

By the Committee on Community Affairs; and Senators Garcia and Bullard

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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 revising 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
29 municipalities to include certain strategies in the local

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30 housing assistance plan; revising criteria that applies to
31 awards made for the purpose of providing affordable
32 housing; authorizing and limiting the percentage of funds
33 from the local housing distribution that may be used for
34 certain manufactured housing; extending the expiration
35 date of an exemption from certain income requirements in
36 specified areas; authorizing the use of certain funds for
37 preconstruction activities; providing that certain costs
38 are a program expense; authorizing counties and certain
39 municipalities to award grant funds under certain
40 conditions; providing for the repayment of funds by
41 counties or certain municipalities; amending provisions
42 related to the administration of certain funds in the
43 Local Government Housing Trust Fund; amending s. 420.9076,
44 F.S.; revising appointments to a local affordable housing
45 advisory committee; deleting cross-references to conform
46 to changes made by the act; deleting provisions related to
47 the administration of certain funds by the Local
48 Government Housing Trust Fund; amending s. 421.08, F.S.;
49 limiting the authority of housing authorities in certain
50 circumstances; amending s. 159.807, F.S.; deleting an
51 exemption for the Florida Housing Finance Corporation from
52 the applicability of certain uses of the state allocation
53 pool; repealing s. 420.9078, F.S., relating to state
54 administration of funds remaining in the Local Government
55 Housing Trust Fund; amending ss. 212.08, 220.03, and
56 220.183, F.S.; conforming cross-references to changes made
57 by the act; amending s. 624.5105, F.S.; conforming cross-

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58 references to changes made by the act; providing an
59 effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Present subsections (25) through (41) of section
64 420.503, Florida Statutes, are redesignated as subsections (26)
65 through (42), respectively, and a new subsection (25) is added to
66 that section, to read:

67 420.503 Definitions.--As used in this part, the term:
68 (25) "Moderate rehabilitation" means repair or restoration
69 of a dwelling unit when the value of such repair or restoration
70 is 40 percent or less of the value of the dwelling but not less
71 than \$10,000.

72 Section 2. Paragraph (1) of subsection (6) of section
73 420.5087, Florida Statutes, is amended to read:

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

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

85 (1) The proceeds of all loans shall be used for new
86 construction, moderate rehabilitation, or substantial

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87 rehabilitation which creates or preserves affordable, safe, and
88 sanitary housing units.

89 Section 3. Section 420.9071, Florida Statutes, is amended
90 to read:

91 420.9071 Definitions.--As used in ss. 420.907-420.9079, the
92 term:

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

101 (2) "Affordable" means that monthly rents or monthly
102 mortgage payments including taxes and insurance do not exceed 30
103 percent of that amount which represents the percentage of the
104 median annual gross income for the households as indicated in
105 subsection (20) ~~(19)~~, subsection (21) ~~(20)~~, or subsection (30)
106 ~~(28)~~. However, it is not the intent to limit an individual
107 household's ability to devote more than 30 percent of its income
108 for housing, and housing for which a household devotes more than
109 30 percent of its income shall be deemed affordable if the first
110 institutional mortgage lender is satisfied that the household can
111 afford mortgage payments in excess of the 30 percent benchmark.

112 (3) "Affordable housing advisory committee" means the
113 committee appointed by the governing body of a county or eligible
114 municipality for the purpose of recommending specific initiatives

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115 and incentives to encourage or facilitate affordable housing as
116 provided in s. 420.9076.

117 (4) "Annual gross income" means annual income as defined
118 under the Section 8 housing assistance payments programs in 24
119 C.F.R. part 5; annual income as reported under the census long
120 form for the recent available decennial census; ~~or~~ adjusted gross
121 income as defined for purposes of reporting under Internal
122 Revenue Service Form 1040 for individual federal annual income
123 tax purposes; or other method of verifying income as provided by
124 rule of the corporation. Counties and eligible municipalities
125 shall calculate income by annualizing verified sources of income
126 for the household as the amount of income to be received in a
127 household during the 12 months following the effective date of
128 the determination.

129 (5) "Assisted housing" or "assisted housing development"
130 means a rental housing development, including rental housing in a
131 mixed-use development, which has received or currently receives
132 funding from any federal or state housing program.

133 ~~(6)~~(5) "Award" means a loan, grant, or subsidy funded
134 wholly or partially by the local housing assistance trust fund.

135 ~~(7)~~(6) "Community-based organization" means a nonprofit
136 organization that has among its purposes the provision of
137 affordable housing to persons who have special needs or have very
138 low income, low income, or moderate income within a designated
139 area, which may include a municipality, a county, or more than
140 one municipality or county, and maintains, through a minimum of
141 one-third representation on the organization's governing board,
142 accountability to housing program beneficiaries and residents of
143 the designated area. A community housing development organization

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144 established pursuant to 24 C.F.R. part 92.2 and a community
145 development corporation created pursuant to chapter 290 are
146 examples of community-based organizations.

147 (8)~~(7)~~ "Corporation" means the Florida Housing Finance
148 Corporation.

149 (9)~~(8)~~ "Eligible housing" means any real and personal
150 property located within the county or the eligible municipality
151 which is designed and intended for the primary purpose of
152 providing decent, safe, and sanitary residential units that are
153 designed to meet the standards of the Florida Building Code or
154 previous building codes adopted under chapter 553, or
155 manufactured housing constructed after June 1994 and installed in
156 accordance with the installation standards for mobile or
157 manufactured homes contained in rules of the Department of
158 Highway Safety and Motor Vehicles, for home ownership or rental
159 for eligible persons as designated by each county or eligible
160 municipality participating in the State Housing Initiatives
161 Partnership Program.

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

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

180 (12)~~(11)~~ "Eligible sponsor" means a person or a private or
181 public for-profit or not-for-profit entity that applies for an
182 award under the local housing assistance plan for the purpose of
183 providing eligible housing for eligible persons.

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

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

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

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

207 ~~(17)~~~~(16)~~ "Local housing incentive strategies" means local
208 regulatory reform or incentive programs to encourage or
209 facilitate affordable housing production, which include at a
210 minimum, assurance that permits as defined in s. 163.3164(7) and
211 (8) for affordable housing projects are expedited to a greater
212 degree than other projects; an ongoing process for review of
213 local policies, ordinances, regulations, and plan provisions that
214 increase the cost of housing prior to their adoption; and a
215 schedule for implementing the incentive strategies. Local housing
216 incentive strategies may also include other regulatory reforms,
217 such as those enumerated in s. 420.9076 or those recommended by
218 the affordable housing advisory committee in its triennial
219 evaluation of the implementation of affordable housing
220 incentives, and adopted by the local governing body.

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

226 ~~(19)~~~~(18)~~ "Local housing partnership" means the
227 implementation of the local housing assistance plan in a manner
228 that involves the applicable county or eligible municipality,
229 lending institutions, housing builders and developers, real
230 estate professionals, advocates for low-income persons,

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231 community-based housing and service organizations, and providers
232 of professional services relating to affordable housing. The term
233 includes initiatives to provide support services for housing
234 program beneficiaries such as training to prepare persons for the
235 responsibility of homeownership, counseling of tenants, and the
236 establishing of support services such as day care, health care,
237 and transportation.

238 (20)~~(19)~~ "Low-income person" or "low-income household"
239 means one or more natural persons or a family that has a total
240 annual gross household income that does not exceed 80 percent of
241 the median annual income adjusted for family size for households
242 within the metropolitan statistical area, the county, or the
243 nonmetropolitan median for the state, whichever amount is
244 greatest. With respect to rental units, the low-income
245 household's annual income at the time of initial occupancy may
246 not exceed 80 percent of the area's median income adjusted for
247 family size. While occupying the rental unit, a low-income
248 household's annual income may increase to an amount not to exceed
249 140 percent of 80 percent of the area's median income adjusted
250 for family size.

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

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260 family size. While occupying the rental unit, a moderate-income
261 household's annual income may increase to an amount not to exceed
262 140 percent of 120 percent of the area's median income adjusted
263 for family size.

264 (22)~~(21)~~ "Personal property" means major appliances,
265 including a freestanding refrigerator or stove, to be identified
266 on the encumbering documents.

267 (23)~~(22)~~ "Plan amendment" means the addition or deletion of
268 a local housing assistance strategy or local housing incentive
269 strategy. Plan amendments must at all times maintain consistency
270 with program requirements and must be submitted to the
271 corporation for review pursuant to s. 420.9072(3). Technical or
272 clarifying revisions may not be considered plan amendments but
273 must be transmitted to the corporation for purposes of
274 notification.

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

281 (25)~~(23)~~ "Population" means the latest official state
282 estimate of population certified pursuant to s. 186.901 prior to
283 the beginning of the state fiscal year.

284 (26)~~(24)~~ "Program income" means the proceeds derived from
285 interest earned on or investment of the local housing
286 distribution and other funds deposited into the local housing
287 assistance trust fund, proceeds from loan repayments, recycled
288 funds, and all other income derived from use of funds deposited

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289 in the local housing assistance trust fund. It does not include
290 recaptured funds as defined in subsection (27) ~~(25)~~.

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

299 ~~(28)~~~~(26)~~ "Rent subsidies" means ongoing monthly rental
300 assistance. The term does not include initial assistance to
301 tenants, such as grants or loans for security and utility
302 deposits.

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

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318 months of the date construction is to commence or the assessed
319 value of the real property as determined by the county property
320 appraiser. In the case of rehabilitation of an existing unit that
321 includes the addition of new living space, sales price or value
322 means the value of the real property, as determined by an
323 appraisal performed by a state-certified appraiser and dated
324 within 12 months of the date construction is to commence or the
325 assessed value of the real property as determined by the county
326 property appraiser, plus the cost of the improvements in either
327 case.

328 (30)~~(28)~~ "Very-low-income person" or "very-low-income
329 household" means one or more natural persons or a family that has
330 a total annual gross household income that does not exceed 50
331 percent of the median annual income adjusted for family size for
332 households within the metropolitan statistical area, the county,
333 or the nonmetropolitan median for the state, whichever is
334 greatest. With respect to rental units, the very-low-income
335 household's annual income at the time of initial occupancy may
336 not exceed 50 percent of the area's median income adjusted for
337 family size. While occupying the rental unit, a very-low-income
338 household's annual income may increase to an amount not to exceed
339 140 percent of 50 percent of the area's median income adjusted
340 for family size.

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

343 420.9072 State Housing Initiatives Partnership
344 Program.--The State Housing Initiatives Partnership Program is
345 created for the purpose of providing funds to counties and
346 eligible municipalities as an incentive for the creation of local

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347 housing partnerships, to expand production of and preserve
348 affordable housing, to further the housing element of the local
349 government comprehensive plan specific to affordable housing, and
350 to increase housing-related employment.

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

356 Section 5. Subsections (1), (2), and (3) of section
357 420.9073, Florida Statutes, are amended, and subsections (5),
358 (6), and (7) are added to that section, to read:

359 420.9073 Local housing distributions.--

360 (1) Subject to the availability of funds, distributions
361 calculated in this subsection ~~section~~ shall be disbursed on a
362 quarterly or more frequent ~~monthly~~ basis by the corporation
363 ~~beginning the first day of the month after program approval~~
364 pursuant to s. 420.9072. Each county's share of the funds to be
365 distributed from the portion of the funds in the Local Government
366 Housing Trust Fund received pursuant to s. 201.15(9) shall be
367 calculated by the corporation for each fiscal year as follows:

368 (a) 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, shall
371 receive the guaranteed amount for each fiscal year.

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

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

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

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

392 201.15(9) reduced by the guaranteed amount paid to all counties.

393 (2) Subject to the availability of funds ~~Effective July 1,~~
394 ~~1995,~~ distributions calculated in this subsection ~~section~~ shall
395 be disbursed on a quarterly or more frequent ~~monthly~~ basis by the
396 corporation ~~beginning the first day of the month after program~~
397 ~~approval~~ pursuant to s. 420.9072. Each county's share of the
398 funds to be distributed from the portion of the funds in the
399 Local Government Housing Trust Fund received pursuant to s.
400 201.15(10) shall be calculated by the corporation for each fiscal
401 year as follows:

402 (a) Each county shall receive the guaranteed amount for
403 each fiscal year.

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404 (b) Each county may receive an additional share calculated
405 as follows:

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

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

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

420 (3) Calculation of guaranteed amounts:

421 (a) The guaranteed amount under subsection (1) shall be
422 calculated for each state fiscal year by multiplying \$350,000 by
423 a fraction, the numerator of which is the amount of funds
424 distributed to the Local Government Housing Trust Fund pursuant
425 to s. 201.15(9) and the denominator of which is the total amount
426 of funds distributed to the Local Government Housing Trust Fund
427 pursuant to s. 201.15 less the total amount withheld, but not
428 more than \$10 million as provided in subsections (5) and (6).

429 (b) The guaranteed amount under subsection (2) shall be
430 calculated for each state fiscal year by multiplying \$350,000 by
431 a fraction, the numerator of which is the amount of funds
432 distributed to the Local Government Housing Trust Fund pursuant

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433 to s. 201.15(10) and the denominator of which is the total amount
434 of funds distributed to the Local Government Housing Trust Fund
435 pursuant to s. 201.15 less the total amount withheld, but not
436 more than \$10 million as provided in subsections (5) and (6).

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

445 (6) Notwithstanding subsections (1)-(4), the corporation
446 may withhold up to \$5 million of the total amount distributed
447 each fiscal year from the Local Government Housing Trust Fund to
448 provide funding to counties and eligible municipalities to
449 purchase properties subject to a State Housing Initiatives
450 Partnership Program lien and on which foreclosure proceedings
451 have been instituted by a mortgagee. Each county and eligible
452 municipality receiving funds under this subsection shall repay
453 such funds to the corporation on or before the expenditure
454 deadline for the fiscal year in which the funds were awarded.
455 Amounts not repaid by the county or eligible municipality shall
456 be withheld from the subsequent year's distribution under
457 subsections (1) and (2). Any portion of such funds not
458 distributed under this subsection by the end of the fiscal year
459 shall be distributed as provided in subsections (1) and (2).

460 (7) A county receiving local housing distributions under
461 this section or an eligible municipality receiving local housing

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462 distributions under an interlocal agreement shall expend those
463 funds in accordance with the provisions of ss. 420.907-420.9079,
464 rules of the corporation, and the county's local housing
465 assistance plan.

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

470 420.9075 Local housing assistance plans; partnerships.--

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

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

487 1. Implement local housing assistance strategies for the
488 provision of affordable housing.

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489 2. Supplement funds available to the corporation to provide
490 enhanced funding of state housing programs within the county or
491 the eligible municipality.

492 3. Provide the local matching share of federal affordable
493 housing grants or programs.

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

497 5. Further the housing element of the local government
498 comprehensive plan adopted pursuant to s. 163.3184, specific to
499 affordable housing.

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

507 (b) Each county and each eligible municipality is
508 encouraged to develop a strategy within its local housing
509 assistance plan that emphasizes the recruitment and retention of
510 essential service personnel. The local government is encouraged
511 to involve public and private sector employers. Compliance with
512 the eligibility criteria established under this strategy shall be
513 verified by the county or eligible municipality.

514 (c) Each county and each eligible municipality is
515 encouraged to develop a strategy within its local housing
516 assistance plan that addresses the needs of persons who are
517 deprived of affordable housing due to the closure of a mobile

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518 | home park or the conversion of affordable rental units to
519 | condominiums.

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

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

530 | (5) The following criteria apply to awards made to eligible
531 | sponsors or eligible persons for the purpose of providing
532 | eligible housing:

533 | (a) At least 65 percent of the funds made available in each
534 | county and eligible municipality from the local housing
535 | distribution must be reserved for home ownership for eligible
536 | persons.

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

541 | (c) Not more than 15 percent of the funds made available in
542 | each county and eligible municipality from the local housing
543 | distribution may be used for manufactured housing constructed
544 | after June 1994 and installed in accordance with the installation
545 | standards for mobile or manufactured homes contained in rules of
546 | the Department of Highway Safety and Motor Vehicles.

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547 (d)~~(e)~~ The sales price or value of new or existing eligible
548 housing may not exceed 90 percent of the average area purchase
549 price in the statistical area in which the eligible housing is
550 located. Such average area purchase price may be that calculated
551 for any 12-month period beginning not earlier than the fourth
552 calendar year prior to the year in which the award occurs or as
553 otherwise established by the United States Department of the
554 Treasury.

555 (e)~~(d)~~1. All units constructed, rehabilitated, or otherwise
556 assisted with the funds provided from the local housing
557 assistance trust fund must be occupied by very-low-income
558 persons, low-income persons, and moderate-income persons except
559 as otherwise provided in this section.

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

573 (f)~~(e)~~ Loans shall be provided for periods not exceeding 30
574 years, except for deferred payment loans or loans that extend
575 beyond 30 years which continue to serve eligible persons.

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576 (g)~~(f)~~ Loans or grants for eligible rental housing
577 constructed, rehabilitated, or otherwise assisted from the local
578 housing assistance trust fund must be subject to recapture
579 requirements as provided by the county or eligible municipality
580 in its local housing assistance plan unless reserved for eligible
581 persons for 15 years or the term of the assistance, whichever
582 period is longer. Eligible sponsors that offer rental housing for
583 sale before 15 years or that have remaining mortgages funded
584 under this program must give a first right of refusal to eligible
585 nonprofit organizations for purchase at the current market value
586 for continued occupancy by eligible persons.

587 (h)~~(g)~~ Loans or grants for eligible owner-occupied housing
588 constructed, rehabilitated, or otherwise assisted from proceeds
589 provided from the local housing assistance trust fund shall be
590 subject to recapture requirements as provided by the county or
591 eligible municipality in its local housing assistance plan.

592 (i)~~(h)~~ The total amount of monthly mortgage payments or the
593 amount of monthly rent charged by the eligible sponsor or her or
594 his designee must be made affordable.

595 (j)~~(i)~~ The maximum sales price or value per unit and the
596 maximum award per unit for eligible housing benefiting from
597 awards made pursuant to this section must be established in the
598 local housing assistance plan.

599 (k)~~(j)~~ The benefit of assistance provided through the State
600 Housing Initiatives Partnership Program must accrue to eligible
601 persons occupying eligible housing. This provision shall not be
602 construed to prohibit use of the local housing distribution funds
603 for a mixed income rental development.

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604 (1)~~(*)~~ Funds from the local housing distribution not used
605 to meet the criteria established in paragraph (a) or paragraph
606 (b) or not used for the administration of a local housing
607 assistance plan must be used for housing production and finance
608 activities, including, but not limited to, financing
609 preconstruction activities or the purchase of existing units,
610 providing rental housing, and providing home ownership training
611 to prospective home buyers and owners of homes assisted through
612 the local housing assistance plan.

613 1. Notwithstanding the provisions of paragraphs (a) and
614 (b), program income as defined in s. 420.9071(26) ~~s. 420.9071(24)~~
615 may also be used to fund activities described in this paragraph.

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

622 (m) Each county and each eligible municipality may award
623 funds as a grant for construction, rehabilitation, or repair as
624 part of disaster recovery or emergency repairs or to remedy
625 accessibility or health and safety deficiencies. Any other grants
626 must be approved as part of the local housing assistance plan.

627
628 If both an award under the local housing assistance plan and
629 federal low-income housing tax credits are used to assist a
630 project and there is a conflict between the criteria prescribed
631 in this subsection and the requirements of s. 42 of the Internal
632 Revenue Code of 1986, as amended, the county or eligible

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633 municipality may resolve the conflict by giving precedence to the
634 requirements of s. 42 of the Internal Revenue Code of 1986, as
635 amended, in lieu of following the criteria prescribed in this
636 subsection with the exception of paragraphs (a) and (d) of this
637 subsection.

638 (7) The moneys deposited in the local housing assistance
639 trust fund shall be used to administer and implement the local
640 housing assistance plan. The cost of administering the plan may
641 not exceed 5 percent of the local housing distribution moneys and
642 program income deposited into the trust fund. A county or an
643 eligible municipality may not exceed the 5-percent limitation on
644 administrative costs, unless its governing body finds, by
645 resolution, that 5 percent of the local housing distribution plus
646 5 percent of program income is insufficient to adequately pay the
647 necessary costs of administering the local housing assistance
648 plan. The cost of administering the program may not exceed 10
649 percent of the local housing distribution plus 10 ~~5~~ percent of
650 program income deposited into the trust fund, ~~except that small~~
651 ~~counties, as defined in s. 120.52(17), and eligible~~
652 ~~municipalities receiving a local housing distribution of up to~~
653 ~~\$350,000 may use up to 10 percent of program income for~~
654 ~~administrative costs.~~

655 (8) Pursuant to s. 420.531, the corporation shall provide
656 training and technical assistance to local governments regarding
657 the creation of partnerships, the design of local housing
658 assistance strategies, the implementation of local housing
659 incentive strategies, and the provision of support services.

660 (10) Each county or eligible municipality shall submit to
661 the corporation by September 15 of each year a report of its

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662 affordable housing programs and accomplishments through June 30
663 immediately preceding submittal of the report. The report shall
664 be certified as accurate and complete by the local government's
665 chief elected official or his or her designee. Transmittal of the
666 annual report by a county's or eligible municipality's chief
667 elected official, or his or her designee, certifies that the
668 local housing incentive strategies, or, if applicable, the local
669 housing incentive plan, have been implemented or are in the
670 process of being implemented pursuant to the adopted schedule for
671 implementation. The report must include, but is not limited to:

672 (a) The number of households served by income category,
673 age, family size, and race, and data regarding any special needs
674 populations such as farmworkers, homeless persons, persons with
675 disabilities, and the elderly. Counties shall report this
676 information separately for households served in the
677 unincorporated area and each municipality within the county.

678 (h) Such other data or affordable housing accomplishments
679 considered significant by the reporting county or eligible
680 municipality or by the corporation.

681 (13)

682 (b) If, as a result of its review of the annual report, the
683 corporation determines that a county or eligible municipality has
684 failed to implement a local housing incentive strategy, or, if
685 applicable, a local housing incentive plan, it shall send a
686 notice of termination of the local government's share of the
687 local housing distribution by certified mail to the affected
688 county or eligible municipality.

689 1. The notice must specify a date of termination of the
690 funding if the affected county or eligible municipality does not

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691 | implement the plan or strategy and provide for a local response.
692 | A county or eligible municipality shall respond to the
693 | corporation within 30 days after receipt of the notice of
694 | termination.

695 | 2. The corporation shall consider the local response that
696 | extenuating circumstances precluded implementation and grant an
697 | extension to the timeframe for implementation. Such an extension
698 | shall be made in the form of an extension agreement that provides
699 | a timeframe for implementation. The chief elected official of a
700 | county or eligible municipality or his or her designee shall have
701 | the authority to enter into the agreement on behalf of the local
702 | government.

703 | 3. If the county or the eligible municipality has not
704 | implemented the incentive strategy or entered into an extension
705 | agreement by the termination date specified in the notice, the
706 | local housing distribution share terminates, and any uncommitted
707 | local housing distribution funds held by the affected county or
708 | eligible municipality in its local housing assistance trust fund
709 | shall be transferred to the Local Government Housing Trust Fund
710 | to the credit of the corporation to administer pursuant to s.
711 | 420.9072 ~~s. 420.9078~~.

712 | 4.a. If the affected local government fails to meet the
713 | timeframes specified in the agreement, the corporation shall
714 | terminate funds. The corporation shall send a notice of
715 | termination of the local government's share of the local housing
716 | distribution by certified mail to the affected local government.
717 | The notice shall specify the termination date, and any
718 | uncommitted funds held by the affected local government shall be
719 | transferred to the Local Government Housing Trust Fund to the

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720 credit of the corporation to administer pursuant to s. 420.9072
721 ~~s. 420.9078~~.

722 b. If the corporation terminates funds to a county, but an
723 eligible municipality receiving a local housing distribution
724 pursuant to an interlocal agreement maintains compliance with
725 program requirements, the corporation shall thereafter distribute
726 directly to the participating eligible municipality its share
727 calculated in the manner provided in s. 420.9072.

728 c. Any county or eligible municipality whose local
729 distribution share has been terminated may subsequently elect to
730 receive directly its local distribution share by adopting the
731 ordinance, resolution, and local housing assistance plan in the
732 manner and according to the procedures provided in ss. 420.907-
733 420.9079.

734 (14) If the corporation determines that a county or
735 eligible municipality has expended program funds for an
736 ineligible activity, the corporation shall require such funds to
737 be repaid to the Local Housing Assistance Trust Fund. Such
738 repayment may not be made with funds from the State Housing
739 Initiatives Partnership Program.

740 Section 7. Subsections (2), (5), and (6) and paragraph (a)
741 of subsection (7) of section 420.9076, Florida Statutes, are
742 amended to read:

743 420.9076 Adoption of affordable housing incentive
744 strategies; committees.--

745 (2) The governing board of a county or municipality shall
746 appoint the members of the affordable housing advisory committee
747 by resolution. Pursuant to the terms of any interlocal agreement,
748 a county and municipality may create and jointly appoint an

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749 advisory committee to prepare a joint plan. The ordinance adopted
750 pursuant to s. 420.9072 which creates the advisory committee or
751 the resolution appointing the advisory committee members must
752 provide for 11 committee members and their terms. The committee
753 must include:

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

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

758 (c) One citizen who is a representative of those areas of
759 labor actively engaged in home building in connection with
760 affordable housing.

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

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

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

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

769 (h) One citizen who actively serves on the local planning
770 agency pursuant to s. 163.3174. If the local planning agency is
771 comprised of the county or municipality governing body, the
772 governing body may appoint a designee who is knowledgeable in the
773 local planning process.

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

776 (j) One citizen who represents employers within the
777 jurisdiction.

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778 (k) One citizen who represents essential services
779 personnel, as defined in the local housing assistance plan.
780

781 If a county or eligible municipality whether due to its small
782 size, the presence of a conflict of interest by prospective
783 appointees, or other reasonable factor, is unable to appoint a
784 citizen actively engaged in these activities in connection with
785 affordable housing, a citizen engaged in the activity without
786 regard to affordable housing may be appointed. Local governments
787 that receive the minimum allocation under the State Housing
788 Initiatives Partnership Program may elect to appoint an
789 affordable housing advisory committee with fewer than 11
790 representatives if they are unable to find representatives who
791 meet the criteria of paragraphs (a)-(k).

792 (5) The approval by the advisory committee of its local
793 housing incentive strategies recommendations and its review of
794 local government implementation of previously recommended
795 strategies must be made by affirmative vote of a majority of the
796 membership of the advisory committee taken at a public hearing.
797 Notice of the time, date, and place of the public hearing of the
798 advisory committee to adopt its evaluation and final local
799 housing incentive strategies recommendations must be published in
800 a newspaper of general paid circulation in the county. The notice
801 must contain a short and concise summary of the evaluation and
802 local housing incentives strategies recommendations to be
803 considered by the advisory committee. The notice must state the
804 public place where a copy of the evaluation and tentative
805 advisory committee recommendations can be obtained by interested

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806 persons. The final report, evaluation, and recommendations shall
807 be submitted to the corporation.

808 (6) Within 90 days after the date of receipt of the
809 evaluation and local housing incentive strategies recommendations
810 from the advisory committee, the governing body of the appointing
811 local government shall adopt an amendment to its local housing
812 assistance plan to incorporate the local housing incentive
813 strategies it will implement within its jurisdiction. The
814 amendment must include, at a minimum, the local housing incentive
815 strategies required under s. 420.9071(17) ~~s. 420.9071(16)~~. The
816 local government must consider the strategies specified in
817 paragraphs (4) (a)-(k) as recommended by the advisory committee.

818 (7) The governing board of the county or the eligible
819 municipality shall notify the corporation by certified mail of
820 its adoption of an amendment of its local housing assistance plan
821 to incorporate local housing incentive strategies. The notice
822 must include a copy of the approved amended plan.

823 (a) If the corporation fails to receive timely the approved
824 amended local housing assistance plan to incorporate local
825 housing incentive strategies, a notice of termination of its
826 share of the local housing distribution shall be sent by
827 certified mail by the corporation to the affected county or
828 eligible municipality. The notice of termination must specify a
829 date of termination of the funding if the affected county or
830 eligible municipality has not adopted an amended local housing
831 assistance plan to incorporate local housing incentive
832 strategies. If the county or the eligible municipality has not
833 adopted an amended local housing assistance plan to incorporate
834 local housing incentive strategies by the termination date

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835 specified in the notice of termination, the local distribution
836 share terminates; and any uncommitted local distribution funds
837 held by the affected county or eligible municipality in its local
838 housing assistance trust fund shall be transferred to the Local
839 Government Housing Trust Fund to the credit of the corporation to
840 administer the local government housing program pursuant to s.
841 420.9072 ~~s. 420.9078~~.

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

844 421.08 Powers of authority.--An authority shall constitute
845 a public body corporate and politic, exercising the public and
846 essential governmental functions set forth in this chapter, and
847 having all the powers necessary or convenient to carry out and
848 effectuate the purpose and provisions of this chapter, including
849 the following powers in addition to others herein granted:

850 (6) Within its area of operation: to investigate into
851 living, dwelling, and housing conditions and into the means and
852 methods of improving such conditions; to determine where slum
853 areas exist or where there is a shortage of decent, safe, and
854 sanitary dwelling accommodations for persons of low income; to
855 make studies and recommendations relating to the problem of
856 clearing, replanning, and reconstruction of slum areas and the
857 problem of providing dwelling accommodations for persons of low
858 income; to administer fair housing ordinances and other
859 ordinances as adopted by cities, counties, or other authorities
860 who wish to contract for administrative services and to cooperate
861 with the city, the county, the state or any political subdivision
862 thereof in action taken in connection with such problems; and to
863 engage in research, studies, and experimentation on the subject

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864 of housing. However, the housing authority may not take action to
865 prohibit access to a housing project by a state or local elected
866 official or a candidate for state or local government office.

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

869 159.807 State allocation pool.--

870 (4) ~~(a)~~ The state allocation pool shall also be used to
871 provide written confirmations for private activity bonds that are
872 to be issued by state agencies after June 1, which bonds,
873 notwithstanding any other provisions of this part, shall receive
874 priority in the use of the pool available at the time the notice
875 of intent to issue such bonds is filed with the division.

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

878 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~
879 ~~exhausted, is unavailable, or is inadequate to provide an~~
880 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~
881 ~~volume limitation from prior years for the same carryforward~~
882 ~~purpose, as that term is defined in s. 146 of the Code, as the~~
883 ~~bonds it intends to issue have been completely utilized or have~~
884 ~~expired.~~

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

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

890 Section 11. Paragraph (p) of subsection (5) of section
891 212.08, Florida Statutes, is amended to read:

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892 212.08 Sales, rental, use, consumption, distribution, and
893 storage tax; specified exemptions.--The sale at retail, the
894 rental, the use, the consumption, the distribution, and the
895 storage to be used or consumed in this state of the following are
896 hereby specifically exempt from the tax imposed by this chapter.

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

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

899 1. Authorization.--Persons who are registered with the
900 department under s. 212.18 to collect or remit sales or use tax
901 and who make donations to eligible sponsors are eligible for tax
902 credits against their state sales and use tax liabilities as
903 provided in this paragraph:

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

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

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

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920 d. All proposals for the granting of the tax credit require
921 the prior approval of the Office of Tourism, Trade, and Economic
922 Development.

923 e. The total amount of tax credits which may be granted for
924 all programs approved under this paragraph, s. 220.183, and s.
925 624.5105 is \$10.5 million annually for projects that provide
926 homeownership opportunities for low-income or very-low-income
927 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
928 ~~and (28)~~ and \$3.5 million annually for all other projects.

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

932 2. Eligibility requirements.--

933 a. A community contribution by a person must be in the
934 following form:

935 (I) Cash or other liquid assets;

936 (II) Real property;

937 (III) Goods or inventory; or

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

940 b. All community contributions must be reserved exclusively
941 for use in a project. As used in this sub-subparagraph, the term
942 "project" means any activity undertaken by an eligible sponsor
943 which is designed to construct, improve, or substantially
944 rehabilitate housing that is affordable to low-income or very-
945 low-income households as defined in s. 420.9071(20) and (30) ~~s.~~
946 ~~420.9071(19) and (28)~~; designed to provide commercial,
947 industrial, or public resources and facilities; or designed to
948 improve entrepreneurial and job-development opportunities for

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949 low-income persons. A project may be the investment necessary to
950 increase access to high-speed broadband capability in rural
951 communities with enterprise zones, including projects that result
952 in improvements to communications assets that are owned by a
953 business. A project may include the provision of museum
954 educational programs and materials that are directly related to
955 any project approved between January 1, 1996, and December 31,
956 1999, and located in an enterprise zone designated pursuant to s.
957 290.0065. This paragraph does not preclude projects that propose
958 to construct or rehabilitate housing for low-income or very-low-
959 income households on scattered sites. With respect to housing,
960 contributions may be used to pay the following eligible low-
961 income and very-low-income housing-related activities:

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

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

966 (III) Administrative costs, including housing counseling
967 and marketing fees, not to exceed 10 percent of the community
968 contribution, directly related to low-income or very-low-income
969 projects; and

970 (IV) Removal of liens recorded against residential property
971 by municipal, county, or special district local governments when
972 satisfaction of the lien is a necessary precedent to the transfer
973 of the property to an eligible person, as defined in s.
974 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~, for the purpose
975 of promoting home ownership. Contributions for lien removal must
976 be received from a nonrelated third party.

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

979 (I) A community action program;

980 (II) A nonprofit community-based development organization
981 whose mission is the provision of housing for low-income or very-
982 low-income households or increasing entrepreneurial and job-
983 development opportunities for low-income persons;

984 (III) A neighborhood housing services corporation;

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

986 (V) A community redevelopment agency created under s.
987 163.356;

988 (VI) The Florida Industrial Development Corporation;

989 (VII) A historic preservation district agency or
990 organization;

991 (VIII) A regional workforce board;

992 (IX) A direct-support organization as provided in s.
993 1009.983;

994 (X) An enterprise zone development agency created under s.
995 290.0056;

996 (XI) A community-based organization incorporated under
997 chapter 617 which is recognized as educational, charitable, or
998 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
999 and whose bylaws and articles of incorporation include affordable
1000 housing, economic development, or community development as the
1001 primary mission of the corporation;

1002 (XII) Units of local government;

1003 (XIII) Units of state government; or

1004 (XIV) Any other agency that the Office of Tourism, Trade,
1005 and Economic Development designates by rule.

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1006
1007 ~~In no event may~~ A contributing person may not have a financial
1008 interest in the eligible sponsor.

1009 d. The project must be located in an area designated an
1010 enterprise zone or a Front Porch Florida Community pursuant to s.
1011 20.18(6), unless the project increases access to high-speed
1012 broadband capability for rural communities with enterprise zones
1013 but is physically located outside the designated rural zone
1014 boundaries. Any project designed to construct or rehabilitate
1015 housing for low-income or very-low-income households as defined
1016 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1017 from the area requirement of this sub-subparagraph.

1018 e.(I) If, during the first 10 business days of the state
1019 fiscal year, eligible tax credit applications for projects that
1020 provide homeownership opportunities for low-income or very-low-
1021 income households as defined in s. 420.9071(20) and (30) ~~s.~~
1022 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1023 credits available for those projects, the Office of Tourism,
1024 Trade, and Economic Development shall grant tax credits for those
1025 applications and shall grant remaining tax credits on a first-
1026 come, first-served basis for any subsequent eligible applications
1027 received before the end of the state fiscal year. If, during the
1028 first 10 business days of the state fiscal year, eligible tax
1029 credit applications for projects that provide homeownership
1030 opportunities for low-income or very-low-income households as
1031 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1032 received for more than the annual tax credits available for those
1033 projects, the office shall grant the tax credits for those
1034 applications as follows:

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1035 (A) If tax credit applications submitted for approved
1036 projects of an eligible sponsor do not exceed \$200,000 in total,
1037 the credits shall be granted in full if the tax credit
1038 applications are approved.

1039 (B) If tax credit applications submitted for approved
1040 projects of an eligible sponsor exceed \$200,000 in total, the
1041 amount of tax credits granted pursuant to sub-sub-sub-
1042 subparagraph (A) shall be subtracted from the amount of available
1043 tax credits, and the remaining credits shall be granted to each
1044 approved tax credit application on a pro rata basis.

1045 (II) If, during the first 10 business days of the state
1046 fiscal year, eligible tax credit applications for projects other
1047 than those that provide homeownership opportunities for low-
1048 income or very-low-income households as defined in s.
1049 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for
1050 less than the annual tax credits available for those projects,
1051 the office shall grant tax credits for those applications and
1052 shall grant remaining tax credits on a first-come, first-served
1053 basis for any subsequent eligible applications received before
1054 the end of the state fiscal year. If, during the first 10
1055 business days of the state fiscal year, eligible tax credit
1056 applications for projects other than those that provide
1057 homeownership opportunities for low-income or very-low-income
1058 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1059 ~~and (28)~~ are received for more than the annual tax credits
1060 available for those projects, the office shall grant the tax
1061 credits for those applications on a pro rata basis.

1062 3. Application requirements.--

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1063 a. Any eligible sponsor seeking to participate in this
1064 program must submit a proposal to the Office of Tourism, Trade,
1065 and Economic Development which sets forth the name of the
1066 sponsor, a description of the project, and the area in which the
1067 project is located, together with such supporting information as
1068 is prescribed by rule. The proposal must also contain a
1069 resolution from the local governmental unit in which the project
1070 is located certifying that the project is consistent with local
1071 plans and regulations.

1072 b. Any person seeking to participate in this program must
1073 submit an application for tax credit to the office which sets
1074 forth the name of the sponsor, a description of the project, and
1075 the type, value, and purpose of the contribution. The sponsor
1076 shall verify the terms of the application and indicate its
1077 receipt of the contribution, which verification must be in
1078 writing and accompany the application for tax credit. The person
1079 must submit a separate tax credit application to the office for
1080 each individual contribution that it makes to each individual
1081 project.

1082 c. Any person who has received notification from the office
1083 that a tax credit has been approved must apply to the department
1084 to receive the refund. Application must be made on the form
1085 prescribed for claiming refunds of sales and use taxes and be
1086 accompanied by a copy of the notification. A person may submit
1087 only one application for refund to the department within any 12-
1088 month period.

1089 4. Administration.--

1090 a. The Office of Tourism, Trade, and Economic Development
1091 may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary

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1092 to administer this paragraph, including rules for the approval or
1093 disapproval of proposals by a person.

1094 b. The decision of the office must be in writing, and, if
1095 approved, the notification shall state the maximum credit
1096 allowable to the person. Upon approval, the office shall transmit
1097 a copy of the decision to the Department of Revenue.

1098 c. The office shall periodically monitor all projects in a
1099 manner consistent with available resources to ensure that
1100 resources are used in accordance with this paragraph; however,
1101 each project must be reviewed at least once every 2 years.

1102 d. The office shall, in consultation with the Department of
1103 Community Affairs and the statewide and regional housing and
1104 financial intermediaries, market the availability of the
1105 community contribution tax credit program to community-based
1106 organizations.

1107 5. Expiration.--This paragraph expires June 30, 2015;
1108 however, any accrued credit carryover that is unused on that date
1109 may be used until the expiration of the 3-year carryover period
1110 for such credit.

1111 Section 12. Paragraph (t) of subsection (1) of section
1112 220.03, Florida Statutes, is amended to read:

1113 220.03 Definitions.--

1114 (1) SPECIFIC TERMS.--When used in this code, and when not
1115 otherwise distinctly expressed or manifestly incompatible with
1116 the intent thereof, the following terms shall have the following
1117 meanings:

1118 (t) "Project" means any activity undertaken by an eligible
1119 sponsor, as defined in s. 220.183(2)(c), which is designed to
1120 construct, improve, or substantially rehabilitate housing that is

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1121 affordable to low-income or very-low-income households as defined
1122 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~; designed to
1123 provide commercial, industrial, or public resources and
1124 facilities; or designed to improve entrepreneurial and job-
1125 development opportunities for low-income persons. A project may
1126 be the investment necessary to increase access to high-speed
1127 broadband capability in rural communities with enterprise zones,
1128 including projects that result in improvements to communications
1129 assets that are owned by a business. A project may include the
1130 provision of museum educational programs and materials that are
1131 directly related to any project approved between January 1, 1996,
1132 and December 31, 1999, and located in an enterprise zone
1133 designated pursuant to s. 290.0065. This paragraph does not
1134 preclude projects that propose to construct or rehabilitate low-
1135 income or very-low-income housing on scattered sites. With
1136 respect to housing, contributions may be used to pay the
1137 following eligible project-related activities:

- 1138 1. Project development, impact, and management fees for
1139 low-income or very-low-income housing projects;
- 1140 2. Down payment and closing costs for eligible persons, as
1141 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~;
- 1142 3. Administrative costs, including housing counseling and
1143 marketing fees, not to exceed 10 percent of the community
1144 contribution, directly related to low-income or very-low-income
1145 projects; and
- 1146 4. Removal of liens recorded against residential property
1147 by municipal, county, or special-district local governments when
1148 satisfaction of the lien is a necessary precedent to the transfer
1149 of the property to an eligible person, as defined in s.

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1150 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~, for the purpose
1151 of promoting home ownership. Contributions for lien removal must
1152 be received from a nonrelated third party.

1153
1154 The provisions of this paragraph shall expire and be void on June
1155 30, 2015.

1156 Section 13. Paragraph (c) of subsection (1) and paragraphs
1157 (b) and (d) of subsection (2) of section 220.183, Florida
1158 Statutes, are amended to read:

1159 220.183 Community contribution tax credit.--

1160 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
1161 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
1162 SPENDING.--

1163 (c) The total amount of tax credit which may be granted for
1164 all programs approved under this section, s. 212.08(5)(p), and s.
1165 624.5105 is \$10.5 million annually for projects that provide
1166 homeownership opportunities for low-income or very-low-income
1167 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1168 ~~and (28)~~ and \$3.5 million annually for all other projects.

1169 (2) ELIGIBILITY REQUIREMENTS.--

1170 (b)1. All community contributions must be reserved
1171 exclusively for use in projects as defined in s. 220.03(1)(t).

1172 2. If, during the first 10 business days of the state
1173 fiscal year, eligible tax credit applications for projects that
1174 provide homeownership opportunities for low-income or very-low-
1175 income households as defined in s. 420.9071(20) and (30) ~~s.~~
1176 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1177 credits available for those projects, the Office of Tourism,
1178 Trade, and Economic Development shall grant tax credits for those

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1179 applications and shall grant remaining tax credits on a first-
1180 come, first-served basis for any subsequent eligible applications
1181 received before the end of the state fiscal year. If, during the
1182 first 10 business days of the state fiscal year, eligible tax
1183 credit applications for projects that provide homeownership
1184 opportunities for low-income or very-low-income households as
1185 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1186 received for more than the annual tax credits available for those
1187 projects, the office shall grant the tax credits for those
1188 applications as follows:

1189 a. If tax credit applications submitted for approved
1190 projects of an eligible sponsor do not exceed \$200,000 in total,
1191 the credit shall be granted in full if the tax credit
1192 applications are approved.

1193 b. If tax credit applications submitted for approved
1194 projects of an eligible sponsor exceed \$200,000 in total, the
1195 amount of tax credits granted under sub-subparagraph a. shall be
1196 subtracted from the amount of available tax credits, and the
1197 remaining credits shall be granted to each approved tax credit
1198 application on a pro rata basis.

1199 3. If, during the first 10 business days of the state
1200 fiscal year, eligible tax credit applications for projects other
1201 than those that provide homeownership opportunities for low-
1202 income or very-low-income households as defined in s.
1203 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for
1204 less than the annual tax credits available for those projects,
1205 the office shall grant tax credits for those applications and
1206 shall grant remaining tax credits on a first-come, first-served
1207 basis for any subsequent eligible applications received before

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1208 the end of the state fiscal year. If, during the first 10
1209 business days of the state fiscal year, eligible tax credit
1210 applications for projects other than those that provide
1211 homeownership opportunities for low-income or very-low-income
1212 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1213 ~~and (28)~~ are received for more than the annual tax credits
1214 available for those projects, the office shall grant the tax
1215 credits for those applications on a pro rata basis.

1216 (d) The project shall be located in an area designated as
1217 an enterprise zone or a Front Porch Florida Community pursuant to
1218 s. 20.18(6). Any project designed to construct or rehabilitate
1219 housing for low-income or very-low-income households as defined
1220 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1221 from the area requirement of this paragraph. This section does
1222 not preclude projects that propose to construct or rehabilitate
1223 housing for low-income or very-low-income households on scattered
1224 sites. Any project designed to provide increased access to high-
1225 speed broadband capabilities which includes coverage of a rural
1226 enterprise zone may locate the project's infrastructure in any
1227 area of a rural county.

1228 Section 14. Paragraph (c) of subsection (1) and paragraphs
1229 (d) and (e) of subsection (2) of section 624.5105, Florida
1230 Statutes, are amended to read:

1231 624.5105 Community contribution tax credit; authorization;
1232 limitations; eligibility and application requirements;
1233 administration; definitions; expiration.--

1234 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

1235 (c) The total amount of tax credit which may be granted for
1236 all programs approved under this section and ss. 212.08(5)(p) and

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1237 220.183 is \$10.5 million annually for projects that provide
1238 homeownership opportunities for low-income or very-low-income
1239 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1240 ~~and (28)~~ and \$3.5 million annually for all other projects.

1241 (2) ELIGIBILITY REQUIREMENTS.--

1242 (d) The project shall be located in an area designated as
1243 an enterprise zone or a Front Porch Community pursuant to s.
1244 20.18(6). Any project designed to construct or rehabilitate
1245 housing for low-income or very-low-income households as defined
1246 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1247 from the area requirement of this paragraph.

1248 (e)1. If, during the first 10 business days of the state
1249 fiscal year, eligible tax credit applications for projects that
1250 provide homeownership opportunities for low-income or very-low-
1251 income households as defined in s. 420.9071(20) and (30) ~~s.~~
1252 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1253 credits available for those projects, the Office of Tourism,
1254 Trade, and Economic Development shall grant tax credits for those
1255 applications and shall grant remaining tax credits on a first-
1256 come, first-served basis for any subsequent eligible applications
1257 received before the end of the state fiscal year. If, during the
1258 first 10 business days of the state fiscal year, eligible tax
1259 credit applications for projects that provide homeownership
1260 opportunities for low-income or very-low-income households as
1261 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1262 received for more than the annual tax credits available for those
1263 projects, the office shall grant the tax credits for those
1264 applications as follows:

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1265 a. If tax credit applications submitted for approved
1266 projects of an eligible sponsor do not exceed \$200,000 in total,
1267 the credits shall be granted in full if the tax credit
1268 applications are approved.

1269 b. If tax credit applications submitted for approved
1270 projects of an eligible sponsor exceed \$200,000 in total, the
1271 amount of tax credits granted under sub-subparagraph a. shall be
1272 subtracted from the amount of available tax credits, and the
1273 remaining credits shall be granted to each approved tax credit
1274 application on a pro rata basis.

1275 2. If, during the first 10 business days of the state
1276 fiscal year, eligible tax credit applications for projects other
1277 than those that provide homeownership opportunities for low-
1278 income or very-low-income households as defined in s.
1279 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for
1280 less than the annual tax credits available for those projects,
1281 the office shall grant tax credits for those applications and
1282 shall grant remaining tax credits on a first-come, first-served
1283 basis for any subsequent eligible applications received before
1284 the end of the state fiscal year. If, during the first 10
1285 business days of the state fiscal year, eligible tax credit
1286 applications for projects other than those that provide
1287 homeownership opportunities for low-income or very-low-income
1288 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1289 ~~and (28)~~ are received for more than the annual tax credits
1290 available for those projects, the office shall grant the tax
1291 credits for those applications on a pro rata basis.

1292 Section 15. This act shall take effect July 1, 2008.