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Proposed Committee Substitute by the Committee on Community
Affairs

1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 420.503, F.S.; defining the term "moderate rehabilitation"
4 for purposes of the Florida Housing Finance Corporation
5 Act; amending s. 420.5087, F.S.; revising purposes for
6 which State Apartment Incentive Loans may be used;
7 amending s. 420.9071, F.S.; defining the terms "assisted
8 housing," "assisted housing development," and
9 "preservation"; revising the definition of "eligible
10 housing," "local housing incentive strategies," and
11 "recaptured funds" for purposes of the State Housing
12 Initiatives Partnership Act; amending s. 420.9072, F.S.;
13 amending provisions related to the administration of
14 certain funds in the Local Government Housing Trust Fund;
15 amending s. 420.9073, F.S.; revising requirements for
16 distribution of funds in the Local Government Housing
17 Trust Fund; specifying purposes for which such withheld
18 funds may be used; clarifying purposes for which certain
19 local governments may expend funds from the Local
20 Government Housing Trust Fund; amending s. 420.9075, F.S.;
21 requiring that local housing assistance plans address the
22 special housing needs of persons with disabilities;
23 authorizing the Florida Housing Finance Corporation to
24 define "high-cost counties" by rule; authorizing high-cost
25 counties or certain municipalities to assist persons
26 meeting specific income requirements; revising
27 requirements to be included in the local housing
28 assistance plan; requiring counties and certain



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29 municipalities to include certain strategies in the local
30 housing assistance plan; extending the expiration date of
31 an exemption from certain income requirements in specified
32 areas; authorizing the use of certain funds for
33 preconstruction activities; providing that certain costs
34 are a program expense; authorizing counties and certain
35 municipalities to award grant funds under certain
36 conditions; providing for the repayment of funds by
37 counties or certain municipalities; amending provisions
38 related to the administration of certain funds in the
39 Local Government Housing Trust Fund; amending s. 420.9076,
40 F.S.; revising appointments to a local affordable housing
41 advisory committee; deleting cross-references to conform
42 to changes made by the act; deleting provisions related to
43 the administration of certain funds by the Local
44 Government Housing Trust Fund; amending s. 421.08, F.S.;
45 limiting the authority of housing authorities in certain
46 circumstances; amending s. 159.807, F.S.; deleting an
47 exemption for the Florida Housing Finance Corporation from
48 the applicability of certain uses of the state allocation
49 pool; repealing s. 420.9078, F.S., relating to state
50 administration of funds remaining in the Local Government
51 Housing Trust Fund; amending ss. 212.08, 220.03, and
52 220.183, F.S.; conforming cross-references to changes made
53 by the act; amending s. 624.5105, F.S.; conforming cross-
54 references to changes made by the act; providing an
55 effective date.

56

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

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59 | Section 1. Present subsections (25) through (41) of section
60 | 420.503, Florida Statutes, are redesignated as subsections (26)
61 | through (42), respectively, and a new subsection (25) is added to
62 | that section, to read:

63 | 420.503 Definitions.--As used in this part, the term:

64 | (25) "Moderate rehabilitation" means repair or restoration
65 | of a dwelling unit when the value of such repair or restoration
66 | is 40 percent or less of the value of the dwelling but not less
67 | than \$10,000.

68 | Section 2. Paragraph (1) of subsection (6) of section
69 | 420.5087, Florida Statutes, is amended to read:

70 | 420.5087 State Apartment Incentive Loan Program.--There is
71 | hereby created the State Apartment Incentive Loan Program for the
72 | purpose of providing first, second, or other subordinated
73 | mortgage loans or loan guarantees to sponsors, including for-
74 | profit, nonprofit, and public entities, to provide housing
75 | affordable to very-low-income persons.

76 | (6) On all state apartment incentive loans, except loans
77 | made to housing communities for the elderly to provide for
78 | lifesafety, building preservation, health, sanitation, or
79 | security-related repairs or improvements, the following
80 | provisions shall apply:

81 | (1) The proceeds of all loans shall be used for new
82 | construction, moderate rehabilitation, or substantial
83 | rehabilitation which creates or preserves affordable, safe, and
84 | sanitary housing units.

85 | Section 3. Section 420.9071, Florida Statutes, is amended
86 | to read:

87 | 420.9071 Definitions.--As used in ss. 420.907-420.9079, the
88 | term:



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89 (1) "Adjusted for family size" means adjusted in a manner
90 that results in an income eligibility level that is lower for
91 households having fewer than four people, or higher for
92 households having more than four people, than the base income
93 eligibility determined as provided in subsection (20) ~~(19)~~,
94 subsection (21) ~~(20)~~, or subsection (30) ~~(28)~~, based upon a
95 formula established by the United States Department of Housing
96 and Urban Development.

97 (2) "Affordable" means that monthly rents or monthly
98 mortgage payments including taxes and insurance do not exceed 30
99 percent of that amount which represents the percentage of the
100 median annual gross income for the households as indicated in
101 subsection (20) ~~(19)~~, subsection (21) ~~(20)~~, or subsection (30)
102 ~~(28)~~. However, it is not the intent to limit an individual
103 household's ability to devote more than 30 percent of its income
104 for housing, and housing for which a household devotes more than
105 30 percent of its income shall be deemed affordable if the first
106 institutional mortgage lender is satisfied that the household can
107 afford mortgage payments in excess of the 30 percent benchmark.

108 (3) "Affordable housing advisory committee" means the
109 committee appointed by the governing body of a county or eligible
110 municipality for the purpose of recommending specific initiatives
111 and incentives to encourage or facilitate affordable housing as
112 provided in s. 420.9076.

113 (4) "Annual gross income" means annual income as defined
114 under the Section 8 housing assistance payments programs in 24
115 C.F.R. part 5; annual income as reported under the census long
116 form for the recent available decennial census; or adjusted gross
117 income as defined for purposes of reporting under Internal
118 Revenue Service Form 1040 for individual federal annual income



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119 | tax purposes; or other method of verifying income as provided by
120 | rule of the corporation. Counties and eligible municipalities
121 | shall calculate income by annualizing verified sources of income
122 | for the household as the amount of income to be received in a
123 | household during the 12 months following the effective date of
124 | the determination.

125 | (5) "Assisted housing" or "assisted housing development"
126 | means a rental housing development, including rental housing in a
127 | mixed-use development, which has received or currently receives
128 | funding from any federal or state housing program.

129 | ~~(6)~~ ~~(5)~~ "Award" means a loan, grant, or subsidy funded
130 | wholly or partially by the local housing assistance trust fund.

131 | ~~(7)~~ ~~(6)~~ "Community-based organization" means a nonprofit
132 | organization that has among its purposes the provision of
133 | affordable housing to persons who have special needs or have very
134 | low income, low income, or moderate income within a designated
135 | area, which may include a municipality, a county, or more than
136 | one municipality or county, and maintains, through a minimum of
137 | one-third representation on the organization's governing board,
138 | accountability to housing program beneficiaries and residents of
139 | the designated area. A community housing development organization
140 | established pursuant to 24 C.F.R. part 92.2 and a community
141 | development corporation created pursuant to chapter 290 are
142 | examples of community-based organizations.

143 | ~~(8)~~ ~~(7)~~ "Corporation" means the Florida Housing Finance
144 | Corporation.

145 | ~~(9)~~ ~~(8)~~ "Eligible housing" means any real and personal
146 | property located within the county or the eligible municipality
147 | which is designed and intended for the primary purpose of
148 | providing decent, safe, and sanitary residential units that are



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149 | designed to meet the standards of the Florida Building Code under
150 | chapter 553, or manufactured housing constructed after June 1994
151 | and installed in accordance with the installation standards for
152 | mobile or manufactured homes contained in rules of the Department
153 | of Highway Safety and Motor Vehicles if such manufactured housing
154 | is assessed as an improvement to real property for purposes of ad
155 | valorem taxation, for home ownership or rental for eligible
156 | persons as designated by each county or eligible municipality
157 | participating in the State Housing Initiatives Partnership
158 | Program.

159 | ~~(10)-(9)~~ "Eligible municipality" means a municipality that
160 | is eligible for federal community development block grant
161 | entitlement moneys as an entitlement community identified in 24
162 | C.F.R. s. 570, subpart D, Entitlement Grants, or a nonentitlement
163 | municipality that is receiving local housing distribution funds
164 | under an interlocal agreement that provides for possession and
165 | administrative control of funds to be transferred to the
166 | nonentitlement municipality. An eligible municipality that defers
167 | its participation in community development block grants does not
168 | affect its eligibility for participation in the State Housing
169 | Initiatives Partnership Program.

170 | ~~(11)-(10)~~ "Eligible person" or "eligible household" means
171 | one or more natural persons or a family determined by the county
172 | or eligible municipality to be of very low income, low income, or
173 | moderate income according to the income limits adjusted to family
174 | size published annually by the United States Department of
175 | Housing and Urban Development based upon the annual gross income
176 | of the household.

177 | ~~(12)-(11)~~ "Eligible sponsor" means a person or a private or
178 | public for-profit or not-for-profit entity that applies for an



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179 | award under the local housing assistance plan for the purpose of
180 | providing eligible housing for eligible persons.

181 | (13)~~(12)~~ "Grant" means an award from the local housing
182 | assistance trust fund to an eligible sponsor or eligible person
183 | to partially assist in the construction, rehabilitation, or
184 | financing of eligible housing or to provide the cost of tenant or
185 | ownership qualifications without requirement for repayment as
186 | long as the condition of award is maintained.

187 | (14)~~(13)~~ "Loan" means an award from the local housing
188 | assistance trust fund to an eligible sponsor or eligible person
189 | to partially finance the acquisition, construction, or
190 | rehabilitation of eligible housing with requirement for repayment
191 | or provision for forgiveness of repayment if the condition of the
192 | award is maintained.

193 | (15)~~(14)~~ "Local housing assistance plan" means a concise
194 | description of the local housing assistance strategies and local
195 | housing incentive strategies adopted by local government
196 | resolution with an explanation of the way in which the program
197 | meets the requirements of ss. 420.907-420.9079 and corporation
198 | rule.

199 | (16)~~(15)~~ "Local housing assistance strategies" means the
200 | housing construction, rehabilitation, repair, or finance program
201 | implemented by a participating county or eligible municipality
202 | with the local housing distribution or other funds deposited into
203 | the local housing assistance trust fund.

204 | (17)~~(16)~~ "Local housing incentive strategies" means local
205 | regulatory reform or incentive programs to encourage or
206 | facilitate affordable housing production, which include at a
207 | minimum, assurance that permits as defined in s. 163.3164(7) and
208 | (8) for affordable housing projects are expedited to a greater



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209 | degree than other projects; an ongoing process for review of
210 | local policies, ordinances, regulations, and plan provisions that
211 | increase the cost of housing prior to their adoption; and a
212 | schedule for implementing the incentive strategies. Local housing
213 | incentive strategies may also include other regulatory reforms,
214 | such as those enumerated in s. 420.9076 or those recommended by
215 | the affordable housing advisory committee in its triennial
216 | evaluation of the implementation of affordable housing
217 | incentives, and adopted by the local governing body.

218 | ~~(18)-(17)~~ "Local housing distributions" means the proceeds
219 | of the taxes collected under chapter 201 deposited into the Local
220 | Government Housing Trust Fund and distributed to counties and
221 | eligible municipalities participating in the State Housing
222 | Initiatives Partnership Program pursuant to s. 420.9073.

223 | ~~(19)-(18)~~ "Local housing partnership" means the
224 | implementation of the local housing assistance plan in a manner
225 | that involves the applicable county or eligible municipality,
226 | lending institutions, housing builders and developers, real
227 | estate professionals, advocates for low-income persons,
228 | community-based housing and service organizations, and providers
229 | of professional services relating to affordable housing. The term
230 | includes initiatives to provide support services for housing
231 | program beneficiaries such as training to prepare persons for the
232 | responsibility of homeownership, counseling of tenants, and the
233 | establishing of support services such as day care, health care,
234 | and transportation.

235 | ~~(20)-(19)~~ "Low-income person" or "low-income household"
236 | means one or more natural persons or a family that has a total
237 | annual gross household income that does not exceed 80 percent of
238 | the median annual income adjusted for family size for households



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239 | within the metropolitan statistical area, the county, or the
240 | nonmetropolitan median for the state, whichever amount is
241 | greatest. With respect to rental units, the low-income
242 | household's annual income at the time of initial occupancy may
243 | not exceed 80 percent of the area's median income adjusted for
244 | family size. While occupying the rental unit, a low-income
245 | household's annual income may increase to an amount not to exceed
246 | 140 percent of 80 percent of the area's median income adjusted
247 | for family size.

248 | ~~(21)-(20)~~ "Moderate-income person" or "moderate-income
249 | household" means one or more natural persons or a family that has
250 | a total annual gross household income that does not exceed 120
251 | percent of the median annual income adjusted for family size for
252 | households within the metropolitan statistical area, the county,
253 | or the nonmetropolitan median for the state, whichever is
254 | greatest. With respect to rental units, the moderate-income
255 | household's annual income at the time of initial occupancy may
256 | not exceed 120 percent of the area's median income adjusted for
257 | family size. While occupying the rental unit, a moderate-income
258 | household's annual income may increase to an amount not to exceed
259 | 140 percent of 120 percent of the area's median income adjusted
260 | for family size.

261 | ~~(22)-(21)~~ "Personal property" means major appliances,
262 | including a freestanding refrigerator or stove, to be identified
263 | on the encumbering documents.

264 | ~~(23)-(22)~~ "Plan amendment" means the addition or deletion of
265 | a local housing assistance strategy or local housing incentive
266 | strategy. Plan amendments must at all times maintain consistency
267 | with program requirements and must be submitted to the
268 | corporation for review pursuant to s. 420.9072(3). Technical or



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269 clarifying revisions may not be considered plan amendments but
270 must be transmitted to the corporation for purposes of
271 notification.

272 (24) "Preservation" means efforts taken to keep rents in
273 existing assisted housing or existing assisted housing
274 developments affordable for extremely low, very-low, low, and
275 moderate-income households while ensuring that such property
276 stays in good physical and financial condition for an extended
277 period.

278 (25)-(23) "Population" means the latest official state
279 estimate of population certified pursuant to s. 186.901 prior to
280 the beginning of the state fiscal year.

281 (26)-(24) "Program income" means the proceeds derived from
282 interest earned on or investment of the local housing
283 distribution and other funds deposited into the local housing
284 assistance trust fund, proceeds from loan repayments, recycled
285 funds, and all other income derived from use of funds deposited
286 in the local housing assistance trust fund. It does not include
287 recaptured funds as defined in subsection (27) -(25).

288 (27)-(25) "Recaptured funds" means funds that are recouped
289 by a county or eligible municipality in accordance with the
290 recapture provisions of its local housing assistance plan
291 pursuant to s. 420.9075(5)(g) from eligible persons or eligible
292 sponsors where the funds were not used for assistance to an
293 eligible household for an eligible activity, or where there is a
294 who default on the terms of a grant award or loan award.

295 (28)-(26) "Rent subsidies" means ongoing monthly rental
296 assistance. The term does not include initial assistance to
297 tenants, such as grants or loans for security and utility
298 deposits.



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299 | ~~(29)~~(27) "Sales price" or "value" means, in the case of
300 | acquisition of an existing or newly constructed unit, the amount
301 | on the executed sales contract. For eligible persons who are
302 | building a unit on land that they own, the sales price is
303 | determined by an appraisal performed by a state-certified
304 | appraiser. The appraisal must include the value of the land and
305 | the improvements using the after-construction value of the
306 | property and must be dated within 12 months of the date
307 | construction is to commence. The sales price of any unit must
308 | include the value of the land in order to qualify as eligible
309 | housing as defined in subsection (9) ~~(8)~~. In the case of
310 | rehabilitation or emergency repair of an existing unit that does
311 | not create additional living space, sales price or value means
312 | the value of the real property, as determined by an appraisal
313 | performed by a state-certified appraiser and dated within 12
314 | months of the date construction is to commence or the assessed
315 | value of the real property as determined by the county property
316 | appraiser. In the case of rehabilitation of an existing unit that
317 | includes the addition of new living space, sales price or value
318 | means the value of the real property, as determined by an
319 | appraisal performed by a state-certified appraiser and dated
320 | within 12 months of the date construction is to commence or the
321 | assessed value of the real property as determined by the county
322 | property appraiser, plus the cost of the improvements in either
323 | case.

324 | ~~(30)~~(28) "Very-low-income person" or "very-low-income
325 | household" means one or more natural persons or a family that has
326 | a total annual gross household income that does not exceed 50
327 | percent of the median annual income adjusted for family size for
328 | households within the metropolitan statistical area, the county,



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329 or the nonmetropolitan median for the state, whichever is
330 greatest. With respect to rental units, the very-low-income
331 household's annual income at the time of initial occupancy may
332 not exceed 50 percent of the area's median income adjusted for
333 family size. While occupying the rental unit, a very-low-income
334 household's annual income may increase to an amount not to exceed
335 140 percent of 50 percent of the area's median income adjusted
336 for family size.

337 Section 4. Subsection (6) of section 420.9072, Florida
338 Statutes, is amended to read:

339 420.9072 State Housing Initiatives Partnership
340 Program.--The State Housing Initiatives Partnership Program is
341 created for the purpose of providing funds to counties and
342 eligible municipalities as an incentive for the creation of local
343 housing partnerships, to expand production of and preserve
344 affordable housing, to further the housing element of the local
345 government comprehensive plan specific to affordable housing, and
346 to increase housing-related employment.

347 (6) The moneys that otherwise would be distributed pursuant
348 to s. 420.9073 to a local government that does not meet the
349 program's requirements for receipts of such distributions shall
350 remain in the Local Government Housing Trust Fund to be
351 administered by the corporation ~~pursuant to s. 420.9078.~~

352 Section 5. Subsections (1), (2), and (3) of section
353 420.9073, Florida Statutes, are amended, and subsections (5),
354 (6), and (7) are added to that section, to read:

355 420.9073 Local housing distributions.--

356 (1) Subject to the availability of funds, distributions
357 calculated in this subsection ~~section~~ shall be disbursed on a
358 quarterly or more frequent ~~monthly~~ basis by the corporation



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359 ~~beginning the first day of the month after program approval~~
360 pursuant to s. 420.9072. Each county's share of the funds to be
361 distributed from the portion of the funds in the Local Government
362 Housing Trust Fund received pursuant to s. 201.15(9) shall be
363 calculated by the corporation for each fiscal year as follows:

364 (a) Each county other than a county that has implemented
365 the provisions of chapter 83-220, Laws of Florida, as amended by
366 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall
367 receive the guaranteed amount for each fiscal year.

368 (b) Each county other than a county that has implemented
369 the provisions of chapter 83-220, Laws of Florida, as amended by
370 chapters 84-270, 86-152, and 89-252, Laws of Florida, may receive
371 an additional share calculated as follows:

372 1. Multiply each county's percentage of the total state
373 population excluding the population of any county that has
374 implemented the provisions of chapter 83-220, Laws of Florida, as
375 amended by chapters 84-270, 86-152, and 89-252, Laws of Florida,
376 by the total funds to be distributed.

377 2. If the result in subparagraph 1. is less than the
378 guaranteed amount as determined in subsection (3), that county's
379 additional share shall be zero.

380 3. For each county in which the result in subparagraph 1.
381 is greater than the guaranteed amount as determined in subsection
382 (3), the amount calculated in subparagraph 1. shall be reduced by
383 the guaranteed amount. The result for each such county shall be
384 expressed as a percentage of the amounts so determined for all
385 counties. Each such county shall receive an additional share
386 equal to such percentage multiplied by the total funds received
387 by the Local Government Housing Trust Fund pursuant to s.
388 201.15(9) reduced by the guaranteed amount paid to all counties.



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389 (2) Subject to the availability of funds ~~Effective July 1,~~
390 ~~1995,~~ distributions calculated in this subsection ~~section~~ shall
391 be disbursed on a quarterly or more frequent ~~monthly~~ basis by the
392 corporation ~~beginning the first day of the month after program~~
393 ~~approval~~ pursuant to s. 420.9072. Each county's share of the
394 funds to be distributed from the portion of the funds in the
395 Local Government Housing Trust Fund received pursuant to s.
396 201.15(10) shall be calculated by the corporation for each fiscal
397 year as follows:

398 (a) Each county shall receive the guaranteed amount for
399 each fiscal year.

400 (b) Each county may receive an additional share calculated
401 as follows:

402 1. Multiply each county's percentage of the total state
403 population, by the total funds to be distributed.

404 2. If the result in subparagraph 1. is less than the
405 guaranteed amount as determined in subsection (3), that county's
406 additional share shall be zero.

407 3. For each county in which the result in subparagraph 1.
408 is greater than the guaranteed amount, the amount calculated in
409 subparagraph 1. shall be reduced by the guaranteed amount. The
410 result for each such county shall be expressed as a percentage of
411 the amounts so determined for all counties. Each such county
412 shall receive an additional share equal to this percentage
413 multiplied by the total funds received by the Local Government
414 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
415 guaranteed amount paid to all counties.

416 (3) Calculation of guaranteed amounts:

417 (a) The guaranteed amount under subsection (1) shall be
418 calculated for each state fiscal year by multiplying \$350,000 by



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419 a fraction, the numerator of which is the amount of funds
420 distributed to the Local Government Housing Trust Fund pursuant
421 to s. 201.15(9) and the denominator of which is the total amount
422 of funds distributed to the Local Government Housing Trust Fund
423 pursuant to s. 201.15 less the total amount withheld, but not
424 more than \$10 million as provided in subsections (5) and (6).

425 (b) The guaranteed amount under subsection (2) shall be
426 calculated for each state fiscal year by multiplying \$350,000 by
427 a fraction, the numerator of which is the amount of funds
428 distributed to the Local Government Housing Trust Fund pursuant
429 to s. 201.15(10) and the denominator of which is the total amount
430 of funds distributed to the Local Government Housing Trust Fund
431 pursuant to s. 201.15 less the total amount withheld, but not
432 more than \$10 million as provided in subsections (5) and (6).

433 (5) Notwithstanding subsections (1)-(4), the corporation
434 may withhold up to \$5 million of the total amount distributed
435 each fiscal year from the Local Government Housing Trust Fund to
436 provide additional funding to counties and eligible
437 municipalities where a state of emergency has been declared by
438 the Governor under chapter 252. Any portion of the withheld funds
439 not distributed by the end of the fiscal year shall be
440 distributed as provided in subsections (1) and (2).

441 (6) Notwithstanding subsections (1)-(4), the corporation
442 may withhold up to \$5 million of the total amount distributed
443 each fiscal year from the Local Government Housing Trust Fund to
444 provide funding to counties and eligible municipalities to
445 purchase properties subject to a State Housing Initiatives
446 Partnership Program lien and on which foreclosure proceedings
447 have been instituted by a mortgagee. Each county and eligible
448 municipality receiving funds under this subsection shall repay



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449 such funds to the corporation on or before the expenditure
450 deadline for the fiscal year in which the funds were awarded.
451 Amounts not repaid by the county or eligible municipality shall
452 be withheld from the subsequent year's distribution under
453 subsections (1) and (2). Any portion of such funds not
454 distributed under this subsection by the end of the fiscal year
455 shall be distributed as provided in subsections (1) and (2).

456 (7) A county receiving local housing distributions under
457 this section or an eligible municipality receiving local housing
458 distributions under an interlocal agreement shall expend those
459 funds in accordance with the provisions of ss. 420.907-420.9079,
460 rules of the corporation, and the county's local housing
461 assistance plan.

462 Section 6. Subsections (1), (3), (5), (7), (8), paragraphs
463 (a) and (h) of subsection (10), and paragraph (b) of subsection
464 (13) of section 420.9075, Florida Statutes, are amended, and
465 subsection (14) is added to that section, to read:

466 420.9075 Local housing assistance plans; partnerships.--

467 (1) (a) Each county or eligible municipality participating
468 in the State Housing Initiatives Partnership Program shall
469 develop and implement a local housing assistance plan created to
470 make affordable residential units available to persons of very
471 low income, low income, or moderate income and to persons who
472 have special housing needs, including, but not limited to,
473 homeless people, the elderly, ~~and~~ migrant farmworkers, and
474 persons with disabilities. High-cost counties as defined by rule
475 of the corporation or eligible municipalities may include
476 strategies to assist persons and households having annual incomes
477 of not more than 140 percent of area median income. The plans are
478 intended to increase the availability of affordable residential



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479 units by combining local resources and cost-saving measures into
480 a local housing partnership and using private and public funds to
481 reduce the cost of housing.

482 (b) Local housing assistance plans may allocate funds to:

483 1. Implement local housing assistance strategies for the
484 provision of affordable housing.

485 2. Supplement funds available to the corporation to provide
486 enhanced funding of state housing programs within the county or
487 the eligible municipality.

488 3. Provide the local matching share of federal affordable
489 housing grants or programs.

490 4. Fund emergency repairs, including, but not limited to,
491 repairs performed by existing service providers under
492 weatherization assistance programs under ss. 409.509-409.5093.

493 5. Further the housing element of the local government
494 comprehensive plan adopted pursuant to s. 163.3184, specific to
495 affordable housing.

496 (3) (a) Each local housing assistance plan shall include a
497 definition of essential service personnel for the county or
498 eligible municipality, including, but not limited to, teachers
499 and educators, other school district, community college, and
500 university employees, police and fire personnel, health care
501 personnel, skilled building trades personnel, and other job
502 categories.

503 (b) Each county and each eligible municipality is
504 encouraged to develop a strategy within its local housing
505 assistance plan that emphasizes the recruitment and retention of
506 essential service personnel. The local government is encouraged
507 to involve public and private sector employers. Compliance with



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508 | the eligibility criteria established under this strategy shall be
509 | verified by the county or eligible municipality.

510 | (c) Each county and each eligible municipality is
511 | encouraged to develop a strategy within its local housing
512 | assistance plan that addresses the needs of persons who are
513 | deprived of affordable housing due to the closure of a mobile
514 | home park or the conversion of affordable rental units to
515 | condominiums.

516 | (d) Each county and each eligible municipality shall
517 | describe initiatives in the local housing assistance plan to
518 | encourage or require innovative design, green building
519 | principles, storm-resistant construction, or other elements that
520 | reduce long-term costs relating to maintenance, utilities, or
521 | insurance.

522 | (e) Each county and each eligible municipality is
523 | encouraged to develop a strategy within its local housing
524 | assistance plan which provides program funds for the preservation
525 | of assisted housing or assisted housing developments.

526 | (5) The following criteria apply to awards made to eligible
527 | sponsors or eligible persons for the purpose of providing
528 | eligible housing:

529 | (a) At least 65 percent of the funds made available in each
530 | county and eligible municipality from the local housing
531 | distribution must be reserved for home ownership for eligible
532 | persons.

533 | (b) At least 75 percent of the funds made available in each
534 | county and eligible municipality from the local housing
535 | distribution must be reserved for construction, rehabilitation,
536 | or emergency repair of affordable, eligible housing.



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537 (c) The sales price or value of new or existing eligible
538 housing may not exceed 90 percent of the average area purchase
539 price in the statistical area in which the eligible housing is
540 located. Such average area purchase price may be that calculated
541 for any 12-month period beginning not earlier than the fourth
542 calendar year prior to the year in which the award occurs or as
543 otherwise established by the United States Department of the
544 Treasury.

545 (d)1. All units constructed, rehabilitated, or otherwise
546 assisted with the funds provided from the local housing
547 assistance trust fund must be occupied by very-low-income
548 persons, low-income persons, and moderate-income persons except
549 as otherwise provided in this section.

550 2. At least 30 percent of the funds deposited into the
551 local housing assistance trust fund must be reserved for awards
552 to very-low-income persons or eligible sponsors who will serve
553 very-low-income persons and at least an additional 30 percent of
554 the funds deposited into the local housing assistance trust fund
555 must be reserved for awards to low-income persons or eligible
556 sponsors who will serve low-income persons. This subparagraph
557 does not apply to a county or an eligible municipality that
558 includes, or has included within the previous 5 years, an area of
559 critical state concern designated or ratified by the Legislature
560 for which the Legislature has declared its intent to provide
561 affordable housing. The exemption created by this act expires on
562 July 1, 2013 ~~2008~~.

563 (e) Loans shall be provided for periods not exceeding 30
564 years, except for deferred payment loans or loans that extend
565 beyond 30 years which continue to serve eligible persons.



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566 (f) Loans or grants for eligible rental housing
567 constructed, rehabilitated, or otherwise assisted from the local
568 housing assistance trust fund must be subject to recapture
569 requirements as provided by the county or eligible municipality
570 in its local housing assistance plan unless reserved for eligible
571 persons for 15 years or the term of the assistance, whichever
572 period is longer. Eligible sponsors that offer rental housing for
573 sale before 15 years or that have remaining mortgages funded
574 under this program must give a first right of refusal to eligible
575 nonprofit organizations for purchase at the current market value
576 for continued occupancy by eligible persons.

577 (g) Loans or grants for eligible owner-occupied housing
578 constructed, rehabilitated, or otherwise assisted from proceeds
579 provided from the local housing assistance trust fund shall be
580 subject to recapture requirements as provided by the county or
581 eligible municipality in its local housing assistance plan.

582 (h) The total amount of monthly mortgage payments or the
583 amount of monthly rent charged by the eligible sponsor or her or
584 his designee must be made affordable.

585 (i) The maximum sales price or value per unit and the
586 maximum award per unit for eligible housing benefiting from
587 awards made pursuant to this section must be established in the
588 local housing assistance plan.

589 (j) The benefit of assistance provided through the State
590 Housing Initiatives Partnership Program must accrue to eligible
591 persons occupying eligible housing. This provision shall not be
592 construed to prohibit use of the local housing distribution funds
593 for a mixed income rental development.

594 (k) Funds from the local housing distribution not used to
595 meet the criteria established in paragraph (a) or paragraph (b)



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596 or not used for the administration of a local housing assistance
597 plan must be used for housing production and finance activities,
598 including, but not limited to, financing preconstruction
599 activities, the purchase of existing units, providing rental
600 housing, and providing home ownership training to prospective
601 home buyers and owners of homes assisted through the local
602 housing assistance plan.

603 1. Notwithstanding the provisions of paragraphs (a) and
604 (b), program income as defined in s. 420.9071(24) may also be
605 used to fund activities described in this paragraph.

606 2. Where preconstruction due diligence activities conducted
607 as part of a preservation strategy show that preservation of the
608 units is not feasible and will not result in the production of an
609 eligible unit, such costs shall be deemed a program expense
610 rather than an administrative expense if such program expenses do
611 not exceed 3 percent of the annual local housing distribution.

612 (1) Each county and each eligible municipality may award
613 funds as a grant for construction, rehabilitation, or repair as
614 part of disaster recovery or emergency repairs or to remedy
615 accessibility or health and safety deficiencies. Any other grants
616 must be approved as part of the local housing assistance plan.

617
618 If both an award under the local housing assistance plan and
619 federal low-income housing tax credits are used to assist a
620 project and there is a conflict between the criteria prescribed
621 in this subsection and the requirements of s. 42 of the Internal
622 Revenue Code of 1986, as amended, the county or eligible
623 municipality may resolve the conflict by giving precedence to the
624 requirements of s. 42 of the Internal Revenue Code of 1986, as
625 amended, in lieu of following the criteria prescribed in this



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626 subsection with the exception of paragraphs (a) and (d) of this
627 subsection.

628 (7) The moneys deposited in the local housing assistance
629 trust fund shall be used to administer and implement the local
630 housing assistance plan. The cost of administering the plan may
631 not exceed 5 percent of the local housing distribution moneys and
632 program income deposited into the trust fund. A county or an
633 eligible municipality may not exceed the 5-percent limitation on
634 administrative costs, unless its governing body finds, by
635 resolution, that 5 percent of the local housing distribution plus
636 5 percent of program income is insufficient to adequately pay the
637 necessary costs of administering the local housing assistance
638 plan. The cost of administering the program may not exceed 10
639 percent of the local housing distribution plus 10 ~~5~~ percent of
640 program income deposited into the trust fund, ~~except that small~~
641 ~~counties, as defined in s. 120.52(17), and eligible~~
642 ~~municipalities receiving a local housing distribution of up to~~
643 ~~\$350,000 may use up to 10 percent of program income for~~
644 ~~administrative costs.~~

645 (8) Pursuant to s. 420.531, the corporation shall provide
646 training and technical assistance to local governments regarding
647 the creation of partnerships, the design of local housing
648 assistance strategies, the implementation of local housing
649 incentive strategies, and the provision of support services.

650 (10) Each county or eligible municipality shall submit to
651 the corporation by September 15 of each year a report of its
652 affordable housing programs and accomplishments through June 30
653 immediately preceding submittal of the report. The report shall
654 be certified as accurate and complete by the local government's
655 chief elected official or his or her designee. Transmittal of the



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656 | annual report by a county's or eligible municipality's chief
657 | elected official, or his or her designee, certifies that the
658 | local housing incentive strategies, or, if applicable, the local
659 | housing incentive plan, have been implemented or are in the
660 | process of being implemented pursuant to the adopted schedule for
661 | implementation. The report must include, but is not limited to:

662 | (a) The number of households served by income category,
663 | age, family size, and race, and data regarding any special needs
664 | populations such as farmworkers, homeless persons, persons with
665 | disabilities, and the elderly. Counties shall report this
666 | information separately for households served in the
667 | unincorporated area and each municipality within the county.

668 | (h) Such other data or affordable housing accomplishments
669 | considered significant by the reporting county or eligible
670 | municipality or by the corporation.

671 | (13)

672 | (b) If, as a result of its review of the annual report, the
673 | corporation determines that a county or eligible municipality has
674 | failed to implement a local housing incentive strategy, or, if
675 | applicable, a local housing incentive plan, it shall send a
676 | notice of termination of the local government's share of the
677 | local housing distribution by certified mail to the affected
678 | county or eligible municipality.

679 | 1. The notice must specify a date of termination of the
680 | funding if the affected county or eligible municipality does not
681 | implement the plan or strategy and provide for a local response.
682 | A county or eligible municipality shall respond to the
683 | corporation within 30 days after receipt of the notice of
684 | termination.



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685 2. The corporation shall consider the local response that
686 extenuating circumstances precluded implementation and grant an
687 extension to the timeframe for implementation. Such an extension
688 shall be made in the form of an extension agreement that provides
689 a timeframe for implementation. The chief elected official of a
690 county or eligible municipality or his or her designee shall have
691 the authority to enter into the agreement on behalf of the local
692 government.

693 3. If the county or the eligible municipality has not
694 implemented the incentive strategy or entered into an extension
695 agreement by the termination date specified in the notice, the
696 local housing distribution share terminates, and any uncommitted
697 local housing distribution funds held by the affected county or
698 eligible municipality in its local housing assistance trust fund
699 shall be transferred to the Local Government Housing Trust Fund
700 to the credit of the corporation to administer pursuant to s.
701 420.9072 ~~420.9078~~.

702 4.a. If the affected local government fails to meet the
703 timeframes specified in the agreement, the corporation shall
704 terminate funds. The corporation shall send a notice of
705 termination of the local government's share of the local housing
706 distribution by certified mail to the affected local government.
707 The notice shall specify the termination date, and any
708 uncommitted funds held by the affected local government shall be
709 transferred to the Local Government Housing Trust Fund to the
710 credit of the corporation to administer pursuant to s. 420.9072
711 ~~420.9078~~.

712 b. If the corporation terminates funds to a county, but an
713 eligible municipality receiving a local housing distribution
714 pursuant to an interlocal agreement maintains compliance with



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715 | program requirements, the corporation shall thereafter distribute
716 | directly to the participating eligible municipality its share
717 | calculated in the manner provided in s. 420.9072.

718 | c. Any county or eligible municipality whose local
719 | distribution share has been terminated may subsequently elect to
720 | receive directly its local distribution share by adopting the
721 | ordinance, resolution, and local housing assistance plan in the
722 | manner and according to the procedures provided in ss. 420.907-
723 | 420.9079.

724 | (14) If the corporation determines that a county or
725 | eligible municipality has expended program funds for an
726 | ineligible activity, the corporation shall require such funds to
727 | be repaid to the Local Housing Assistance Trust Fund. Such
728 | repayment may not be made with funds from the State Housing
729 | Initiatives Partnership Program.

730 | Section 7. Subsections (2), (5), and (6), and paragraph (a)
731 | of subsection (7) of section 420.9076, Florida Statutes, are
732 | amended to read:

733 | 420.9076 Adoption of affordable housing incentive
734 | strategies; committees.--

735 | (2) The governing board of a county or municipality shall
736 | appoint the members of the affordable housing advisory committee
737 | by resolution. Pursuant to the terms of any interlocal agreement,
738 | a county and municipality may create and jointly appoint an
739 | advisory committee to prepare a joint plan. The ordinance adopted
740 | pursuant to s. 420.9072 which creates the advisory committee or
741 | the resolution appointing the advisory committee members must
742 | provide for 11 committee members and their terms. The committee
743 | must include:



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

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

748 (c) One citizen who is a representative of those areas of
749 labor actively engaged in home building in connection with
750 affordable housing.

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

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

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

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

759 (h) One citizen who actively serves on the local planning
760 agency pursuant to s. 163.3174. If the local planning agency is
761 comprised of the county or municipality governing body, the
762 governing body may appoint a designee who is knowledgeable in the
763 local planning process.

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

766 (j) One citizen who represents employers within the
767 jurisdiction.

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

770
771 If a county or eligible municipality whether due to its small
772 size, the presence of a conflict of interest by prospective
773 appointees, or other reasonable factor, is unable to appoint a



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774 citizen actively engaged in these activities in connection with
775 affordable housing, a citizen engaged in the activity without
776 regard to affordable housing may be appointed. Local governments
777 that receive the minimum allocation under the State Housing
778 Initiatives Partnership Program may elect to appoint an
779 affordable housing advisory committee with fewer than 11
780 representatives if they are unable to find representatives who
781 meet the criteria of paragraphs (a)-(k).

782 (5) The approval by the advisory committee of its local
783 housing incentive strategies recommendations and its review of
784 local government implementation of previously recommended
785 strategies must be made by affirmative vote of a majority of the
786 membership of the advisory committee taken at a public hearing.
787 Notice of the time, date, and place of the public hearing of the
788 advisory committee to adopt its evaluation and final local
789 housing incentive strategies recommendations must be published in
790 a newspaper of general paid circulation in the county. The notice
791 must contain a short and concise summary of the evaluation and
792 local housing incentives strategies recommendations to be
793 considered by the advisory committee. The notice must state the
794 public place where a copy of the evaluation and tentative
795 advisory committee recommendations can be obtained by interested
796 persons. The final report, evaluation, and recommendations shall
797 be submitted to the corporation.

798 (6) Within 90 days after the date of receipt of the
799 evaluation and local housing incentive strategies recommendations
800 from the advisory committee, the governing body of the appointing
801 local government shall adopt an amendment to its local housing
802 assistance plan to incorporate the local housing incentive
803 strategies it will implement within its jurisdiction. The



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804 amendment must include, at a minimum, the local housing incentive
805 strategies required under s. 420.9071(16). The local government
806 must consider the strategies specified in paragraphs (4)(a)-(k)
807 as recommended by the advisory committee.

808 (7) The governing board of the county or the eligible
809 municipality shall notify the corporation by certified mail of
810 its adoption of an amendment of its local housing assistance plan
811 to incorporate local housing incentive strategies. The notice
812 must include a copy of the approved amended plan.

813 (a) If the corporation fails to receive timely the approved
814 amended local housing assistance plan to incorporate local
815 housing incentive strategies, a notice of termination of its
816 share of the local housing distribution shall be sent by
817 certified mail by the corporation to the affected county or
818 eligible municipality. The notice of termination must specify a
819 date of termination of the funding if the affected county or
820 eligible municipality has not adopted an amended local housing
821 assistance plan to incorporate local housing incentive
822 strategies. If the county or the eligible municipality has not
823 adopted an amended local housing assistance plan to incorporate
824 local housing incentive strategies by the termination date
825 specified in the notice of termination, the local distribution
826 share terminates; and any uncommitted local distribution funds
827 held by the affected county or eligible municipality in its local
828 housing assistance trust fund shall be transferred to the Local
829 Government Housing Trust Fund to the credit of the corporation to
830 administer the local government housing program pursuant to s.
831 420.9072 ~~420.9078~~.

832 Section 8. Subsection (6) of section 421.08, Florida
833 Statutes, is amended to read:



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834 421.08 Powers of authority.--An authority shall constitute
835 a public body corporate and politic, exercising the public and
836 essential governmental functions set forth in this chapter, and
837 having all the powers necessary or convenient to carry out and
838 effectuate the purpose and provisions of this chapter, including
839 the following powers in addition to others herein granted:

840 (6) Within its area of operation: to investigate into
841 living, dwelling, and housing conditions and into the means and
842 methods of improving such conditions; to determine where slum
843 areas exist or where there is a shortage of decent, safe, and
844 sanitary dwelling accommodations for persons of low income; to
845 make studies and recommendations relating to the problem of
846 clearing, replanning, and reconstruction of slum areas and the
847 problem of providing dwelling accommodations for persons of low
848 income; to administer fair housing ordinances and other
849 ordinances as adopted by cities, counties, or other authorities
850 who wish to contract for administrative services and to cooperate
851 with the city, the county, the state or any political subdivision
852 thereof in action taken in connection with such problems; and to
853 engage in research, studies, and experimentation on the subject
854 of housing. However, the housing authority may not take action to
855 prohibit access to a housing project by a state or local elected
856 official or a candidate for state or local government office.

857 Section 9. Subsection (4) of section 159.807, Florida
858 Statutes, is amended to read:

859 159.807 State allocation pool.--

860 (4)~~(a)~~ The state allocation pool shall also be used to
861 provide written confirmations for private activity bonds that are
862 to be issued by state agencies after June 1, which bonds,
863 notwithstanding any other provisions of this part, shall receive



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864 priority in the use of the pool available at the time the notice
865 of intent to issue such bonds is filed with the division.

866 ~~(b) This subsection does not apply to the Florida Housing~~
867 ~~Finance Corporation:~~

868 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~
869 ~~exhausted, is unavailable, or is inadequate to provide an~~
870 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~
871 ~~volume limitation from prior years for the same carryforward~~
872 ~~purpose, as that term is defined in s. 146 of the Code, as the~~
873 ~~bonds it intends to issue have been completely utilized or have~~
874 ~~expired.~~

875 ~~2. Prior to July 1 of any year, when housing bonds for~~
876 ~~which the Florida Housing Finance Corporation has made an~~
877 ~~assignment of its allocation permitted by s. 159.804(3)(c) have~~
878 ~~not been issued.~~

879 Section 10. Section 420.9078, Florida Statutes, is repealed.

880 Section 11. Paragraph (p) of subsection (5) of section
881 212.08, Florida Statutes, is amended to read:

882 212.08 Sales, rental, use, consumption, distribution, and
883 storage tax; specified exemptions.--The sale at retail, the
884 rental, the use, the consumption, the distribution, and the
885 storage to be used or consumed in this state of the following are
886 hereby specifically exempt from the tax imposed by this chapter.

887 (5) EXEMPTIONS; ACCOUNT OF USE.--

888 (p) Community contribution tax credit for donations.--

889 1. Authorization.--Persons who are registered with the
890 department under s. 212.18 to collect or remit sales or use tax
891 and who make donations to eligible sponsors are eligible for tax
892 credits against their state sales and use tax liabilities as
893 provided in this paragraph:



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894 a. The credit shall be computed as 50 percent of the
895 person's approved annual community contribution.

896 b. The credit shall be granted as a refund against state
897 sales and use taxes reported on returns and remitted in the 12
898 months preceding the date of application to the department for
899 the credit as required in sub-subparagraph 3.c. If the annual
900 credit is not fully used through such refund because of
901 insufficient tax payments during the applicable 12-month period,
902 the unused amount may be included in an application for a refund
903 made pursuant to sub-subparagraph 3.c. in subsequent years
904 against the total tax payments made for such year. Carryover
905 credits may be applied for a 3-year period without regard to any
906 time limitation that would otherwise apply under s. 215.26.

907 c. A person may not receive more than \$200,000 in annual
908 tax credits for all approved community contributions made in any
909 one year.

910 d. All proposals for the granting of the tax credit require
911 the prior approval of the Office of Tourism, Trade, and Economic
912 Development.

913 e. The total amount of tax credits which may be granted for
914 all programs approved under this paragraph, s. 220.183, and s.
915 624.5105 is \$10.5 million annually for projects that provide
916 homeownership opportunities for low-income or very-low-income
917 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
918 ~~and (28)~~ and \$3.5 million annually for all other projects.

919 f. A person who is eligible to receive the credit provided
920 for in this paragraph, s. 220.183, or s. 624.5105 may receive the
921 credit only under the one section of the person's choice.

922 2. Eligibility requirements.--



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923 a. A community contribution by a person must be in the
924 following form:

925 (I) Cash or other liquid assets;

926 (II) Real property;

927 (III) Goods or inventory; or

928 (IV) Other physical resources as identified by the Office
929 of Tourism, Trade, and Economic Development.

930 b. All community contributions must be reserved exclusively
931 for use in a project. As used in this sub-subparagraph, the term
932 "project" means any activity undertaken by an eligible sponsor
933 which is designed to construct, improve, or substantially
934 rehabilitate housing that is affordable to low-income or very-
935 low-income households as defined in s. 420.9071(20) and (30) ~~s.~~
936 ~~420.9071(19) and (28)~~; designed to provide commercial,
937 industrial, or public resources and facilities; or designed to
938 improve entrepreneurial and job-development opportunities for
939 low-income persons. A project may be the investment necessary to
940 increase access to high-speed broadband capability in rural
941 communities with enterprise zones, including projects that result
942 in improvements to communications assets that are owned by a
943 business. A project may include the provision of museum
944 educational programs and materials that are directly related to
945 any project approved between January 1, 1996, and December 31,
946 1999, and located in an enterprise zone designated pursuant to s.
947 290.0065. This paragraph does not preclude projects that propose
948 to construct or rehabilitate housing for low-income or very-low-
949 income households on scattered sites. With respect to housing,
950 contributions may be used to pay the following eligible low-
951 income and very-low-income housing-related activities:



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952 (I) Project development impact and management fees for low-
953 income or very-low-income housing projects;

954 (II) Down payment and closing costs for eligible persons,
955 as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~;

956 (III) Administrative costs, including housing counseling
957 and marketing fees, not to exceed 10 percent of the community
958 contribution, directly related to low-income or very-low-income
959 projects; and

960 (IV) Removal of liens recorded against residential property
961 by municipal, county, or special district local governments when
962 satisfaction of the lien is a necessary precedent to the transfer
963 of the property to an eligible person, as defined in s.
964 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~, for the purpose
965 of promoting home ownership. Contributions for lien removal must
966 be received from a nonrelated third party.

967 c. The project must be undertaken by an "eligible sponsor,"
968 which includes:

969 (I) A community action program;

970 (II) A nonprofit community-based development organization
971 whose mission is the provision of housing for low-income or very-
972 low-income households or increasing entrepreneurial and job-
973 development opportunities for low-income persons;

974 (III) A neighborhood housing services corporation;

975 (IV) A local housing authority created under chapter 421;

976 (V) A community redevelopment agency created under s.
977 163.356;

978 (VI) The Florida Industrial Development Corporation;

979 (VII) A historic preservation district agency or
980 organization;

981 (VIII) A regional workforce board;



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982 (IX) A direct-support organization as provided in s.
983 1009.983;

984 (X) An enterprise zone development agency created under s.
985 290.0056;

986 (XI) A community-based organization incorporated under
987 chapter 617 which is recognized as educational, charitable, or
988 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
989 and whose bylaws and articles of incorporation include affordable
990 housing, economic development, or community development as the
991 primary mission of the corporation;

992 (XII) Units of local government;

993 (XIII) Units of state government; or

994 (XIV) Any other agency that the Office of Tourism, Trade,
995 and Economic Development designates by rule.

996

997 ~~In no event may~~ A contributing person may not have a financial
998 interest in the eligible sponsor.

999 d. The project must be located in an area designated an
1000 enterprise zone or a Front Porch Florida Community pursuant to s.
1001 20.18(6), unless the project increases access to high-speed
1002 broadband capability for rural communities with enterprise zones
1003 but is physically located outside the designated rural zone
1004 boundaries. Any project designed to construct or rehabilitate
1005 housing for low-income or very-low-income households as defined
1006 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1007 from the area requirement of this sub-subparagraph.

1008 e.(I) If, during the first 10 business days of the state
1009 fiscal year, eligible tax credit applications for projects that
1010 provide homeownership opportunities for low-income or very-low-
1011 income households as defined in s. 420.9071(20) and (30) ~~s.~~



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1012 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1013 credits available for those projects, the Office of Tourism,
1014 Trade, and Economic Development shall grant tax credits for those
1015 applications and shall grant remaining tax credits on a first-
1016 come, first-served basis for any subsequent eligible applications
1017 received before the end of the state fiscal year. If, during the
1018 first 10 business days of the state fiscal year, eligible tax
1019 credit applications for projects that provide homeownership
1020 opportunities for low-income or very-low-income households as
1021 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1022 received for more than the annual tax credits available for those
1023 projects, the office shall grant the tax credits for those
1024 applications as follows:

1025 (A) If tax credit applications submitted for approved
1026 projects of an eligible sponsor do not exceed \$200,000 in total,
1027 the credits shall be granted in full if the tax credit
1028 applications are approved.

1029 (B) If tax credit applications submitted for approved
1030 projects of an eligible sponsor exceed \$200,000 in total, the
1031 amount of tax credits granted pursuant to sub-sub-sub-
1032 subparagraph (A) shall be subtracted from the amount of available
1033 tax credits, and the remaining credits shall be granted to each
1034 approved tax credit application on a pro rata basis.

1035 (II) If, during the first 10 business days of the state
1036 fiscal year, eligible tax credit applications for projects other
1037 than those that provide homeownership opportunities for low-
1038 income or very-low-income households as defined in s.
1039 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for
1040 less than the annual tax credits available for those projects,
1041 the office shall grant tax credits for those applications and



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1042 shall grant remaining tax credits on a first-come, first-served
1043 basis for any subsequent eligible applications received before
1044 the end of the state fiscal year. If, during the first 10
1045 business days of the state fiscal year, eligible tax credit
1046 applications for projects other than those that provide
1047 homeownership opportunities for low-income or very-low-income
1048 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1049 ~~and (28)~~ are received for more than the annual tax credits
1050 available for those projects, the office shall grant the tax
1051 credits for those applications on a pro rata basis.

1052 3. Application requirements.--

1053 a. Any eligible sponsor seeking to participate in this
1054 program must submit a proposal to the Office of Tourism, Trade,
1055 and Economic Development which sets forth the name of the
1056 sponsor, a description of the project, and the area in which the
1057 project is located, together with such supporting information as
1058 is prescribed by rule. The proposal must also contain a
1059 resolution from the local governmental unit in which the project
1060 is located certifying that the project is consistent with local
1061 plans and regulations.

1062 b. Any person seeking to participate in this program must
1063 submit an application for tax credit to the office which sets
1064 forth the name of the sponsor, a description of the project, and
1065 the type, value, and purpose of the contribution. The sponsor
1066 shall verify the terms of the application and indicate its
1067 receipt of the contribution, which verification must be in
1068 writing and accompany the application for tax credit. The person
1069 must submit a separate tax credit application to the office for
1070 each individual contribution that it makes to each individual
1071 project.



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1072 c. Any person who has received notification from the office
1073 that a tax credit has been approved must apply to the department
1074 to receive the refund. Application must be made on the form
1075 prescribed for claiming refunds of sales and use taxes and be
1076 accompanied by a copy of the notification. A person may submit
1077 only one application for refund to the department within any 12-
1078 month period.

1079 4. Administration.--

1080 a. The Office of Tourism, Trade, and Economic Development
1081 may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary
1082 to administer this paragraph, including rules for the approval or
1083 disapproval of proposals by a person.

1084 b. The decision of the office must be in writing, and, if
1085 approved, the notification shall state the maximum credit
1086 allowable to the person. Upon approval, the office shall transmit
1087 a copy of the decision to the Department of Revenue.

1088 c. The office shall periodically monitor all projects in a
1089 manner consistent with available resources to ensure that
1090 resources are used in accordance with this paragraph; however,
1091 each project must be reviewed at least once every 2 years.

1092 d. The office shall, in consultation with the Department of
1093 Community Affairs and the statewide and regional housing and
1094 financial intermediaries, market the availability of the
1095 community contribution tax credit program to community-based
1096 organizations.

1097 5. Expiration.--This paragraph expires June 30, 2015;
1098 however, any accrued credit carryover that is unused on that date
1099 may be used until the expiration of the 3-year carryover period
1100 for such credit.



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1101 Section 12. Paragraph (t) of subsection (1) of section
1102 220.03, Florida Statutes, is amended to read:

1103 220.03 Definitions.--

1104 (1) SPECIFIC TERMS.--When used in this code, and when not
1105 otherwise distinctly expressed or manifestly incompatible with
1106 the intent thereof, the following terms shall have the following
1107 meanings:

1108 (t) "Project" means any activity undertaken by an eligible
1109 sponsor, as defined in s. 220.183(2)(c), which is designed to
1110 construct, improve, or substantially rehabilitate housing that is
1111 affordable to low-income or very-low-income households as defined
1112 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~; designed to
1113 provide commercial, industrial, or public resources and
1114 facilities; or designed to improve entrepreneurial and job-
1115 development opportunities for low-income persons. A project may
1116 be the investment necessary to increase access to high-speed
1117 broadband capability in rural communities with enterprise zones,
1118 including projects that result in improvements to communications
1119 assets that are owned by a business. A project may include the
1120 provision of museum educational programs and materials that are
1121 directly related to any project approved between January 1, 1996,
1122 and December 31, 1999, and located in an enterprise zone
1123 designated pursuant to s. 290.0065. This paragraph does not
1124 preclude projects that propose to construct or rehabilitate low-
1125 income or very-low-income housing on scattered sites. With
1126 respect to housing, contributions may be used to pay the
1127 following eligible project-related activities:

1128 1. Project development, impact, and management fees for
1129 low-income or very-low-income housing projects;



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1130 2. Down payment and closing costs for eligible persons, as
1131 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~;

1132 3. Administrative costs, including housing counseling and
1133 marketing fees, not to exceed 10 percent of the community
1134 contribution, directly related to low-income or very-low-income
1135 projects; and

1136 4. Removal of liens recorded against residential property
1137 by municipal, county, or special-district local governments when
1138 satisfaction of the lien is a necessary precedent to the transfer
1139 of the property to an eligible person, as defined in s.
1140 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~, for the purpose
1141 of promoting home ownership. Contributions for lien removal must
1142 be received from a nonrelated third party.

1143
1144 The provisions of this paragraph shall expire and be void on June
1145 30, 2015.

1146 Section 13. Paragraph (c) of subsection (1) and paragraphs
1147 (b) and (d) of subsection (2) of section 220.183, Florida
1148 Statutes, are amended to read:

1149 220.183 Community contribution tax credit.--

1150 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
1151 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
1152 SPENDING.--

1153 (c) The total amount of tax credit which may be granted for
1154 all programs approved under this section, s. 212.08(5)(p), and s.
1155 624.5105 is \$10.5 million annually for projects that provide
1156 homeownership opportunities for low-income or very-low-income
1157 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1158 ~~and (28)~~ and \$3.5 million annually for all other projects.

1159 (2) ELIGIBILITY REQUIREMENTS.--



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1160 (b)1. All community contributions must be reserved
1161 exclusively for use in projects as defined in s. 220.03(1)(t).
1162 2. If, during the first 10 business days of the state
1163 fiscal year, eligible tax credit applications for projects that
1164 provide homeownership opportunities for low-income or very-low-
1165 income households as defined in s. 420.9071(20) and (30) ~~s.~~
1166 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1167 credits available for those projects, the Office of Tourism,
1168 Trade, and Economic Development shall grant tax credits for those
1169 applications and shall grant remaining tax credits on a first-
1170 come, first-served basis for any subsequent eligible applications
1171 received before the end of the state fiscal year. If, during the
1172 first 10 business days of the state fiscal year, eligible tax
1173 credit applications for projects that provide homeownership
1174 opportunities for low-income or very-low-income households as
1175 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1176 received for more than the annual tax credits available for those
1177 projects, the office shall grant the tax credits for those
1178 applications as follows:

1179 a. If tax credit applications submitted for approved
1180 projects of an eligible sponsor do not exceed \$200,000 in total,
1181 the credit shall be granted in full if the tax credit
1182 applications are approved.

1183 b. If tax credit applications submitted for approved
1184 projects of an eligible sponsor exceed \$200,000 in total, the
1185 amount of tax credits granted under sub-subparagraph a. shall be
1186 subtracted from the amount of available tax credits, and the
1187 remaining credits shall be granted to each approved tax credit
1188 application on a pro rata basis.



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1189 3. If, during the first 10 business days of the state
1190 fiscal year, eligible tax credit applications for projects other
1191 than those that provide homeownership opportunities for low-
1192 income or very-low-income households as defined in s.
1193 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for
1194 less than the annual tax credits available for those projects,
1195 the office shall grant tax credits for those applications and
1196 shall grant remaining tax credits on a first-come, first-served
1197 basis for any subsequent eligible applications received before
1198 the end of the state fiscal year. If, during the first 10
1199 business days of the state fiscal year, eligible tax credit
1200 applications for projects other than those that provide
1201 homeownership opportunities for low-income or very-low-income
1202 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1203 ~~and (28)~~ are received for more than the annual tax credits
1204 available for those projects, the office shall grant the tax
1205 credits for those applications on a pro rata basis.

1206 (d) The project shall be located in an area designated as
1207 an enterprise zone or a Front Porch Florida Community pursuant to
1208 s. 20.18(6). Any project designed to construct or rehabilitate
1209 housing for low-income or very-low-income households as defined
1210 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1211 from the area requirement of this paragraph. This section does
1212 not preclude projects that propose to construct or rehabilitate
1213 housing for low-income or very-low-income households on scattered
1214 sites. Any project designed to provide increased access to high-
1215 speed broadband capabilities which includes coverage of a rural
1216 enterprise zone may locate the project's infrastructure in any
1217 area of a rural county.



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1218 Section 14. Paragraph (c) of subsection (1) and paragraphs
1219 (d) and (e) of subsection (2) of section 624.5105, Florida
1220 Statutes, are amended to read:

1221 624.5105 Community contribution tax credit; authorization;
1222 limitations; eligibility and application requirements;
1223 administration; definitions; expiration.--

1224 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

1225 (c) The total amount of tax credit which may be granted for
1226 all programs approved under this section and ss. 212.08(5)(p) and
1227 220.183 is \$10.5 million annually for projects that provide
1228 homeownership opportunities for low-income or very-low-income
1229 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1230 ~~and (28)~~ and \$3.5 million annually for all other projects.

1231 (2) ELIGIBILITY REQUIREMENTS.--

1232 (d) The project shall be located in an area designated as
1233 an enterprise zone or a Front Porch Community pursuant to s.
1234 20.18(6). Any project designed to construct or rehabilitate
1235 housing for low-income or very-low-income households as defined
1236 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1237 from the area requirement of this paragraph.

1238 (e)1. If, during the first 10 business days of the state
1239 fiscal year, eligible tax credit applications for projects that
1240 provide homeownership opportunities for low-income or very-low-
1241 income households as defined in s. 420.9071(20) and (30) ~~s.~~
1242 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1243 credits available for those projects, the Office of Tourism,
1244 Trade, and Economic Development shall grant tax credits for those
1245 applications and shall grant remaining tax credits on a first-
1246 come, first-served basis for any subsequent eligible applications
1247 received before the end of the state fiscal year. If, during the



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1248 first 10 business days of the state fiscal year, eligible tax
1249 credit applications for projects that provide homeownership
1250 opportunities for low-income or very-low-income households as
1251 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1252 received for more than the annual tax credits available for those
1253 projects, the office shall grant the tax credits for those
1254 applications as follows:

1255 a. If tax credit applications submitted for approved
1256 projects of an eligible sponsor do not exceed \$200,000 in total,
1257 the credits shall be granted in full if the tax credit
1258 applications are approved.

1259 b. If tax credit applications submitted for approved
1260 projects of an eligible sponsor exceed \$200,000 in total, the
1261 amount of tax credits granted under sub-subparagraph a. shall be
1262 subtracted from the amount of available tax credits, and the
1263 remaining credits shall be granted to each approved tax credit
1264 application on a pro rata basis.

1265 2. If, during the first 10 business days of the state
1266 fiscal year, eligible tax credit applications for projects other
1267 than those that provide homeownership opportunities for low-
1268 income or very-low-income households as defined in s.
1269 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for
1270 less than the annual tax credits available for those projects,
1271 the office shall grant tax credits for those applications and
1272 shall grant remaining tax credits on a first-come, first-served
1273 basis for any subsequent eligible applications received before
1274 the end of the state fiscal year. If, during the first 10
1275 business days of the state fiscal year, eligible tax credit
1276 applications for projects other than those that provide
1277 homeownership opportunities for low-income or very-low-income



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1278 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1279 ~~and (28)~~ are received for more than the annual tax credits
1280 available for those projects, the office shall grant the tax
1281 credits for those applications on a pro rata basis.

1282 Section 15. This act shall take effect July 1, 2008.