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1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 193.018, F.S.; providing for the assessment of property
4 receiving the low-income housing tax credit; defining the
5 term "community land trust"; providing for the assessment
6 of structural improvements, condominium parcels, and
7 cooperative parcels on land owned by a community land
8 trust and used to provide affordable housing; providing
9 for the conveyance of structural improvements, condominium
10 parcels, and cooperative parcels subject to certain
11 conditions; specifying the criteria to be used in arriving
12 at just valuation of a structural improvement, condominium
13 parcel, or cooperative parcel; amending s. 212.055, F.S.;
14 redefining the term "infrastructure" to allow the proceeds
15 of a local government infrastructure surtax to be used to
16 purchase land for the construction of affordable or
17 workforce housing units; amending s. 420.503, F.S.;
18 defining the term "moderate rehabilitation" for purposes
19 of the Florida Housing Finance Corporation Act; amending
20 s. 420.5087, F.S.; revising purposes for which State
21 Apartment Incentive Loans may be used; amending s.
22 420.5095, F.S.; requiring that certain funds related to
23 the Community Workforce Housing Innovation Pilot Program
24 be made available for workforce housing for teachers and
25 instructional personnel; requiring that the Florida
26 Housing Finance Corporation select projects for funding
27 based on certain criteria; amending s. 420.9071, F.S.;
28 defining the terms "assisted housing," "assisted housing
29 development," and "preservation"; revising the definition

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30 of "eligible housing," "local housing incentive
31 strategies," and "recaptured funds" for purposes of the
32 State Housing Initiatives Partnership Act; amending s.
33 420.9072, F.S.; revising provisions related to the
34 administration of certain funds in the Local Government
35 Housing Trust Fund; amending s. 420.9073, F.S.; revising
36 requirements for distribution of funds in the Local
37 Government Housing Trust Fund; specifying purposes for
38 which such withheld funds may be used; clarifying purposes
39 for which certain local governments may expend funds from
40 the Local Government Housing Trust Fund; amending s.
41 420.9075, F.S.; requiring that local housing assistance
42 plans address the special housing needs of persons with
43 disabilities; authorizing the Florida Housing Finance
44 Corporation to define "high-cost counties" by rule;
45 authorizing high-cost counties or eligible municipalities
46 within high-cost counties to assist persons meeting
47 specific income requirements; revising requirements to be
48 included in the local housing assistance plan; requiring
49 counties and certain municipalities to include certain
50 strategies in the local housing assistance plan; revising
51 criteria that applies to awards made for the purpose of
52 providing affordable housing; authorizing and limiting the
53 percentage of funds from the local housing distribution
54 that may be used for certain manufactured housing;
55 extending the expiration date of an exemption from certain
56 income requirements in specified areas; authorizing the
57 use of certain funds for preconstruction activities;
58 providing that certain costs are a program expense;

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59 authorizing counties and certain municipalities to award
60 grant funds under certain conditions; providing for the
61 repayment of funds by counties or certain municipalities;
62 amending provisions related to the administration of
63 certain funds in the Local Government Housing Trust Fund;
64 amending s. 420.9076, F.S.; revising appointments to a
65 local affordable housing advisory committee; deleting
66 cross-references to conform to changes made by the act;
67 deleting provisions related to the administration of
68 certain funds by the Local Government Housing Trust Fund;
69 amending s. 420.9079, F.S.; conforming cross-references;
70 amending s. 421.08, F.S.; limiting the authority of
71 housing authorities in certain circumstances; amending s.
72 1001.43, F.S.; revising district school board powers and
73 duties in relation to use of land for affordable housing
74 in certain areas for certain personnel; amending s.
75 159.807, F.S.; revising an exemption for the Florida
76 Housing Finance Corporation from the applicability of
77 certain uses of the state allocation pool; repealing s.
78 420.9078, F.S., relating to state administration of funds
79 remaining in the Local Government Housing Trust Fund;
80 amending ss. 212.08, 220.03, and 220.183, F.S.; conforming
81 cross-references to changes made by the act; amending s.
82 624.5105, F.S.; conforming cross-references to changes
83 made by the act; providing an effective date.

84
85 Be It Enacted by the Legislature of the State of Florida:

86
87 Section 1. Section 193.018, Florida Statutes, is created to

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88 read:

89 193.018 Land owned by a community land trust used to
90 provide affordable housing.--

91 (1) As used in this section, the term "community land
92 trust" means a nonprofit entity that is qualified as charitable
93 under s. 501(c)(3) of the Internal Revenue Code and has as one of
94 its purposes the acquisition of land to be held in perpetuity for
95 the primary purpose of providing affordable homeownership.

96 (2) A community land trust may convey structural
97 improvements, condominium parcels, or cooperative parcels,
98 located on specific parcels of land which are identified by a
99 legal description contained in and subject to a ground lease
100 having a term of at least 99 years, for the purpose of providing
101 affordable housing to natural persons or families who meet the
102 extremely low, very-low, low, or moderate income limits specified
103 in s. 420.0004, or the income limits for workforce housing as
104 specified in s. 420.5095(3). A community land trust shall retain
105 a preemptive option to purchase any structural improvements,
106 condominium parcels, or cooperative parcels on the land at a
107 price determined by a formula specified in the ground lease
108 designed to ensure that such structural improvements, condominium
109 parcels, or cooperative parcels remain affordable.

110 (3) In arriving at just valuation under s. 193.011, a
111 structural improvement, condominium parcel, or cooperative parcel
112 providing affordable housing on land owned by a community land
113 trust, and the land owned by a community land trust that is
114 subject to a 99-year or longer ground lease, shall be assessed
115 using the following criteria:

116 (a) The amount a willing purchaser would pay a willing

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117 seller for the land is limited to an amount commensurate with the
118 terms of the ground lease which restricts the use of the land to
119 the provision of affordable housing in perpetuity.

120 (b) The amount a willing purchaser would pay a willing
121 seller for the resale-restricted improvements, condominium
122 parcel, or cooperative parcel is limited to the amount determined
123 by the formula in the ground lease.

124 (c) If the ground lease and all amendments and supplements
125 thereto, or a memorandum documenting how such lease and
126 amendments or supplements restrict the price at which the
127 improvements, condominium parcel, or cooperative parcel may be
128 sold, is recorded in the official public records of the county in
129 which the leased land is located, the recorded lease and any
130 amendments or supplements, or the recorded memorandum, shall be
131 deemed a land use regulation during the term of the lease as
132 amended or supplemented.

133 Section 2. Subsection (5) is added to section 196.196,
134 Florida Statutes, to read:

135 196.196 Determining whether property is entitled to
136 charitable, religious, scientific, or literary exemption.--

137 (5) Property owned by an exempt organization qualified as
138 charitable under s. 501(c)(3) of the Internal Revenue Code is
139 used for a charitable purpose if the organization has taken
140 affirmative steps to prepare the property to provide affordable
141 housing to persons or families that meet the extremely-low-
142 income, very-low-income, low-income, or moderate-income limits
143 specified in s. 420.0004. For purposes of this subsection, the
144 term "affirmative steps" means environmental or land use
145 permitting activities, the creation of architectural plans or

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146 schematic drawings, land clearing or site preparation,
147 construction or renovation activities, or other similar
148 activities that demonstrate a commitment by the exempt entity to
149 use of the property to provide affordable housing.

150 Section 3. Section 196.1978, Florida Statutes, is amended
151 to read:

152 196.1978 Affordable housing property exemption.--

153 (1) Property used to provide affordable housing serving
154 eligible persons as defined by s. 159.603(7) and natural persons
155 or families meeting the extremely-low-income, very-low-income,
156 low-income, or moderate-income persons meeting income limits
157 specified in s. 420.0004 s. 420.0004(8), (10), (11), and (15),
158 which property is owned entirely by a nonprofit entity that is a
159 corporation not for profit, qualified as charitable under s.
160 501(c)(3) of the Internal Revenue Code, and in compliance with
161 Rev. Proc. 96-32, 1996-1 C.B. 717, or a Florida-based limited
162 partnership, the sole general partner of which is a corporation
163 not for profit which is qualified as charitable under s.
164 501(c)(3) of the Internal Revenue Code and which complies with
165 Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property
166 owned by an exempt entity and used for a charitable purpose, and
167 those portions of the affordable housing property which provide
168 housing to natural persons or families classified as extremely-
169 low income, very-low income, low-income, or moderate-income under
170 s. 420.0004 individuals with incomes as defined in s.
171 420.0004(10) and (15) shall be exempt from ad valorem taxation to
172 the extent authorized in s. 196.196. All property identified in
173 this section shall comply with the criteria for determination of
174 exempt status to be applied by property appraisers on an annual

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175 basis as defined in s. 196.195. The Legislature intends that any
176 property owned by a limited liability company or limited
177 partnership which is disregarded as an entity for federal income
178 tax purposes pursuant to Treasury Regulation 301.7701-3(b) (1) (ii)
179 shall be treated as owned by its sole member or sole general
180 partner.

181 (2) If property owned by an organization granted an
182 exemption under s. 196.196(5) is transferred for a purpose other
183 than directly providing affordable housing to persons or families
184 who meet the extremely-low-income, very-low-income, low-income,
185 or moderate-income limits, as specified in s. 420.0004, or is not
186 actually used to provide affordable housing within 5 years after
187 the date the organization is initially granted the exemption, the
188 property appraiser making the determination shall serve upon the
189 organization that illegally or improperly received the exemption
190 a notice of intent to record in the public records of the county
191 where the property is located a notice of tax lien against any
192 property owned by that organization in the county, and such
193 property shall be identified in the notice of tax lien. The
194 organization owning such property is subject to the taxes
195 otherwise due and owing as a result of the failure to use the
196 property to provide affordable housing plus 15 percent interest
197 per annum and a penalty of 50 percent of the taxes owed. The tax
198 lien, when filed, attaches to any property identified in the
199 notice of tax lien owned by the organization that illegally or
200 improperly received the exemption. If the organization no longer
201 owns property in the county but owns property in any other county
202 in the state, the property appraiser shall record in each other
203 county a notice of tax lien identifying the property owned by

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204 such organization in the county which shall become a tax lien
205 against the identified property. If an exemption is improperly
206 granted as a result of a clerical mistake or an omission by the
207 property appraiser, the organization improperly receiving the
208 exemption may not be assessed penalty and interest. Prior to the
209 filing of a tax lien, the organization that received the written
210 notice of intent must be given 30 days to pay the taxes,
211 penalties, and interest. The 5-year limitation specified in this
212 subsection may be extended provided the holder of the exemption
213 continues to take affirmative steps to develop the property for
214 the purposes specified in s. 196.196(5).

215 Section 4. Paragraph (d) of subsection (2) of section
216 212.055, Florida Statutes, is amended to read:

217 212.055 Discretionary sales surtaxes; legislative intent;
218 authorization and use of proceeds.--It is the legislative intent
219 that any authorization for imposition of a discretionary sales
220 surtax shall be published in the Florida Statutes as a subsection
221 of this section, irrespective of the duration of the levy. Each
222 enactment shall specify the types of counties authorized to levy;
223 the rate or rates which may be imposed; the maximum length of
224 time the surtax may be imposed, if any; the procedure which must
225 be followed to secure voter approval, if required; the purpose
226 for which the proceeds may be expended; and such other
227 requirements as the Legislature may provide. Taxable transactions
228 and administrative procedures shall be as provided in s. 212.054.

229 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

230 (d)~~1~~. The proceeds of the surtax authorized by this
231 subsection and any accrued interest ~~accrued thereto~~ shall be
232 expended by the school district, ~~or~~ within the county and

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233 municipalities within the county, or, in the case of a negotiated
234 joint county agreement, within another county, to finance, plan,
235 and construct infrastructure; ~~and~~ to acquire land for public
236 recreation, ~~or~~ or conservation, or protection of natural resources;
237 or ~~and~~ to finance the closure of county-owned or municipally
238 owned solid waste landfills that have been ~~are already~~ closed or
239 are required to be closed ~~close~~ by order of the Department of
240 Environmental Protection. Any use of the ~~such~~ proceeds or
241 interest for purposes of landfill closure before ~~prior to~~ July 1,
242 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~ any interest may
243 not ~~accrued thereto~~ shall be used for the operational expenses of
244 ~~any~~ infrastructure, except that a ~~any~~ county that has ~~with~~ a
245 population of fewer ~~less~~ than 75,000 and that is required to
246 close a landfill ~~by order of the Department of Environmental~~
247 ~~Protection~~ may use the proceeds or ~~any~~ interest ~~accrued thereto~~
248 for long-term maintenance costs associated with landfill closure.
249 Counties, as defined in s. 125.011 ~~s. 125.011(1)~~, and charter
250 counties may, in addition, use the proceeds or ~~and~~ any interest
251 ~~accrued thereto~~ to retire or service indebtedness incurred for
252 bonds issued before ~~prior to~~ July 1, 1987, for infrastructure
253 purposes, and for bonds subsequently issued to refund such bonds.
254 Any use of the ~~such~~ proceeds or interest for purposes of retiring
255 or servicing indebtedness incurred for ~~such~~ refunding bonds
256 before ~~prior to~~ July 1, 1999, is ratified.

257 1.2. For the purposes of this paragraph, the term
258 "infrastructure" means:

259 a. Any fixed capital expenditure or fixed capital outlay
260 associated with the construction, reconstruction, or improvement
261 of public facilities that have a life expectancy of 5 or more

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262 years and any related land acquisition, land improvement, design,
263 and engineering costs ~~related thereto~~.

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

269 c. Any expenditure for the construction, lease, or
270 maintenance of, or provision of utilities or security for,
271 facilities, as defined in s. 29.008.

272 d. Any fixed capital expenditure or fixed capital outlay
273 associated with the improvement of private facilities that have a
274 life expectancy of 5 or more years and that the owner agrees to
275 make available for use on a temporary basis as needed by a local
276 government as a public emergency shelter or a staging area for
277 emergency response equipment during an emergency officially
278 declared by the state or by the local government under s. 252.38.
279 Such improvements ~~under this sub-subparagraph~~ are limited to
280 those necessary to comply with current standards for public
281 emergency evacuation shelters. The owner must ~~shall~~ enter into a
282 written contract with the local government providing the
283 improvement funding to make the ~~such~~ private facility available
284 to the public for purposes of emergency shelter at no cost to the
285 local government for a minimum ~~period~~ of 10 years after
286 completion of the improvement, with the provision that the ~~such~~
287 obligation will transfer to any subsequent owner until the end of
288 the minimum period.

289 e. Any land acquisition expenditure for a residential
290 housing project in which at least 30 percent of the units are

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291 affordable to individuals or families whose total annual
292 household income does not exceed 120 percent of the area median
293 income adjusted for household size, if the land is owned by a
294 local government or by a special district that enters into a
295 written agreement with the local government to provide such
296 housing. The local government or special district may enter into
297 a ground lease with a public or private person or entity for
298 nominal or other consideration for the construction of the
299 residential housing project on land acquired pursuant to this
300 sub-subparagraph.

301 ~~2.3.~~ Notwithstanding any other provision of this
302 subsection, a local government infrastructure discretionary sales
303 surtax imposed or extended after July 1, 1998, the effective date
304 of this act may allocate up to provide for an amount not to
305 exceed 15 percent of the local option sales surtax proceeds to be
306 allocated for deposit in to a trust fund within the county's
307 accounts created for the purpose of funding economic development
308 projects having of a general public purpose of improving targeted
309 to improve local economies, including the funding of operational
310 costs and incentives related to such economic development. The
311 ballot statement must indicate the intention to make an
312 allocation under the authority of this subparagraph.

313 Section 5. Present subsections (25) through (41) of section
314 420.503, Florida Statutes, are redesignated as subsections (26)
315 through (42), respectively, and a new subsection (25) is added to
316 that section, to read:

317 420.503 Definitions.--As used in this part, the term:

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

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320 is 40 percent or less of the value of the dwelling unit but not
321 less than \$10,000.

322 Section 6. Paragraph (1) of subsection (6) of section
323 420.5087, Florida Statutes, is amended to read:

324 420.5087 State Apartment Incentive Loan Program.--There is
325 hereby created the State Apartment Incentive Loan Program for the
326 purpose of providing first, second, or other subordinated
327 mortgage loans or loan guarantees to sponsors, including for-
328 profit, nonprofit, and public entities, to provide housing
329 affordable to very-low-income persons.

330 (6) On all state apartment incentive loans, except loans
331 made to housing communities for the elderly to provide for
332 lifesafety, building preservation, health, sanitation, or
333 security-related repairs or improvements, the following
334 provisions shall apply:

335 (1) The proceeds of all loans shall be used for new
336 construction, moderate rehabilitation, or substantial
337 rehabilitation that ~~which~~ creates or preserves affordable, safe,
338 and sanitary housing units.

339 Section 7. Subsection (17) is added to section 420.5095,
340 Florida Statutes, to read:

341 420.5095 Community Workforce Housing Innovation Pilot
342 Program.--

343 (17) Funds appropriated by s. 33, chapter 2006-69, Laws of
344 Florida, which were awarded but have been declined or returned,
345 shall be made available for projects that otherwise comply with
346 this section and are created to provide workforce housing for
347 teachers and instructional personnel employed by the school
348 district in the county in which the project is located.

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349 (a) Projects shall be given priority for funding if:

350 1. The school district provides the property for the
351 project pursuant to s. 1001.43;

352 2. The public-private partnership includes the school
353 district and a national nonprofit organization to provide
354 financial support, technical assistance, and training for
355 community-based revitalization efforts; or

356 3. The project is located in a county in which a project
357 selected for funding under this section did not go forward.

358 (b) Projects shall be selected for funding by requests for
359 proposals.

360 Section 8. Section 420.9071, Florida Statutes, is amended
361 to read:

362 420.9071 Definitions.--As used in ss. 420.907-420.9079, the
363 term:

364 (1) "Adjusted for family size" means adjusted in a manner
365 that results in an income eligibility level that is lower for
366 households having fewer than four people, or higher for
367 households having more than four people, than the base income
368 eligibility determined as provided in subsection (20) ~~(19)~~,
369 subsection (21) ~~(20)~~, or subsection (30) ~~(28)~~, based upon a
370 formula established by the United States Department of Housing
371 and Urban Development.

372 (2) "Affordable" means that monthly rents or monthly
373 mortgage payments including taxes and insurance do not exceed 30
374 percent of that amount which represents the percentage of the
375 median annual gross income for the households as indicated in
376 subsection (20) ~~(19)~~, subsection (21) ~~(20)~~, or subsection (30)
377 ~~(28)~~. However, it is not the intent to limit an individual

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378 household's ability to devote more than 30 percent of its income
379 for housing, and housing for which a household devotes more than
380 30 percent of its income shall be deemed affordable if the first
381 institutional mortgage lender is satisfied that the household can
382 afford mortgage payments in excess of the 30 percent benchmark.

383 (3) "Affordable housing advisory committee" means the
384 committee appointed by the governing body of a county or eligible
385 municipality for the purpose of recommending specific initiatives
386 and incentives to encourage or facilitate affordable housing as
387 provided in s. 420.9076.

388 (4) "Annual gross income" means annual income as defined
389 under the Section 8 housing assistance payments programs in 24
390 C.F.R. part 5; annual income as reported under the census long
391 form for the recent available decennial census; ~~or~~ adjusted gross
392 income as defined for purposes of reporting under Internal
393 Revenue Service Form 1040 for individual federal annual income
394 tax purposes; or other method of verifying income as provided by
395 rule of the corporation. Counties and eligible municipalities
396 shall calculate income by annualizing verified sources of income
397 for the household as the amount of income to be received in a
398 household during the 12 months following the effective date of
399 the determination.

400 (5) "Assisted housing" or "assisted housing development"
401 means a rental housing development, including rental housing in a
402 mixed-use development, which has received or currently receives
403 funding from any federal or state housing program.

404 (6) ~~(5)~~ "Award" means a loan, grant, or subsidy funded
405 wholly or partially by the local housing assistance trust fund.

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406 ~~(7)(6)~~ "Community-based organization" means a nonprofit
407 organization that has among its purposes the provision of
408 affordable housing to persons who have special needs or have very
409 low income, low income, or moderate income within a designated
410 area, which may include a municipality, a county, or more than
411 one municipality or county, and maintains, through a minimum of
412 one-third representation on the organization's governing board,
413 accountability to housing program beneficiaries and residents of
414 the designated area. A community housing development organization
415 established pursuant to 24 C.F.R. part 92.2 and a community
416 development corporation created pursuant to chapter 290 are
417 examples of community-based organizations.

418 ~~(8)(7)~~ "Corporation" means the Florida Housing Finance
419 Corporation.

420 ~~(9)(8)~~ "Eligible housing" means any real and personal
421 property located within the county or the eligible municipality
422 which is designed and intended for the primary purpose of
423 providing decent, safe, and sanitary residential units that are
424 designed to meet the standards of the Florida Building Code or
425 previous building codes adopted under chapter 553, or
426 manufactured housing constructed after June 1994 and installed in
427 accordance with the installation standards for mobile or
428 manufactured homes contained in rules of the Department of
429 Highway Safety and Motor Vehicles, for home ownership or rental
430 for eligible persons as designated by each county or eligible
431 municipality participating in the State Housing Initiatives
432 Partnership Program.

433 ~~(10)(9)~~ "Eligible municipality" means a municipality that
434 is eligible for federal community development block grant

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435 entitlement moneys as an entitlement community identified in 24
436 C.F.R. s. 570, subpart D, Entitlement Grants, or a nonentitlement
437 municipality that is receiving local housing distribution funds
438 under an interlocal agreement that provides for possession and
439 administrative control of funds to be transferred to the
440 nonentitlement municipality. An eligible municipality that defers
441 its participation in community development block grants does not
442 affect its eligibility for participation in the State Housing
443 Initiatives Partnership Program.

444 (11)~~(10)~~ "Eligible person" or "eligible household" means
445 one or more natural persons or a family determined by the county
446 or eligible municipality to be of very low income, low income, or
447 moderate income according to the income limits adjusted to family
448 size published annually by the United States Department of
449 Housing and Urban Development based upon the annual gross income
450 of the household.

451 (12)~~(11)~~ "Eligible sponsor" means a person or a private or
452 public for-profit or not-for-profit entity that applies for an
453 award under the local housing assistance plan for the purpose of
454 providing eligible housing for eligible persons.

455 (13)~~(12)~~ "Grant" means an award from the local housing
456 assistance trust fund to an eligible sponsor or eligible person
457 to partially assist in the construction, rehabilitation, or
458 financing of eligible housing or to provide the cost of tenant or
459 ownership qualifications without requirement for repayment as
460 long as the condition of award is maintained.

461 (14)~~(13)~~ "Loan" means an award from the local housing
462 assistance trust fund to an eligible sponsor or eligible person
463 to partially finance the acquisition, construction, or

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464 rehabilitation of eligible housing with requirement for repayment
465 or provision for forgiveness of repayment if the condition of the
466 award is maintained.

467 (15)~~(14)~~ "Local housing assistance plan" means a concise
468 description of the local housing assistance strategies and local
469 housing incentive strategies adopted by local government
470 resolution with an explanation of the way in which the program
471 meets the requirements of ss. 420.907-420.9079 and corporation
472 rule.

473 (16)~~(15)~~ "Local housing assistance strategies" means the
474 housing construction, rehabilitation, repair, or finance program
475 implemented by a participating county or eligible municipality
476 with the local housing distribution or other funds deposited into
477 the local housing assistance trust fund.

478 (17)~~(16)~~ "Local housing incentive strategies" means local
479 regulatory reform or incentive programs to encourage or
480 facilitate affordable housing production, which include at a
481 minimum, assurance that permits as defined in s. 163.3164(7) and
482 (8) for affordable housing projects are expedited to a greater
483 degree than other projects; an ongoing process for review of
484 local policies, ordinances, regulations, and plan provisions that
485 increase the cost of housing prior to their adoption; and a
486 schedule for implementing the incentive strategies. Local housing
487 incentive strategies may also include other regulatory reforms,
488 such as those enumerated in s. 420.9076 or those recommended by
489 the affordable housing advisory committee in its triennial
490 evaluation of the implementation of affordable housing
491 incentives, and adopted by the local governing body.

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492 (18)~~(17)~~ "Local housing distributions" means the proceeds
493 of the taxes collected under chapter 201 deposited into the Local
494 Government Housing Trust Fund and distributed to counties and
495 eligible municipalities participating in the State Housing
496 Initiatives Partnership Program pursuant to s. 420.9073.

497 (19)~~(18)~~ "Local housing partnership" means the
498 implementation of the local housing assistance plan in a manner
499 that involves the applicable county or eligible municipality,
500 lending institutions, housing builders and developers, real
501 estate professionals, advocates for low-income persons,
502 community-based housing and service organizations, and providers
503 of professional services relating to affordable housing. The term
504 includes initiatives to provide support services for housing
505 program beneficiaries such as training to prepare persons for the
506 responsibility of homeownership, counseling of tenants, and the
507 establishing of support services such as day care, health care,
508 and transportation.

509 (20)~~(19)~~ "Low-income person" or "low-income household"
510 means one or more natural persons or a family that has a total
511 annual gross household income that does not exceed 80 percent of
512 the median annual income adjusted for family size for households
513 within the metropolitan statistical area, the county, or the
514 nonmetropolitan median for the state, whichever amount is
515 greatest. With respect to rental units, the low-income
516 household's annual income at the time of initial occupancy may
517 not exceed 80 percent of the area's median income adjusted for
518 family size. While occupying the rental unit, a low-income
519 household's annual income may increase to an amount not to exceed

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520 140 percent of 80 percent of the area's median income adjusted
521 for family size.

522 (21)~~(20)~~ "Moderate-income person" or "moderate-income
523 household" means one or more natural persons or a family that has
524 a total annual gross household income that does not exceed 120
525 percent of the median annual income adjusted for family size for
526 households within the metropolitan statistical area, the county,
527 or the nonmetropolitan median for the state, whichever is
528 greatest. With respect to rental units, the moderate-income
529 household's annual income at the time of initial occupancy may
530 not exceed 120 percent of the area's median income adjusted for
531 family size. While occupying the rental unit, a moderate-income
532 household's annual income may increase to an amount not to exceed
533 140 percent of 120 percent of the area's median income adjusted
534 for family size.

535 (22)~~(21)~~ "Personal property" means major appliances,
536 including a freestanding refrigerator or stove, to be identified
537 on the encumbering documents.

538 (23)~~(22)~~ "Plan amendment" means the addition or deletion of
539 a local housing assistance strategy or local housing incentive
540 strategy. Plan amendments must at all times maintain consistency
541 with program requirements and must be submitted to the
542 corporation for review pursuant to s. 420.9072(3). Technical or
543 clarifying revisions may not be considered plan amendments but
544 must be transmitted to the corporation for purposes of
545 notification.

546 (24) "Preservation" means efforts taken to keep rents in
547 existing assisted housing or existing assisted housing
548 developments affordable for extremely low, very-low, low, and

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549 moderate-income households while ensuring that such property
550 stays in good physical and financial condition for an extended
551 period.

552 ~~(25)-(23)~~ "Population" means the latest official state
553 estimate of population certified pursuant to s. 186.901 prior to
554 the beginning of the state fiscal year.

555 ~~(26)-(24)~~ "Program income" means the proceeds derived from
556 interest earned on or investment of the local housing
557 distribution and other funds deposited into the local housing
558 assistance trust fund, proceeds from loan repayments, recycled
559 funds, and all other income derived from use of funds deposited
560 in the local housing assistance trust fund. It does not include
561 recaptured funds as defined in subsection ~~(27)~~ ~~(25)~~.

562 ~~(27)-(25)~~ "Recaptured funds" means funds that are recouped
563 by a county or eligible municipality in accordance with the
564 recapture provisions of its local housing assistance plan
565 pursuant to s. 420.9075(5)(h) ~~s. 420.9075(5)(g)~~ from eligible
566 persons or eligible sponsors where the funds were not used for
567 assistance to an eligible household for an eligible activity, or
568 where there is a ~~who~~ default on the terms of a grant award or
569 loan award.

570 ~~(28)-(26)~~ "Rent subsidies" means ongoing monthly rental
571 assistance. The term does not include initial assistance to
572 tenants, such as grants or loans for security and utility
573 deposits.

574 ~~(29)-(27)~~ "Sales price" or "value" means, in the case of
575 acquisition of an existing or newly constructed unit, the amount
576 on the executed sales contract. For eligible persons who are
577 building a unit on land that they own, the sales price is

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578 determined by an appraisal performed by a state-certified
579 appraiser. The appraisal must include the value of the land and
580 the improvements using the after-construction value of the
581 property and must be dated within 12 months of the date
582 construction is to commence. The sales price of any unit must
583 include the value of the land in order to qualify as eligible
584 housing as defined in subsection (9) ~~(8)~~. In the case of
585 rehabilitation or emergency repair of an existing unit that does
586 not create additional living space, sales price or value means
587 the value of the real property, as determined by an appraisal
588 performed by a state-certified appraiser and dated within 12
589 months of the date construction is to commence or the assessed
590 value of the real property as determined by the county property
591 appraiser. In the case of rehabilitation of an existing unit that
592 includes the addition of new living space, sales price or value
593 means the value of the real property, as determined by an
594 appraisal performed by a state-certified appraiser and dated
595 within 12 months of the date construction is to commence or the
596 assessed value of the real property as determined by the county
597 property appraiser, plus the cost of the improvements in either
598 case.

599 (30) ~~(28)~~ "Very-low-income person" or "very-low-income
600 household" means one or more natural persons or a family that has
601 a total annual gross household income that does not exceed 50
602 percent of the median annual income adjusted for family size for
603 households within the metropolitan statistical area, the county,
604 or the nonmetropolitan median for the state, whichever is
605 greatest. With respect to rental units, the very-low-income
606 household's annual income at the time of initial occupancy may

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607 not exceed 50 percent of the area's median income adjusted for
608 family size. While occupying the rental unit, a very-low-income
609 household's annual income may increase to an amount not to exceed
610 140 percent of 50 percent of the area's median income adjusted
611 for family size.

612 Section 9. Subsection (6) of section 420.9072, Florida
613 Statutes, is amended to read:

614 420.9072 State Housing Initiatives Partnership
615 Program.--The State Housing Initiatives Partnership Program is
616 created for the purpose of providing funds to counties and
617 eligible municipalities as an incentive for the creation of local
618 housing partnerships, to expand production of and preserve
619 affordable housing, to further the housing element of the local
620 government comprehensive plan specific to affordable housing, and
621 to increase housing-related employment.

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

627 Section 10. Subsections (1), (2), and (3) of section
628 420.9073, Florida Statutes, are amended, and subsections (5),
629 (6), and (7) are added to that section, to read:

630 420.9073 Local housing distributions.--

631 (1) Subject to the availability of funds, distributions
632 calculated in this subsection ~~section~~ shall be disbursed on a
633 quarterly or more frequent ~~monthly~~ basis by the corporation
634 ~~beginning the first day of the month after program approval~~
635 pursuant to s. 420.9072. Each county's share of the funds to be

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636 distributed from the portion of the funds in the Local Government
637 Housing Trust Fund received pursuant to s. 201.15(9) shall be
638 calculated by the corporation for each fiscal year as follows:

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

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

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

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

655 3. For each county in which the result in subparagraph 1.
656 is greater than the guaranteed amount as determined in subsection
657 (3), the amount calculated in subparagraph 1. shall be reduced by
658 the guaranteed amount. The result for each such county shall be
659 expressed as a percentage of the amounts so determined for all
660 counties. Each such county shall receive an additional share
661 equal to such percentage multiplied by the total funds received
662 by the Local Government Housing Trust Fund pursuant to s.
663 201.15(9) reduced by the guaranteed amount paid to all counties.

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664 (2) Subject to the availability of funds ~~Effective July 1,~~
665 ~~1995,~~ distributions calculated in this subsection ~~section~~ shall
666 be disbursed on a quarterly or more frequent ~~monthly~~ basis by the
667 corporation ~~beginning the first day of the month after program~~
668 ~~approval~~ pursuant to s. 420.9072. Each county's share of the
669 funds to be distributed from the portion of the funds in the
670 Local Government Housing Trust Fund received pursuant to s.
671 201.15(10) shall be calculated by the corporation for each fiscal
672 year as follows:

673 (a) Each county shall receive the guaranteed amount for
674 each fiscal year.

675 (b) Each county may receive an additional share calculated
676 as follows:

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

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

682 3. For each county in which the result in subparagraph 1.
683 is greater than the guaranteed amount, the amount calculated in
684 subparagraph 1. shall be reduced by the guaranteed amount. The
685 result for each such county shall be expressed as a percentage of
686 the amounts so determined for all counties. Each such county
687 shall receive an additional share equal to this percentage
688 multiplied by the total funds received by the Local Government
689 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
690 guaranteed amount paid to all counties.

691 (3) Calculation of guaranteed amounts:

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692 (a) The guaranteed amount under subsection (1) shall be
693 calculated for each state fiscal year by multiplying \$350,000 by
694 a fraction, the numerator of which is the amount of funds
695 distributed to the Local Government Housing Trust Fund pursuant
696 to s. 201.15(9) and the denominator of which is the total amount
697 of funds distributed to the Local Government Housing Trust Fund
698 pursuant to s. 201.15 less the total amount withheld, but not
699 more than \$10 million as provided in subsections (5) and (6).

700 (b) The guaranteed amount under subsection (2) shall be
701 calculated for each state fiscal year by multiplying \$350,000 by
702 a fraction, the numerator of which is the amount of funds
703 distributed to the Local Government Housing Trust Fund pursuant
704 to s. 201.15(10) and the denominator of which is the total amount
705 of funds distributed to the Local Government Housing Trust Fund
706 pursuant to s. 201.15 less the total amount withheld, but not
707 more than \$10 million as provided in subsections (5) and (6).

708 (5) Notwithstanding subsections (1)-(4), the corporation
709 may withhold up to \$5 million of the total amount distributed
710 each fiscal year from the Local Government Housing Trust Fund to
711 provide additional funding to counties and eligible
712 municipalities where a state of emergency has been declared by
713 the Governor under chapter 252. Any portion of the withheld funds
714 not distributed by the end of the fiscal year shall be
715 distributed as provided in subsections (1) and (2).

716 (6) Notwithstanding subsections (1)-(4), the corporation
717 may withhold up to \$5 million of the total amount distributed
718 each fiscal year from the Local Government Housing Trust Fund to
719 provide funding to counties and eligible municipalities to
720 purchase properties subject to a State Housing Initiatives

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721 Partnership Program lien and on which foreclosure proceedings
722 have been instituted by a mortgagee. Each county and eligible
723 municipality receiving funds under this subsection shall repay
724 such funds to the corporation on or before the expenditure
725 deadline for the fiscal year in which the funds were awarded.
726 Amounts not repaid by the county or eligible municipality shall
727 be withheld from the subsequent year's distribution under
728 subsections (1) and (2). Any portion of such funds not
729 distributed under this subsection by the end of the fiscal year
730 shall be distributed as provided in subsections (1) and (2).

731 (7) A county receiving local housing distributions under
732 this section or an eligible municipality receiving local housing
733 distributions under an interlocal agreement shall expend those
734 funds in accordance with the provisions of ss. 420.907-420.9079,
735 rules of the corporation, and the county's local housing
736 assistance plan.

737 Section 11. Subsections (1), (3), (5), (7), and (8),
738 paragraphs (a) and (h) of subsection (10), and paragraph (b) of
739 subsection (13) of section 420.9075, Florida Statutes, are
740 amended, and subsection (14) is added to that section, to read:

741 420.9075 Local housing assistance plans; partnerships.--

742 (1) (a) Each county or eligible municipality participating
743 in the State Housing Initiatives Partnership Program shall
744 develop and implement a local housing assistance plan created to
745 make affordable residential units available to persons of very
746 low income, low income, or moderate income and to persons who
747 have special housing needs, including, but not limited to,
748 homeless people, the elderly, ~~and~~ migrant farmworkers, and
749 persons with disabilities. High-cost counties as defined by rule

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750 of the corporation or eligible municipalities within high-cost
751 counties may include strategies to assist persons and households
752 having annual incomes of not more than 140 percent of area median
753 income. The plans are intended to increase the availability of
754 affordable residential units by combining local resources and
755 cost-saving measures into a local housing partnership and using
756 private and public funds to reduce the cost of housing.

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

758 1. Implement local housing assistance strategies for the
759 provision of affordable housing.

760 2. Supplement funds available to the corporation to provide
761 enhanced funding of state housing programs within the county or
762 the eligible municipality.

763 3. Provide the local matching share of federal affordable
764 housing grants or programs.

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

768 5. Further the housing element of the local government
769 comprehensive plan adopted pursuant to s. 163.3184, specific to
770 affordable housing.

771 (3) (a) Each local housing assistance plan shall include a
772 definition of essential service personnel for the county or
773 eligible municipality, including, but not limited to, teachers
774 and educators, other school district, community college, and
775 university employees, police and fire personnel, health care
776 personnel, skilled building trades personnel, and other job
777 categories.

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778 (b) Each county and each eligible municipality is
779 encouraged to develop a strategy within its local housing
780 assistance plan that emphasizes the recruitment and retention of
781 essential service personnel. The local government is encouraged
782 to involve public and private sector employers. Compliance with
783 the eligibility criteria established under this strategy shall be
784 verified by the county or eligible municipality.

785 (c) Each county and each eligible municipality is
786 encouraged to develop a strategy within its local housing
787 assistance plan that addresses the needs of persons who are
788 deprived of affordable housing due to the closure of a mobile
789 home park or the conversion of affordable rental units to
790 condominiums.

791 (d) Each county and each eligible municipality shall
792 describe initiatives in the local housing assistance plan to
793 encourage or require innovative design, green building
794 principles, storm-resistant construction, or other elements that
795 reduce long-term costs relating to maintenance, utilities, or
796 insurance.

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

801 (5) The following criteria apply to awards made to eligible
802 sponsors or eligible persons for the purpose of providing
803 eligible housing:

804 (a) At least 65 percent of the funds made available in each
805 county and eligible municipality from the local housing

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806 distribution must be reserved for home ownership for eligible
807 persons.

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

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

818 (d) ~~(e)~~ The sales price or value of new or existing eligible
819 housing may not exceed 90 percent of the average area purchase
820 price in the statistical area in which the eligible housing is
821 located. Such average area purchase price may be that calculated
822 for any 12-month period beginning not earlier than the fourth
823 calendar year prior to the year in which the award occurs or as
824 otherwise established by the United States Department of the
825 Treasury.

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

831 2. At least 30 percent of the funds deposited into the
832 local housing assistance trust fund must be reserved for awards
833 to very-low-income persons or eligible sponsors who will serve
834 very-low-income persons and at least an additional 30 percent of

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835 the funds deposited into the local housing assistance trust fund
836 must be reserved for awards to low-income persons or eligible
837 sponsors who will serve low-income persons. This subparagraph
838 does not apply to a county or an eligible municipality that
839 includes, or has included within the previous 5 years, an area of
840 critical state concern designated or ratified by the Legislature
841 for which the Legislature has declared its intent to provide
842 affordable housing. The exemption created by this act expires on
843 July 1, 2013 ~~2008~~.

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

847 (g) ~~(f)~~ Loans or grants for eligible rental housing
848 constructed, rehabilitated, or otherwise assisted from the local
849 housing assistance trust fund must be subject to recapture
850 requirements as provided by the county or eligible municipality
851 in its local housing assistance plan unless reserved for eligible
852 persons for 15 years or the term of the assistance, whichever
853 period is longer. Eligible sponsors that offer rental housing for
854 sale before 15 years or that have remaining mortgages funded
855 under this program must give a first right of refusal to eligible
856 nonprofit organizations for purchase at the current market value
857 for continued occupancy by eligible persons.

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

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

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

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

875 ~~(l)-(k)~~ Funds from the local housing distribution not used
876 to meet the criteria established in paragraph (a) or paragraph
877 (b) or not used for the administration of a local housing
878 assistance plan must be used for housing production and finance
879 activities, including, but not limited to, financing
880 preconstruction activities or the purchase of existing units,
881 providing rental housing, and providing home ownership training
882 to prospective home buyers and owners of homes assisted through
883 the local housing assistance plan.

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

887 2. Where preconstruction due diligence activities conducted
888 as part of a preservation strategy show that preservation of the
889 units is not feasible and will not result in the production of an
890 eligible unit, such costs shall be deemed a program expense

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891 rather than an administrative expense if such program expenses do
892 not exceed 3 percent of the annual local housing distribution.

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

898
899 If both an award under the local housing assistance plan and
900 federal low-income housing tax credits are used to assist a
901 project and there is a conflict between the criteria prescribed
902 in this subsection and the requirements of s. 42 of the Internal
903 Revenue Code of 1986, as amended, the county or eligible
904 municipality may resolve the conflict by giving precedence to the
905 requirements of s. 42 of the Internal Revenue Code of 1986, as
906 amended, in lieu of following the criteria prescribed in this
907 subsection with the exception of paragraphs (a) and (e) ~~(d)~~ of
908 this subsection.

909 (7) The moneys deposited in the local housing assistance
910 trust fund shall be used to administer and implement the local
911 housing assistance plan. The cost of administering the plan may
912 not exceed 5 percent of the local housing distribution moneys and
913 program income deposited into the trust fund. A county or an
914 eligible municipality may not exceed the 5-percent limitation on
915 administrative costs, unless its governing body finds, by
916 resolution, that 5 percent of the local housing distribution plus
917 5 percent of program income is insufficient to adequately pay the
918 necessary costs of administering the local housing assistance
919 plan. The cost of administering the program may not exceed 10

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920 percent of the local housing distribution plus 10 ~~5~~ percent of
921 program income deposited into the trust fund, ~~except that small~~
922 ~~counties, as defined in s. 120.52(17), and eligible~~
923 ~~municipalities receiving a local housing distribution of up to~~
924 ~~\$350,000 may use up to 10 percent of program income for~~
925 ~~administrative costs.~~

926 (8) Pursuant to s. 420.531, the corporation shall provide
927 training and technical assistance to local governments regarding
928 the creation of partnerships, the design of local housing
929 assistance strategies, the implementation of local housing
930 incentive strategies, and the provision of support services.

931 (10) Each county or eligible municipality shall submit to
932 the corporation by September 15 of each year a report of its
933 affordable housing programs and accomplishments through June 30
934 immediately preceding submittal of the report. The report shall
935 be certified as accurate and complete by the local government's
936 chief elected official or his or her designee. Transmittal of the
937 annual report by a county's or eligible municipality's chief
938 elected official, or his or her designee, certifies that the
939 local housing incentive strategies, or, if applicable, the local
940 housing incentive plan, have been implemented or are in the
941 process of being implemented pursuant to the adopted schedule for
942 implementation. The report must include, but is not limited to:

943 (a) The number of households served by income category,
944 age, family size, and race, and data regarding any special needs
945 populations such as farmworkers, homeless persons, persons with
946 disabilities, and the elderly. Counties shall report this
947 information separately for households served in the
948 unincorporated area and each municipality within the county.

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949 (h) Such other data or affordable housing accomplishments
950 considered significant by the reporting county or eligible
951 municipality or by the corporation.

952 (13)

953 (b) If, as a result of its review of the annual report, the
954 corporation determines that a county or eligible municipality has
955 failed to implement a local housing incentive strategy, or, if
956 applicable, a local housing incentive plan, it shall send a
957 notice of termination of the local government's share of the
958 local housing distribution by certified mail to the affected
959 county or eligible municipality.

960 1. The notice must specify a date of termination of the
961 funding if the affected county or eligible municipality does not
962 implement the plan or strategy and provide for a local response.
963 A county or eligible municipality shall respond to the
964 corporation within 30 days after receipt of the notice of
965 termination.

966 2. The corporation shall consider the local response that
967 extenuating circumstances precluded implementation and grant an
968 extension to the timeframe for implementation. Such an extension
969 shall be made in the form of an extension agreement that provides
970 a timeframe for implementation. The chief elected official of a
971 county or eligible municipality or his or her designee shall have
972 the authority to enter into the agreement on behalf of the local
973 government.

974 3. If the county or the eligible municipality has not
975 implemented the incentive strategy or entered into an extension
976 agreement by the termination date specified in the notice, the
977 local housing distribution share terminates, and any uncommitted

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978 local housing distribution funds held by the affected county or
979 eligible municipality in its local housing assistance trust fund
980 shall be transferred to the Local Government Housing Trust Fund
981 to the credit of the corporation to administer pursuant to s.
982 420.9072 ~~s. 420.9078~~.

983 4.a. If the affected local government fails to meet the
984 timeframes specified in the agreement, the corporation shall
985 terminate funds. The corporation shall send a notice of
986 termination of the local government's share of the local housing
987 distribution by certified mail to the affected local government.
988 The notice shall specify the termination date, and any
989 uncommitted funds held by the affected local government shall be
990 transferred to the Local Government Housing Trust Fund to the
991 credit of the corporation to administer pursuant to s. 420.9072
992 ~~s. 420.9078~~.

993 b. If the corporation terminates funds to a county, but an
994 eligible municipality receiving a local housing distribution
995 pursuant to an interlocal agreement maintains compliance with
996 program requirements, the corporation shall thereafter distribute
997 directly to the participating eligible municipality its share
998 calculated in the manner provided in s. 420.9072.

999 c. Any county or eligible municipality whose local
1000 distribution share has been terminated may subsequently elect to
1001 receive directly its local distribution share by adopting the
1002 ordinance, resolution, and local housing assistance plan in the
1003 manner and according to the procedures provided in ss. 420.907-
1004 420.9079.

1005 (14) If the corporation determines that a county or
1006 eligible municipality has expended program funds for an

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1007 ineligible activity, the corporation shall require such funds to
1008 be repaid to the Local Housing Assistance Trust Fund. Such
1009 repayment may not be made with funds from the State Housing
1010 Initiatives Partnership Program.

1011 Section 12. Subsections (2), (5), and (6) and paragraph (a)
1012 of subsection (7) of section 420.9076, Florida Statutes, are
1013 amended to read:

1014 420.9076 Adoption of affordable housing incentive
1015 strategies; committees.--

1016 (2) The governing board of a county or municipality shall
1017 appoint the members of the affordable housing advisory committee
1018 by resolution. Pursuant to the terms of any interlocal agreement,
1019 a county and municipality may create and jointly appoint an
1020 advisory committee to prepare a joint plan. The ordinance adopted
1021 pursuant to s. 420.9072 which creates the advisory committee or
1022 the resolution appointing the advisory committee members must
1023 provide for 11 committee members and their terms. The committee
1024 must include:

1025 (a) One citizen who is actively engaged in the residential
1026 home building industry in connection with affordable housing.

1027 (b) One citizen who is actively engaged in the banking or
1028 mortgage banking industry in connection with affordable housing.

1029 (c) One citizen who is a representative of those areas of
1030 labor actively engaged in home building in connection with
1031 affordable housing.

1032 (d) One citizen who is actively engaged as an advocate for
1033 low-income persons in connection with affordable housing.

1034 (e) One citizen who is actively engaged as a for-profit
1035 provider of affordable housing.

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1036 (f) One citizen who is actively engaged as a not-for-profit
1037 provider of affordable housing.

1038 (g) One citizen who is actively engaged as a real estate
1039 professional in connection with affordable housing.

1040 (h) One citizen who actively serves on the local planning
1041 agency pursuant to s. 163.3174. If the local planning agency is
1042 comprised of the county or municipality governing body, the
1043 governing body may appoint a designee who is knowledgeable in the
1044 local planning process.

1045 (i) One citizen who resides within the jurisdiction of the
1046 local governing body making the appointments.

1047 (j) One citizen who represents employers within the
1048 jurisdiction.

1049 (k) One citizen who represents essential services
1050 personnel, as defined in the local housing assistance plan.

1051
1052 If a county or eligible municipality whether due to its small
1053 size, the presence of a conflict of interest by prospective
1054 appointees, or other reasonable factor, is unable to appoint a
1055 citizen actively engaged in these activities in connection with
1056 affordable housing, a citizen engaged in the activity without
1057 regard to affordable housing may be appointed. Local governments
1058 that receive the minimum allocation under the State Housing
1059 Initiatives Partnership Program may elect to appoint an
1060 affordable housing advisory committee with fewer than 11
1061 representatives if they are unable to find representatives who
1062 meet the criteria of paragraphs (a)-(k).

1063 (5) The approval by the advisory committee of its local
1064 housing incentive strategies recommendations and its review of

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1065 local government implementation of previously recommended
1066 strategies must be made by affirmative vote of a majority of the
1067 membership of the advisory committee taken at a public hearing.
1068 Notice of the time, date, and place of the public hearing of the
1069 advisory committee to adopt its evaluation and final local
1070 housing incentive strategies recommendations must be published in
1071 a newspaper of general paid circulation in the county. The notice
1072 must contain a short and concise summary of the evaluation and
1073 local housing incentives strategies recommendations to be
1074 considered by the advisory committee. The notice must state the
1075 public place where a copy of the evaluation and tentative
1076 advisory committee recommendations can be obtained by interested
1077 persons. The final report, evaluation, and recommendations shall
1078 be submitted to the corporation.

1079 (6) Within 90 days after the date of receipt of the
1080 evaluation and local housing incentive strategies recommendations
1081 from the advisory committee, the governing body of the appointing
1082 local government shall adopt an amendment to its local housing
1083 assistance plan to incorporate the local housing incentive
1084 strategies it will implement within its jurisdiction. The
1085 amendment must include, at a minimum, the local housing incentive
1086 strategies required under s. 420.9071(17) ~~s. 420.9071(16)~~. The
1087 local government must consider the strategies specified in
1088 paragraphs (4) (a)-(k) as recommended by the advisory committee.

1089 (7) The governing board of the county or the eligible
1090 municipality shall notify the corporation by certified mail of
1091 its adoption of an amendment of its local housing assistance plan
1092 to incorporate local housing incentive strategies. The notice
1093 must include a copy of the approved amended plan.

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1094 (a) If the corporation fails to receive timely the approved
1095 amended local housing assistance plan to incorporate local
1096 housing incentive strategies, a notice of termination of its
1097 share of the local housing distribution shall be sent by
1098 certified mail by the corporation to the affected county or
1099 eligible municipality. The notice of termination must specify a
1100 date of termination of the funding if the affected county or
1101 eligible municipality has not adopted an amended local housing
1102 assistance plan to incorporate local housing incentive
1103 strategies. If the county or the eligible municipality has not
1104 adopted an amended local housing assistance plan to incorporate
1105 local housing incentive strategies by the termination date
1106 specified in the notice of termination, the local distribution
1107 share terminates; and any uncommitted local distribution funds
1108 held by the affected county or eligible municipality in its local
1109 housing assistance trust fund shall be transferred to the Local
1110 Government Housing Trust Fund to the credit of the corporation to
1111 administer the local government housing program pursuant to s.
1112 420.9072 ~~s. 420.9078~~.

1113 Section 13. Section 420.9079, Florida Statutes, is amended
1114 to read:

1115 420.9079 Local Government Housing Trust Fund.--

1116 (1) There is created in the State Treasury the Local
1117 Government Housing Trust Fund, which shall be administered by the
1118 corporation on behalf of the department according to the
1119 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this
1120 section. There shall be deposited into the fund a portion of the
1121 documentary stamp tax revenues as provided in s. 201.15, moneys
1122 received from any other source for the purposes of ss. 420.907-

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1123 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds
1124 derived from the investment of such moneys. Moneys in the fund
1125 that are not currently needed for the purposes of the programs
1126 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~
1127 and this section shall be deposited to the credit of the fund and
1128 may be invested as provided by law. The interest received on any
1129 such investment shall be credited to the fund.

1130 (2) The corporation shall administer the fund exclusively
1131 for the purpose of implementing the programs described in ss.
1132 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the
1133 exception of monitoring the activities of counties and eligible
1134 municipalities to determine local compliance with program
1135 requirements, the corporation shall not receive appropriations
1136 from the fund for administrative or personnel costs. For the
1137 purpose of implementing the compliance monitoring provisions of
1138 s. 420.9075(9), the corporation may request a maximum of one-
1139 quarter of 1 percent of the annual appropriation per state fiscal
1140 year. When such funding is appropriated, the corporation shall
1141 deduct the amount appropriated prior to calculating the local
1142 housing distribution pursuant to ss. 420.9072 and 420.9073.

1143 Section 14. Subsection (6) of section 421.08, Florida
1144 Statutes, is amended to read:

1145 421.08 Powers of authority.--An authority shall constitute
1146 a public body corporate and politic, exercising the public and
1147 essential governmental functions set forth in this chapter, and
1148 having all the powers necessary or convenient to carry out and
1149 effectuate the purpose and provisions of this chapter, including
1150 the following powers in addition to others herein granted:

1151 (6) Within its area of operation: to investigate into

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1152 living, dwelling, and housing conditions and into the means and
1153 methods of improving such conditions; to determine where slum
1154 areas exist or where there is a shortage of decent, safe, and
1155 sanitary dwelling accommodations for persons of low income; to
1156 make studies and recommendations relating to the problem of
1157 clearing, replanning, and reconstruction of slum areas and the
1158 problem of providing dwelling accommodations for persons of low
1159 income; to administer fair housing ordinances and other
1160 ordinances as adopted by cities, counties, or other authorities
1161 who wish to contract for administrative services and to cooperate
1162 with the city, the county, the state or any political subdivision
1163 thereof in action taken in connection with such problems; and to
1164 engage in research, studies, and experimentation on the subject
1165 of housing. However, the housing authority may not take action to
1166 prohibit access to a housing project by a state or local elected
1167 official or a candidate for state or local government office.

1168 Section 15. Subsection (12) of section 1001.43, Florida
1169 Statutes, is amended to read:

1170 1001.43 Supplemental powers and duties of district school
1171 board.--The district school board may exercise the following
1172 supplemental powers and duties as authorized by this code or
1173 State Board of Education rule.

1174 (12) AFFORDABLE HOUSING.--A district school board may use
1175 portions of school sites purchased within the guidelines of the
1176 State Requirements for Educational Facilities, land deemed not
1177 usable for educational purposes because of location or other
1178 factors, or land declared as surplus by the board to provide
1179 sites for affordable housing for teachers and other district
1180 personnel and, in areas of critical state concern, for other

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1181 essential services personnel as defined by local affordable
1182 housing eligibility requirements, independently or in conjunction
1183 with other agencies as described in subsection (5).

1184 Section 16. Subsection (4) of section 159.807, Florida
1185 Statutes, is amended to read:

1186 159.807 State allocation pool.--

1187 (4) (a) The state allocation pool shall also be used to
1188 provide written confirmations for private activity bonds that are
1189 to be issued by state agencies, which bonds, notwithstanding any
1190 other provisions of this part, shall receive priority in the use
1191 of the pool available at the time the notice of intent to issue
1192 such bonds is filed with the division.

1193 (b) Notwithstanding the provisions of paragraph (a), on or
1194 before November 15 of each year, the Florida Housing Finance
1195 Corporation's access to the state allocation pool is limited to
1196 the amount of the corporation's initial allocation under s.
1197 159.804. Thereafter, the corporation may not receive more than 80
1198 percent of the amount in the state allocation pool on November 16
1199 of each year, and may not receive more than 80 percent of any
1200 additional amounts that become available each year. This
1201 ~~subsection does not apply to the Florida Housing Finance~~
1202 ~~Corporation:~~

1203 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~
1204 ~~exhausted, is unavailable, or is inadequate to provide an~~
1205 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~
1206 ~~volume limitation from prior years for the same carryforward~~
1207 ~~purpose, as that term is defined in s. 146 of the Code, as the~~
1208 ~~bonds it intends to issue have been completely utilized or have~~
1209 ~~expired.~~

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1210 ~~2. Prior to July 1 of any year, when housing bonds for~~
1211 ~~which the Florida Housing Finance Corporation has made an~~
1212 ~~assignment of its allocation permitted by s. 159.804(3)(c) have~~
1213 ~~not been issued.~~

1214 Section 17. Section 420.9078, Florida Statutes, is repealed.

1215 Section 18. Paragraph (p) of subsection (5) of section
1216 212.08, Florida Statutes, is amended to read:

1217 212.08 Sales, rental, use, consumption, distribution, and
1218 storage tax; specified exemptions.--The sale at retail, the
1219 rental, the use, the consumption, the distribution, and the
1220 storage to be used or consumed in this state of the following are
1221 hereby specifically exempt from the tax imposed by this chapter.

1222 (5) EXEMPTIONS; ACCOUNT OF USE.--

1223 (p) Community contribution tax credit for donations.--

1224 1. Authorization.--Persons who are registered with the
1225 department under s. 212.18 to collect or remit sales or use tax
1226 and who make donations to eligible sponsors are eligible for tax
1227 credits against their state sales and use tax liabilities as
1228 provided in this paragraph:

1229 a. The credit shall be computed as 50 percent of the
1230 person's approved annual community contribution.

1231 b. The credit shall be granted as a refund against state
1232 sales and use taxes reported on returns and remitted in the 12
1233 months preceding the date of application to the department for
1234 the credit as required in sub-subparagraph 3.c. If the annual
1235 credit is not fully used through such refund because of
1236 insufficient tax payments during the applicable 12-month period,
1237 the unused amount may be included in an application for a refund
1238 made pursuant to sub-subparagraph 3.c. in subsequent years

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1239 against the total tax payments made for such year. Carryover
1240 credits may be applied for a 3-year period without regard to any
1241 time limitation that would otherwise apply under s. 215.26.

1242 c. A person may not receive more than \$200,000 in annual
1243 tax credits for all approved community contributions made in any
1244 one year.

1245 d. All proposals for the granting of the tax credit require
1246 the prior approval of the Office of Tourism, Trade, and Economic
1247 Development.

1248 e. The total amount of tax credits which may be granted for
1249 all programs approved under this paragraph, s. 220.183, and s.
1250 624.5105 is \$10.5 million annually for projects that provide
1251 homeownership opportunities for low-income or very-low-income
1252 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1253 ~~and (28)~~ and \$3.5 million annually for all other projects.

1254 f. A person who is eligible to receive the credit provided
1255 for in this paragraph, s. 220.183, or s. 624.5105 may receive the
1256 credit only under the one section of the person's choice.

1257 2. Eligibility requirements.--

1258 a. A community contribution by a person must be in the
1259 following form:

1260 (I) Cash or other liquid assets;

1261 (II) Real property;

1262 (III) Goods or inventory; or

1263 (IV) Other physical resources as identified by the Office
1264 of Tourism, Trade, and Economic Development.

1265 b. All community contributions must be reserved exclusively
1266 for use in a project. As used in this sub-subparagraph, the term
1267 "project" means any activity undertaken by an eligible sponsor

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1268 which is designed to construct, improve, or substantially
1269 rehabilitate housing that is affordable to low-income or very-
1270 low-income households as defined in s. 420.9071(20) and (30) ~~s.~~
1271 ~~420.9071(19) and (28)~~; designed to provide commercial,
1272 industrial, or public resources and facilities; or designed to
1273 improve entrepreneurial and job-development opportunities for
1274 low-income persons. A project may be the investment necessary to
1275 increase access to high-speed broadband capability in rural
1276 communities with enterprise zones, including projects that result
1277 in improvements to communications assets that are owned by a
1278 business. A project may include the provision of museum
1279 educational programs and materials that are directly related to
1280 any project approved between January 1, 1996, and December 31,
1281 1999, and located in an enterprise zone designated pursuant to s.
1282 290.0065. This paragraph does not preclude projects that propose
1283 to construct or rehabilitate housing for low-income or very-low-
1284 income households on scattered sites. With respect to housing,
1285 contributions may be used to pay the following eligible low-
1286 income and very-low-income housing-related activities:

1287 (I) Project development impact and management fees for low-
1288 income or very-low-income housing projects;

1289 (II) Down payment and closing costs for eligible persons,
1290 as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~;

1291 (III) Administrative costs, including housing counseling
1292 and marketing fees, not to exceed 10 percent of the community
1293 contribution, directly related to low-income or very-low-income
1294 projects; and

1295 (IV) Removal of liens recorded against residential property
1296 by municipal, county, or special district local governments when

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1297 satisfaction of the lien is a necessary precedent to the transfer
1298 of the property to an eligible person, as defined in s.
1299 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~, for the purpose
1300 of promoting home ownership. Contributions for lien removal must
1301 be received from a nonrelated third party.

1302 c. The project must be undertaken by an "eligible sponsor,"
1303 which includes:

1304 (I) A community action program;

1305 (II) A nonprofit community-based development organization
1306 whose mission is the provision of housing for low-income or very-
1307 low-income households or increasing entrepreneurial and job-
1308 development opportunities for low-income persons;

1309 (III) A neighborhood housing services corporation;

1310 (IV) A local housing authority created under chapter 421;

1311 (V) A community redevelopment agency created under s.

1312 163.356;

1313 (VI) The Florida Industrial Development Corporation;

1314 (VII) A historic preservation district agency or
1315 organization;

1316 (VIII) A regional workforce board;

1317 (IX) A direct-support organization as provided in s.

1318 1009.983;

1319 (X) An enterprise zone development agency created under s.

1320 290.0056;

1321 (XI) A community-based organization incorporated under
1322 chapter 617 which is recognized as educational, charitable, or
1323 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
1324 and whose bylaws and articles of incorporation include affordable

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1325 housing, economic development, or community development as the
1326 primary mission of the corporation;

1327 (XII) Units of local government;

1328 (XIII) Units of state government; or

1329 (XIV) Any other agency that the Office of Tourism, Trade,
1330 and Economic Development designates by rule.

1331

1332 ~~In no event may~~ A contributing person may not have a financial
1333 interest in the eligible sponsor.

1334 d. The project must be located in an area designated an
1335 enterprise zone or a Front Porch Florida Community pursuant to s.
1336 20.18(6), unless the project increases access to high-speed
1337 broadband capability for rural communities with enterprise zones
1338 but is physically located outside the designated rural zone
1339 boundaries. Any project designed to construct or rehabilitate
1340 housing for low-income or very-low-income households as defined
1341 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1342 from the area requirement of this sub-subparagraph.

1343 e.(I) If, during the first 10 business days of the state
1344 fiscal year, eligible tax credit applications for projects that
1345 provide homeownership opportunities for low-income or very-low-
1346 income households as defined in s. 420.9071(20) and (30) ~~s.~~
1347 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1348 credits available for those projects, the Office of Tourism,
1349 Trade, and Economic Development shall grant tax credits for those
1350 applications and shall grant remaining tax credits on a first-
1351 come, first-served basis for any subsequent eligible applications
1352 received before the end of the state fiscal year. If, during the
1353 first 10 business days of the state fiscal year, eligible tax

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1354 credit applications for projects that provide homeownership
1355 opportunities for low-income or very-low-income households as
1356 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1357 received for more than the annual tax credits available for those
1358 projects, the office shall grant the tax credits for those
1359 applications as follows:

1360 (A) If tax credit applications submitted for approved
1361 projects of an eligible sponsor do not exceed \$200,000 in total,
1362 the credits shall be granted in full if the tax credit
1363 applications are approved.

1364 (B) If tax credit applications submitted for approved
1365 projects of an eligible sponsor exceed \$200,000 in total, the
1366 amount of tax credits granted pursuant to sub-sub-sub-
1367 subparagraph (A) shall be subtracted from the amount of available
1368 tax credits, and the remaining credits shall be granted to each
1369 approved tax credit application on a pro rata basis.

1370 (II) If, during the first 10 business days of the state
1371 fiscal year, eligible tax credit applications for projects other
1372 than those that provide homeownership opportunities for low-
1373 income or very-low-income households as defined in s.
1374 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for
1375 less than the annual tax credits available for those projects,
1376 the office shall grant tax credits for those applications and
1377 shall grant remaining tax credits on a first-come, first-served
1378 basis for any subsequent eligible applications received before
1379 the end of the state fiscal year. If, during the first 10
1380 business days of the state fiscal year, eligible tax credit
1381 applications for projects other than those that provide
1382 homeownership opportunities for low-income or very-low-income

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1383 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1384 ~~and (28)~~ are received for more than the annual tax credits
1385 available for those projects, the office shall grant the tax
1386 credits for those applications on a pro rata basis.

1387 3. Application requirements.--

1388 a. Any eligible sponsor seeking to participate in this
1389 program must submit a proposal to the Office of Tourism, Trade,
1390 and Economic Development which sets forth the name of the
1391 sponsor, a description of the project, and the area in which the
1392 project is located, together with such supporting information as
1393 is prescribed by rule. The proposal must also contain a
1394 resolution from the local governmental unit in which the project
1395 is located certifying that the project is consistent with local
1396 plans and regulations.

1397 b. Any person seeking to participate in this program must
1398 submit an application for tax credit to the office which sets
1399 forth the name of the sponsor, a description of the project, and
1400 the type, value, and purpose of the contribution. The sponsor
1401 shall verify the terms of the application and indicate its
1402 receipt of the contribution, which verification must be in
1403 writing and accompany the application for tax credit. The person
1404 must submit a separate tax credit application to the office for
1405 each individual contribution that it makes to each individual
1406 project.

1407 c. Any person who has received notification from the office
1408 that a tax credit has been approved must apply to the department
1409 to receive the refund. Application must be made on the form
1410 prescribed for claiming refunds of sales and use taxes and be
1411 accompanied by a copy of the notification. A person may submit

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1412 only one application for refund to the department within any 12-
1413 month period.

1414 4. Administration.--

1415 a. The Office of Tourism, Trade, and Economic Development
1416 may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary
1417 to administer this paragraph, including rules for the approval or
1418 disapproval of proposals by a person.

1419 b. The decision of the office must be in writing, and, if
1420 approved, the notification shall state the maximum credit
1421 allowable to the person. Upon approval, the office shall transmit
1422 a copy of the decision to the Department of Revenue.

1423 c. The office shall periodically monitor all projects in a
1424 manner consistent with available resources to ensure that
1425 resources are used in accordance with this paragraph; however,
1426 each project must be reviewed at least once every 2 years.

1427 d. The office shall, in consultation with the Department of
1428 Community Affairs and the statewide and regional housing and
1429 financial intermediaries, market the availability of the
1430 community contribution tax credit program to community-based
1431 organizations.

1432 5. Expiration.--This paragraph expires June 30, 2015;
1433 however, any accrued credit carryover that is unused on that date
1434 may be used until the expiration of the 3-year carryover period
1435 for such credit.

1436 Section 19. Paragraph (t) of subsection (1) of section
1437 220.03, Florida Statutes, is amended to read:

1438 220.03 Definitions.--

1439 (1) SPECIFIC TERMS.--When used in this code, and when not
1440 otherwise distinctly expressed or manifestly incompatible with

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1441 the intent thereof, the following terms shall have the following
1442 meanings:

1443 (t) "Project" means any activity undertaken by an eligible
1444 sponsor, as defined in s. 220.183(2)(c), which is designed to
1445 construct, improve, or substantially rehabilitate housing that is
1446 affordable to low-income or very-low-income households as defined
1447 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~; designed to
1448 provide commercial, industrial, or public resources and
1449 facilities; or designed to improve entrepreneurial and job-
1450 development opportunities for low-income persons. A project may
1451 be the investment necessary to increase access to high-speed
1452 broadband capability in rural communities with enterprise zones,
1453 including projects that result in improvements to communications
1454 assets that are owned by a business. A project may include the
1455 provision of museum educational programs and materials that are
1456 directly related to any project approved between January 1, 1996,
1457 and December 31, 1999, and located in an enterprise zone
1458 designated pursuant to s. 290.0065. This paragraph does not
1459 preclude projects that propose to construct or rehabilitate low-
1460 income or very-low-income housing on scattered sites. With
1461 respect to housing, contributions may be used to pay the
1462 following eligible project-related activities:

- 1463 1. Project development, impact, and management fees for
1464 low-income or very-low-income housing projects;
- 1465 2. Down payment and closing costs for eligible persons, as
1466 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~;
- 1467 3. Administrative costs, including housing counseling and
1468 marketing fees, not to exceed 10 percent of the community

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1469 contribution, directly related to low-income or very-low-income
1470 projects; and

1471 4. Removal of liens recorded against residential property
1472 by municipal, county, or special-district local governments when
1473 satisfaction of the lien is a necessary precedent to the transfer
1474 of the property to an eligible person, as defined in s.
1475 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~, for the purpose
1476 of promoting home ownership. Contributions for lien removal must
1477 be received from a nonrelated third party.

1478
1479 The provisions of this paragraph shall expire and be void on June
1480 30, 2015.

1481 Section 20. Paragraph (c) of subsection (1) and paragraphs
1482 (b) and (d) of subsection (2) of section 220.183, Florida
1483 Statutes, are amended to read:

1484 220.183 Community contribution tax credit.--

1485 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
1486 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
1487 SPENDING.--

1488 (c) The total amount of tax credit which may be granted for
1489 all programs approved under this section, s. 212.08(5)(p), and s.
1490 624.5105 is \$10.5 million annually for projects that provide
1491 homeownership opportunities for low-income or very-low-income
1492 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1493 ~~and (28)~~ and \$3.5 million annually for all other projects.

1494 (2) ELIGIBILITY REQUIREMENTS.--

1495 (b)1. All community contributions must be reserved
1496 exclusively for use in projects as defined in s. 220.03(1)(t).

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1497 2. If, during the first 10 business days of the state
1498 fiscal year, eligible tax credit applications for projects that
1499 provide homeownership opportunities for low-income or very-low-
1500 income households as defined in s. 420.9071(20) and (30) ~~s.~~
1501 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1502 credits available for those projects, the Office of Tourism,
1503 Trade, and Economic Development shall grant tax credits for those
1504 applications and shall grant remaining tax credits on a first-
1505 come, first-served basis for any subsequent eligible applications
1506 received before the end of the state fiscal year. If, during the
1507 first 10 business days of the state fiscal year, eligible tax
1508 credit applications for projects that provide homeownership
1509 opportunities for low-income or very-low-income households as
1510 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1511 received for more than the annual tax credits available for those
1512 projects, the office shall grant the tax credits for those
1513 applications as follows:

1514 a. If tax credit applications submitted for approved
1515 projects of an eligible sponsor do not exceed \$200,000 in total,
1516 the credit shall be granted in full if the tax credit
1517 applications are approved.

1518 b. If tax credit applications submitted for approved
1519 projects of an eligible sponsor exceed \$200,000 in total, the
1520 amount of tax credits granted under sub-subparagraph a. shall be
1521 subtracted from the amount of available tax credits, and the
1522 remaining credits shall be granted to each approved tax credit
1523 application on a pro rata basis.

1524 3. If, during the first 10 business days of the state
1525 fiscal year, eligible tax credit applications for projects other

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1526 than those that provide homeownership opportunities for low-
1527 income or very-low-income households as defined in s.
1528 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for
1529 less than the annual tax credits available for those projects,
1530 the office shall grant tax credits for those applications and
1531 shall grant remaining tax credits on a first-come, first-served
1532 basis for any subsequent eligible applications received before
1533 the end of the state fiscal year. If, during the first 10
1534 business days of the state fiscal year, eligible tax credit
1535 applications for projects other than those that provide
1536 homeownership opportunities for low-income or very-low-income
1537 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1538 ~~and (28)~~ are received for more than the annual tax credits
1539 available for those projects, the office shall grant the tax
1540 credits for those applications on a pro rata basis.

1541 (d) The project shall be located in an area designated as
1542 an enterprise zone or a Front Porch Florida Community pursuant to
1543 s. 20.18(6). Any project designed to construct or rehabilitate
1544 housing for low-income or very-low-income households as defined
1545 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1546 from the area requirement of this paragraph. This section does
1547 not preclude projects that propose to construct or rehabilitate
1548 housing for low-income or very-low-income households on scattered
1549 sites. Any project designed to provide increased access to high-
1550 speed broadband capabilities which includes coverage of a rural
1551 enterprise zone may locate the project's infrastructure in any
1552 area of a rural county.

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1553 Section 21. Paragraph (c) of subsection (1) and paragraphs
1554 (d) and (e) of subsection (2) of section 624.5105, Florida
1555 Statutes, are amended to read:

1556 624.5105 Community contribution tax credit; authorization;
1557 limitations; eligibility and application requirements;
1558 administration; definitions; expiration.--

1559 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

1560 (c) The total amount of tax credit which may be granted for
1561 all programs approved under this section and ss. 212.08(5)(p) and
1562 220.183 is \$10.5 million annually for projects that provide
1563 homeownership opportunities for low-income or very-low-income
1564 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1565 ~~and (28)~~ and \$3.5 million annually for all other projects.

1566 (2) ELIGIBILITY REQUIREMENTS.--

1567 (d) The project shall be located in an area designated as
1568 an enterprise zone or a Front Porch Community pursuant to s.
1569 20.18(6). Any project designed to construct or rehabilitate
1570 housing for low-income or very-low-income households as defined
1571 in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ is exempt
1572 from the area requirement of this paragraph.

1573 (e)1. If, during the first 10 business days of the state
1574 fiscal year, eligible tax credit applications for projects that
1575 provide homeownership opportunities for low-income or very-low-
1576 income households as defined in s. 420.9071(20) and (30) ~~s.~~
1577 ~~420.9071(19) and (28)~~ are received for less than the annual tax
1578 credits available for those projects, the Office of Tourism,
1579 Trade, and Economic Development shall grant tax credits for those
1580 applications and shall grant remaining tax credits on a first-
1581 come, first-served basis for any subsequent eligible applications

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1582 received before the end of the state fiscal year. If, during the
1583 first 10 business days of the state fiscal year, eligible tax
1584 credit applications for projects that provide homeownership
1585 opportunities for low-income or very-low-income households as
1586 defined in s. 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are
1587 received for more than the annual tax credits available for those
1588 projects, the office shall grant the tax credits for those
1589 applications as follows:

1590 a. If tax credit applications submitted for approved
1591 projects of an eligible sponsor do not exceed \$200,000 in total,
1592 the credits shall be granted in full if the tax credit
1593 applications are approved.

1594 b. If tax credit applications submitted for approved
1595 projects of an eligible sponsor exceed \$200,000 in total, the
1596 amount of tax credits granted under sub-subparagraph a. shall be
1597 subtracted from the amount of available tax credits, and the
1598 remaining credits shall be granted to each approved tax credit
1599 application on a pro rata basis.

1600 2. If, during the first 10 business days of the state
1601 fiscal year, eligible tax credit applications for projects other
1602 than those that provide homeownership opportunities for low-
1603 income or very-low-income households as defined in s.
1604 420.9071(20) and (30) ~~s. 420.9071(19) and (28)~~ are received for
1605 less than the annual tax credits available for those projects,
1606 the office shall grant tax credits for those applications and
1607 shall grant remaining tax credits on a first-come, first-served
1608 basis for any subsequent eligible applications received before
1609 the end of the state fiscal year. If, during the first 10
1610 business days of the state fiscal year, eligible tax credit

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1611 applications for projects other than those that provide
1612 homeownership opportunities for low-income or very-low-income
1613 households as defined in s. 420.9071(20) and (30) ~~s. 420.9071(19)~~
1614 ~~and (28)~~ are received for more than the annual tax credits
1615 available for those projects, the office shall grant the tax
1616 credits for those applications on a pro rata basis.

1617 Section 22. This act shall take effect July 1, 2008.