

By the Committees on Finance and Tax; Community Affairs; and
Senator Garcia

593-2578-07

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

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.
5 380.06, F.S.; providing that all phase,
6 buildout, and expiration dates for projects
7 that are developments of regional impact and
8 under active construction on a specified date
9 are extended for 3 years; providing an
10 exemption from further
11 development-of-regional-impact review; amending
12 s. 420.504, F.S.; providing that the
13 corporation is a state agency for purposes of
14 the state allocation pool; authorizing the
15 corporation to provide notice of internal
16 review committee meetings by publication on an
17 Internet website; providing that the
18 corporation is not governed by certain
19 provisions relating to corporations not for
20 profit; amending s. 420.506, F.S.; deleting a
21 provision relating to lease of certain state
22 employees; amending s. 420.5061, F.S.; deleting
23 obsolete provisions; removing a provision
24 requiring all assets and liabilities and rights
25 and obligations of the Florida Housing Finance
26 Agency to be transferred to the corporation;
27 providing that the corporation is the legal
28 successor to the agency; removing a provision
29 requiring the corporation to make transfers to
30 the General Revenue Fund; removing a provision
31 requiring all state property in use by the

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

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

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraph (f) of subsection (6) of section
17 163.3177, Florida Statutes, is amended to read:

18 163.3177 Required and optional elements of
19 comprehensive plan; studies and surveys.--

20 (6) In addition to the requirements of subsections
21 (1)-(5) and (12), the comprehensive plan shall include the
22 following elements:

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

25 a. The provision of housing for all current and
26 anticipated future residents of the jurisdiction.

27 b. The elimination of substandard dwelling conditions.

28 c. The structural and aesthetic improvement of
29 existing housing.

30 d. The provision of adequate sites for future housing,
31 including housing for low-income, very low-income, affordable

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

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

8 f. The formulation of housing implementation programs.

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

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

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

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

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

22 Section 2. Subsection (19) is added to section
23 163.3184, Florida Statutes, to read:

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

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

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

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

20 163.3187 Amendment of adopted comprehensive plan.--

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

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

28 Section 4. Sections 197.307, 197.3071, 197.3072,
29 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078,
30 and 197.3079, Florida Statutes, are created to read:

31

1 197.307 Deferrals for ad valorem taxes and non-ad
2 valorem assessments on affordable rental housing property.--

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

9 (2) The board of county commissioners or the governing
10 authority of a municipality may also, by ordinance, authorize
11 the deferral of non-ad valorem assessments, as defined in s.
12 197.3632, on affordable rental housing.

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

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

26 (5) The ordinance must specify that any deferral
27 granted remains in effect for the period for which it is
28 granted regardless of any change in the authority of the
29 county or municipality to grant the deferral. In order to
30 retain the deferral, however, the use and ownership of the
31

1 property as affordable rental housing must be maintained over
2 the period for which the deferral is granted.

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

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

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

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

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

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

28 (d) The tax collector shall notify a community
29 redevelopment agency of any tax deferral that has been granted
30 on property located within the agency's community
31 redevelopment area.

1 (e) Issuance of debt obligation after the date a
2 deferral has been granted does not reduce the amount of taxes
3 eligible for deferral.

4 (7) The tax collector shall notify:

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

11
12 NOTICE TO TAXPAYERS OWNING
13 AFFORDABLE RENTAL HOUSING PROPERTY

14
15 If your property meets certain conditions you
16 may qualify for a deferred tax payment plan on
17 your affordable rental housing property. An
18 application to determine your eligibility is
19 available in the county tax collector's office.

20
21 (b) On or before November 1 of each year, each
22 taxpayer for whom a tax deferral has been previously granted
23 of the accumulated sum of deferred taxes, non-ad valorem
24 assessments, and interest outstanding.

25 197.3071 Eligibility for tax deferral.--The tax
26 deferral authorized by this section is applicable only on a
27 prorata basis to the ad valorem taxes levied on residential
28 units within a property which meet the following conditions:

29 (1) Units for which the monthly rent along with taxes,
30 insurance, and utilities does not exceed 30 percent of the
31

1 median adjusted gross annual income as defined in s. 420.0004
2 for the households described in subsection (2).

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

7 197.3072 Deferral for affordable rental housing
8 properties.--

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

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

23 (3) Deferral may not be granted if:

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

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

31

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

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

13 197.3073 Deferral application.--

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

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

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

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

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

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

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

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

31

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

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

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

10 197.3074 Deferred payment tax certificates.--

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

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

23 197.3075 Change in use or ownership of property.--

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

1 assessments, and interest for all previous years becomes due
2 and payable November 1 of the year in which the change in use
3 or ownership occurs or on the date failure to maintain
4 insurance occurs, and is delinquent on April 1 of the year
5 following the year in which the change in use or ownership or
6 failure to maintain insurance occurs.

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

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

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

29 197.3076 Prepayment of deferred taxes and non-ad
30 valorem assessments.--
31

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

4 (a) The property owner; or

5 (b) The property owner's next of kin, heir, child, or
6 any person having or claiming a legal or equitable interest in
7 the property, if an objection is not made by the owner within
8 30 days after the tax collector notifies the property owner of
9 the fact that such payment has been tendered.

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

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

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

28 197.3079 Penalties.--

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

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

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

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

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

12 Section 5. Paragraph (c) of subsection (19) of section
13 380.06, Florida Statutes, is amended to read:

14 380.06 Developments of regional impact.--

15 (19) SUBSTANTIAL DEVIATIONS.--

16 (c) An extension of the date of buildout of a
17 development, or any phase thereof, by more than 7 years shall
18 be presumed to create a substantial deviation subject to
19 further development-of-regional-impact review. An extension of
20 the date of buildout, or any phase thereof, of more than 5
21 years but not more than 7 years shall be presumed not to
22 create a substantial deviation. The extension of the date of
23 buildout of an areawide development of regional impact by more
24 than 5 years but less than 10 years is presumed not to create
25 a substantial deviation. These presumptions may be rebutted by
26 clear and convincing evidence at the public hearing held by
27 the local government. An extension of 5 years or less is not a
28 substantial deviation. For the purpose of calculating when a
29 buildout or phase date has been exceeded, the time shall be
30 tolled during the pendency of administrative or judicial
31 proceedings relating to development permits. Any extension of

1 the buildout date of a project or a phase thereof shall
2 automatically extend the commencement date of the project, the
3 termination date of the development order, the expiration date
4 of the development of regional impact, and the phases thereof
5 if applicable by a like period of time. In recognition of the
6 2007 real estate market conditions, all phase, buildout, and
7 expiration dates for projects that are developments of
8 regional impact and under active construction on July 1, 2007,
9 are extended for 3 years regardless of any prior extension.
10 The 3-year extension is not a substantial deviation, is not
11 subject to further development-of-regional-impact review, and
12 must not be considered when determining whether a subsequent
13 extension is a substantial deviation under this subsection.

14 Section 6. Subsection (2) of section 420.504, Florida
15 Statutes, is amended to read:

16 420.504 Public corporation; creation, membership,
17 terms, expenses.--

18 (2) The corporation is constituted as a public
19 instrumentality, and the exercise by the corporation of the
20 power conferred by this act is considered to be the
21 performance of an essential public function. The corporation
22 ~~is shall constitute~~ an agency for the purposes of s. 120.52
23 and is a state agency for purposes of s. 159.807(4). The
24 corporation is subject to chapter 119, subject to exceptions
25 applicable to the corporation, and to the provisions of
26 chapter 286; however, the corporation shall be entitled to
27 provide notice of internal review committee meetings for
28 competitive proposals or procurement to applicants by mail, ~~or~~
29 facsimile, or publication on an Internet website, rather than
30 by means of publication. The corporation is not governed by
31 chapter 607 or chapter 617, but by the provisions of this

1 part. If for any reason the establishment of the corporation
2 is deemed in violation of law, such provision is severable and
3 the remainder of this act remains in full force and effect.

4 Section 7. Section 420.506, Florida Statutes, is
5 amended to read:

6 420.506 Executive director; agents and employees.--The
7 appointment and removal of an executive director shall be by
8 the Secretary of Community Affairs, with the advice and
9 consent of the corporation's board of directors. The executive
10 director shall employ legal and technical experts and such
11 other agents and employees, permanent and temporary, as the
12 corporation may require, and shall communicate with and
13 provide information to the Legislature with respect to the
14 corporation's activities. The board is authorized,
15 notwithstanding the provisions of s. 216.262, to develop and
16 implement rules regarding the employment of employees of the
17 corporation and service providers, including legal counsel.
18 ~~The corporation is authorized to enter into a lease agreement~~
19 ~~with the Department of Management Services or the Department~~
20 ~~of Community Affairs for the lease of state employees from~~
21 ~~such entities, wherein an employee shall retain his or her~~
22 ~~status as a state employee but shall work under the direct~~
23 ~~supervision of the corporation, and shall retain the right to~~
24 ~~participate in the Florida Retirement System.~~ The board of
25 directors of the corporation is entitled to establish travel
26 procedures and guidelines for employees of the corporation.
27 The executive director's office and the corporation's files
28 and records must be located in Leon County.

29 Section 8. Section 420.5061, Florida Statutes, is
30 amended to read:
31

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

1 ~~all state property in use by the agency shall be transferred~~
2 ~~to and become the property of the corporation.~~

3 Section 9. Subsection (46) is added to section
4 420.507, Florida Statutes, to read:

5 420.507 Powers of the corporation.--The corporation
6 shall have all the powers necessary or convenient to carry out
7 and effectuate the purposes and provisions of this part,
8 including the following powers which are in addition to all
9 other powers granted by other provisions of this part:

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

18 Section 10. Subsection (3) of section 420.5087,
19 Florida Statutes, is amended to read:

20 420.5087 State Apartment Incentive Loan
21 Program.--There is hereby created the State Apartment
22 Incentive Loan Program for the purpose of providing first,
23 second, or other subordinated mortgage loans or loan
24 guarantees to sponsors, including for-profit, nonprofit, and
25 public entities, to provide housing affordable to
26 very-low-income persons.

27 (3) During the first 6 months of loan or loan
28 guarantee availability, program funds shall be reserved for
29 use by sponsors who provide the housing set-aside required in
30 subsection (2) for the tenant groups designated in this
31 subsection. The reservation of funds to each of these groups

1 shall be determined using the most recent statewide
2 very-low-income rental housing market study available at the
3 time of publication of each notice of fund availability
4 required by paragraph (6)(b). The reservation of funds within
5 each notice of fund availability to the tenant groups in
6 paragraphs (a), (b), and (d) may not be less than 10 percent
7 of the funds available at that time. Any increase in funding
8 required to reach the 10-percent minimum must ~~shall~~ be taken
9 from the tenant group that has the largest reservation. The
10 reservation of funds within each notice of fund availability
11 to the tenant group in paragraph (c) may not be less than 5
12 percent of the funds available at that time. The tenant groups
13 are:

- 14 (a) Commercial fishing workers and farmworkers;
- 15 (b) Families;
- 16 (c) Persons who are homeless; and
- 17 (d) Elderly persons. Ten percent of the amount
18 reserved for the elderly shall be reserved to provide loans to
19 sponsors of housing for the elderly for the purpose of making
20 building preservation, health, or sanitation repairs or
21 improvements which are required by federal, state, or local
22 regulation or code, or lifesafety or security-related repairs
23 or improvements to such housing. Such a loan may not exceed
24 \$750,000 per housing community for the elderly. In order to
25 receive the loan, the sponsor of the housing community must
26 make a commitment to match at least 5 percent of the loan
27 amount to pay the cost of such repair or improvement. The
28 corporation shall establish the rate of interest on the loan,
29 which may not exceed 3 percent, and the term of the loan,
30 which may not exceed 15 years; however, if the lien of the
31 corporation's encumbrance is subordinate to the lien of

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

18 Section 11. Section 420.5095, Florida Statutes, is
19 amended to read:

20 420.5095 Community Workforce Housing Innovation Pilot
21 Program.--

22 (1) The Legislature finds and declares that recent
23 rapid increases in the median purchase price of a home and the
24 cost of rental housing have far outstripped the increases in
25 median income in the state, preventing essential services
26 personnel from living in the communities where they serve and
27 thereby creating the need for innovative solutions for the
28 provision of housing opportunities for essential services
29 personnel.

30 (2) The Community Workforce Housing Innovation Pilot
31 Program is created to provide affordable rental and home

1 ownership community workforce housing for essential services
2 personnel affected by the high cost of housing, using
3 regulatory incentives and state and local funds to promote
4 local public-private partnerships and leverage government and
5 private resources.

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

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

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

24 (c) "Public-private partnership" means any form of
25 business entity that includes substantial involvement of at
26 least one county, one municipality, or one public sector
27 entity, such as a school district or other unit of local
28 government in which the project is to be located, and at least
29 one private sector for-profit or not-for-profit business or
30 charitable entity, and may be any form of business entity,
31 including a joint venture or contractual agreement.

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

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

17 (a) The selection criteria and application review
18 process must include a procedure for curing errors in the loan
19 applications which do not make a substantial change to the
20 proposed project.

21 (b) To achieve the goals of the pilot program, the
22 application review committee may approve or reject loan
23 applications or responses to questions raised during the
24 review of an application due to the insufficiency of
25 information provided.

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

29 (d) The board of directors shall approve or reject
30 loan applications, determine the tentative loan amount
31

1 available to each applicant, and rank all approved
2 applications.

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

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

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

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

23 (7)(6) Funding shall be targeted to innovative
24 projects in areas where the disparity between the area median
25 income and the median sales price for a single-family home is
26 greatest, and ~~for projects in areas~~ where population growth as
27 a percentage rate of increase is greatest. The corporation may
28 also fund projects in areas where innovative regulatory and
29 financial incentives are made available. The corporation shall
30 fund at least one eligible project in as many counties and
31

1 regions of the state as is practicable, consistent with
2 program goals ~~as possible.~~

3 ~~(8)(7)~~ Projects shall receive priority consideration
4 for funding where:

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

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

27 (c) Projects that set aside at least 80 percent of
28 units for workforce housing and at least 50 percent for
29 essential services personnel and for projects that require the
30 least amount of program funding compared to the overall
31 housing costs for the project.

1 ~~(9)(8)~~ Notwithstanding ~~the provisions of~~ s.
2 163.3184(3)-(6), any local government comprehensive plan
3 amendment to implement a Community Workforce Housing
4 Innovation Pilot Program project found consistent with the
5 provisions of this section shall be expedited as provided in
6 this subsection. At least 30 days prior to adopting a plan
7 amendment under ~~pursuant to~~ this subsection, the local
8 government shall notify the state land planning agency of its
9 intent to adopt such an amendment, and the notice shall
10 include its evaluation related to site suitability and
11 availability of facilities and services. The public notice of
12 the hearing required by s. 163.3184(15)(b)2. ~~s.~~
13 ~~163.3184(15)(e)~~ shall include a statement that the local
14 government intends to use ~~utilize~~ the expedited adoption
15 process authorized by this subsection. Such amendments shall
16 require only a single public hearing before the governing
17 board, which shall be an adoption hearing as described in s.
18 163.3184(7), ~~and~~ The state land planning agency shall issue
19 its notice of intent pursuant to s. 163.3184(8) within 30 days
20 after determining that the amendment package is complete. Any
21 further proceedings shall be governed by ss. 163.3184(9)-(16).
22 Amendments proposed under this section are not subject to s.
23 163.3187(1), which limits the adoption of a comprehensive plan
24 amendment to no more than two times during any calendar year.
25 (10) The processing of approvals of development orders
26 or development permits, as defined in s. 163.3164(7) and (8),
27 for innovative community workforce housing projects shall be
28 expedited.
29 ~~(11)(9)~~ The corporation shall award loans with
30 interest rates set at 1 to 3 percent, which may be made
31 forgivable when long-term affordability is provided and when

1 at least 80 percent of the units are set aside for workforce
2 housing and at least 50 percent of the units are set aside for
3 essential services personnel.

4 ~~(12)~~~~(10)~~ All eligible applications shall:

5 (a) For home ownership, limit the sales price of a
6 detached unit, townhome, or condominium unit to not more than
7 90 ~~80~~ percent of the median sales price for that type of unit
8 in that county, or the statewide median sales price for that
9 type of unit, whichever is higher, and require that all
10 eligible purchasers of home ownership units occupy the homes
11 as their primary residence.

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

21 (c) Demonstrate that the applicant is a public-private
22 partnership in an agreement, contract, partnership agreement,
23 memorandum of understanding, or other written instrument
24 signed by all the project partners.

25 (d) Have grants, donations of land, or contributions
26 from the public-private partnership or other sources
27 collectively totaling at least 15 percent of the total
28 development cost. Such grants, donations of land, or
29 contributions must be evidenced by a letter of commitment, an
30 agreement, contract, deed, memorandum of understanding, or
31 other written instrument ~~only~~ at the time of application.

1 Grants, donations of land, or contributions in excess of 15
2 percent of the development cost shall increase the application
3 score.

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

10 (f) Demonstrate that the applicant possesses title to
11 or site control of land and evidences availability of required
12 infrastructure.

13 (g) Demonstrate the applicant's affordable housing
14 development and management experience.

15 (h) Provide any research or facts available supporting
16 the demand and need for rental or home ownership workforce
17 housing for eligible persons in the market in which the
18 project is proposed.

19 ~~(13)(11)~~ Projects may include manufactured housing
20 constructed after June 1994 and installed in accordance with
21 mobile home installation standards of the Department of
22 Highway Safety and Motor Vehicles.

23 ~~(14)(12)~~ The corporation may adopt rules pursuant to
24 ss. 120.536(1) and 120.54 to implement ~~the provisions of this~~
25 section.

26 ~~(15)(13)~~ The corporation may use a maximum of 2
27 percent of the annual program appropriation for administration
28 and compliance monitoring.

29 ~~(16)(14)~~ The corporation shall review the success of
30 the Community Workforce Housing Innovation Pilot Program to
31 ascertain whether the projects financed by the program are

1 useful in meeting the housing needs of eligible areas and
2 shall include its findings in the annual report required under
3 s. 420.511(3). ~~The corporation shall submit its report and any~~
4 ~~recommendations regarding the program to the Governor, the~~
5 ~~Speaker of the House of Representatives, and the President of~~
6 ~~the Senate not later than 2 months after the end of the~~
7 ~~corporation's fiscal year.~~

8 Section 12. Subsection (3) of section 420.511, Florida
9 Statutes, is amended to read:

10 420.511 Business plan; strategic plan; annual
11 report.--

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

16 1.(a) Its operations and accomplishments;

17 2.(b) Its receipts and expenditures during its fiscal
18 year in accordance with the categories or classifications
19 established by the corporation for its operating and capital
20 outlay purposes;

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

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

28 5.(e) Information relating to the corporation's
29 activities in implementing the provisions of ss. 420.5087, ~~and~~
30 420.5088, and 420.5095.
31

1 **(b)** The report ~~required by this subsection~~ shall
2 include, but not be limited to:

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

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

6 3. The average cost of producing units under each
7 program.

8 4. The average sales price of single-family units
9 financed under s. 420.5088.

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

12 6. The number of persons in rural communities served
13 under each program.

14 7. The number of farmworkers served under each
15 program.

16 8. The number of homeless persons served under each
17 program.

18 9. The number of elderly persons served under each
19 program.

20 10. The extent to which geographic distribution has
21 been achieved in accordance with the provisions of s.
22 420.5087.

23 11. The success of the Community Workforce Housing
24 Innovation Pilot Program in meeting the housing needs of
25 eligible areas.

26 ~~12.11.~~ Any other information the corporation deems
27 appropriate.

28 Section 13. Subsection (1) of section 420.513, Florida
29 Statutes, is amended to read:

30 420.513 Exemption from taxes and eligibility as
31 investment.--

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

18 Section 14. Subsection (7) of section 420.526, Florida
19 Statutes, is amended to read:

20 420.526 Predevelopment Loan Program; loans and grants
21 authorized; activities eligible for support.--

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

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

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

28 Section 15. Subsections (2), (4), (5), and (6) of
29 section 420.9076, Florida Statutes, are amended, and
30 subsections (8) and (9) are added to that section, to read:

31

1 420.9076 Adoption of affordable housing incentive
2 strategies; committees.--

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

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

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

18 (c) One citizen who is a representative of those areas
19 of labor actively engaged in home building in connection with
20 affordable housing.

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

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

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

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

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

31

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

3 (j) One citizen who represents employers within the
4 jurisdiction.

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

7
8 If a county or eligible municipality whether due to its small
9 size, the presence of a conflict of interest by prospective
10 appointees, or other reasonable factor, is unable to appoint a
11 citizen actively engaged in these activities in connection
12 with affordable housing, a citizen engaged in the activity
13 without regard to affordable housing may be appointed. Local
14 governments that receive the minimum allocation under the
15 State Housing Initiatives Partnership Program may elect to
16 appoint an affordable housing advisory committee with fewer
17 than eleven representatives if they are unable to find
18 representatives that meet the criteria of paragraphs (a)-(k).

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

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

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

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

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

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

19 (e) The allowance of affordable accessory residential
20 units in residential zoning districts.

21 (f) The reduction of parking and setback requirements
22 for affordable housing.

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

25 (h) The modification of street requirements for
26 affordable housing.

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

31

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

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

5
6 The advisory committee recommendations ~~may~~ must also include
7 other affordable housing incentives identified by the advisory
8 committee. Local governments that receive the minimum
9 allocation under the State Housing Initiatives Partnership
10 Program shall perform the initial review, but may elect to not
11 perform the triennial review.

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

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

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

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

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

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

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

21 Section 16. This act shall take effect July 1, 2007.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 780

The Committee Substitute makes the following changes to CS/SB 780:

1. Provides that in recognition of the 2007 real estate market conditions, all phase, build out, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years.
2. Adds affordable workforce housing to the list of future housing plans required in the comprehensive plan.
3. Allows local housing advisory committees to recommend changes to the comprehensive plan to local governments.
4. Directs local housing and planning departments to provide staff to the advisory commission.