

1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 125.0104, F.S.; allowing certain counties to use certain
4 tax revenues for workforce, affordable, and employee
5 housing; amending s. 159.807, F.S.; deleting a provision
6 exempting the Florida Housing Finance Corporation from the
7 applicability of certain uses of the state allocation
8 pool; amending s. 196.196, F.S.; providing additional
9 criteria for determining whether certain affordable
10 housing property owned by certain exempt organizations is
11 entitled to an exemption from ad valorem taxation;
12 providing a definition; amending s. 196.1978, F.S.;
13 providing that property owned by certain nonprofit
14 entities or Florida-based limited partnerships and used or
15 held for the purpose of providing affordable housing to
16 certain income-qualified persons is exempt from ad valorem
17 taxation; revising legislative intent; subjecting
18 organizations owning certain property to ad valorem
19 taxation under certain circumstances; providing for tax
20 liens; providing for penalties and interest; providing an
21 exception; providing notice requirements; amending s.
22 212.055, F.S.; redefining the term "infrastructure" to
23 allow the proceeds of a local government infrastructure
24 surtax to be used to purchase land for certain purposes
25 relating to construction of affordable housing; amending
26 s. 420.503, F.S.; defining the term "moderate
27 rehabilitation" for purposes of the Florida Housing
28 Finance Corporation Act; amending s. 420.5061, F.S.;

29 removing a provision requiring the Florida Housing Finance
30 Corporation to transfer certain funds to the General
31 Revenue Fund; amending s. 420.507, F.S.; providing the
32 corporation with certain powers relating to developing and
33 administering a grant program; amending s. 420.5087, F.S.;
34 revising purposes for which state apartment incentive
35 loans may be used; amending s. 420.5095, F.S.; providing
36 for the disbursement of certain Community Workforce
37 Housing Innovation Pilot Program funds that were awarded
38 but have been declined or returned; amending s. 420.615,
39 F.S.; revising provisions relating to comprehensive plan
40 amendments; authorizing certain persons to challenge the
41 compliance of an amendment; creating s. 420.628, F.S.;
42 providing legislative findings and intent; requiring
43 certain governmental entities to develop and implement
44 strategies and procedures designed to increase affordable
45 housing opportunities for young adults who are leaving the
46 child welfare system; amending s. 420.9071, F.S.; revising
47 and providing definitions; amending s. 420.9072, F.S.;
48 conforming a cross-reference; amending s. 420.9073, F.S.;
49 revising the frequency with which local housing
50 distributions are to be made by the corporation;
51 authorizing the corporation to withhold funds from the
52 total distribution annually for specified purposes;
53 requiring counties and eligible municipalities that
54 receive local housing distributions to expend those funds
55 in a specified manner; amending s. 420.9075, F.S.;
56 requiring that local housing assistance plans address the

57 | special housing needs of persons with disabilities;
58 | authorizing the corporation to define high-cost counties
59 | and eligible municipalities by rule; authorizing high-cost
60 | counties and certain municipalities to assist persons and
61 | households meeting specific income requirements; revising
62 | requirements to be included in the local housing
63 | assistance plan; requiring counties and certain
64 | municipalities to include certain initiatives and
65 | strategies in the local housing assistance plan; revising
66 | criteria that applies to awards made for the purpose of
67 | providing eligible housing; authorizing and limiting the
68 | percentage of funds from the local housing distribution
69 | that may be used for manufactured housing; extending the
70 | expiration date of an exemption from certain income
71 | requirements in specified areas; authorizing the use of
72 | certain funds for preconstruction activities; providing
73 | that certain costs are a program expense; authorizing
74 | counties and certain municipalities to award grant funds
75 | under certain conditions; providing for the repayment of
76 | funds by the local housing assistance trust fund; amending
77 | s. 420.9076, F.S.; revising appointments to a local
78 | affordable housing advisory committee; revising notice
79 | requirements for public hearings of the advisory
80 | committee; requiring the committee's final report,
81 | evaluation, and recommendations to be submitted to the
82 | corporation; deleting cross-references to conform to
83 | changes made by the act; repealing s. 420.9078, F.S.,
84 | relating to state administration of funds remaining in the

85 Local Government Housing Trust Fund; amending s. 420.9079,
 86 F.S.; conforming cross-references; amending s. 1001.43,
 87 F.S.; revising district school board powers and duties in
 88 relation to use of land for affordable housing in certain
 89 areas for certain personnel; providing an effective date.

90

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

92

93 Section 1. Paragraph (m) of subsection (3) of section
 94 125.0104, Florida Statutes, is amended to read:

95 125.0104 Tourist development tax; procedure for levying;
 96 authorized uses; referendum; enforcement.--

97 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.--

98 (m)1. In addition to any other tax which is imposed
 99 pursuant to this section, a high tourism impact county may
 100 impose an additional 1-percent tax on the exercise of the
 101 privilege described in paragraph (a) by extraordinary vote of
 102 the governing board of the county. The tax revenues received
 103 pursuant to this paragraph shall be used for one or more of the
 104 authorized uses pursuant to subsection (5). In addition, any
 105 high tourism impact county that is designated as an area of
 106 critical state concern pursuant to chapter 380 may also utilize
 107 revenues received pursuant to this paragraph for affordable or
 108 workforce housing as defined in chapter 420, or for affordable,
 109 workforce, or employee housing as defined in any adopted
 110 comprehensive plan, land development regulation, or local
 111 housing assistance plan. Such authority for the use of revenues
 112 for workforce, affordable, or employee housing shall extend for

113 10 years after the date of any de-designation of a location as
 114 an area of critical state concern, or for the period of time
 115 required under any bond or other financing issued in accordance
 116 with or based upon the authority granted pursuant to the
 117 provisions of this section. Revenues derived pursuant to this
 118 paragraph shall be bondable in accordance with other laws
 119 regarding revenue bonding. Should a high tourism impact county
 120 designated as an area of critical state concern enact the tax
 121 specified in this paragraph, the revenue generated shall be
 122 distributed among incorporated and unincorporated areas based on
 123 the location of the living quarters or accommodations that are
 124 leased or rented. However, nothing in this paragraph shall
 125 preclude an interlocal agreement between local governments for
 126 the use of funds received pursuant to this paragraph in a manner
 127 that addresses the provision of affordable and workforce housing
 128 opportunities on a regional basis or in accordance with a
 129 multijurisdictional housing strategy, program, or policy.

130 2. A county is considered to be a high tourism impact
 131 county after the Department of Revenue has certified to such
 132 county that the sales subject to the tax levied pursuant to this
 133 section exceeded \$600 million during the previous calendar year,
 134 or were at least 18 percent of the county's total taxable sales
 135 under chapter 212 where the sales subject to the tax levied
 136 pursuant to this section were a minimum of \$200 million, except
 137 that no county authorized to levy a convention development tax
 138 pursuant to s. 212.0305 shall be considered a high tourism
 139 impact county. Once a county qualifies as a high tourism impact

140 county, it shall retain this designation for the period the tax
 141 is levied pursuant to this paragraph.

142 3. The provisions of paragraphs (4)(a)-(d) shall not apply
 143 to the adoption of the additional tax authorized in this
 144 paragraph. The effective date of the levy and imposition of the
 145 tax authorized under this paragraph shall be the first day of
 146 the second month following approval of the ordinance by the
 147 governing board or the first day of any subsequent month as may
 148 be specified in the ordinance. A certified copy of such
 149 ordinance shall be furnished by the county to the Department of
 150 Revenue within 10 days after approval of such ordinance.

151 Section 2. Subsection (4) of section 159.807, Florida
 152 Statutes, is amended to read:

153 159.807 State allocation pool.--

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

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

162 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~
 163 ~~exhausted, is unavailable, or is inadequate to provide an~~
 164 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~
 165 ~~volume limitation from prior years for the same carryforward~~
 166 ~~purpose, as that term is defined in s. 146 of the Code, as the~~

167 ~~bonds it intends to issue have been completely utilized or have~~
 168 ~~expired.~~

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

173 Section 3. Subsection (5) is added to section 196.196,
 174 Florida Statutes, to read:

175 196.196 Determining whether property is entitled to
 176 charitable, religious, scientific, or literary exemption.--

177 (5) Property owned by an exempt organization qualified as
 178 charitable under s. 501(c)(3) of the Internal Revenue Code is
 179 used for a charitable purpose if the organization has taken
 180 affirmative steps to prepare the property to provide affordable
 181 housing to persons or families that meet the extremely-low-
 182 income, very-low-income, low-income, or moderate-income limits,
 183 as specified in s. 420.0004. The term "affirmative steps" means
 184 environmental or land use permitting activities, creation of
 185 architectural plans or schematic drawings, land clearing or site
 186 preparation, construction or renovation activities, or other
 187 similar activities that demonstrate a commitment of the property
 188 to providing affordable housing.

189 Section 4. Section 196.1978, Florida Statutes, is amended
 190 to read:

191 196.1978 Affordable housing property exemption.--

192 (1) Property used to provide affordable housing serving
 193 eligible persons as defined by s. 159.603(7) and natural persons
 194 or families meeting the extremely-low-income, very-low-income,

195 low-income, or moderate-income persons meeting income limits
 196 specified in s. 420.0004 ~~s. 420.0004(8), (10), (11), and (15)~~,
 197 which property is owned entirely by a nonprofit entity that is a
 198 corporation not for profit, qualified as charitable under s.
 199 501(c)(3) of the Internal Revenue Code and in compliance with
 200 Rev. Proc. 96-32, 1996-1 C.B. 717, or a Florida-based limited
 201 partnership, the sole general partner of which is a corporation
 202 not for profit which is qualified as charitable under s.
 203 501(c)(3) of the Internal Revenue Code and which complies with
 204 Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property
 205 owned by an exempt entity and used for a charitable purpose, and
 206 those portions of the affordable housing property which provide
 207 housing to natural persons or families classified as extremely
 208 low income, very low income, low income, or moderate income
 209 under s. 420.0004 ~~individuals with incomes as defined in s.~~
 210 ~~420.0004(10) and (15)~~ shall be exempt from ad valorem taxation
 211 to the extent authorized in s. 196.196. All property identified
 212 in this section shall comply with the criteria for determination
 213 of exempt status to be applied by property appraisers on an
 214 annual basis as defined in s. 196.195. The Legislature intends
 215 that any property owned by a limited liability company or
 216 limited partnership which is disregarded as an entity for
 217 federal income tax purposes pursuant to Treasury Regulation
 218 301.7701-3(b)(1)(ii) shall be treated as owned by its sole
 219 member or sole general partner.

220 (2) If property owned by an organization granted an
 221 exemption under s. 196.196(5) is transferred for a purpose other
 222 than directly providing affordable homeownership or rental

223 housing to persons or families who meet the extremely-low-
224 income, very-low-income, low-income, or moderate-income limits,
225 as specified in s. 420.0004, or is not in actual use to provide
226 such affordable housing within 5 years after the date the
227 organization is granted the exemption, the property appraiser
228 making such determination shall serve upon the organization that
229 illegally or improperly received the exemption a notice of
230 intent to record in the public records of the county a notice of
231 tax lien against any property owned by that organization in the
232 county, and such property shall be identified in the notice of
233 tax lien. The organization owning such property is subject to
234 the taxes otherwise due and owing as a result of the failure to
235 use the property to provide affordable housing plus 15 percent
236 interest per annum and a penalty of 50 percent of the taxes
237 owed. Such lien, when filed, attaches to any property identified
238 in the notice of tax lien owned by the organization that
239 illegally or improperly received the exemption. If such
240 organization no longer owns property in the county but owns
241 property in any other county in the state, the property
242 appraiser shall record in each such other county a notice of tax
243 lien identifying the property owned by such organization in such
244 county which shall become a lien against the identified
245 property. If an exemption is improperly granted as a result of a
246 clerical mistake or an omission by the property appraiser, the
247 organization improperly receiving the exemption shall not be
248 assessed penalty and interest. Before any such lien may be
249 filed, the organization so notified must be given 30 days to pay
250 the taxes, penalties, and interest. The 5-year limitation

251 specified in this subsection may be extended provided the holder
 252 of the exemption continues to take affirmative steps to develop
 253 the property for the purposes specified in this subsection.

254 Section 5. Paragraph (d) of subsection (2) of section
 255 212.055, Florida Statutes, is amended to read:

256 212.055 Discretionary sales surtaxes; legislative intent;
 257 authorization and use of proceeds.--It is the legislative intent
 258 that any authorization for imposition of a discretionary sales
 259 surtax shall be published in the Florida Statutes as a
 260 subsection of this section, irrespective of the duration of the
 261 levy. Each enactment shall specify the types of counties
 262 authorized to levy; the rate or rates which may be imposed; the
 263 maximum length of time the surtax may be imposed, if any; the
 264 procedure which must be followed to secure voter approval, if
 265 required; the purpose for which the proceeds may be expended;
 266 and such other requirements as the Legislature may provide.
 267 Taxable transactions and administrative procedures shall be as
 268 provided in s. 212.054.

269 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

270 (d)~~1~~. The proceeds of the surtax authorized by this
 271 subsection and any accrued interest ~~accrued thereto~~ shall be
 272 expended by the school district, or within the county and
 273 municipalities within the county, or, in the case of a
 274 negotiated joint county agreement, within another county, to
 275 finance, plan, and construct infrastructure; and to acquire land
 276 for public recreation, or conservation, or protection of natural
 277 resources; or ~~and~~ to finance the closure of county-owned or
 278 municipally owned solid waste landfills that have been ~~are~~

279 ~~already~~ closed or are required to be closed ~~close~~ by order of
 280 the Department of Environmental Protection. Any use of the ~~such~~
 281 proceeds or interest for purposes of landfill closure before
 282 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~
 283 any interest may not ~~accrued thereto shall~~ be used for the
 284 operational expenses of ~~any~~ infrastructure, except that a ~~any~~
 285 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and
 286 that is required to close a landfill ~~by order of the Department~~
 287 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest
 288 ~~accrued thereto~~ for long-term maintenance costs associated with
 289 landfill closure. Counties, as defined in s. 125.011 ~~s.~~
 290 ~~125.011(1)~~, and charter counties may, in addition, use the
 291 proceeds or ~~and any~~ interest ~~accrued thereto~~ to retire or
 292 service indebtedness incurred for bonds issued before ~~prior to~~
 293 July 1, 1987, for infrastructure purposes, and for bonds
 294 subsequently issued to refund such bonds. Any use of the ~~such~~
 295 proceeds or interest for purposes of retiring or servicing
 296 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~
 297 July 1, 1999, is ratified.

298 1.2. For the purposes of this paragraph, the term
 299 "infrastructure" means:

300 a. Any fixed capital expenditure or fixed capital outlay
 301 associated with the construction, reconstruction, or improvement
 302 of public facilities that have a life expectancy of 5 or more
 303 years and any related land acquisition, land improvement,
 304 design, and engineering costs ~~related thereto~~.

305 b. A fire department vehicle, an emergency medical service
 306 vehicle, a sheriff's office vehicle, a police department

307 vehicle, or any other vehicle, and the ~~such~~ equipment necessary
 308 to outfit the vehicle for its official use or equipment that has
 309 a life expectancy of at least 5 years.

310 c. Any expenditure for the construction, lease, or
 311 maintenance of, or provision of utilities or security for,
 312 facilities, as defined in s. 29.008.

313 d. Any fixed capital expenditure or fixed capital outlay
 314 associated with the improvement of private facilities that have
 315 a life expectancy of 5 or more years and that the owner agrees
 316 to make available for use on a temporary basis as needed by a
 317 local government as a public emergency shelter or a staging area
 318 for emergency response equipment during an emergency officially
 319 declared by the state or by the local government under s.
 320 252.38. Such improvements ~~under this sub-subparagraph~~ are
 321 limited to those necessary to comply with current standards for
 322 public emergency evacuation shelters. The owner must ~~shall~~ enter
 323 into a written contract with the local government providing the
 324 improvement funding to make the ~~such~~ private facility available
 325 to the public for purposes of emergency shelter at no cost to
 326 the local government for a minimum ~~period~~ of 10 years after
 327 completion of the improvement, with the provision that the ~~such~~
 328 obligation will transfer to any subsequent owner until the end
 329 of the minimum period.

330 e. Any land expenditure acquisition for a residential
 331 housing project in which at least 30 percent of the units are
 332 affordable to individuals or families whose total annual
 333 household income does not exceed 120 percent of the area median
 334 income adjusted for household size, if the land is owned by a

335 local government or by a special district that enters into a
 336 written agreement with the local government to provide such
 337 housing. The local government or special district may enter into
 338 a ground lease with a public or private person or entity for
 339 nominal or other consideration for the construction of the
 340 residential housing project on land acquired pursuant to this
 341 sub-subparagraph.

342 ~~2.3.~~ Notwithstanding any other provision of this
 343 subsection, a local government infrastructure discretionary
 344 ~~sales~~ surtax imposed or extended after July 1, 1998, the
 345 ~~effective date of this act~~ may allocate up to ~~provide for an~~
 346 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax
 347 ~~proceeds to be allocated~~ for deposit in ~~to~~ a trust fund within
 348 the county's accounts created for the purpose of funding
 349 economic development projects having ~~of~~ a general public purpose
 350 of improving targeted to improve local economies, including the
 351 funding of operational costs and incentives related to ~~such~~
 352 economic development. The ballot statement must indicate the
 353 intention to make an allocation under the authority of this
 354 subparagraph.

355 Section 6. Present subsections (25) through (41) of
 356 section 420.503, Florida Statutes, are redesignated as
 357 subsections (26) through (42), respectively, and a new
 358 subsection (25) is added to that section to read:

359 420.503 Definitions.--As used in this part, the term:
 360 (25) "Moderate rehabilitation" means repair or restoration
 361 of a dwelling unit when the value of such repair or restoration

362 is 40 percent or less of the value of the dwelling but not less
 363 than \$10,000 per dwelling unit.

364 Section 7. Section 420.5061, Florida Statutes, is amended
 365 to read:

366 420.5061 Transfer of agency assets and liabilities.--The
 367 corporation is the legal successor in all respects to the
 368 agency, is obligated to the same extent as the agency under any
 369 agreements existing on December 31, 1997, and is entitled to any
 370 rights and remedies previously afforded the agency by law or
 371 contract, including specifically the rights of the agency under
 372 chapter 201 and part VI of chapter 159. Effective January 1,
 373 1998, all references under Florida law to the agency are deemed
 374 to mean the corporation. ~~The corporation shall transfer to the~~
 375 ~~General Revenue Fund an amount which otherwise would have been~~
 376 ~~deducted as a service charge pursuant to s. 215.20(1) if the~~
 377 ~~Florida Housing Finance Corporation Fund established by s.~~
 378 ~~420.508(5), the State Apartment Incentive Loan Fund established~~
 379 ~~by s. 420.5087(7), the Florida Homeownership Assistance Fund~~
 380 ~~established by s. 420.5088(4), the HOME Investment Partnership~~
 381 ~~Fund established by s. 420.5089(1), and the Housing~~
 382 ~~Predevelopment Loan Fund established by s. 420.525(1) were each~~
 383 ~~trust funds.~~ For purposes of s. 112.313, the corporation is
 384 deemed to be a continuation of the agency, and the provisions
 385 thereof are deemed to apply as if the same entity remained in
 386 place. Any employees of the agency and agency board members
 387 covered by s. 112.313(9)(a)6. shall continue to be entitled to
 388 the exemption in that subparagraph, notwithstanding being hired

389 by the corporation or appointed as board members of the
 390 corporation.

391 Section 8. Subsection (47) is added to section 420.507,
 392 Florida Statutes, to read:

393 420.507 Powers of the corporation.--The corporation shall
 394 have all the powers necessary or convenient to carry out and
 395 effectuate the purposes and provisions of this part, including
 396 the following powers which are in addition to all other powers
 397 granted by other provisions of this part:

398 (47) To develop and administer the Florida Public Housing
 399 Authority Preservation Grant Program. In developing and
 400 administering the program, the corporation may:

401 (a) Develop criteria for determining the priority for
 402 expending grants to preserve and rehabilitate 30-year and older
 403 buildings and units under public housing authority control as
 404 defined in chapter 421.

405 (b) Adopt rules for the grant program and exercise the
 406 powers authorized in this section.

407 Section 9. Paragraphs (c) and (l) of subsection (6) of
 408 section 420.5087, Florida Statutes, are amended to read:

409 420.5087 State Apartment Incentive Loan Program.--There is
 410 hereby created the State Apartment Incentive Loan Program for
 411 the purpose of providing first, second, or other subordinated
 412 mortgage loans or loan guarantees to sponsors, including for-
 413 profit, nonprofit, and public entities, to provide housing
 414 affordable to very-low-income persons.

415 (6) On all state apartment incentive loans, except loans
 416 made to housing communities for the elderly to provide for

417 lifesafety, building preservation, health, sanitation, or
418 security-related repairs or improvements, the following
419 provisions shall apply:

420 (c) The corporation shall provide by rule for the
421 establishment of a review committee composed of the department
422 and corporation staff and shall establish by rule a scoring
423 system for evaluation and competitive ranking of applications
424 submitted in this program, including, but not limited to, the
425 following criteria:

426 1. Tenant income and demographic targeting objectives of
427 the corporation.

428 2. Targeting objectives of the corporation which will
429 ensure an equitable distribution of loans between rural and
430 urban areas.

431 3. Sponsor's agreement to reserve the units for persons or
432 families who have incomes below 50 percent of the state or local
433 median income, whichever is higher, for a time period to exceed
434 the minimum required by federal law or the provisions of this
435 part.

436 4. Sponsor's agreement to reserve more than:

437 a. Twenty percent of the units in the project for persons
438 or families who have incomes that do not exceed 50 percent of
439 the state or local median income, whichever is higher; or

440 b. Forty percent of the units in the project for persons
441 or families who have incomes that do not exceed 60 percent of
442 the state or local median income, whichever is higher, without
443 requiring a greater amount of the loans as provided in this
444 section.

- 445 5. Provision for tenant counseling.
- 446 6. Sponsor's agreement to accept rental assistance
- 447 certificates or vouchers as payment for rent.
- 448 7. Projects requiring the least amount of a state
- 449 apartment incentive loan compared to overall project cost except
- 450 that the share of the loan attributable to units serving
- 451 extremely-low-income persons shall be excluded from this
- 452 requirement.
- 453 8. Local government contributions and local government
- 454 comprehensive planning and activities that promote affordable
- 455 housing.
- 456 9. Project feasibility.
- 457 10. Economic viability of the project.
- 458 11. Commitment of first mortgage financing.
- 459 12. Sponsor's prior experience.
- 460 13. Sponsor's ability to proceed with construction.
- 461 14. Projects that directly implement or assist welfare-to-
- 462 work transitioning.
- 463 15. Projects that reserve units for extremely-low-income
- 464 persons.
- 465 16. Projects that include green building principles,
- 466 storm-resistant construction, or other elements that reduce
- 467 long-term costs relating to maintenance, utilities, or
- 468 insurance.
- 469 (1) The proceeds of all loans shall be used for new
- 470 construction, moderate rehabilitation, or substantial
- 471 rehabilitation which creates or preserves affordable, safe, and
- 472 sanitary housing units.

473 Section 10. Subsection (17) is added to section 420.5095,
 474 Florida Statutes, to read:

475 420.5095 Community Workforce Housing Innovation Pilot
 476 Program.--

477 (17) (a) Funds appropriated by s. 33, chapter 2006-69, Laws
 478 of Florida, that were awarded but have been declined or returned
 479 shall be made available for projects that otherwise comply with
 480 the provisions of this section and that are created to provide
 481 workforce housing for teachers and instructional personnel
 482 employed by the school district in the county in which the
 483 project is located.

484 (b) Projects shall be given priority for funding when the
 485 school district provides the property for the project pursuant
 486 to s. 1001.43.

487 (c) Projects shall be given priority for funding when the
 488 public-private partnership includes the school district and a
 489 national nonprofit organization to provide financial support,
 490 technical assistance, and training for community-based
 491 revitalization efforts.

492 (d) Projects in counties which had a project selected for
 493 funding that declined or returned funds shall be given priority
 494 for funding.

495 (e) Projects shall be selected for funding by requests for
 496 proposals.

497 Section 11. Subsection (5) of section 420.615, Florida
 498 Statutes, is amended to read:

499 420.615 Affordable housing land donation density bonus
 500 incentives.--

501 (5) The local government, as part of the approval process,
 502 shall adopt a comprehensive plan amendment, pursuant to part II
 503 of chapter 163, for the receiving land that incorporates the
 504 density bonus. Such amendment shall be deemed by operation of
 505 law a small scale amendment, shall be subject only to the
 506 requirements of ~~adopted in the manner as required for small-~~
 507 ~~scale amendments pursuant to s. 163.3187(1)(c)2. and 3., is not~~
 508 subject to the requirements of s. 163.3184(3)-(11)~~(3)-(6)~~, and
 509 is exempt from s. 163.3187(1)(c)1. and the limitation on the
 510 frequency of plan amendments as provided in s. 163.3187. An
 511 affected person, as defined in s. 163.3184(1), may file a
 512 petition for administrative review pursuant to the requirements
 513 of s. 163.3187(3) to challenge the compliance of an adopted plan
 514 amendment.

515 Section 12. Section 420.628, Florida Statutes, is created
 516 to read:

517 420.628 Affordable housing for children and young adults
 518 leaving foster care; legislative findings and intent.--

519 (1) The Legislature finds that there are many young adults
 520 who, through no fault of their own, live in foster families,
 521 group homes, and institutions and who face numerous barriers to
 522 a successful transition to adulthood.

523 (2) These youth in foster care are among those who may
 524 enter adulthood without the knowledge, skills, attitudes,
 525 habits, and relationships that will enable them to be productive
 526 members of society.

527 (3) The main barriers to safe and affordable housing for
 528 youth aging out of the foster care system are cost, lack of

529 availability, the unwillingness of many landlords to rent to
530 them, and their own lack of knowledge about how to be good
531 tenants.

532 (4) The Legislature also finds that young adults who
533 emancipate from the child welfare system are at risk of becoming
534 homeless and those who were formerly in foster care are
535 disproportionately represented in the homeless population.
536 Without the stability of safe housing, all other services,
537 training, and opportunities may not be effective.

538 (5) The Legislature further finds that making affordable
539 housing available for young adults who transition from foster
540 care decreases their chance of homelessness and may increase
541 their ability to live independently in the future.

542 (6) The Legislature affirms that young adults
543 transitioning out of foster care are to be considered eligible
544 persons, as defined in ss. 420.503(17) and 420.9071(10), for
545 affordable housing purposes and shall be encouraged to
546 participate in state, federal, and local affordable housing
547 programs.

548 (7) It is therefore the intent of the Legislature to
549 encourage the Florida Housing Finance Corporation, State Housing
550 Initiative Partnership Program agencies, local housing finance
551 agencies, public housing authorities and their agents,
552 developers, and other providers of affordable housing to make
553 affordable housing available to youth transitioning out of
554 foster care whenever and wherever possible.

555 (8) The Florida Housing Finance Corporation, State Housing
556 Initiative Partnership Program agencies, local housing finance

557 agencies, and public housing authorities shall coordinate with
 558 the Department of Children and Family Services and their agents
 559 and community-based care providers who are operating pursuant to
 560 s. 409.1671 to develop and implement strategies and procedures
 561 designed to increase affordable housing opportunities for young
 562 adults who are leaving the child welfare system.

563 Section 13. Subsections (4), (8), (16), and (25) of
 564 section 420.9071, Florida Statutes, are amended, and subsections
 565 (29) and (30) are added to that section, to read:

566 420.9071 Definitions.--As used in ss. 420.907-420.9079,
 567 the term:

568 (4) "Annual gross income" means annual income as defined
 569 under the Section 8 housing assistance payments programs in 24
 570 C.F.R. part 5; annual income as reported under the census long
 571 form for the recent available decennial census; ~~or~~ adjusted
 572 gross income as defined for purposes of reporting under Internal
 573 Revenue Service Form 1040 for individual federal annual income
 574 tax purposes or as defined by standard practices used in the
 575 lending industry as detailed in the local housing assistance
 576 plan and approved by the corporation. Counties and eligible
 577 municipalities shall calculate income by annualizing verified
 578 sources of income for the household as the amount of income to
 579 be received in a household during the 12 months following the
 580 effective date of the determination.

581 (8) "Eligible housing" means any real and personal
 582 property located within the county or the eligible municipality
 583 which is designed and intended for the primary purpose of
 584 providing decent, safe, and sanitary residential units that are

585 | designed to meet the standards of the Florida Building Code or a
 586 | predecessor building code adopted under chapter 553, or
 587 | manufactured housing constructed after June 1994 and installed
 588 | in accordance with mobile home installation standards of the
 589 | Department of Highway Safety and Motor Vehicles, for home
 590 | ownership or rental for eligible persons as designated by each
 591 | county or eligible municipality participating in the State
 592 | Housing Initiatives Partnership Program.

593 | (16) "Local housing incentive strategies" means local
 594 | regulatory reform or incentive programs to encourage or
 595 | facilitate affordable housing production, which include at a
 596 | minimum, assurance that permits as defined in s. 163.3164(7) and
 597 | (8) for affordable housing projects are expedited to a greater
 598 | degree than other projects; an ongoing process for review of
 599 | local policies, ordinances, regulations, and plan provisions
 600 | that increase the cost of housing prior to their adoption; and a
 601 | schedule for implementing the incentive strategies. Local
 602 | housing incentive strategies may also include other regulatory
 603 | reforms, such as those enumerated in s. 420.9076 or those
 604 | recommended by the affordable housing advisory committee in its
 605 | triennial evaluation and adopted by the local governing body.

606 | (25) "Recaptured funds" means funds that are recouped by a
 607 | county or eligible municipality in accordance with the recapture
 608 | provisions of its local housing assistance plan pursuant to s.
 609 | 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,
 610 | which funds were not used for assistance to an eligible
 611 | household for an eligible activity, when there is a ~~who~~ default
 612 | on the terms of a grant award or loan award.

613 (29) "Assisted housing" or "assisted housing development"
 614 means a rental housing development, including rental housing in
 615 a mixed-use development, that received or currently receives
 616 funding from any federal or state housing program.

617 (30) "Preservation" means actions taken to keep rents in
 618 existing assisted housing affordable for extremely-low-income,
 619 very-low-income, low-income, and moderate-income households
 620 while ensuring that the property stays in good physical and
 621 financial condition for an extended period.

622 Section 14. Subsection (6) of section 420.9072, Florida
 623 Statutes, is amended to read:

624 420.9072 State Housing Initiatives Partnership
 625 Program.--The State Housing Initiatives Partnership Program is
 626 created for the purpose of providing funds to counties and
 627 eligible municipalities as an incentive for the creation of
 628 local housing partnerships, to expand production of and preserve
 629 affordable housing, to further the housing element of the local
 630 government comprehensive plan specific to affordable housing,
 631 and to increase housing-related employment.

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

637 Section 15. Subsections (1) and (2) of section 420.9073,
 638 Florida Statutes, are amended, and subsections (5), (6), and (7)
 639 are added to that section, to read:

640 420.9073 Local housing distributions.--

641 (1) Distributions calculated in this section shall be
 642 disbursed on a quarterly or more frequent ~~monthly~~ basis by the
 643 corporation ~~beginning the first day of the month after program~~
 644 ~~approval~~ pursuant to s. 420.9072, subject to availability of
 645 funds. Each county's share of the funds to be distributed from
 646 the portion of the funds in the Local Government Housing Trust
 647 Fund received pursuant to s. 201.15(9) shall be calculated by
 648 the corporation for each fiscal year as follows:

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

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

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

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

665 3. For each county in which the result in subparagraph 1.
 666 is greater than the guaranteed amount as determined in
 667 subsection (3), the amount calculated in subparagraph 1. shall
 668 be reduced by the guaranteed amount. The result for each such

669 county shall be expressed as a percentage of the amounts so
 670 determined for all counties. Each such county shall receive an
 671 additional share equal to such percentage multiplied by the
 672 total funds received by the Local Government Housing Trust Fund
 673 pursuant to s. 201.15(9) reduced by the guaranteed amount paid
 674 to all counties.

675 (2) ~~Effective July 1, 1995,~~ Distributions calculated in
 676 this section shall be disbursed on a quarterly or more frequent
 677 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~
 678 ~~month after program approval~~ pursuant to s. 420.9072, subject to
 679 availability of funds. Each county's share of the funds to be
 680 distributed from the portion of the funds in the Local
 681 Government Housing Trust Fund received pursuant to s. 201.15(10)
 682 shall be calculated by the corporation for each fiscal year as
 683 follows:

684 (a) Each county shall receive the guaranteed amount for
 685 each fiscal year.

686 (b) Each county may receive an additional share calculated
 687 as follows:

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

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

693 3. For each county in which the result in subparagraph 1.
 694 is greater than the guaranteed amount, the amount calculated in
 695 subparagraph 1. shall be reduced by the guaranteed amount. The
 696 result for each such county shall be expressed as a percentage

697 of the amounts so determined for all counties. Each such county
 698 shall receive an additional share equal to this percentage
 699 multiplied by the total funds received by the Local Government
 700 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
 701 guaranteed amount paid to all counties.

702 (5) Notwithstanding subsections (1)-(4), the corporation
 703 is authorized to withhold up to \$5 million from the total
 704 distribution each fiscal year to provide additional funding to
 705 counties and eligible municipalities in which a state of
 706 emergency has been declared by the Governor pursuant to chapter
 707 252. Any portion of such funds not distributed under this
 708 subsection by the end of the fiscal year shall be distributed as
 709 provided in this section.

710 (6) Notwithstanding subsections (1)-(4), the corporation
 711 is authorized to withhold up to \$5 million from the total
 712 distribution each fiscal year to provide funding to counties and
 713 eligible municipalities to purchase properties subject to a
 714 State Housing Initiative Partnership Program lien and on which
 715 foreclosure proceedings have been initiated by any mortgagee.
 716 Each county and eligible municipality that receives funds under
 717 this subsection shall repay such funds to the corporation not
 718 later than the expenditure deadline for the fiscal year in which
 719 the funds were awarded. Amounts not repaid shall be withheld
 720 from the subsequent year's distribution. Any portion of such
 721 funds not distributed under this subsection by the end of the
 722 fiscal year shall be distributed as provided in this section.

723 (7) A county or eligible municipality that receives local
 724 housing distributions pursuant to this section shall expend

725 those funds in accordance with the provisions of ss. 420.907-
 726 420.9079, corporation rule, and its local housing assistance
 727 plan.

728 Section 16. Subsections (1), (3), (5), and (8), paragraphs
 729 (a) and (h) of subsection (10), and paragraph (b) of subsection
 730 (13) of section 420.9075, Florida Statutes, are amended, and
 731 subsection (14) is added to that section, to read:

732 420.9075 Local housing assistance plans; partnerships.--

733 (1)(a) Each county or eligible municipality participating
 734 in the State Housing Initiatives Partnership Program shall
 735 develop and implement a local housing assistance plan created to
 736 make affordable residential units available to persons of very
 737 low income, low income, or moderate income and to persons who
 738 have special housing needs, including, but not limited to,
 739 homeless people, the elderly, ~~and~~ migrant farmworkers, and
 740 persons with disabilities. High-cost counties or eligible
 741 municipalities as defined by rule of the corporation may include
 742 strategies to assist persons and households having annual
 743 incomes of not more than 140 percent of area median income. The
 744 plans are intended to increase the availability of affordable
 745 residential units by combining local resources and cost-saving
 746 measures into a local housing partnership and using private and
 747 public funds to reduce the cost of housing.

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

749 1. Implement local housing assistance strategies for the
 750 provision of affordable housing.

751 2. Supplement funds available to the corporation to
752 provide enhanced funding of state housing programs within the
753 county or the eligible municipality.

754 3. Provide the local matching share of federal affordable
755 housing grants or programs.

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

759 5. Further the housing element of the local government
760 comprehensive plan adopted pursuant to s. 163.3184, specific to
761 affordable housing.

762 (3) (a) Each local housing assistance plan shall include a
763 definition of essential service personnel for the county or
764 eligible municipality, including, but not limited to, teachers
765 and educators, other school district, community college, and
766 university employees, police and fire personnel, health care
767 personnel, skilled building trades personnel, and other job
768 categories.

769 (b) Each county and each eligible municipality is
770 encouraged to develop a strategy within its local housing
771 assistance plan that emphasizes the recruitment and retention of
772 essential service personnel. The local government is encouraged
773 to involve public and private sector employers. Compliance with
774 the eligibility criteria established under this strategy shall
775 be verified by the county or eligible municipality.

776 (c) Each county and each eligible municipality is
777 encouraged to develop a strategy within its local housing
778 assistance plan that addresses the needs of persons who are

779 deprived of affordable housing due to the closure of a mobile
780 home park or the conversion of affordable rental units to
781 condominiums.

782 (d) Each county and each eligible municipality shall
783 describe initiatives in the local housing assistance plan to
784 encourage or require innovative design, green building
785 principles, storm-resistant construction, or other elements that
786 reduce long-term costs relating to maintenance, utilities, or
787 insurance.

788 (e) Each county and each eligible municipality is
789 encouraged to develop a strategy within its local housing
790 assistance plan that provides program funds for the preservation
791 of assisted housing.

792 (5) The following criteria apply to awards made to
793 eligible sponsors or eligible persons for the purpose of
794 providing eligible housing:

795 (a) At least 65 percent of the funds made available in
796 each county and eligible municipality from the local housing
797 distribution must be reserved for home ownership for eligible
798 persons.

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

803 (c) Not more than 15 percent of the funds made available
804 in each county and eligible municipality from the local housing
805 distribution may be used for manufactured housing.

806 (d)~~(e)~~ The sales price or value of new or existing
807 eligible housing may not exceed 90 percent of the average area
808 purchase price in the statistical area in which the eligible
809 housing is located. Such average area purchase price may be that
810 calculated for any 12-month period beginning not earlier than
811 the fourth calendar year prior to the year in which the award
812 occurs or as otherwise established by the United States
813 Department of the Treasury.

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

819 2. At least 30 percent of the funds deposited into the
820 local housing assistance trust fund must be reserved for awards
821 to very-low-income persons or eligible sponsors who will serve
822 very-low-income persons and at least an additional 30 percent of
823 the funds deposited into the local housing assistance trust fund
824 must be reserved for awards to low-income persons or eligible
825 sponsors who will serve low-income persons. This subparagraph
826 does not apply to a county or an eligible municipality that
827 includes, or has included within the previous 5 years, an area
828 of critical state concern designated or ratified by the
829 Legislature for which the Legislature has declared its intent to
830 provide affordable housing. The exemption created by this act
831 expires on July 1, 2013 ~~2008~~.

832 (f)~~(e)~~ Loans shall be provided for periods not exceeding
833 30 years, except for deferred payment loans or loans that extend
834 beyond 30 years which continue to serve eligible persons.

835 (g)~~(f)~~ Loans or grants for eligible rental housing
836 constructed, rehabilitated, or otherwise assisted from the local
837 housing assistance trust fund must be subject to recapture
838 requirements as provided by the county or eligible municipality
839 in its local housing assistance plan unless reserved for
840 eligible persons for 15 years or the term of the assistance,
841 whichever period is longer. Eligible sponsors that offer rental
842 housing for sale before 15 years or that have remaining
843 mortgages funded under this program must give a first right of
844 refusal to eligible nonprofit organizations for purchase at the
845 current market value for continued occupancy by eligible
846 persons.

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

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

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

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

864 ~~(1)-(k)~~ Funds from the local housing distribution not used
865 to meet the criteria established in paragraph (a) or paragraph
866 (b) or not used for the administration of a local housing
867 assistance plan must be used for housing production and finance
868 activities, including, but not limited to, financing
869 preconstruction activities or the purchase of existing units,
870 providing rental housing, and providing home ownership training
871 to prospective home buyers and owners of homes assisted through
872 the local housing assistance plan.

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

876 2. When preconstruction due diligence activities conducted
877 as part of a preservation strategy show that preservation of the
878 units is not feasible and will not result in the production of
879 an eligible unit, such costs shall be deemed a program expense
880 rather than an administrative expense if such program expenses
881 do not exceed 3 percent of the annual local housing
882 distribution.

883 3. If both an award under the local housing assistance
884 plan and federal low-income housing tax credits are used to
885 assist a project and there is a conflict between the criteria
886 prescribed in this subsection and the requirements of s. 42 of

887 the Internal Revenue Code of 1986, as amended, the county or
888 eligible municipality may resolve the conflict by giving
889 precedence to the requirements of s. 42 of the Internal Revenue
890 Code of 1986, as amended, in lieu of following the criteria
891 prescribed in this subsection with the exception of paragraphs
892 (a) and (e) ~~(d)~~ of this subsection.

893 4. 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
897 grants must be approved as part of the local housing assistance
898 plan.

899 (8) Pursuant to s. 420.531, the corporation shall provide
900 training and technical assistance to local governments regarding
901 the creation of partnerships, the design of local housing
902 assistance strategies, the implementation of local housing
903 incentive strategies, and the provision of support services.

904 (10) Each county or eligible municipality shall submit to
905 the corporation by September 15 of each year a report of its
906 affordable housing programs and accomplishments through June 30
907 immediately preceding submittal of the report. The report shall
908 be certified as accurate and complete by the local government's
909 chief elected official or his or her designee. Transmittal of
910 the annual report by a county's or eligible municipality's chief
911 elected official, or his or her designee, certifies that the
912 local housing incentive strategies, or, if applicable, the local
913 housing incentive plan, have been implemented or are in the
914 process of being implemented pursuant to the adopted schedule

915 for implementation. The report must include, but is not limited
 916 to:

917 (a) The number of households served by income category,
 918 age, family size, and race, and data regarding any special needs
 919 populations such as farmworkers, homeless persons, persons with
 920 disabilities, and the elderly. Counties shall report this
 921 information separately for households served in the
 922 unincorporated area and each municipality within the county.

923 (h) Such other data or affordable housing accomplishments
 924 considered significant by the reporting county or eligible
 925 municipality or by the corporation.

926 (13)

927 (b) If, as a result of its review of the annual report,
 928 the corporation determines that a county or eligible
 929 municipality has failed to implement a local housing incentive
 930 strategy, or, if applicable, a local housing incentive plan, it
 931 shall send a notice of termination of the local government's
 932 share of the local housing distribution by certified mail to the
 933 affected county or eligible municipality.

934 1. The notice must specify a date of termination of the
 935 funding if the affected county or eligible municipality does not
 936 implement the plan or strategy and provide for a local response.
 937 A county or eligible municipality shall respond to the
 938 corporation within 30 days after receipt of the notice of
 939 termination.

940 2. The corporation shall consider the local response that
 941 extenuating circumstances precluded implementation and grant an
 942 extension to the timeframe for implementation. Such an extension

943 shall be made in the form of an extension agreement that
 944 provides a timeframe for implementation. The chief elected
 945 official of a county or eligible municipality or his or her
 946 designee shall have the authority to enter into the agreement on
 947 behalf of the local government.

948 3. If the county or the eligible municipality has not
 949 implemented the incentive strategy or entered into an extension
 950 agreement by the termination date specified in the notice, the
 951 local housing distribution share terminates, and any uncommitted
 952 local housing distribution funds held by the affected county or
 953 eligible municipality in its local housing assistance trust fund
 954 shall be transferred to the Local Government Housing Trust Fund
 955 to the credit of the corporation to administer ~~pursuant to s.~~
 956 ~~420.9078.~~

957 4.a. If the affected local government fails to meet the
 958 timeframes specified in the agreement, the corporation shall
 959 terminate funds. The corporation shall send a notice of
 960 termination of the local government's share of the local housing
 961 distribution by certified mail to the affected local government.
 962 The notice shall specify the termination date, and any
 963 uncommitted funds held by the affected local government shall be
 964 transferred to the Local Government Housing Trust Fund to the
 965 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

966 b. If the corporation terminates funds to a county, but an
 967 eligible municipality receiving a local housing distribution
 968 pursuant to an interlocal agreement maintains compliance with
 969 program requirements, the corporation shall thereafter

970 distribute directly to the participating eligible municipality
 971 its share calculated in the manner provided in s. 420.9072.

972 c. Any county or eligible municipality whose local
 973 distribution share has been terminated may subsequently elect to
 974 receive directly its local distribution share by adopting the
 975 ordinance, resolution, and local housing assistance plan in the
 976 manner and according to the procedures provided in ss. 420.907-
 977 420.9079.

978 (14) If the corporation determines that a county or
 979 eligible municipality has expended program funds for an
 980 ineligible activity, the corporation shall require such funds to
 981 be repaid to the local housing assistance trust fund. Such
 982 repayment may not be made with funds from State Housing
 983 Initiatives Partnership Program funds.

984 Section 17. Paragraph (h) of subsection (2), subsections
 985 (5) and (6), and paragraph (a) of subsection (7) of section
 986 420.9076, Florida Statutes, are amended to read:

987 420.9076 Adoption of affordable housing incentive
 988 strategies; committees.--

989 (2) The governing board of a county or municipality shall
 990 appoint the members of the affordable housing advisory committee
 991 by resolution. Pursuant to the terms of any interlocal
 992 agreement, a county and municipality may create and jointly
 993 appoint an advisory committee to prepare a joint plan. The
 994 ordinance adopted pursuant to s. 420.9072 which creates the
 995 advisory committee or the resolution appointing the advisory
 996 committee members must provide for 11 committee members and
 997 their terms. The committee must include:

998 (h) One citizen who actively serves on the local planning
999 agency pursuant to s. 163.3174. If the local planning agency is
1000 comprised of the county or municipality commission, the
1001 commission may appoint a designee who is knowledgeable in the
1002 local planning process.

1003
1004 If a county or eligible municipality whether due to its small
1005 size, the presence of a conflict of interest by prospective
1006 appointees, or other reasonable factor, is unable to appoint a
1007 citizen actively engaged in these activities in connection with
1008 affordable housing, a citizen engaged in the activity without
1009 regard to affordable housing may be appointed. Local governments
1010 that receive the minimum allocation under the State Housing
1011 Initiatives Partnership Program may elect to appoint an
1012 affordable housing advisory committee with fewer than 11
1013 representatives if they are unable to find representatives who
1014 meet the criteria of paragraphs (a)-(k).

1015 (5) The approval by the advisory committee of its local
1016 housing incentive strategies recommendations and its review of
1017 local government implementation of previously recommended
1018 strategies must be made by affirmative vote of a majority of the
1019 membership of the advisory committee taken at a public hearing.
1020 Notice of the time, date, and place of the public hearing of the
1021 advisory committee to adopt its evaluation and final local
1022 housing incentive strategies recommendations must be published
1023 in a newspaper of general paid circulation in the county. The
1024 notice must contain a short and concise summary of the
1025 evaluation and local housing incentives strategies

1026 recommendations to be considered by the advisory committee. The
1027 notice must state the public place where a copy of the
1028 evaluation and tentative advisory committee recommendations can
1029 be obtained by interested persons. The final report, evaluation,
1030 and recommendations shall be submitted to the corporation.

1031 (6) Within 90 days after the date of receipt of the
1032 evaluation and local housing incentive strategies
1033 recommendations from the advisory committee, the governing body
1034 of the appointing local government shall adopt an amendment to
1035 its local housing assistance plan to incorporate the local
1036 housing incentive strategies it will implement within its
1037 jurisdiction. The amendment must include, at a minimum, the
1038 local housing incentive strategies required under s.
1039 420.9071(16). The local government must consider the strategies
1040 specified in paragraphs (4)(a)-(k) as recommended by the
1041 advisory committee.

1042 (7) The governing board of the county or the eligible
1043 municipality shall notify the corporation by certified mail of
1044 its adoption of an amendment of its local housing assistance
1045 plan to incorporate local housing incentive strategies. The
1046 notice must include a copy of the approved amended plan.

1047 (a) If the corporation fails to receive timely the
1048 approved amended local housing assistance plan to incorporate
1049 local housing incentive strategies, a notice of termination of
1050 its share of the local housing distribution shall be sent by
1051 certified mail by the corporation to the affected county or
1052 eligible municipality. The notice of termination must specify a
1053 date of termination of the funding if the affected county or

1054 eligible municipality has not adopted an amended local housing
 1055 assistance plan to incorporate local housing incentive
 1056 strategies. If the county or the eligible municipality has not
 1057 adopted an amended local housing assistance plan to incorporate
 1058 local housing incentive strategies by the termination date
 1059 specified in the notice of termination, the local distribution
 1060 share terminates; and any uncommitted local distribution funds
 1061 held by the affected county or eligible municipality in its
 1062 local housing assistance trust fund shall be transferred to the
 1063 Local Government Housing Trust Fund to the credit of the
 1064 corporation to administer the local government housing program
 1065 ~~pursuant to s. 420.9078.~~

1066 Section 18. Section 420.9078, Florida Statutes, is
 1067 repealed.

1068 Section 19. Section 420.9079, Florida Statutes, is amended
 1069 to read:

1070 420.9079 Local Government Housing Trust Fund.--

1071 (1) There is created in the State Treasury the Local
 1072 Government Housing Trust Fund, which shall be administered by
 1073 the corporation on behalf of the department according to the
 1074 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this
 1075 section. There shall be deposited into the fund a portion of the
 1076 documentary stamp tax revenues as provided in s. 201.15, moneys
 1077 received from any other source for the purposes of ss. 420.907-
 1078 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds
 1079 derived from the investment of such moneys. Moneys in the fund
 1080 that are not currently needed for the purposes of the programs
 1081 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~

1082 and this section shall be deposited to the credit of the fund
 1083 and may be invested as provided by law. The interest received on
 1084 any such investment shall be credited to the fund.

1085 (2) The corporation shall administer the fund exclusively
 1086 for the purpose of implementing the programs described in ss.
 1087 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the
 1088 exception of monitoring the activities of counties and eligible
 1089 municipalities to determine local compliance with program
 1090 requirements, the corporation shall not receive appropriations
 1091 from the fund for administrative or personnel costs. For the
 1092 purpose of implementing the compliance monitoring provisions of
 1093 s. 420.9075(9), the corporation may request a maximum of one-
 1094 quarter of 1 percent of the annual appropriation per state
 1095 fiscal year. When such funding is appropriated, the corporation
 1096 shall deduct the amount appropriated prior to calculating the
 1097 local housing distribution pursuant to ss. 420.9072 and
 1098 420.9073.

1099 Section 20. Subsection (12) of section 1001.43, Florida
 1100 Statutes, is amended to read:

1101 1001.43 Supplemental powers and duties of district school
 1102 board.--The district school board may exercise the following
 1103 supplemental powers and duties as authorized by this code or
 1104 State Board of Education rule.

1105 (12) AFFORDABLE HOUSING.--A district school board may use
 1106 portions of school sites purchased within the guidelines of the
 1107 State Requirements for Educational Facilities, land deemed not
 1108 usable for educational purposes because of location or other
 1109 factors, or land declared as surplus by the board to provide

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1110 sites for affordable housing for teachers and other district
1111 personnel and, in areas of critical state concern, for other
1112 essential services personnel as defined by local affordable
1113 housing eligibility requirements, independently or in
1114 conjunction with other agencies as described in subsection (5).

1115 Section 21. This act shall take effect July 1, 2008.