

By the Committees on Transportation and Economic Development
Appropriations; 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.
3 212.055, F.S.; redefining the term "infrastructure" to
4 allow the proceeds of a local government infrastructure
5 surtax to be used to purchase land for the construction of
6 affordable or workforce housing units; amending s.
7 420.503, F.S.; defining the term "moderate rehabilitation"
8 for purposes of the Florida Housing Finance Corporation
9 Act; amending s. 420.5087, F.S.; revising purposes for
10 which State Apartment Incentive Loans may be used;
11 amending s. 420.5095, F.S.; requiring that certain funds
12 related to the Community Workforce Housing Innovation
13 Pilot Program be made available for workforce housing for
14 teachers and instructional personnel; requiring that the
15 Florida Housing Finance Corporation select projects for
16 funding based on certain criteria; amending s. 420.9071,
17 F.S.; defining the terms "assisted housing," "assisted
18 housing development," and "preservation"; revising the
19 definition of "eligible housing," "local housing incentive
20 strategies," and "recaptured funds" for purposes of the
21 State Housing Initiatives Partnership Act; amending s.
22 420.9072, F.S.; revising provisions related to the
23 administration of certain funds in the Local Government
24 Housing Trust Fund; amending s. 420.9073, F.S.; revising
25 requirements for distribution of funds in the Local
26 Government Housing Trust Fund; specifying purposes for
27 which such withheld funds may be used; clarifying purposes
28 for which certain local governments may expend funds from
29 the Local Government Housing Trust Fund; amending s.

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30 420.9075, F.S.; requiring that local housing assistance
31 plans address the special housing needs of persons with
32 disabilities; authorizing the Florida Housing Finance
33 Corporation to define "high-cost counties" by rule;
34 authorizing high-cost counties or certain municipalities
35 to assist persons meeting specific income requirements;
36 revising requirements to be included in the local housing
37 assistance plan; requiring counties and certain
38 municipalities to include certain strategies in the local
39 housing assistance plan; revising criteria that applies to
40 awards made for the purpose of providing affordable
41 housing; authorizing and limiting the percentage of funds
42 from the local housing distribution that may be used for
43 certain manufactured housing; extending the expiration
44 date of an exemption from certain income requirements in
45 specified areas; authorizing the use of certain funds for
46 preconstruction activities; providing that certain costs
47 are a program expense; authorizing counties and certain
48 municipalities to award grant funds under certain
49 conditions; providing for the repayment of funds by
50 counties or certain municipalities; amending provisions
51 related to the administration of certain funds in the
52 Local Government Housing Trust Fund; amending s. 420.9076,
53 F.S.; revising appointments to a local affordable housing
54 advisory committee; deleting cross-references to conform
55 to changes made by the act; deleting provisions related to
56 the administration of certain funds by the Local
57 Government Housing Trust Fund; amending s. 421.08, F.S.;
58 limiting the authority of housing authorities in certain

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59 | circumstances; amending s. 159.807, F.S.; deleting an
60 | exemption for the Florida Housing Finance Corporation from
61 | the applicability of certain uses of the state allocation
62 | pool; repealing s. 420.9078, F.S., relating to state
63 | administration of funds remaining in the Local Government
64 | Housing Trust Fund; amending ss. 212.08, 220.03, and
65 | 220.183, F.S.; conforming cross-references to changes made
66 | by the act; amending s. 624.5105, F.S.; conforming cross-
67 | references to changes made by the act; providing an
68 | effective date.

69 |
70 | Be It Enacted by the Legislature of the State of Florida:

71 |
72 | Section 1. Paragraph (d) of subsection (2) of section
73 | 212.055, Florida Statutes, is amended to read:

74 | 212.055 Discretionary sales surtaxes; legislative intent;
75 | authorization and use of proceeds.--It is the legislative intent
76 | that any authorization for imposition of a discretionary sales
77 | surtax shall be published in the Florida Statutes as a subsection
78 | of this section, irrespective of the duration of the levy. Each
79 | enactment shall specify the types of counties authorized to levy;
80 | the rate or rates which may be imposed; the maximum length of
81 | time the surtax may be imposed, if any; the procedure which must
82 | be followed to secure voter approval, if required; the purpose
83 | for which the proceeds may be expended; and such other
84 | requirements as the Legislature may provide. Taxable transactions
85 | and administrative procedures shall be as provided in s. 212.054.

86 | (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

87 | (d)~~1~~. The proceeds of the surtax authorized by this

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88 subsection and any accrued interest ~~accrued thereto~~ shall be
89 expended by the school district, ~~or~~ within the county and
90 municipalities within the county, or, in the case of a negotiated
91 joint county agreement, within another county, to finance, plan,
92 and construct infrastructure; ~~and~~ to acquire land for public
93 recreation, ~~or~~ conservation, ~~or~~ protection of natural resources;
94 or ~~and~~ to finance the closure of county-owned or municipally
95 owned solid waste landfills that have been ~~are already~~ closed or
96 are required to be closed ~~close~~ by order of the Department of
97 Environmental Protection. Any use of the ~~such~~ proceeds or
98 interest for purposes of landfill closure before ~~prior to~~ July 1,
99 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~ any interest may
100 not ~~accrued thereto shall~~ be used for the operational expenses of
101 any infrastructure, except that a any county that has ~~with~~ a
102 population of fewer ~~less~~ than 75,000 and that is required to
103 close a landfill ~~by order of the Department of Environmental~~
104 ~~Protection~~ may use the proceeds or any interest ~~accrued thereto~~
105 for long-term maintenance costs associated with landfill closure.
106 Counties, as defined in s. 125.011 ~~s. 125.011(1)~~, and charter
107 counties may, in addition, use the proceeds or ~~and~~ any interest
108 ~~accrued thereto~~ to retire or service indebtedness incurred for
109 bonds issued before ~~prior to~~ July 1, 1987, for infrastructure
110 purposes, and for bonds subsequently issued to refund such bonds.
111 Any use of the ~~such~~ proceeds or interest for purposes of retiring
112 or servicing indebtedness incurred for ~~such~~ refunding bonds
113 before ~~prior to~~ July 1, 1999, is ratified.

114 ~~1.2.~~ For the purposes of this paragraph, the term
115 "infrastructure" means:

- 116 a. Any fixed capital expenditure or fixed capital outlay

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117 associated with the construction, reconstruction, or improvement
118 of public facilities that have a life expectancy of 5 or more
119 years and any related land acquisition, land improvement, design,
120 and engineering costs ~~related thereto~~.

121 b. A fire department vehicle, an emergency medical service
122 vehicle, a sheriff's office vehicle, a police department vehicle,
123 or any other vehicle, and the ~~such~~ equipment necessary to outfit
124 the vehicle for its official use or equipment that has a life
125 expectancy of at least 5 years.

126 c. Any expenditure for the construction, lease, or
127 maintenance of, or provision of utilities or security for,
128 facilities, as defined in s. 29.008.

129 d. Any fixed capital expenditure or fixed capital outlay
130 associated with the improvement of private facilities that have a
131 life expectancy of 5 or more years and that the owner agrees to
132 make available for use on a temporary basis as needed by a local
133 government as a public emergency shelter or a staging area for
134 emergency response equipment during an emergency officially
135 declared by the state or by the local government under s. 252.38.
136 Such improvements ~~under this sub-subparagraph~~ are limited to
137 those necessary to comply with current standards for public
138 emergency evacuation shelters. The owner must ~~shall~~ enter into a
139 written contract with the local government providing the
140 improvement funding to make the ~~such~~ private facility available
141 to the public for purposes of emergency shelter at no cost to the
142 local government for a minimum ~~period~~ of 10 years after
143 completion of the improvement, with the provision that the ~~such~~
144 obligation will transfer to any subsequent owner until the end of
145 the minimum period.

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146 e. Any land acquisition for a residential housing project
147 that provides affordable or workforce housing units, as described
148 in chapter 420, if the land is owned by a local government or by
149 a special district that enters into a written agreement with the
150 local government to provide such housing. The local government or
151 special district may enter into a ground lease with a public or
152 private person or entity for nominal or other consideration for
153 the construction of the residential housing project on land
154 acquired pursuant to this subsection.

155 ~~2.3.~~ Notwithstanding any other provision of this
156 subsection, a local government infrastructure discretionary sales
157 surtax imposed or extended after July 1, 1998, the effective date
158 of this act may allocate up to provide for an amount not to
159 exceed 15 percent of the local option sales surtax proceeds to be
160 allocated for deposit in to a trust fund within the county's
161 accounts created for the purpose of funding economic development
162 projects having of a general public purpose of improving targeted
163 to improve local economies, including the funding of operational
164 costs and incentives related to such economic development. The
165 ballot statement must indicate the intention to make an
166 allocation under the authority of this subparagraph.

167 Section 2. Present subsections (25) through (41) of section
168 420.503, Florida Statutes, are redesignated as subsections (26)
169 through (42), respectively, and a new subsection (25) is added to
170 that section, to read:

171 420.503 Definitions.--As used in this part, the term:

172 (25) "Moderate rehabilitation" means repair or restoration
173 of a dwelling unit when the value of such repair or restoration

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174 is 40 percent or less of the value of the dwelling but not less
175 than \$10,000.

176 Section 3. Paragraph (1) of subsection (6) of section
177 420.5087, Florida Statutes, is amended to read:

178 420.5087 State Apartment Incentive Loan Program.--There is
179 hereby created the State Apartment Incentive Loan Program for the
180 purpose of providing first, second, or other subordinated
181 mortgage loans or loan guarantees to sponsors, including for-
182 profit, nonprofit, and public entities, to provide housing
183 affordable to very-low-income persons.

184 (6) On all state apartment incentive loans, except loans
185 made to housing communities for the elderly to provide for
186 lifesafety, building preservation, health, sanitation, or
187 security-related repairs or improvements, the following
188 provisions shall apply:

189 (1) The proceeds of all loans shall be used for new
190 construction, moderate rehabilitation, or substantial
191 rehabilitation which creates or preserves affordable, safe, and
192 sanitary housing units.

193 Section 4. Subsection (17) is added to section 420.5095,
194 Florida Statutes, to read:

195 420.5095 Community Workforce Housing Innovation Pilot
196 Program.--

197 (17) Funds that were appropriated by s. 33, chapter 2006-
198 69, Laws of Florida, and that were declined or returned after
199 being awarded shall be made available for workforce-housing
200 projects as provided in this subsection.

201 (a) To be eligible for such funds, a project must be
202 created to provide workforce housing for teachers and

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203 instructional personnel employed by the school district of the
204 county where the project is located and otherwise comply with
205 this section. The corporation shall give an eligible project
206 priority for funding if the project:

207 1. Is on land provided by a school district under s.
208 1001.43;

209 2. Involves a public-private partnership that includes the
210 school district and a national nonprofit organization created by
211 Congress to provide financial support, technical assistance, and
212 training for community-based revitalization efforts; and

213 3. Is located in a county where a project that had been
214 previously selected for funding under this section did not go
215 forward.

216 (b) The corporation shall select projects for funding under
217 this subsection through a competitive request for proposals.

218 Section 5. Section 420.9071, Florida Statutes, is amended
219 to read:

220 420.9071 Definitions.--As used in ss. 420.907-420.9079, the
221 term:

222 (1) "Adjusted for family size" means adjusted in a manner
223 that results in an income eligibility level that is lower for
224 households having fewer than four people, or higher for
225 households having more than four people, than the base income
226 eligibility determined as provided in subsection (20) ~~(19)~~,
227 subsection (21) ~~(20)~~, or subsection (30) ~~(28)~~, based upon a
228 formula established by the United States Department of Housing
229 and Urban Development.

230 (2) "Affordable" means that monthly rents or monthly
231 mortgage payments including taxes and insurance do not exceed 30

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232 | percent of that amount which represents the percentage of the
233 | median annual gross income for the households as indicated in
234 | subsection (20) ~~(19)~~, subsection (21) ~~(20)~~, or subsection (30)
235 | ~~(28)~~. However, it is not the intent to limit an individual
236 | household's ability to devote more than 30 percent of its income
237 | for housing, and housing for which a household devotes more than
238 | 30 percent of its income shall be deemed affordable if the first
239 | institutional mortgage lender is satisfied that the household can
240 | afford mortgage payments in excess of the 30 percent benchmark.

241 | (3) "Affordable housing advisory committee" means the
242 | committee appointed by the governing body of a county or eligible
243 | municipality for the purpose of recommending specific initiatives
244 | and incentives to encourage or facilitate affordable housing as
245 | provided in s. 420.9076.

246 | (4) "Annual gross income" means annual income as defined
247 | under the Section 8 housing assistance payments programs in 24
248 | C.F.R. part 5; annual income as reported under the census long
249 | form for the recent available decennial census; ~~or~~ adjusted gross
250 | income as defined for purposes of reporting under Internal
251 | Revenue Service Form 1040 for individual federal annual income
252 | tax purposes; or other method of verifying income as provided by
253 | rule of the corporation. Counties and eligible municipalities
254 | shall calculate income by annualizing verified sources of income
255 | for the household as the amount of income to be received in a
256 | household during the 12 months following the effective date of
257 | the determination.

258 | (5) "Assisted housing" or "assisted housing development"
259 | means a rental housing development, including rental housing in a

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260 mixed-use development, which has received or currently receives
261 funding from any federal or state housing program.

262 (6)~~(5)~~ "Award" means a loan, grant, or subsidy funded
263 wholly or partially by the local housing assistance trust fund.

264 (7)~~(6)~~ "Community-based organization" means a nonprofit
265 organization that has among its purposes the provision of
266 affordable housing to persons who have special needs or have very
267 low income, low income, or moderate income within a designated
268 area, which may include a municipality, a county, or more than
269 one municipality or county, and maintains, through a minimum of
270 one-third representation on the organization's governing board,
271 accountability to housing program beneficiaries and residents of
272 the designated area. A community housing development organization
273 established pursuant to 24 C.F.R. part 92.2 and a community
274 development corporation created pursuant to chapter 290 are
275 examples of community-based organizations.

276 (8)~~(7)~~ "Corporation" means the Florida Housing Finance
277 Corporation.

278 (9)~~(8)~~ "Eligible housing" means any real and personal
279 property located within the county or the eligible municipality
280 which is designed and intended for the primary purpose of
281 providing decent, safe, and sanitary residential units that are
282 designed to meet the standards of the Florida Building Code or
283 previous building codes adopted under chapter 553, or
284 manufactured housing constructed after June 1994 and installed in
285 accordance with the installation standards for mobile or
286 manufactured homes contained in rules of the Department of
287 Highway Safety and Motor Vehicles, for home ownership or rental
288 for eligible persons as designated by each county or eligible

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289 municipality participating in the State Housing Initiatives
290 Partnership Program.

291 (10)~~(9)~~ "Eligible municipality" means a municipality that
292 is eligible for federal community development block grant
293 entitlement moneys as an entitlement community identified in 24
294 C.F.R. s. 570, subpart D, Entitlement Grants, or a nonentitlement
295 municipality that is receiving local housing distribution funds
296 under an interlocal agreement that provides for possession and
297 administrative control of funds to be transferred to the
298 nonentitlement municipality. An eligible municipality that defers
299 its participation in community development block grants does not
300 affect its eligibility for participation in the State Housing
301 Initiatives Partnership Program.

302 (11)~~(10)~~ "Eligible person" or "eligible household" means
303 one or more natural persons or a family determined by the county
304 or eligible municipality to be of very low income, low income, or
305 moderate income according to the income limits adjusted to family
306 size published annually by the United States Department of
307 Housing and Urban Development based upon the annual gross income
308 of the household.

309 (12)~~(11)~~ "Eligible sponsor" means a person or a private or
310 public for-profit or not-for-profit entity that applies for an
311 award under the local housing assistance plan for the purpose of
312 providing eligible housing for eligible persons.

313 (13)~~(12)~~ "Grant" means an award from the local housing
314 assistance trust fund to an eligible sponsor or eligible person
315 to partially assist in the construction, rehabilitation, or
316 financing of eligible housing or to provide the cost of tenant or

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317 ownership qualifications without requirement for repayment as
318 long as the condition of award is maintained.

319 (14)~~(13)~~ "Loan" means an award from the local housing
320 assistance trust fund to an eligible sponsor or eligible person
321 to partially finance the acquisition, construction, or
322 rehabilitation of eligible housing with requirement for repayment
323 or provision for forgiveness of repayment if the condition of the
324 award is maintained.

325 (15)~~(14)~~ "Local housing assistance plan" means a concise
326 description of the local housing assistance strategies and local
327 housing incentive strategies adopted by local government
328 resolution with an explanation of the way in which the program
329 meets the requirements of ss. 420.907-420.9079 and corporation
330 rule.

331 (16)~~(15)~~ "Local housing assistance strategies" means the
332 housing construction, rehabilitation, repair, or finance program
333 implemented by a participating county or eligible municipality
334 with the local housing distribution or other funds deposited into
335 the local housing assistance trust fund.

336 (17)~~(16)~~ "Local housing incentive strategies" means local
337 regulatory reform or incentive programs to encourage or
338 facilitate affordable housing production, which include at a
339 minimum, assurance that permits as defined in s. 163.3164(7) and
340 (8) for affordable housing projects are expedited to a greater
341 degree than other projects; an ongoing process for review of
342 local policies, ordinances, regulations, and plan provisions that
343 increase the cost of housing prior to their adoption; and a
344 schedule for implementing the incentive strategies. Local housing
345 incentive strategies may also include other regulatory reforms,

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346 such as those enumerated in s. 420.9076 or those recommended by
347 the affordable housing advisory committee in its triennial
348 evaluation of the implementation of affordable housing
349 incentives, and adopted by the local governing body.

350 (18)-(17) "Local housing distributions" means the proceeds
351 of the taxes collected under chapter 201 deposited into the Local
352 Government Housing Trust Fund and distributed to counties and
353 eligible municipalities participating in the State Housing
354 Initiatives Partnership Program pursuant to s. 420.9073.

355 (19)-(18) "Local housing partnership" means the
356 implementation of the local housing assistance plan in a manner
357 that involves the applicable county or eligible municipality,
358 lending institutions, housing builders and developers, real
359 estate professionals, advocates for low-income persons,
360 community-based housing and service organizations, and providers
361 of professional services relating to affordable housing. The term
362 includes initiatives to provide support services for housing
363 program beneficiaries such as training to prepare persons for the
364 responsibility of homeownership, counseling of tenants, and the
365 establishing of support services such as day care, health care,
366 and transportation.

367 (20)-(19) "Low-income person" or "low-income household"
368 means one or more natural persons or a family that has a total
369 annual gross household income that does not exceed 80 percent of
370 the median annual income adjusted for family size for households
371 within the metropolitan statistical area, the county, or the
372 nonmetropolitan median for the state, whichever amount is
373 greatest. With respect to rental units, the low-income
374 household's annual income at the time of initial occupancy may

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375 | not exceed 80 percent of the area's median income adjusted for
376 | family size. While occupying the rental unit, a low-income
377 | household's annual income may increase to an amount not to exceed
378 | 140 percent of 80 percent of the area's median income adjusted
379 | for family size.

380 | (21)~~(20)~~ "Moderate-income person" or "moderate-income
381 | household" means one or more natural persons or a family that has
382 | a total annual gross household income that does not exceed 120
383 | percent of the median annual income adjusted for family size for
384 | households within the metropolitan statistical area, the county,
385 | or the nonmetropolitan median for the state, whichever is
386 | greatest. With respect to rental units, the moderate-income
387 | household's annual income at the time of initial occupancy may
388 | not exceed 120 percent of the area's median income adjusted for
389 | family size. While occupying the rental unit, a moderate-income
390 | household's annual income may increase to an amount not to exceed
391 | 140 percent of 120 percent of the area's median income adjusted
392 | for family size.

393 | (22)~~(21)~~ "Personal property" means major appliances,
394 | including a freestanding refrigerator or stove, to be identified
395 | on the encumbering documents.

396 | (23)~~(22)~~ "Plan amendment" means the addition or deletion of
397 | a local housing assistance strategy or local housing incentive
398 | strategy. Plan amendments must at all times maintain consistency
399 | with program requirements and must be submitted to the
400 | corporation for review pursuant to s. 420.9072(3). Technical or
401 | clarifying revisions may not be considered plan amendments but
402 | must be transmitted to the corporation for purposes of
403 | notification.

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404 (24) "Preservation" means efforts taken to keep rents in
405 existing assisted housing or existing assisted housing
406 developments affordable for extremely low, very-low, low, and
407 moderate-income households while ensuring that such property
408 stays in good physical and financial condition for an extended
409 period.

410 ~~(25)-(23)~~ "Population" means the latest official state
411 estimate of population certified pursuant to s. 186.901 prior to
412 the beginning of the state fiscal year.

413 ~~(26)-(24)~~ "Program income" means the proceeds derived from
414 interest earned on or investment of the local housing
415 distribution and other funds deposited into the local housing
416 assistance trust fund, proceeds from loan repayments, recycled
417 funds, and all other income derived from use of funds deposited
418 in the local housing assistance trust fund. It does not include
419 recaptured funds as defined in subsection (27) ~~(25)~~.

420 ~~(27)-(25)~~ "Recaptured funds" means funds that are recouped
421 by a county or eligible municipality in accordance with the
422 recapture provisions of its local housing assistance plan
423 pursuant to s. 420.9075(5)(h) ~~s. 420.9075(5)(g)~~ from eligible
424 persons or eligible sponsors where the funds were not used for
425 assistance to an eligible household for an eligible activity, or
426 where there is a ~~who~~ default on the terms of a grant award or
427 loan award.

428 ~~(28)-(26)~~ "Rent subsidies" means ongoing monthly rental
429 assistance. The term does not include initial assistance to
430 tenants, such as grants or loans for security and utility
431 deposits.

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432 (29)~~(27)~~ "Sales price" or "value" means, in the case of
433 acquisition of an existing or newly constructed unit, the amount
434 on the executed sales contract. For eligible persons who are
435 building a unit on land that they own, the sales price is
436 determined by an appraisal performed by a state-certified
437 appraiser. The appraisal must include the value of the land and
438 the improvements using the after-construction value of the
439 property and must be dated within 12 months of the date
440 construction is to commence. The sales price of any unit must
441 include the value of the land in order to qualify as eligible
442 housing as defined in subsection (9) ~~(8)~~. In the case of
443 rehabilitation or emergency repair of an existing unit that does
444 not create additional living space, sales price or value means
445 the value of the real property, as determined by an appraisal
446 performed by a state-certified appraiser and dated within 12
447 months of the date construction is to commence or the assessed
448 value of the real property as determined by the county property
449 appraiser. In the case of rehabilitation of an existing unit that
450 includes the addition of new living space, sales price or value
451 means the value of the real property, as determined by an
452 appraisal performed by a state-certified appraiser and dated
453 within 12 months of the date construction is to commence or the
454 assessed value of the real property as determined by the county
455 property appraiser, plus the cost of the improvements in either
456 case.

457 (30)~~(28)~~ "Very-low-income person" or "very-low-income
458 household" means one or more natural persons or a family that has
459 a total annual gross household income that does not exceed 50
460 percent of the median annual income adjusted for family size for

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461 households within the metropolitan statistical area, the county,
462 or the nonmetropolitan median for the state, whichever is
463 greatest. With respect to rental units, the very-low-income
464 household's annual income at the time of initial occupancy may
465 not exceed 50 percent of the area's median income adjusted for
466 family size. While occupying the rental unit, a very-low-income
467 household's annual income may increase to an amount not to exceed
468 140 percent of 50 percent of the area's median income adjusted
469 for family size.

470 Section 6. Subsection (6) of section 420.9072, Florida
471 Statutes, is amended to read:

472 420.9072 State Housing Initiatives Partnership
473 Program.--The State Housing Initiatives Partnership Program is
474 created for the purpose of providing funds to counties and
475 eligible municipalities as an incentive for the creation of local
476 housing partnerships, to expand production of and preserve
477 affordable housing, to further the housing element of the local
478 government comprehensive plan specific to affordable housing, and
479 to increase housing-related employment.

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

485 Section 7. Subsections (1), (2), and (3) of section
486 420.9073, Florida Statutes, are amended, and subsections (5),
487 (6), and (7) are added to that section, to read:

488 420.9073 Local housing distributions.--

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489 (1) Subject to the availability of funds, distributions
490 calculated in this subsection ~~section~~ shall be disbursed on a
491 quarterly or more frequent ~~monthly~~ basis by the corporation
492 ~~beginning the first day of the month after program approval~~
493 pursuant to s. 420.9072. Each county's share of the funds to be
494 distributed from the portion of the funds in the Local Government
495 Housing Trust Fund received pursuant to s. 201.15(9) shall be
496 calculated by the corporation for each fiscal year as follows:

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

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

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

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

513 3. For each county in which the result in subparagraph 1.
514 is greater than the guaranteed amount as determined in subsection
515 (3), the amount calculated in subparagraph 1. shall be reduced by
516 the guaranteed amount. The result for each such county shall be
517 expressed as a percentage of the amounts so determined for all

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518 | counties. Each such county shall receive an additional share
519 | equal to such percentage multiplied by the total funds received
520 | by the Local Government Housing Trust Fund pursuant to s.
521 | 201.15(9) reduced by the guaranteed amount paid to all counties.

522 | (2) Subject to the availability of funds ~~Effective July 1,~~
523 | ~~1995,~~ distributions calculated in this subsection ~~section~~ shall
524 | be disbursed on a quarterly or more frequent ~~monthly~~ basis by the
525 | corporation ~~beginning the first day of the month after program~~
526 | ~~approval~~ pursuant to s. 420.9072. Each county's share of the
527 | funds to be distributed from the portion of the funds in the
528 | Local Government Housing Trust Fund received pursuant to s.
529 | 201.15(10) shall be calculated by the corporation for each fiscal
530 | year as follows:

531 | (a) Each county shall receive the guaranteed amount for
532 | each fiscal year.

533 | (b) Each county may receive an additional share calculated
534 | as follows:

535 | 1. Multiply each county's percentage of the total state
536 | population, by the total funds to be distributed.

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

540 | 3. For each county in which the result in subparagraph 1.
541 | is greater than the guaranteed amount, the amount calculated in
542 | subparagraph 1. shall be reduced by the guaranteed amount. The
543 | result for each such county shall be expressed as a percentage of
544 | the amounts so determined for all counties. Each such county
545 | shall receive an additional share equal to this percentage
546 | multiplied by the total funds received by the Local Government

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547 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
548 guaranteed amount paid to all counties.

549 (3) Calculation of guaranteed amounts:

550 (a) The guaranteed amount under subsection (1) shall be
551 calculated for each state fiscal year by multiplying \$350,000 by
552 a fraction, the numerator of which is the amount of funds
553 distributed to the Local Government Housing Trust Fund pursuant
554 to s. 201.15(9) and the denominator of which is the total amount
555 of funds distributed to the Local Government Housing Trust Fund
556 pursuant to s. 201.15 less the total amount withheld, but not
557 more than \$10 million as provided in subsections (5) and (6).

558 (b) The guaranteed amount under subsection (2) shall be
559 calculated for each state fiscal year by multiplying \$350,000 by
560 a fraction, the numerator of which is the amount of funds
561 distributed to the Local Government Housing Trust Fund pursuant
562 to s. 201.15(10) and the denominator of which is the total amount
563 of funds distributed to the Local Government Housing Trust Fund
564 pursuant to s. 201.15 less the total amount withheld, but not
565 more than \$10 million as provided in subsections (5) and (6).

566 (5) Notwithstanding subsections (1)-(4), the corporation
567 may withhold up to \$5 million of the total amount distributed
568 each fiscal year from the Local Government Housing Trust Fund to
569 provide additional funding to counties and eligible
570 municipalities where a state of emergency has been declared by
571 the Governor under chapter 252. Any portion of the withheld funds
572 not distributed by the end of the fiscal year shall be
573 distributed as provided in subsections (1) and (2).

574 (6) Notwithstanding subsections (1)-(4), the corporation
575 may withhold up to \$5 million of the total amount distributed

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576 each fiscal year from the Local Government Housing Trust Fund to
577 provide funding to counties and eligible municipalities to
578 purchase properties subject to a State Housing Initiatives
579 Partnership Program lien and on which foreclosure proceedings
580 have been instituted by a mortgagee. Each county and eligible
581 municipality receiving funds under this subsection shall repay
582 such funds to the corporation on or before the expenditure
583 deadline for the fiscal year in which the funds were awarded.
584 Amounts not repaid by the county or eligible municipality shall
585 be withheld from the subsequent year's distribution under
586 subsections (1) and (2). Any portion of such funds not
587 distributed under this subsection by the end of the fiscal year
588 shall be distributed as provided in subsections (1) and (2).

589 (7) A county receiving local housing distributions under
590 this section or an eligible municipality receiving local housing
591 distributions under an interlocal agreement shall expend those
592 funds in accordance with the provisions of ss. 420.907-420.9079,
593 rules of the corporation, and the county's local housing
594 assistance plan.

595 Section 8. Subsections (1), (3), (5), (7), and (8),
596 paragraphs (a) and (h) of subsection (10), and paragraph (b) of
597 subsection (13) of section 420.9075, Florida Statutes, are
598 amended, and subsection (14) is added to that section, to read:

599 420.9075 Local housing assistance plans; partnerships.--

600 (1) (a) Each county or eligible municipality participating
601 in the State Housing Initiatives Partnership Program shall
602 develop and implement a local housing assistance plan created to
603 make affordable residential units available to persons of very
604 low income, low income, or moderate income and to persons who

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605 have special housing needs, including, but not limited to,
606 homeless people, the elderly, ~~and~~ migrant farmworkers, and
607 persons with disabilities. High-cost counties as defined by rule
608 of the corporation or eligible municipalities may include
609 strategies to assist persons and households having annual incomes
610 of not more than 140 percent of area median income. The plans are
611 intended to increase the availability of affordable residential
612 units by combining local resources and cost-saving measures into
613 a local housing partnership and using private and public funds to
614 reduce the cost of housing.

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

616 1. Implement local housing assistance strategies for the
617 provision of affordable housing.

618 2. Supplement funds available to the corporation to provide
619 enhanced funding of state housing programs within the county or
620 the eligible municipality.

621 3. Provide the local matching share of federal affordable
622 housing grants or programs.

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

626 5. Further the housing element of the local government
627 comprehensive plan adopted pursuant to s. 163.3184, specific to
628 affordable housing.

629 (3) (a) Each local housing assistance plan shall include a
630 definition of essential service personnel for the county or
631 eligible municipality, including, but not limited to, teachers
632 and educators, other school district, community college, and
633 university employees, police and fire personnel, health care

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634 personnel, skilled building trades personnel, and other job
635 categories.

636 (b) Each county and each eligible municipality is
637 encouraged to develop a strategy within its local housing
638 assistance plan that emphasizes the recruitment and retention of
639 essential service personnel. The local government is encouraged
640 to involve public and private sector employers. Compliance with
641 the eligibility criteria established under this strategy shall be
642 verified by the county or eligible municipality.

643 (c) Each county and each eligible municipality is
644 encouraged to develop a strategy within its local housing
645 assistance plan that addresses the needs of persons who are
646 deprived of affordable housing due to the closure of a mobile
647 home park or the conversion of affordable rental units to
648 condominiums.

649 (d) Each county and each eligible municipality shall
650 describe initiatives in the local housing assistance plan to
651 encourage or require innovative design, green building
652 principles, storm-resistant construction, or other elements that
653 reduce long-term costs relating to maintenance, utilities, or
654 insurance.

655 (e) Each county and each eligible municipality is
656 encouraged to develop a strategy within its local housing
657 assistance plan which provides program funds for the preservation
658 of assisted housing or assisted housing developments.

659 (5) The following criteria apply to awards made to eligible
660 sponsors or eligible persons for the purpose of providing
661 eligible housing:

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662 (a) At least 65 percent of the funds made available in each
663 county and eligible municipality from the local housing
664 distribution must be reserved for home ownership for eligible
665 persons.

666 (b) At least 75 percent of the funds made available in each
667 county and eligible municipality from the local housing
668 distribution must be reserved for construction, rehabilitation,
669 or emergency repair of affordable, eligible housing.

670 (c) Not more than 15 percent of the funds made available in
671 each county and eligible municipality from the local housing
672 distribution may be used for manufactured housing constructed
673 after June 1994 and installed in accordance with the installation
674 standards for mobile or manufactured homes contained in rules of
675 the Department of Highway Safety and Motor Vehicles.

676 (d)~~(e)~~ The sales price or value of new or existing eligible
677 housing may not exceed 90 percent of the average area purchase
678 price in the statistical area in which the eligible housing is
679 located. Such average area purchase price may be that calculated
680 for any 12-month period beginning not earlier than the fourth
681 calendar year prior to the year in which the award occurs or as
682 otherwise established by the United States Department of the
683 Treasury.

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

689 2. At least 30 percent of the funds deposited into the
690 local housing assistance trust fund must be reserved for awards

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691 to very-low-income persons or eligible sponsors who will serve
692 very-low-income persons and at least an additional 30 percent of
693 the funds deposited into the local housing assistance trust fund
694 must be reserved for awards to low-income persons or eligible
695 sponsors who will serve low-income persons. This subparagraph
696 does not apply to a county or an eligible municipality that
697 includes, or has included within the previous 5 years, an area of
698 critical state concern designated or ratified by the Legislature
699 for which the Legislature has declared its intent to provide
700 affordable housing. The exemption created by this act expires on
701 July 1, 2013 ~~2008~~.

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

705 (g) ~~(f)~~ Loans or grants for eligible rental housing
706 constructed, rehabilitated, or otherwise assisted from the local
707 housing assistance trust fund must be subject to recapture
708 requirements as provided by the county or eligible municipality
709 in its local housing assistance plan unless reserved for eligible
710 persons for 15 years or the term of the assistance, whichever
711 period is longer. Eligible sponsors that offer rental housing for
712 sale before 15 years or that have remaining mortgages funded
713 under this program must give a first right of refusal to eligible
714 nonprofit organizations for purchase at the current market value
715 for continued occupancy by eligible persons.

716 (h) ~~(g)~~ Loans or grants for eligible owner-occupied housing
717 constructed, rehabilitated, or otherwise assisted from proceeds
718 provided from the local housing assistance trust fund shall be

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719 subject to recapture requirements as provided by the county or
720 eligible municipality in its local housing assistance plan.

721 ~~(i)-(h)~~ The total amount of monthly mortgage payments or the
722 amount of monthly rent charged by the eligible sponsor or her or
723 his designee must be made affordable.

724 ~~(j)-(i)~~ The maximum sales price or value per unit and the
725 maximum award per unit for eligible housing benefiting from
726 awards made pursuant to this section must be established in the
727 local housing assistance plan.

728 ~~(k)-(j)~~ The benefit of assistance provided through the State
729 Housing Initiatives Partnership Program must accrue to eligible
730 persons occupying eligible housing. This provision shall not be
731 construed to prohibit use of the local housing distribution funds
732 for a mixed income rental development.

733 ~~(l)-(k)~~ Funds from the local housing distribution not used
734 to meet the criteria established in paragraph (a) or paragraph
735 (b) or not used for the administration of a local housing
736 assistance plan must be used for housing production and finance
737 activities, including, but not limited to, financing
738 preconstruction activities or the purchase of existing units,
739 providing rental housing, and providing home ownership training
740 to prospective home buyers and owners of homes assisted through
741 the local housing assistance plan.

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

745 2. Where preconstruction due diligence activities conducted
746 as part of a preservation strategy show that preservation of the
747 units is not feasible and will not result in the production of an

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748 eligible unit, such costs shall be deemed a program expense
749 rather than an administrative expense if such program expenses do
750 not exceed 3 percent of the annual local housing distribution.

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

756

757 If both an award under the local housing assistance plan and
758 federal low-income housing tax credits are used to assist a
759 project and there is a conflict between the criteria prescribed
760 in this subsection and the requirements of s. 42 of the Internal
761 Revenue Code of 1986, as amended, the county or eligible
762 municipality may resolve the conflict by giving precedence to the
763 requirements of s. 42 of the Internal Revenue Code of 1986, as
764 amended, in lieu of following the criteria prescribed in this
765 subsection with the exception of paragraphs (a) and (d) of this
766 subsection.

767 (7) The moneys deposited in the local housing assistance
768 trust fund shall be used to administer and implement the local
769 housing assistance plan. The cost of administering the plan may
770 not exceed 5 percent of the local housing distribution moneys and
771 program income deposited into the trust fund. A county or an
772 eligible municipality may not exceed the 5-percent limitation on
773 administrative costs, unless its governing body finds, by
774 resolution, that 5 percent of the local housing distribution plus
775 5 percent of program income is insufficient to adequately pay the
776 necessary costs of administering the local housing assistance

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777 | plan. The cost of administering the program may not exceed 10
778 | percent of the local housing distribution plus 10 ~~5~~ percent of
779 | program income deposited into the trust fund, ~~except that small~~
780 | ~~counties, as defined in s. 120.52(17), and eligible~~
781 | ~~municipalities receiving a local housing distribution of up to~~
782 | ~~\$350,000 may use up to 10 percent of program income for~~
783 | ~~administrative costs.~~

784 | (8) Pursuant to s. 420.531, the corporation shall provide
785 | training and technical assistance to local governments regarding
786 | the creation of partnerships, the design of local housing
787 | assistance strategies, the implementation of local housing
788 | incentive strategies, and the provision of support services.

789 | (10) Each county or eligible municipality shall submit to
790 | the corporation by September 15 of each year a report of its
791 | affordable housing programs and accomplishments through June 30
792 | immediately preceding submittal of the report. The report shall
793 | be certified as accurate and complete by the local government's
794 | chief elected official or his or her designee. Transmittal of the
795 | annual report by a county's or eligible municipality's chief
796 | elected official, or his or her designee, certifies that the
797 | local housing incentive strategies, or, if applicable, the local
798 | housing incentive plan, have been implemented or are in the
799 | process of being implemented pursuant to the adopted schedule for
800 | implementation. The report must include, but is not limited to:

801 | (a) The number of households served by income category,
802 | age, family size, and race, and data regarding any special needs
803 | populations such as farmworkers, homeless persons, persons with
804 | disabilities, and the elderly. Counties shall report this

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805 information separately for households served in the
806 unincorporated area and each municipality within the county.

807 (h) Such other data or affordable housing accomplishments
808 considered significant by the reporting county or eligible
809 municipality or by the corporation.

810 (13)

811 (b) If, as a result of its review of the annual report, the
812 corporation determines that a county or eligible municipality has
813 failed to implement a local housing incentive strategy, or, if
814 applicable, a local housing incentive plan, it shall send a
815 notice of termination of the local government's share of the
816 local housing distribution by certified mail to the affected
817 county or eligible municipality.

818 1. The notice must specify a date of termination of the
819 funding if the affected county or eligible municipality does not
820 implement the plan or strategy and provide for a local response.
821 A county or eligible municipality shall respond to the
822 corporation within 30 days after receipt of the notice of
823 termination.

824 2. The corporation shall consider the local response that
825 extenuating circumstances precluded implementation and grant an
826 extension to the timeframe for implementation. Such an extension
827 shall be made in the form of an extension agreement that provides
828 a timeframe for implementation. The chief elected official of a
829 county or eligible municipality or his or her designee shall have
830 the authority to enter into the agreement on behalf of the local
831 government.

832 3. If the county or the eligible municipality has not
833 implemented the incentive strategy or entered into an extension

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

841 4.a. If the affected local government fails to meet the
842 timeframes specified in the agreement, the corporation shall
843 terminate funds. The corporation shall send a notice of
844 termination of the local government's share of the local housing
845 distribution by certified mail to the affected local government.
846 The notice shall specify the termination date, and any
847 uncommitted funds held by the affected local government shall be
848 transferred to the Local Government Housing Trust Fund to the
849 credit of the corporation to administer pursuant to s. 420.9072
850 ~~s. 420.9078~~.

851 b. If the corporation terminates funds to a county, but an
852 eligible municipality receiving a local housing distribution
853 pursuant to an interlocal agreement maintains compliance with
854 program requirements, the corporation shall thereafter distribute
855 directly to the participating eligible municipality its share
856 calculated in the manner provided in s. 420.9072.

857 c. Any county or eligible municipality whose local
858 distribution share has been terminated may subsequently elect to
859 receive directly its local distribution share by adopting the
860 ordinance, resolution, and local housing assistance plan in the
861 manner and according to the procedures provided in ss. 420.907-
862 420.9079.

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863 (14) If the corporation determines that a county or
864 eligible municipality has expended program funds for an
865 ineligible activity, the corporation shall require such funds to
866 be repaid to the Local Housing Assistance Trust Fund. Such
867 repayment may not be made with funds from the State Housing
868 Initiatives Partnership Program.

869 Section 9. Subsections (2), (5), and (6) and paragraph (a)
870 of subsection (7) of section 420.9076, Florida Statutes, are
871 amended to read:

872 420.9076 Adoption of affordable housing incentive
873 strategies; committees.--

874 (2) The governing board of a county or municipality shall
875 appoint the members of the affordable housing advisory committee
876 by resolution. Pursuant to the terms of any interlocal agreement,
877 a county and municipality may create and jointly appoint an
878 advisory committee to prepare a joint plan. The ordinance adopted
879 pursuant to s. 420.9072 which creates the advisory committee or
880 the resolution appointing the advisory committee members must
881 provide for 11 committee members and their terms. The committee
882 must include:

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

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

887 (c) One citizen who is a representative of those areas of
888 labor actively engaged in home building in connection with
889 affordable housing.

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

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

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

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

898 (h) One citizen who actively serves on the local planning
899 agency pursuant to s. 163.3174. If the local planning agency is
900 comprised of the county or municipality governing body, the
901 governing body may appoint a designee who is knowledgeable in the
902 local planning process.

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

905 (j) One citizen who represents employers within the
906 jurisdiction.

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

909
910 If a county or eligible municipality whether due to its small
911 size, the presence of a conflict of interest by prospective
912 appointees, or other reasonable factor, is unable to appoint a
913 citizen actively engaged in these activities in connection with
914 affordable housing, a citizen engaged in the activity without
915 regard to affordable housing may be appointed. Local governments
916 that receive the minimum allocation under the State Housing
917 Initiatives Partnership Program may elect to appoint an
918 affordable housing advisory committee with fewer than 11
919 representatives if they are unable to find representatives who
920 meet the criteria of paragraphs (a)-(k).

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921 (5) The approval by the advisory committee of its local
922 housing incentive strategies recommendations and its review of
923 local government implementation of previously recommended
924 strategies must be made by affirmative vote of a majority of the
925 membership of the advisory committee taken at a public hearing.
926 Notice of the time, date, and place of the public hearing of the
927 advisory committee to adopt its evaluation and final local
928 housing incentive strategies recommendations must be published in
929 a newspaper of general paid circulation in the county. The notice
930 must contain a short and concise summary of the evaluation and
931 local housing incentives strategies recommendations to be
932 considered by the advisory committee. The notice must state the
933 public place where a copy of the evaluation and tentative
934 advisory committee recommendations can be obtained by interested
935 persons. The final report, evaluation, and recommendations shall
936 be submitted to the corporation.

937 (6) Within 90 days after the date of receipt of the
938 evaluation and local housing incentive strategies recommendations
939 from the advisory committee, the governing body of the appointing
940 local government shall adopt an amendment to its local housing
941 assistance plan to incorporate the local housing incentive
942 strategies it will implement within its jurisdiction. The
943 amendment must include, at a minimum, the local housing incentive
944 strategies required under s. 420.9071(17) ~~s. 420.9071(16)~~. The
945 local government must consider the strategies specified in
946 paragraphs (4) (a)-(k) as recommended by the advisory committee.

947 (7) The governing board of the county or the eligible
948 municipality shall notify the corporation by certified mail of
949 its adoption of an amendment of its local housing assistance plan

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950 to incorporate local housing incentive strategies. The notice
951 must include a copy of the approved amended plan.

952 (a) If the corporation fails to receive timely the approved
953 amended local housing assistance plan to incorporate local
954 housing incentive strategies, a notice of termination of its
955 share of the local housing distribution shall be sent by
956 certified mail by the corporation to the affected county or
957 eligible municipality. The notice of termination must specify a
958 date of termination of the funding if the affected county or
959 eligible municipality has not adopted an amended local housing
960 assistance plan to incorporate local housing incentive
961 strategies. If the county or the eligible municipality has not
962 adopted an amended local housing assistance plan to incorporate
963 local housing incentive strategies by the termination date
964 specified in the notice of termination, the local distribution
965 share terminates; and any uncommitted local distribution funds
966 held by the affected county or eligible municipality in its local
967 housing assistance trust fund shall be transferred to the Local
968 Government Housing Trust Fund to the credit of the corporation to
969 administer the local government housing program pursuant to s.
970 420.9072 ~~s. 420.9078~~.

971 Section 10. Subsection (6) of section 421.08, Florida
972 Statutes, is amended to read:

973 421.08 Powers of authority.--An authority shall constitute
974 a public body corporate and politic, exercising the public and
975 essential governmental functions set forth in this chapter, and
976 having all the powers necessary or convenient to carry out and
977 effectuate the purpose and provisions of this chapter, including
978 the following powers in addition to others herein granted:

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979 (6) Within its area of operation: to investigate into
980 living, dwelling, and housing conditions and into the means and
981 methods of improving such conditions; to determine where slum
982 areas exist or where there is a shortage of decent, safe, and
983 sanitary dwelling accommodations for persons of low income; to
984 make studies and recommendations relating to the problem of
985 clearing, replanning, and reconstruction of slum areas and the
986 problem of providing dwelling accommodations for persons of low
987 income; to administer fair housing ordinances and other
988 ordinances as adopted by cities, counties, or other authorities
989 who wish to contract for administrative services and to cooperate
990 with the city, the county, the state or any political subdivision
991 thereof in action taken in connection with such problems; and to
992 engage in research, studies, and experimentation on the subject
993 of housing. However, the housing authority may not take action to
994 prohibit access to a housing project by a state or local elected
995 official or a candidate for state or local government office.

996 Section 11. Subsection (4) of section 159.807, Florida
997 Statutes, is amended to read:

998 159.807 State allocation pool.--

999 (4) ~~(a)~~ The state allocation pool shall also be used to
1000 provide written confirmations for private activity bonds that are
1001 to be issued by state agencies after June 1, which bonds,
1002 notwithstanding any other provisions of this part, shall receive
1003 priority in the use of the pool available at the time the notice
1004 of intent to issue such bonds is filed with the division.

1005 ~~(b) This subsection does not apply to the Florida Housing~~
1006 ~~Finance Corporation:~~

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1007 1. ~~Until its allocation pursuant to s. 159.804(3) has been~~
1008 ~~exhausted, is unavailable, or is inadequate to provide an~~
1009 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~
1010 ~~volume limitation from prior years for the same carryforward~~
1011 ~~purpose, as that term is defined in s. 146 of the Code, as the~~
1012 ~~bonds it intends to issue have been completely utilized or have~~
1013 ~~expired.~~

1014 2. ~~Prior to July 1 of any year, when housing bonds for~~
1015 ~~which the Florida Housing Finance Corporation has made an~~
1016 ~~assignment of its allocation permitted by s. 159.804(3) (c) have~~
1017 ~~not been issued.~~

1018 Section 12. Section 420.9078, Florida Statutes, is repealed.

1019 Section 13. Paragraph (p) of subsection (5) of section
1020 212.08, Florida Statutes, is amended to read:

1021 212.08 Sales, rental, use, consumption, distribution, and
1022 storage tax; specified exemptions.--The sale at retail, the
1023 rental, the use, the consumption, the distribution, and the
1024 storage to be used or consumed in this state of the following are
1025 hereby specifically exempt from the tax imposed by this chapter.

1026 (5) EXEMPTIONS; ACCOUNT OF USE.--

1027 (p) Community contribution tax credit for donations.--

1028 1. Authorization.--Persons who are registered with the
1029 department under s. 212.18 to collect or remit sales or use tax
1030 and who make donations to eligible sponsors are eligible for tax
1031 credits against their state sales and use tax liabilities as
1032 provided in this paragraph:

1033 a. The credit shall be computed as 50 percent of the
1034 person's approved annual community contribution.

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1035 b. The credit shall be granted as a refund against state
1036 sales and use taxes reported on returns and remitted in the 12
1037 months preceding the date of application to the department for
1038 the credit as required in sub-subparagraph 3.c. If the annual
1039 credit is not fully used through such refund because of
1040 insufficient tax payments during the applicable 12-month period,
1041 the unused amount may be included in an application for a refund
1042 made pursuant to sub-subparagraph 3.c. in subsequent years
1043 against the total tax payments made for such year. Carryover
1044 credits may be applied for a 3-year period without regard to any
1045 time limitation that would otherwise apply under s. 215.26.

1046 c. A person may not receive more than \$200,000 in annual
1047 tax credits for all approved community contributions made in any
1048 one year.

1049 d. All proposals for the granting of the tax credit require
1050 the prior approval of the Office of Tourism, Trade, and Economic
1051 Development.

1052 e. The total amount of tax credits which may be granted for
1053 all programs approved under this paragraph, s. 220.183, and s.
1054 624.5105 is \$10.5 million annually for projects that provide
1055 homeownership opportunities for low-income or very-low-income
1056 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1057 ~~and (28)~~ and \$3.5 million annually for all other projects.

1058 f. A person who is eligible to receive the credit provided
1059 for in this paragraph, s. 220.183, or s. 624.5105 may receive the
1060 credit only under the one section of the person's choice.

1061 2. Eligibility requirements.--

1062 a. A community contribution by a person must be in the
1063 following form:

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1064 (I) Cash or other liquid assets;
1065 (II) Real property;
1066 (III) Goods or inventory; or
1067 (IV) Other physical resources as identified by the Office
1068 of Tourism, Trade, and Economic Development.

1069 b. All community contributions must be reserved exclusively
1070 for use in a project. As used in this sub-subparagraph, the term
1071 "project" means any activity undertaken by an eligible sponsor
1072 which is designed to construct, improve, or substantially
1073 rehabilitate housing that is affordable to low-income or very-
1074 low-income households as defined in s. 420.9071(20) and (30) ~~s.~~
1075 ~~420.9071(19) and (28)~~; designed to provide commercial,
1076 industrial, or public resources and facilities; or designed to
1077 improve entrepreneurial and job-development opportunities for
1078 low-income persons. A project may be the investment necessary to
1079 increase access to high-speed broadband capability in rural
1080 communities with enterprise zones, including projects that result
1081 in improvements to communications assets that are owned by a
1082 business. A project may include the provision of museum
1083 educational programs and materials that are directly related to
1084 any project approved between January 1, 1996, and December 31,
1085 1999, and located in an enterprise zone designated pursuant to s.
1086 290.0065. This paragraph does not preclude projects that propose
1087 to construct or rehabilitate housing for low-income or very-low-
1088 income households on scattered sites. With respect to housing,
1089 contributions may be used to pay the following eligible low-
1090 income and very-low-income housing-related activities:

1091 (I) Project development impact and management fees for low-
1092 income or very-low-income housing projects;

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1093 (II) Down payment and closing costs for eligible persons,
1094 as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~;

1095 (III) Administrative costs, including housing counseling
1096 and marketing fees, not to exceed 10 percent of the community
1097 contribution, directly related to low-income or very-low-income
1098 projects; and

1099 (IV) Removal of liens recorded against residential property
1100 by municipal, county, or special district local governments when
1101 satisfaction of the lien is a necessary precedent to the transfer
1102 of the property to an eligible person, as defined in s.
1103 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~, for the purpose
1104 of promoting home ownership. Contributions for lien removal must
1105 be received from a nonrelated third party.

1106 c. The project must be undertaken by an "eligible sponsor,"
1107 which includes:

1108 (I) A community action program;

1109 (II) A nonprofit community-based development organization
1110 whose mission is the provision of housing for low-income or very-
1111 low-income households or increasing entrepreneurial and job-
1112 development opportunities for low-income persons;

1113 (III) A neighborhood housing services corporation;

1114 (IV) A local housing authority created under chapter 421;

1115 (V) A community redevelopment agency created under s.

1116 163.356;

1117 (VI) The Florida Industrial Development Corporation;

1118 (VII) A historic preservation district agency or
1119 organization;

1120 (VIII) A regional workforce board;

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- 1121 (IX) A direct-support organization as provided in s.
1122 1009.983;
- 1123 (X) An enterprise zone development agency created under s.
1124 290.0056;
- 1125 (XI) A community-based organization incorporated under
1126 chapter 617 which is recognized as educational, charitable, or
1127 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
1128 and whose bylaws and articles of incorporation include affordable
1129 housing, economic development, or community development as the
1130 primary mission of the corporation;
- 1131 (XII) Units of local government;
- 1132 (XIII) Units of state government; or
- 1133 (XIV) Any other agency that the Office of Tourism, Trade,
1134 and Economic Development designates by rule.
- 1135
- 1136 ~~In no event may~~ A contributing person may not have a financial
1137 interest in the eligible sponsor.
- 1138 d. The project must be located in an area designated an
1139 enterprise zone or a Front Porch Florida Community pursuant to s.
1140 20.18(6), unless the project increases access to high-speed
1141 broadband capability for rural communities with enterprise zones
1142 but is physically located outside the designated rural zone
1143 boundaries. Any project designed to construct or rehabilitate
1144 housing for low-income or very-low-income households as defined
1145 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1146 from the area requirement of this sub-subparagraph.
- 1147 e.(I) If, during the first 10 business days of the state
1148 fiscal year, eligible tax credit applications for projects that
1149 provide homeownership opportunities for low-income or very-low-

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1150 income households as defined in s. 420.9071(20) and (30) ~~s.~~
1151 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1152 credits available for those projects, the Office of Tourism,
1153 Trade, and Economic Development shall grant tax credits for those
1154 applications and shall grant remaining tax credits on a first-
1155 come, first-served basis for any subsequent eligible applications
1156 received before the end of the state fiscal year. If, during the
1157 first 10 business days of the state fiscal year, eligible tax
1158 credit applications for projects that provide homeownership
1159 opportunities for low-income or very-low-income households as
1160 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1161 received for more than the annual tax credits available for those
1162 projects, the office shall grant the tax credits for those
1163 applications as follows:

1164 (A) If tax credit applications submitted for approved
1165 projects of an eligible sponsor do not exceed \$200,000 in total,
1166 the credits shall be granted in full if the tax credit
1167 applications are approved.

1168 (B) If tax credit applications submitted for approved
1169 projects of an eligible sponsor exceed \$200,000 in total, the
1170 amount of tax credits granted pursuant to sub-sub-sub-
1171 subparagraph (A) shall be subtracted from the amount of available
1172 tax credits, and the remaining credits shall be granted to each
1173 approved tax credit application on a pro rata basis.

1174 (II) If, during the first 10 business days of the state
1175 fiscal year, eligible tax credit applications for projects other
1176 than those that provide homeownership opportunities for low-
1177 income or very-low-income households as defined in s.
1178 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for

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1179 | less than the annual tax credits available for those projects,
1180 | the office shall grant tax credits for those applications and
1181 | shall grant remaining tax credits on a first-come, first-served
1182 | basis for any subsequent eligible applications received before
1183 | the end of the state fiscal year. If, during the first 10
1184 | business days of the state fiscal year, eligible tax credit
1185 | applications for projects other than those that provide
1186 | homeownership opportunities for low-income or very-low-income
1187 | households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1188 | ~~and (28)~~ are received for more than the annual tax credits
1189 | available for those projects, the office shall grant the tax
1190 | credits for those applications on a pro rata basis.

1191 | 3. Application requirements.--

1192 | a. Any eligible sponsor seeking to participate in this
1193 | program must submit a proposal to the Office of Tourism, Trade,
1194 | and Economic Development which sets forth the name of the
1195 | sponsor, a description of the project, and the area in which the
1196 | project is located, together with such supporting information as
1197 | is prescribed by rule. The proposal must also contain a
1198 | resolution from the local governmental unit in which the project
1199 | is located certifying that the project is consistent with local
1200 | plans and regulations.

1201 | b. Any person seeking to participate in this program must
1202 | submit an application for tax credit to the office which sets
1203 | forth the name of the sponsor, a description of the project, and
1204 | the type, value, and purpose of the contribution. The sponsor
1205 | shall verify the terms of the application and indicate its
1206 | receipt of the contribution, which verification must be in
1207 | writing and accompany the application for tax credit. The person

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1208 must submit a separate tax credit application to the office for
1209 each individual contribution that it makes to each individual
1210 project.

1211 c. Any person who has received notification from the office
1212 that a tax credit has been approved must apply to the department
1213 to receive the refund. Application must be made on the form
1214 prescribed for claiming refunds of sales and use taxes and be
1215 accompanied by a copy of the notification. A person may submit
1216 only one application for refund to the department within any 12-
1217 month period.

1218 4. Administration.--

1219 a. The Office of Tourism, Trade, and Economic Development
1220 may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary
1221 to administer this paragraph, including rules for the approval or
1222 disapproval of proposals by a person.

1223 b. The decision of the office must be in writing, and, if
1224 approved, the notification shall state the maximum credit
1225 allowable to the person. Upon approval, the office shall transmit
1226 a copy of the decision to the Department of Revenue.

1227 c. The office shall periodically monitor all projects in a
1228 manner consistent with available resources to ensure that
1229 resources are used in accordance with this paragraph; however,
1230 each project must be reviewed at least once every 2 years.

1231 d. The office shall, in consultation with the Department of
1232 Community Affairs and the statewide and regional housing and
1233 financial intermediaries, market the availability of the
1234 community contribution tax credit program to community-based
1235 organizations.

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1236 5. Expiration.--This paragraph expires June 30, 2015;
1237 however, any accrued credit carryover that is unused on that date
1238 may be used until the expiration of the 3-year carryover period
1239 for such credit.

1240 Section 14. Paragraph (t) of subsection (1) of section
1241 220.03, Florida Statutes, is amended to read:

1242 220.03 Definitions.--

1243 (1) SPECIFIC TERMS.--When used in this code, and when not
1244 otherwise distinctly expressed or manifestly incompatible with
1245 the intent thereof, the following terms shall have the following
1246 meanings:

1247 (t) "Project" means any activity undertaken by an eligible
1248 sponsor, as defined in s. 220.183(2)(c), which is designed to
1249 construct, improve, or substantially rehabilitate housing that is
1250 affordable to low-income or very-low-income households as defined
1251 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~; designed to
1252 provide commercial, industrial, or public resources and
1253 facilities; or designed to improve entrepreneurial and job-
1254 development opportunities for low-income persons. A project may
1255 be the investment necessary to increase access to high-speed
1256 broadband capability in rural communities with enterprise zones,
1257 including projects that result in improvements to communications
1258 assets that are owned by a business. A project may include the
1259 provision of museum educational programs and materials that are
1260 directly related to any project approved between January 1, 1996,
1261 and December 31, 1999, and located in an enterprise zone
1262 designated pursuant to s. 290.0065. This paragraph does not
1263 preclude projects that propose to construct or rehabilitate low-
1264 income or very-low-income housing on scattered sites. With

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1265 respect to housing, contributions may be used to pay the
1266 following eligible project-related activities:

1267 1. Project development, impact, and management fees for
1268 low-income or very-low-income housing projects;

1269 2. Down payment and closing costs for eligible persons, as
1270 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~;

1271 3. Administrative costs, including housing counseling and
1272 marketing fees, not to exceed 10 percent of the community
1273 contribution, directly related to low-income or very-low-income
1274 projects; and

1275 4. Removal of liens recorded against residential property
1276 by municipal, county, or special-district local governments when
1277 satisfaction of the lien is a necessary precedent to the transfer
1278 of the property to an eligible person, as defined in s.
1279 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~, for the purpose
1280 of promoting home ownership. Contributions for lien removal must
1281 be received from a nonrelated third party.

1282

1283 The provisions of this paragraph shall expire and be void on June
1284 30, 2015.

1285 Section 15. Paragraph (c) of subsection (1) and paragraphs
1286 (b) and (d) of subsection (2) of section 220.183, Florida
1287 Statutes, are amended to read:

1288 220.183 Community contribution tax credit.--

1289 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
1290 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
1291 SPENDING.--

1292 (c) The total amount of tax credit which may be granted for
1293 all programs approved under this section, s. 212.08(5)(p), and s.

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1294 624.5105 is \$10.5 million annually for projects that provide
1295 homeownership opportunities for low-income or very-low-income
1296 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1297 ~~and (28)~~ and \$3.5 million annually for all other projects.

1298 (2) ELIGIBILITY REQUIREMENTS.--

1299 (b)1. All community contributions must be reserved
1300 exclusively for use in projects as defined in s. 220.03(1)(t).

1301 2. If, during the first 10 business days of the state
1302 fiscal year, eligible tax credit applications for projects that
1303 provide homeownership opportunities for low-income or very-low-
1304 income households as defined in s. 420.9071(20) and (30) ~~s.~~
1305 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1306 credits available for those projects, the Office of Tourism,
1307 Trade, and Economic Development shall grant tax credits for those
1308 applications and shall grant remaining tax credits on a first-
1309 come, first-served basis for any subsequent eligible applications
1310 received before the end of the state fiscal year. If, during the
1311 first 10 business days of the state fiscal year, eligible tax
1312 credit applications for projects that provide homeownership
1313 opportunities for low-income or very-low-income households as
1314 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1315 received for more than the annual tax credits available for those
1316 projects, the office shall grant the tax credits for those
1317 applications as follows:

1318 a. If tax credit applications submitted for approved
1319 projects of an eligible sponsor do not exceed \$200,000 in total,
1320 the credit shall be granted in full if the tax credit
1321 applications are approved.

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1322 b. If tax credit applications submitted for approved
1323 projects of an eligible sponsor exceed \$200,000 in total, the
1324 amount of tax credits granted under sub-subparagraph a. shall be
1325 subtracted from the amount of available tax credits, and the
1326 remaining credits shall be granted to each approved tax credit
1327 application on a pro rata basis.

1328 3. If, during the first 10 business days of the state
1329 fiscal year, eligible tax credit applications for projects other
1330 than those that provide homeownership opportunities for low-
1331 income or very-low-income households as defined in s.
1332 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for
1333 less than the annual tax credits available for those projects,
1334 the office shall grant tax credits for those applications and
1335 shall grant remaining tax credits on a first-come, first-served
1336 basis for any subsequent eligible applications received before
1337 the end of the state fiscal year. If, during the first 10
1338 business days of the state fiscal year, eligible tax credit
1339 applications for projects other than those that provide
1340 homeownership opportunities for low-income or very-low-income
1341 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1342 ~~and (28)~~ are received for more than the annual tax credits
1343 available for those projects, the office shall grant the tax
1344 credits for those applications on a pro rata basis.

1345 (d) The project shall be located in an area designated as
1346 an enterprise zone or a Front Porch Florida Community pursuant to
1347 s. 20.18(6). Any project designed to construct or rehabilitate
1348 housing for low-income or very-low-income households as defined
1349 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1350 from the area requirement of this paragraph. This section does

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1351 not preclude projects that propose to construct or rehabilitate
1352 housing for low-income or very-low-income households on scattered
1353 sites. Any project designed to provide increased access to high-
1354 speed broadband capabilities which includes coverage of a rural
1355 enterprise zone may locate the project's infrastructure in any
1356 area of a rural county.

1357 Section 16. Paragraph (c) of subsection (1) and paragraphs
1358 (d) and (e) of subsection (2) of section 624.5105, Florida
1359 Statutes, are amended to read:

1360 624.5105 Community contribution tax credit; authorization;
1361 limitations; eligibility and application requirements;
1362 administration; definitions; expiration.--

1363 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

1364 (c) The total amount of tax credit which may be granted for
1365 all programs approved under this section and ss. 212.08(5)(p) and
1366 220.183 is \$10.5 million annually for projects that provide
1367 homeownership opportunities for low-income or very-low-income
1368 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1369 ~~and (28)~~ and \$3.5 million annually for all other projects.

1370 (2) ELIGIBILITY REQUIREMENTS.--

1371 (d) The project shall be located in an area designated as
1372 an enterprise zone or a Front Porch Community pursuant to s.
1373 20.18(6). Any project designed to construct or rehabilitate
1374 housing for low-income or very-low-income households as defined
1375 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1376 from the area requirement of this paragraph.

1377 (e)1. If, during the first 10 business days of the state
1378 fiscal year, eligible tax credit applications for projects that
1379 provide homeownership opportunities for low-income or very-low-

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1380 income households as defined in s. 420.9071(20) and (30) ~~s.~~
1381 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1382 credits available for those projects, the Office of Tourism,
1383 Trade, and Economic Development shall grant tax credits for those
1384 applications and shall grant remaining tax credits on a first-
1385 come, first-served basis for any subsequent eligible applications
1386 received before the end of the state fiscal year. If, during the
1387 first 10 business days of the state fiscal year, eligible tax
1388 credit applications for projects that provide homeownership
1389 opportunities for low-income or very-low-income households as
1390 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1391 received for more than the annual tax credits available for those
1392 projects, the office shall grant the tax credits for those
1393 applications as follows:

1394 a. If tax credit applications submitted for approved
1395 projects of an eligible sponsor do not exceed \$200,000 in total,
1396 the credits shall be granted in full if the tax credit
1397 applications are approved.

1398 b. If tax credit applications submitted for approved
1399 projects of an eligible sponsor exceed \$200,000 in total, the
1400 amount of tax credits granted under sub-subparagraph a. shall be
1401 subtracted from the amount of available tax credits, and the
1402 remaining credits shall be granted to each approved tax credit
1403 application on a pro rata basis.

1404 2. If, during the first 10 business days of the state
1405 fiscal year, eligible tax credit applications for projects other
1406 than those that provide homeownership opportunities for low-
1407 income or very-low-income households as defined in s.
1408 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for

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1409 | less than the annual tax credits available for those projects,
1410 | the office shall grant tax credits for those applications and
1411 | shall grant remaining tax credits on a first-come, first-served
1412 | basis for any subsequent eligible applications received before
1413 | the end of the state fiscal year. If, during the first 10
1414 | business days of the state fiscal year, eligible tax credit
1415 | applications for projects other than those that provide
1416 | homeownership opportunities for low-income or very-low-income
1417 | households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1418 | ~~and (28)~~ are received for more than the annual tax credits
1419 | available for those projects, the office shall grant the tax
1420 | credits for those applications on a pro rata basis.

1421 | Section 17. This act shall take effect July 1, 2008.