for a share of the loan attributable to the units
21 in a project reserved for extremely-low-income elderly by
22 nonprofit organizations, as defined in s. 420.0004(5), where
23 the project has provided affordable housing to the elderly for
24 15 years or more. The corporation shall establish, by rule,
25 the procedure and criteria for receiving, evaluating, and
26 competitively ranking all applications for loans under this
27 paragraph. A loan application must include evidence of the
28 first mortgagee's having reviewed and approved the sponsor's
29 intent to apply for a loan. A nonprofit organization or
30 sponsor may not use the proceeds of the loan to pay for
31

1 administrative costs, routine maintenance, or new
2 construction.

3 Section 10. Section 420.5095, Florida Statutes, is
4 amended to read:

5 420.5095 Community Workforce Housing Innovation Pilot
6 Program.--

7 (1) The Legislature finds and declares that recent
8 rapid increases in the median purchase price of a home and the
9 cost of rental housing have far outstripped the increases in
10 median income in the state, preventing essential services
11 personnel from living in the communities where they serve and
12 thereby creating the need for innovative solutions for the
13 provision of housing opportunities for essential services
14 personnel.

15 (2) The Community Workforce Housing Innovation Pilot
16 Program is created to provide affordable rental and home
17 ownership community workforce housing for essential services
18 personnel affected by the high cost of housing, using
19 regulatory incentives and state and local funds to promote
20 local public-private partnerships and leverage government and
21 private resources.

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

24 (a) "Workforce housing" means housing affordable to
25 natural persons or families whose total annual household
26 income does not exceed 140 percent of the area median income,
27 adjusted for household size, or 150 percent of area median
28 income, adjusted for household size, in areas of critical
29 state concern designated under s. 380.05, for which the
30 Legislature has declared its intent to provide affordable
31 housing, and areas that were designated as areas of critical

1 state concern for at least 20 consecutive years prior to
2 removal of the designation.

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

9 (c) "Public-private partnership" means any form of
10 business entity that includes substantial involvement of at
11 least one county, one municipality, or one public sector
12 entity, such as a school district or other unit of local
13 government in which the project is to be located, and at least
14 one private sector for-profit or not-for-profit business or
15 charitable entity, and may be any form of business entity,
16 including a joint venture or contractual agreement.

17 (4) The Florida Housing Finance Corporation is
18 authorized to provide Community Workforce Housing Innovation
19 Pilot Program loans to an applicant for construction or
20 rehabilitation of workforce housing in eligible areas. ~~The~~
21 ~~corporation shall establish a funding process and selection~~
22 ~~criteria by rule or request for proposals.~~ This funding is
23 intended to be used with other public and private sector
24 resources.

25 (5) The corporation shall establish a loan application
26 process by rule which includes selection criteria, an
27 application review process, and a funding process. The
28 corporation shall also establish an application review
29 committee that may include up to three private citizens
30 representing the areas of housing or real estate development,
31

1 banking, community planning, or other areas related to the
2 development or financing of workforce and affordable housing.

3 (a) The selection criteria and application review
4 process must include a procedure for curing errors in the loan
5 applications which do not make a substantial change to the
6 proposed project.

7 (b) To achieve the goals of the pilot program, the
8 application review committee may approve or reject loan
9 applications or responses to questions raised during the
10 review of an application due to the insufficiency of
11 information provided.

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

15 (d) The board of directors shall approve or reject
16 loan applications, determine the tentative loan amount
17 available to each applicant, and rank all approved
18 applications.

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

22 (6)(5) The corporation shall provide incentives for
23 local governments in eligible areas to use local affordable
24 housing funds, such as those from the State Housing
25 Initiatives Partnership Program, to assist in meeting the
26 affordable housing needs of persons eligible under this
27 program. Local governments are authorized to use State Housing
28 Initiative Partnership Program funds for persons or families
29 whose total annual household income does not exceed:

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

1 **(b) One hundred and fifty percent of the area median**
2 **income, adjusted for household size, in areas that were**
3 **designated as areas of critical state concern for at least 20**
4 **consecutive years prior to the removal of the designation and**
5 **in areas of critical state concern, designated under s.**
6 **380.05, for which the Legislature has declared its intent to**
7 **provide affordable housing.**

8 **(7)(6)** Funding shall be targeted to **innovative**
9 projects in areas where the disparity between the area median
10 income and the median sales price for a single-family home is
11 greatest, and ~~for projects in areas~~ where population growth as
12 a percentage rate of increase is greatest. The corporation may
13 also fund projects in areas where innovative regulatory and
14 financial incentives are made available. The corporation shall
15 fund at least one eligible project in as many counties **and**
16 **regions of the state as is practicable, consistent with**
17 **program goals as possible.**

18 **(8)(7)** Projects shall receive priority consideration
19 for funding where:

20 (a) The local jurisdiction **has adopted, or is**
21 **committed to adopting, adopts** appropriate regulatory
22 incentives, local contributions or financial strategies, or
23 other funding sources to promote the development and ongoing
24 financial viability of such projects. Local incentives include
25 such actions as expediting review of development orders and
26 permits, supporting development near transportation hubs and
27 major employment centers, and adopting land development
28 regulations designed to allow flexibility in densities, use of
29 accessory units, mixed-use developments, and flexible lot
30 configurations. Financial strategies include such actions as
31

1 promoting employer-assisted housing programs, providing tax
2 increment financing, and providing land.

3 (b) Projects are innovative and include new
4 construction or rehabilitation; ~~i,~~ mixed-income housing; ~~i,~~ ~~or~~
5 commercial and housing mixed-use elements; innovative design,
6 green building principles; storm-resistant construction; or
7 other elements that reduce long-term costs relating to
8 maintenance, utilities, or insurance and ~~those that~~ promote
9 homeownership. The program funding ~~may~~ ~~shall~~ not exceed the
10 costs attributable to the portion of the project that is set
11 aside to provide housing for the targeted population.

12 (c) Projects that set aside at least 80 percent of
13 units for workforce housing and at least 50 percent for
14 essential services personnel and for projects that require the
15 least amount of program funding compared to the overall
16 housing costs for the project.

17 ~~(9)(8)~~ Notwithstanding ~~the provisions of~~ s.
18 163.3184(3)-(6), any local government comprehensive plan
19 amendment to implement a Community Workforce Housing
20 Innovation Pilot Program project found consistent with the
21 provisions of this section shall be expedited as provided in
22 this subsection. At least 30 days prior to adopting a plan
23 amendment under ~~pursuant to~~ this subsection, the local
24 government shall notify the state land planning agency of its
25 intent to adopt such an amendment, and the notice shall
26 include its evaluation related to site suitability and
27 availability of facilities and services. The public notice of
28 the hearing required by s. 163.3184(15)(b)2. ~~s.~~
29 ~~163.3184(15)(c)~~ shall include a statement that the local
30 government intends to use ~~utilize~~ the expedited adoption
31 process authorized by this subsection. Such amendments shall

1 require only a single public hearing before the governing
2 board, which shall be an adoption hearing as described in s.
3 163.3184(7). ~~and~~ The state land planning agency shall issue
4 its notice of intent pursuant to s. 163.3184(8) within 30 days
5 after determining that the amendment package is complete. Any
6 further proceedings shall be governed by ss. 163.3184(9)-(16).
7 Amendments proposed under this section are not subject to s.
8 163.3187(1), which limits the adoption of a comprehensive plan
9 amendment to no more than two times during any calendar year.

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

14 ~~(11)(9)~~ The corporation shall award loans with
15 interest rates set at 1 to 3 percent, which may be made
16 forgivable when long-term affordability is provided and when
17 at least 80 percent of the units are set aside for workforce
18 housing and at least 50 percent of the units are set aside for
19 essential services personnel.

20 ~~(12)(10)~~ All eligible applications shall:

21 (a) For home ownership, limit the sales price of a
22 detached unit, townhome, or condominium unit to not more than
23 90 ~~80~~ percent of the median sales price for that type of unit
24 in that county, or the statewide median sales price for that
25 type of unit, whichever is higher, and require that all
26 eligible purchasers of home ownership units occupy the homes
27 as their primary residence.

28 (b) For rental units, restrict rents for all workforce
29 housing serving those with incomes at or below 120 percent of
30 area median income at the appropriate income level using the
31 restricted rents for the federal low-income housing tax credit

1 program and, for workforce housing units serving those with
2 incomes above 120 percent of area median income, restrict
3 rents to those established by the corporation, not to exceed
4 30 percent of the maximum household income adjusted to unit
5 size.

6 (c) Demonstrate that the applicant is a public-private
7 partnership in an agreement, contract, partnership agreement,
8 memorandum of understanding, or other written instrument
9 signed by all the project partners.

10 (d) Have grants, donations of land, or contributions
11 from the public-private partnership or other sources
12 collectively totaling at least 15 percent of the total
13 development cost. Such grants, donations of land, or
14 contributions must be evidenced by a letter of commitment, an
15 agreement, contract, deed, memorandum of understanding, or
16 other written instrument ~~only~~ at the time of application.
17 Grants, donations of land, or contributions in excess of 15
18 percent of the development cost shall increase the application
19 score.

20 (e) Demonstrate how the applicant will use the
21 regulatory incentives and financial strategies outlined in
22 subsection (8) ~~paragraph (7)(a)~~ from the local jurisdiction in
23 which the proposed project is to be located. The corporation
24 may consult with the Department of Community Affairs in
25 evaluating the use of regulatory incentives by applicants.

26 (f) Demonstrate that the applicant possesses title to
27 or site control of land and evidences availability of required
28 infrastructure.

29 (g) Demonstrate the applicant's affordable housing
30 development and management experience.

31

1 (h) Provide any research or facts available supporting
2 the demand and need for rental or home ownership workforce
3 housing for eligible persons in the market in which the
4 project is proposed.

5 ~~(13)~~~~(11)~~ Projects may include manufactured housing
6 constructed after June 1994 and installed in accordance with
7 mobile home installation standards of the Department of
8 Highway Safety and Motor Vehicles.

9 ~~(14)~~~~(12)~~ The corporation may adopt rules pursuant to
10 ss. 120.536(1) and 120.54 to implement ~~the provisions of this~~
11 section.

12 ~~(15)~~~~(13)~~ The corporation may use a maximum of 2
13 percent of the annual program appropriation for administration
14 and compliance monitoring.

15 ~~(16)~~~~(14)~~ The corporation shall review the success of
16 the Community Workforce Housing Innovation Pilot Program to
17 ascertain whether the projects financed by the program are
18 useful in meeting the housing needs of eligible areas and
19 shall include its findings in the annual report required under
20 s. 420.511(3). ~~The corporation shall submit its report and any~~
21 ~~recommendations regarding the program to the Governor, the~~
22 ~~Speaker of the House of Representatives, and the President of~~
23 ~~the Senate not later than 2 months after the end of the~~
24 ~~corporation's fiscal year.~~

25 Section 11. Subsection (3) of section 420.511, Florida
26 Statutes, is amended to read:

27 420.511 Business plan; strategic plan; annual
28 report.--

29 (3)(a) The corporation shall submit to the Governor
30 and the presiding officers of each house of the Legislature,
31

1 within 2 months after the end of its fiscal year, a complete
2 and detailed report setting forth:

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

4 ~~2.(b)~~ Its receipts and expenditures during its fiscal
5 year in accordance with the categories or classifications
6 established by the corporation for its operating and capital
7 outlay purposes;

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

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

14 and

15 ~~5.(e)~~ Information relating to the corporation's
16 activities in implementing the provisions of ss. 420.5087, ~~and~~
17 420.5088, and 420.5095.

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

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

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

23 3. The average cost of producing units under each
24 program.

25 4. The average sales price of single-family units
26 financed under s. 420.5088.

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

29 6. The number of persons in rural communities served
30 under each program.

31

1 7. The number of farmworkers served under each
2 program.

3 8. The number of homeless persons served under each
4 program.

5 9. The number of elderly persons served under each
6 program.

7 10. The extent to which geographic distribution has
8 been achieved in accordance with the provisions of s.
9 420.5087.

10 11. The success of the Community Workforce Housing
11 Innovation Pilot Program in meeting the housing needs of
12 eligible areas.

13 ~~12.11.~~ Any other information the corporation deems
14 appropriate.

15 Section 12. Subsection (1) of section 420.513, Florida
16 Statutes, is amended to read:

17 420.513 Exemption from taxes and eligibility as
18 investment.--

19 (1) The property of the corporation, the transactions
20 and operations thereof, the income therefrom, and the bonds of
21 the corporation issued under this act, together with all
22 notes, mortgages, security agreements, letters of credit, or
23 other instruments that arise out of or are given to secure the
24 repayment of bonds issued in connection with the financing of
25 any housing ~~development~~ under this part, and all notes,
26 mortgages, security agreements, letters of credit, or other
27 instruments that arise out of or are given to secure the
28 repayment of loans issued in connection with the financing of
29 any housing under this part, as well as the interest thereon
30 and income therefrom, regardless of the status of any party
31 thereto as a private party, shall be exempt from taxation by

1 | the state and its political subdivisions. The exemption
2 | granted by this subsection shall not apply to any tax imposed
3 | by chapter 220 on interest, income, or profits on debt
4 | obligations owned by corporations.

5 | Section 13. Subsection (7) of section 420.526, Florida
6 | Statutes, is amended to read:

7 | 420.526 Predevelopment Loan Program; loans and grants
8 | authorized; activities eligible for support.--

9 | (7) No predevelopment loan made under this section
10 | shall exceed the lesser of:

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

13 | (b) Seven hundred and fifty ~~Five hundred~~ thousand
14 | dollars.

15 | Section 14. Subsections (2), (4), (5), and (6) of
16 | section 420.9076, Florida Statutes, are amended, and
17 | subsection (8) is added to that section, to read:

18 | 420.9076 Adoption of affordable housing incentive
19 | strategies; committees.--

20 | (2) The governing board of a county or municipality
21 | shall appoint the members of the affordable housing advisory
22 | committee by resolution. Pursuant to the terms of any
23 | interlocal agreement, a county and municipality may create and
24 | jointly appoint an advisory committee to prepare a joint plan.

25 | The ordinance adopted pursuant to s. 420.9072 which creates
26 | the advisory committee or the resolution appointing the
27 | advisory committee members must provide for eleven ~~nine~~
28 | committee members and their terms. The committee must include:

29 | (a) One citizen who is actively engaged in the
30 | residential home building industry in connection with
31 | affordable housing.

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

4 (c) One citizen who is a representative of those areas
5 of labor actively engaged in home building in connection with
6 affordable housing.

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

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

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

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

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

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

19 (j) One citizen who represents employers within the
20 jurisdiction.

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

23
24 If a county or eligible municipality whether due to its small
25 size, the presence of a conflict of interest by prospective
26 appointees, or other reasonable factor, is unable to appoint a
27 citizen actively engaged in these activities in connection
28 with affordable housing, a citizen engaged in the activity
29 without regard to affordable housing may be appointed. Local
30 governments that receive the minimum allocation under the
31 State Housing Initiatives Partnership Program may elect to

1 appoint an affordable housing advisory committee with fewer
2 than eleven representatives if they are unable to find
3 representatives that meet the criteria of paragraphs (a)-(k).

4 (4) Triennially, the advisory committee shall review
5 the established policies and procedures, ordinances, land
6 development regulations, and adopted local government
7 comprehensive plan of the appointing local government and
8 shall recommend specific actions or initiatives to encourage
9 or facilitate affordable housing while protecting the ability
10 of the property to appreciate in value. ~~The Such~~
11 recommendations may include the modification or repeal of
12 existing policies, procedures, ordinances, regulations, or
13 plan provisions; the creation of exceptions applicable to
14 affordable housing; or the adoption of new policies,
15 procedures, regulations, ordinances, or plan provisions. At a
16 minimum, each advisory committee shall submit a report to the
17 local governing body that includes ~~make~~ recommendations on,
18 and triennially thereafter evaluates the implementation of,
19 affordable housing incentives in the following areas:

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

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

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

29 (d) The reservation of infrastructure capacity for
30 housing for very-low-income persons, ~~and~~ low-income persons,
31 and moderate-income persons.

1 (e) The allowance of affordable accessory residential
2 units in residential zoning districts.

3 (f) The reduction of parking and setback requirements
4 for affordable housing.

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

7 (h) The modification of street requirements for
8 affordable housing.

9 (i) The establishment of a process by which a local
10 government considers, before adoption, policies, procedures,
11 ordinances, regulations, or plan provisions that increase the
12 cost of housing.

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

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

17
18 The advisory committee recommendations ~~may~~ ~~must~~ also include
19 other affordable housing incentives identified by the advisory
20 committee. Local governments that receive the minimum
21 allocation under the State Housing Initiatives Partnership
22 Program shall perform the initial review, but may elect to not
23 perform the triennial review.

24 (5) The approval by the advisory committee of its
25 local housing incentive strategies recommendations and its
26 review of local government implementation of previously
27 recommended strategies must be made by affirmative vote of a
28 majority of the membership of the advisory committee taken at
29 a public hearing. Notice of the time, date, and place of the
30 public hearing of the advisory committee to adopt final local
31 housing incentive strategies recommendations must be published

1 in a newspaper of general paid circulation in the county. The
2 ~~Such~~ notice must contain a short and concise summary of the
3 local housing incentives strategies recommendations to be
4 considered by the advisory committee. The notice must state
5 the public place where a copy of the tentative advisory
6 committee recommendations can be obtained by interested
7 persons.

8 (6) Within 90 days after the date of receipt of the
9 local housing incentive strategies recommendations from the
10 advisory committee, the governing body of the appointing local
11 government shall adopt an amendment to its local housing
12 assistance plan to incorporate the local housing incentive
13 strategies it will implement within its jurisdiction. The
14 amendment must include, at a minimum, the local housing
15 incentive strategies required under s. 420.9071(16). The local
16 government must consider the strategies specified in
17 paragraphs(4)(a)-(k) as recommended by the advisory committee
18 ~~(4)(a)-(j)~~.

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

21 (a) The provision of mentoring services to affordable
22 housing partners including developers, banking institutions,
23 employers, and others to identify available incentives, assist
24 with applications for funding requests, and develop
25 partnerships between various parties.

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

28 Section 15. This act shall take effect July 1, 2007.
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 780
4 The committee substitute makes the following substantial
5 changes:
6 Requires certain counties to adopt a plan to ensure workforce
7 housing.
8 Creates an expedited amendment process for plan amendments
9 consistent with local government affordable housing
10 strategies.
11 Allows the adoption of certain comprehensive plan amendments
12 more than twice a year.
13 Requires that certain agreements for affordable housing be
14 recorded in the public records and provides that such
15 agreements are state land use regulations.
16 Allows the Florida Housing Finance Corporation to create a
17 loan application process for the Community Workforce
18 Innovative Housing Pilot Program.
19 Allows certain local governments to use SHIP funds for
20 workforce housing projects.
21 Creates an tax deferral program for affordable housing rental
22 properties.
23 Creates an expedited approval process for development orders
24 and permits for workforce housing.
25 Makes revisions to the local government affordable housing
26 advisory committees.
27
28
29
30
31