

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; creating s. 193.018, F.S.; providing for the
 9 assessment of property receiving the low-income housing
 10 tax credit; defining the term "community land trust";
 11 providing for the assessment of structural improvements,
 12 condominium parcels, and cooperative parcels on land owned
 13 by a community land trust and used to provide affordable
 14 housing; providing for the conveyance of structural
 15 improvements, condominium parcels, and cooperative parcels
 16 subject to certain conditions; specifying the criteria to
 17 be used in arriving at just valuation of a structural
 18 improvement, condominium parcel, or cooperative parcel;
 19 amending s. 196.196, F.S.; providing additional criteria
 20 for determining whether certain affordable housing
 21 property owned by certain exempt organizations is entitled
 22 to an exemption from ad valorem taxation; providing a
 23 definition; amending s. 196.1978, F.S.; providing that
 24 property owned by certain nonprofit entities or Florida-
 25 based limited partnerships and used or held for the
 26 purpose of providing affordable housing to certain income-
 27 qualified persons is exempt from ad valorem taxation;
 28 revising legislative intent; subjecting organizations

29 | owning certain property to ad valorem taxation under
30 | certain circumstances; providing for tax liens; providing
31 | for penalties and interest; providing an exception;
32 | providing notice requirements; amending s. 212.055, F.S.;
33 | redefining the term "infrastructure" to allow the proceeds
34 | of a local government infrastructure surtax to be used to
35 | purchase land for certain purposes relating to
36 | construction of affordable housing; amending s. 420.503,
37 | F.S.; defining the term "moderate rehabilitation" for
38 | purposes of the Florida Housing Finance Corporation Act;
39 | amending s. 420.5061, F.S.; removing a provision requiring
40 | the Florida Housing Finance Corporation to transfer
41 | certain funds to the General Revenue Fund; amending s.
42 | 420.507, F.S.; providing the corporation with certain
43 | powers relating to developing and administering a grant
44 | program; amending s. 420.5087, F.S.; revising purposes for
45 | which state apartment incentive loans may be used;
46 | amending s. 420.5095, F.S.; providing for the disbursement
47 | of certain Community Workforce Housing Innovation Pilot
48 | Program funds that were awarded but have been declined or
49 | returned; amending s. 420.615, F.S.; revising provisions
50 | relating to comprehensive plan amendments; authorizing
51 | certain persons to challenge the compliance of an
52 | amendment; creating s. 420.628, F.S.; providing
53 | legislative findings and intent; requiring certain
54 | governmental entities to develop and implement strategies
55 | and procedures designed to increase affordable housing
56 | opportunities for young adults who are leaving the child

57 | welfare system; amending s. 420.9071, F.S.; revising and
58 | providing definitions; amending s. 420.9072, F.S.;
59 | conforming a cross-reference; amending s. 420.9073, F.S.;
60 | revising the frequency with which local housing
61 | distributions are to be made by the corporation;
62 | authorizing the corporation to withhold funds from the
63 | total distribution annually for specified purposes;
64 | requiring counties and eligible municipalities that
65 | receive local housing distributions to expend those funds
66 | in a specified manner; amending s. 420.9075, F.S.;
67 | requiring that local housing assistance plans address the
68 | special housing needs of persons with disabilities;
69 | authorizing the corporation to define high-cost counties
70 | and eligible municipalities by rule; authorizing high-cost
71 | counties and certain municipalities to assist persons and
72 | households meeting specific income requirements; revising
73 | requirements to be included in the local housing
74 | assistance plan; requiring counties and certain
75 | municipalities to include certain initiatives and
76 | strategies in the local housing assistance plan; revising
77 | criteria that applies to awards made for the purpose of
78 | providing eligible housing; authorizing and limiting the
79 | percentage of funds from the local housing distribution
80 | that may be used for manufactured housing; extending the
81 | expiration date of an exemption from certain income
82 | requirements in specified areas; authorizing the use of
83 | certain funds for preconstruction activities; providing
84 | that certain costs are a program expense; authorizing

85 | counties and certain municipalities to award grant funds
86 | under certain conditions; providing for the repayment of
87 | funds by the local housing assistance trust fund; amending
88 | s. 420.9076, F.S.; revising appointments to a local
89 | affordable housing advisory committee; revising notice
90 | requirements for public hearings of the advisory
91 | committee; requiring the committee's final report,
92 | evaluation, and recommendations to be submitted to the
93 | corporation; deleting cross-references to conform to
94 | changes made by the act; repealing s. 420.9078, F.S.,
95 | relating to state administration of funds remaining in the
96 | Local Government Housing Trust Fund; amending s. 420.9079,
97 | F.S.; conforming cross-references; creating s. 624.46227,
98 | F.S.; requiring certain public housing authorities to
99 | obtain and maintain property insurance, including coverage
100 | for the peril of wind, for affordable housing owned or
101 | operated in certain areas by the public housing authority;
102 | providing requirements for coverage for the peril of wind;
103 | amending s. 1001.43, F.S.; revising district school board
104 | powers and duties in relation to use of land for
105 | affordable housing in certain areas for certain personnel;
106 | providing an effective date.

107 |
108 | Be It Enacted by the Legislature of the State of Florida:

109 |
110 | Section 1. Paragraph (m) of subsection (3) of section
111 | 125.0104, Florida Statutes, is amended to read:

112 125.0104 Tourist development tax; procedure for levying;
 113 authorized uses; referendum; enforcement.--

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

115 (m)1. In addition to any other tax which is imposed
 116 pursuant to this section, a high tourism impact county may
 117 impose an additional 1-percent tax on the exercise of the
 118 privilege described in paragraph (a) by extraordinary vote of
 119 the governing board of the county. The tax revenues received
 120 pursuant to this paragraph shall be used for one or more of the
 121 authorized uses pursuant to subsection (5). In addition, any
 122 high tourism impact county that is designated as an area of
 123 critical state concern pursuant to chapter 380 may also utilize
 124 revenues received pursuant to this paragraph for affordable or
 125 workforce housing as defined in chapter 420, or for affordable,
 126 workforce, or employee housing as defined in any adopted
 127 comprehensive plan, land development regulation, or local
 128 housing assistance plan. Such authority for the use of revenues
 129 for workforce, affordable, or employee housing shall extend for
 130 10 years after the date of any de-designation of a location as
 131 an area of critical state concern, or for the period of time
 132 required under any bond or other financing issued in accordance
 133 with or based upon the authority granted pursuant to the
 134 provisions of this section. Revenues derived pursuant to this
 135 paragraph shall be bondable in accordance with other laws
 136 regarding revenue bonding. Should a high tourism impact county
 137 designated as an area of critical state concern enact the tax
 138 specified in this paragraph, the revenue generated shall be
 139 distributed among incorporated and unincorporated areas based on

140 the location of the living quarters or accommodations that are
141 leased or rented. However, nothing in this paragraph shall
142 preclude an interlocal agreement between local governments for
143 the use of funds received pursuant to this paragraph in a manner
144 that addresses the provision of affordable and workforce housing
145 opportunities on a regional basis or in accordance with a
146 multijurisdictional housing strategy, program, or policy.

147 2. A county is considered to be a high tourism impact
148 county after the Department of Revenue has certified to such
149 county that the sales subject to the tax levied pursuant to this
150 section exceeded \$600 million during the previous calendar year,
151 or were at least 18 percent of the county's total taxable sales
152 under chapter 212 where the sales subject to the tax levied
153 pursuant to this section were a minimum of \$200 million, except
154 that no county authorized to levy a convention development tax
155 pursuant to s. 212.0305 shall be considered a high tourism
156 impact county. Once a county qualifies as a high tourism impact
157 county, it shall retain this designation for the period the tax
158 is levied pursuant to this paragraph.

159 3. The provisions of paragraphs (4)(a)-(d) shall not apply
160 to the adoption of the additional tax authorized in this
161 paragraph. The effective date of the levy and imposition of the
162 tax authorized under this paragraph shall be the first day of
163 the second month following approval of the ordinance by the
164 governing board or the first day of any subsequent month as may
165 be specified in the ordinance. A certified copy of such
166 ordinance shall be furnished by the county to the Department of
167 Revenue within 10 days after approval of such ordinance.

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

170 159.807 State allocation pool.--

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

177 ~~(b) This subsection does not apply to the Florida Housing~~
 178 ~~Finance Corporation.~~

179 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~
 180 ~~exhausted, is unavailable, or is inadequate to provide an~~
 181 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~
 182 ~~volume limitation from prior years for the same carryforward~~
 183 ~~purpose, as that term is defined in s. 146 of the Code, as the~~
 184 ~~bonds it intends to issue have been completely utilized or have~~
 185 ~~expired.~~

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

190 Section 3. Section 193.018, Florida Statutes, is created
 191 to read:

192 193.018 Land owned by a community land trust used to
 193 provide affordable housing; assessment; structural improvements,
 194 condominium parcels, and cooperative parcels.--

195 (1) As used in this section, the term "community land

196 trust" means a nonprofit entity that is qualified as charitable
 197 under s. 501(c)(3) of the Internal Revenue Code and has as one
 198 of its purposes the acquisition of land to be held in perpetuity
 199 for the primary purpose of providing affordable homeownership.

200 (2) A community land trust may convey structural
 201 improvements, condominium parcels, or cooperative parcels, that
 202 are located on specific parcels of land that are identified by a
 203 legal description contained in and subject to a ground lease
 204 having a term of at least 99 years, for the purpose of providing
 205 affordable housing to natural persons or families who meet the
 206 extremely-low, very-low, low, or moderate income limits
 207 specified in s. 420.0004, or the income limits for workforce
 208 housing, as defined in s. 420.5095(3). A community land trust
 209 shall retain a preemptive option to purchase any structural
 210 improvements, condominium parcels, or cooperative parcels on the
 211 land at a price determined by a formula specified in the ground
 212 lease which is designed to ensure that the structural
 213 improvements, condominium parcels, or cooperative parcels remain
 214 affordable.

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

221 (a) The amount a willing purchase would pay a willing
 222 seller for the land is limited to an amount commensurate with
 223 the terms of the ground lease that restricts the use of the land

224 to the provision of affordable housing in perpetuity.

225 (b) The amount a willing purchaser would pay a willing
 226 seller for resale-restricted improvements, condominium parcels,
 227 or cooperative parcels is limited to the amount determined by
 228 the formula in the ground lease.

229 (c) If the ground lease and all amendments and supplements
 230 thereto, or a memorandum documenting how such lease and
 231 amendments or supplements restrict the price at which the
 232 improvements, condominium parcels, or cooperative parcels may be
 233 sold, is recorded in the official public records of the county
 234 in which the leased land is located, the recorded lease and any
 235 amendments and supplements, or the recorded memorandum, shall be
 236 deemed a land use regulation during the term of the lease as
 237 amended or supplemented.

238 Section 4. Subsection (5) is added to section 196.196,
 239 Florida Statutes, to read:

240 196.196 Determining whether property is entitled to
 241 charitable, religious, scientific, or literary exemption.--

242 (5) Property owned by an exempt organization qualified as
 243 charitable under s. 501(c)(3) of the Internal Revenue Code is
 244 used for a charitable purpose if the organization has taken
 245 affirmative steps to prepare the property to provide affordable
 246 housing to persons or families that meet the extremely-low-
 247 income, very-low-income, low-income, or moderate-income limits,
 248 as specified in s. 420.0004. The term "affirmative steps" means
 249 environmental or land use permitting activities, creation of
 250 architectural plans or schematic drawings, land clearing or site
 251 preparation, construction or renovation activities, or other

252 similar activities that demonstrate a commitment of the property
 253 to providing affordable housing.

254 Section 5. Section 196.1978, Florida Statutes, is amended
 255 to read:

256 196.1978 Affordable housing property exemption.--

257 (1) Property used to provide affordable housing serving
 258 eligible persons as defined by s. 159.603(7) and natural persons
 259 or families meeting the extremely-low-income, very-low-income,
 260 low-income, or moderate-income persons meeting income limits
 261 specified in s. 420.0004 s. 420.0004(8), (10), (11), and (15),
 262 which property is owned entirely by a nonprofit entity that is a
 263 corporation not for profit, qualified as charitable under s.
 264 501(c)(3) of the Internal Revenue Code and in compliance with
 265 Rev. Proc. 96-32, 1996-1 C.B. 717, or a Florida-based limited
 266 partnership, the sole general partner of which is a corporation
 267 not for profit which is qualified as charitable under s.
 268 501(c)(3) of the Internal Revenue Code and which complies with
 269 Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property
 270 owned by an exempt entity and used for a charitable purpose, and
 271 those portions of the affordable housing property which provide
 272 housing to natural persons or families classified as extremely
 273 low income, very low income, low income, or moderate income
 274 under s. 420.0004 individuals with incomes as defined in s.
 275 420.0004(10) and (15) shall be exempt from ad valorem taxation
 276 to the extent authorized in s. 196.196. All property identified
 277 in this section shall comply with the criteria for determination
 278 of exempt status to be applied by property appraisers on an
 279 annual basis as defined in s. 196.195. The Legislature intends

280 that any property owned by a limited liability company or
 281 limited partnership which is disregarded as an entity for
 282 federal income tax purposes pursuant to Treasury Regulation
 283 301.7701-3(b)(1)(ii) shall be treated as owned by its sole
 284 member or sole general partner.

285 (2) If property owned by an organization granted an
 286 exemption under s. 196.196(5) is transferred for a purpose other
 287 than directly providing affordable homeownership or rental
 288 housing to persons or families who meet the extremely-low-
 289 income, very-low-income, low-income, or moderate-income limits,
 290 as specified in s. 420.0004, or is not in actual use to provide
 291 such affordable housing within 5 years after the date the
 292 organization is granted the exemption, the property appraiser
 293 making such determination shall serve upon the organization that
 294 illegally or improperly received the exemption a notice of
 295 intent to record in the public records of the county a notice of
 296 tax lien against any property owned by that organization in the
 297 county, and such property shall be identified in the notice of
 298 tax lien. The organization owning such property is subject to
 299 the taxes otherwise due and owing as a result of the failure to
 300 use the property to provide affordable housing plus 15 percent
 301 interest per annum and a penalty of 50 percent of the taxes
 302 owed. Such lien, when filed, attaches to any property identified
 303 in the notice of tax lien owned by the organization that
 304 illegally or improperly received the exemption. If such
 305 organization no longer owns property in the county but owns
 306 property in any other county in the state, the property
 307 appraiser shall record in each such other county a notice of tax

308 lien identifying the property owned by such organization in such
 309 county which shall become a lien against the identified
 310 property. If an exemption is improperly granted as a result of a
 311 clerical mistake or an omission by the property appraiser, the
 312 organization improperly receiving the exemption shall not be
 313 assessed penalty and interest. Before any such lien may be
 314 filed, the organization so notified must be given 30 days to pay
 315 the taxes, penalties, and interest. The 5-year limitation
 316 specified in this subsection may be extended provided the holder
 317 of the exemption continues to take affirmative steps to develop
 318 the property for the purposes specified in this subsection.

319 Section 6. Paragraph (d) of subsection (2) of section
 320 212.055, Florida Statutes, is amended to read:

321 212.055 Discretionary sales surtaxes; legislative intent;
 322 authorization and use of proceeds.--It is the legislative intent
 323 that any authorization for imposition of a discretionary sales
 324 surtax shall be published in the Florida Statutes as a
 325 subsection of this section, irrespective of the duration of the
 326 levy. Each enactment shall specify the types of counties
 327 authorized to levy; the rate or rates which may be imposed; the
 328 maximum length of time the surtax may be imposed, if any; the
 329 procedure which must be followed to secure voter approval, if
 330 required; the purpose for which the proceeds may be expended;
 331 and such other requirements as the Legislature may provide.
 332 Taxable transactions and administrative procedures shall be as
 333 provided in s. 212.054.

334 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

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

336 subsection and any accrued interest ~~accrued thereto~~ shall be
 337 expended by the school district, ~~or~~ within the county and
 338 municipalities within the county, or, in the case of a
 339 negotiated joint county agreement, within another county, to
 340 finance, plan, and construct infrastructure; ~~and~~ to acquire land
 341 for public recreation, ~~or~~ conservation, ~~or~~ protection of natural
 342 resources; or ~~and~~ to finance the closure of county-owned or
 343 municipally owned solid waste landfills that have been ~~are~~
 344 ~~already~~ closed or are required to be closed ~~close~~ by order of
 345 the Department of Environmental Protection. Any use of the ~~such~~
 346 proceeds or interest for purposes of landfill closure before
 347 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~
 348 any interest may not ~~accrued thereto shall~~ be used for the
 349 operational expenses of ~~any~~ infrastructure, except that a ~~any~~
 350 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and
 351 that is required to close a landfill ~~by order of the Department~~
 352 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest
 353 ~~accrued thereto~~ for long-term maintenance costs associated with
 354 landfill closure. Counties, as defined in s. 125.011 ~~s.~~
 355 ~~125.011(1)~~, and charter counties may, in addition, use the
 356 proceeds or ~~and~~ ~~any~~ interest ~~accrued thereto~~ to retire or
 357 service indebtedness incurred for bonds issued before ~~prior to~~
 358 July 1, 1987, for infrastructure purposes, and for bonds
 359 subsequently issued to refund such bonds. Any use of the ~~such~~
 360 proceeds or interest for purposes of retiring or servicing
 361 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~
 362 July 1, 1999, is ratified.

363 1.2- For the purposes of this paragraph, the term

364 "infrastructure" means:

365 a. Any fixed capital expenditure or fixed capital outlay
 366 associated with the construction, reconstruction, or improvement
 367 of public facilities that have a life expectancy of 5 or more
 368 years and any related land acquisition, land improvement,
 369 design, and engineering costs ~~related thereto~~.

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

375 c. Any expenditure for the construction, lease, or
 376 maintenance of, or provision of utilities or security for,
 377 facilities, as defined in s. 29.008.

378 d. Any fixed capital expenditure or fixed capital outlay
 379 associated with the improvement of private facilities that have
 380 a life expectancy of 5 or more years and that the owner agrees
 381 to make available for use on a temporary basis as needed by a
 382 local government as a public emergency shelter or a staging area
 383 for emergency response equipment during an emergency officially
 384 declared by the state or by the local government under s.
 385 252.38. Such improvements ~~under this sub-subparagraph~~ are
 386 limited to those necessary to comply with current standards for
 387 public emergency evacuation shelters. The owner must ~~shall~~ enter
 388 into a written contract with the local government providing the
 389 improvement funding to make the ~~such~~ private facility available
 390 to the public for purposes of emergency shelter at no cost to
 391 the local government for a minimum ~~period~~ of 10 years after

392 completion of the improvement, with the provision that the ~~such~~
393 obligation will transfer to any subsequent owner until the end
394 of the minimum period.

395 e. Any land expenditure acquisition for a residential
396 housing project in which at least 30 percent of the units are
397 affordable to individuals or families whose total annual
398 household income does not exceed 120 percent of the area median
399 income adjusted for household size, if the land is owned by a
400 local government or by a special district that enters into a
401 written agreement with the local government to provide such
402 housing. The local government or special district may enter into
403 a ground lease with a public or private person or entity for
404 nominal or other consideration for the construction of the
405 residential housing project on land acquired pursuant to this
406 sub-subparagraph.

407 2.3- Notwithstanding any other provision of this
408 subsection, a local government infrastructure discretionary
409 ~~sales~~ surtax imposed or extended after July 1, 1998, the
410 ~~effective date of this act~~ may allocate up to ~~provide for an~~
411 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax
412 ~~proceeds to be allocated~~ for deposit in ~~to~~ a trust fund within
413 the county's accounts created for the purpose of funding
414 economic development projects having ~~of~~ a general public purpose
415 of improving ~~targeted to improve~~ local economies, including the
416 funding of operational costs and incentives related to ~~such~~
417 economic development. The ballot statement must indicate the
418 intention to make an allocation under the authority of this
419 subparagraph.

420 Section 7. Present subsections (25) through (41) of
 421 section 420.503, Florida Statutes, are redesignated as
 422 subsections (26) through (42), respectively, and a new
 423 subsection (25) is added to that section to read:

424 420.503 Definitions.--As used in this part, the term:

425 (25) "Moderate rehabilitation" means repair or restoration
 426 of a dwelling unit when the value of such repair or restoration
 427 is 40 percent or less of the value of the dwelling but not less
 428 than \$10,000 per dwelling unit.

429 Section 8. Section 420.5061, Florida Statutes, is amended
 430 to read:

431 420.5061 Transfer of agency assets and liabilities.--The
 432 corporation is the legal successor in all respects to the
 433 agency, is obligated to the same extent as the agency under any
 434 agreements existing on December 31, 1997, and is entitled to any
 435 rights and remedies previously afforded the agency by law or
 436 contract, including specifically the rights of the agency under
 437 chapter 201 and part VI of chapter 159. Effective January 1,
 438 1998, all references under Florida law to the agency are deemed
 439 to mean the corporation. ~~The corporation shall transfer to the~~
 440 ~~General Revenue Fund an amount which otherwise would have been~~
 441 ~~deducted as a service charge pursuant to s. 215.20(1) if the~~
 442 ~~Florida Housing Finance Corporation Fund established by s.~~
 443 ~~420.508(5), the State Apartment Incentive Loan Fund established~~
 444 ~~by s. 420.5087(7), the Florida Homeownership Assistance Fund~~
 445 ~~established by s. 420.5088(4), the HOME Investment Partnership~~
 446 ~~Fund established by s. 420.5089(1), and the Housing~~
 447 ~~Predevelopment Loan Fund established by s. 420.525(1) were each~~

448 ~~trust funds.~~ For purposes of s. 112.313, the corporation is
 449 deemed to be a continuation of the agency, and the provisions
 450 thereof are deemed to apply as if the same entity remained in
 451 place. Any employees of the agency and agency board members
 452 covered by s. 112.313(9)(a)6. shall continue to be entitled to
 453 the exemption in that subparagraph, notwithstanding being hired
 454 by the corporation or appointed as board members of the
 455 corporation.

456 Section 9. Subsection (47) is added to section 420.507,
 457 Florida Statutes, to read:

458 420.507 Powers of the corporation.--The corporation shall
 459 have all the powers necessary or convenient to carry out and
 460 effectuate the purposes and provisions of this part, including
 461 the following powers which are in addition to all other powers
 462 granted by other provisions of this part:

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

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

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

472 Section 10. Paragraphs (c) and (l) of subsection (6) of
 473 section 420.5087, Florida Statutes, are amended to read:

474 420.5087 State Apartment Incentive Loan Program.--There is
 475 hereby created the State Apartment Incentive Loan Program for

476 the purpose of providing first, second, or other subordinated
477 mortgage loans or loan guarantees to sponsors, including for-
478 profit, nonprofit, and public entities, to provide housing
479 affordable to very-low-income persons.

480 (6) On all state apartment incentive loans, except loans
481 made to housing communities for the elderly to provide for
482 lifesafety, building preservation, health, sanitation, or
483 security-related repairs or improvements, the following
484 provisions shall apply:

485 (c) The corporation shall provide by rule for the
486 establishment of a review committee composed of the department
487 and corporation staff and shall establish by rule a scoring
488 system for evaluation and competitive ranking of applications
489 submitted in this program, including, but not limited to, the
490 following criteria:

491 1. Tenant income and demographic targeting objectives of
492 the corporation.

493 2. Targeting objectives of the corporation which will
494 ensure an equitable distribution of loans between rural and
495 urban areas.

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

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

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

505 b. Forty percent of the units in the project for persons
506 or families who have incomes that do not exceed 60 percent of
507 the state or local median income, whichever is higher, without
508 requiring a greater amount of the loans as provided in this
509 section.

510 5. Provision for tenant counseling.

511 6. Sponsor's agreement to accept rental assistance
512 certificates or vouchers as payment for rent.

513 7. Projects requiring the least amount of a state
514 apartment incentive loan compared to overall project cost except
515 that the share of the loan attributable to units serving
516 extremely-low-income persons shall be excluded from this
517 requirement.

518 8. Local government contributions and local government
519 comprehensive planning and activities that promote affordable
520 housing.

521 9. Project feasibility.

522 10. Economic viability of the project.

523 11. Commitment of first mortgage financing.

524 12. Sponsor's prior experience.

525 13. Sponsor's ability to proceed with construction.

526 14. Projects that directly implement or assist welfare-to-
527 work transitioning.

528 15. Projects that reserve units for extremely-low-income
529 persons.

530 16. Projects that include green building principles,
531 storm-resistant construction, or other elements that reduce
532 long-term costs relating to maintenance, utilities, or
533 insurance.

534 (1) The proceeds of all loans shall be used for new
535 construction, moderate rehabilitation, or substantial
536 rehabilitation which creates or preserves affordable, safe, and
537 sanitary housing units.

538 Section 11. Subsection (17) is added to section 420.5095,
539 Florida Statutes, to read:

540 420.5095 Community Workforce Housing Innovation Pilot
541 Program.--

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

549 (b) Projects shall be given priority for funding when the
550 school district provides the property for the project pursuant
551 to s. 1001.43.

552 (c) Projects shall be given priority for funding when the
553 public-private partnership includes the school district and a
554 national nonprofit organization to provide financial support,
555 technical assistance, and training for community-based
556 revitalization efforts.

557 (d) Projects in counties which had a project selected for
558 funding that declined or returned funds shall be given priority
559 for funding.

560 (e) Projects shall be selected for funding by requests for
561 proposals.

562 Section 12. Subsection (5) of section 420.615, Florida
563 Statutes, is amended to read:

564 420.615 Affordable housing land donation density bonus
565 incentives.--

566 (5) The local government, as part of the approval process,
567 shall adopt a comprehensive plan amendment, pursuant to part II
568 of chapter 163, for the receiving land that incorporates the
569 density bonus. Such amendment shall be deemed by operation of
570 law a small scale amendment, shall be subject only to the
571 requirements of ~~adopted in the manner as required for small-~~
572 ~~scale amendments pursuant to s. 163.3187(1)(c)2. and 3., is not~~
573 subject to the requirements of s. 163.3184(3)-(11)(3)-(6), and
574 is exempt from s. 163.3187(1)(c)1. and the limitation on the
575 frequency of plan amendments as provided in s. 163.3187. An
576 affected person, as defined in s. 163.3184(1), may file a
577 petition for administrative review pursuant to the requirements
578 of s. 163.3187(3) to challenge the compliance of an adopted plan
579 amendment.

580 Section 13. Section 420.628, Florida Statutes, is created
581 to read:

582 420.628 Affordable housing for children and young adults
583 leaving foster care; legislative findings and intent.--

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

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

592 (3) The main barriers to safe and affordable housing for
593 youth aging out of the foster care system are cost, lack of
594 availability, the unwillingness of many landlords to rent to
595 them, and their own lack of knowledge about how to be good
596 tenants.

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

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

607 (6) The Legislature finds that the Road-to-Independence
608 Program, as described in s. 409.1451, is similar to the Job
609 Training Partnership Act for purposes of s. 42(i)(3)(D)(i)(II)
610 of the Internal Revenue Code.

611 (7) The Legislature affirms that young adults

612 transitioning out of foster care are to be considered eligible
 613 persons, as defined in ss. 420.503(17) and 420.9071(10), for
 614 affordable housing purposes and shall be encouraged to
 615 participate in state, federal, and local affordable housing
 616 programs.

617 (8) It is therefore the intent of the Legislature to
 618 encourage the Florida Housing Finance Corporation, State Housing
 619 Initiative Partnership Program agencies, local housing finance
 620 agencies, public housing authorities and their agents,
 621 developers, and other providers of affordable housing to make
 622 affordable housing available to youth transitioning out of
 623 foster care whenever and wherever possible.

624 (9) The Florida Housing Finance Corporation, State Housing
 625 Initiative Partnership Program agencies, local housing finance
 626 agencies, and public housing authorities shall coordinate with
 627 the Department of Children and Family Services and their agents
 628 and community-based care providers who are operating pursuant to
 629 s. 409.1671 to develop and implement strategies and procedures
 630 designed to increase affordable housing opportunities for young
 631 adults who are leaving the child welfare system.

632 Section 14. Subsections (4), (8), (16), and (25) of
 633 section 420.9071, Florida Statutes, are amended, and subsections
 634 (29) and (30) are added to that section, to read:

635 420.9071 Definitions.--As used in ss. 420.907-420.9079,
 636 the term:

637 (4) "Annual gross income" means annual income as defined
 638 under the Section 8 housing assistance payments programs in 24
 639 C.F.R. part 5; annual income as reported under the census long

640 form for the recent available decennial census; ~~or~~ adjusted
641 gross income as defined for purposes of reporting under Internal
642 Revenue Service Form 1040 for individual federal annual income
643 tax purposes or as defined by standard practices used in the
644 lending industry as detailed in the local housing assistance
645 plan and approved by the corporation. Counties and eligible
646 municipalities shall calculate income by annualizing verified
647 sources of income for the household as the amount of income to
648 be received in a household during the 12 months following the
649 effective date of the determination.

650 (8) "Eligible housing" means any real and personal
651 property located within the county or the eligible municipality
652 which is designed and intended for the primary purpose of
653 providing decent, safe, and sanitary residential units that are
654 designed to meet the standards of the Florida Building Code or a
655 predecessor building code adopted under chapter 553, or
656 manufactured housing constructed after June 1994 and installed
657 in accordance with mobile home installation standards of the
658 Department of Highway Safety and Motor Vehicles, for home
659 ownership or rental for eligible persons as designated by each
660 county or eligible municipality participating in the State
661 Housing Initiatives Partnership Program.

662 (16) "Local housing incentive strategies" means local
663 regulatory reform or incentive programs to encourage or
664 facilitate affordable housing production, which include at a
665 minimum, assurance that permits as defined in s. 163.3164(7) and
666 (8) for affordable housing projects are expedited to a greater
667 degree than other projects; an ongoing process for review of

668 local policies, ordinances, regulations, and plan provisions
 669 that increase the cost of housing prior to their adoption; and a
 670 schedule for implementing the incentive strategies. Local
 671 housing incentive strategies may also include other regulatory
 672 reforms, such as those enumerated in s. 420.9076 or those
 673 recommended by the affordable housing advisory committee in its
 674 triennial evaluation and adopted by the local governing body.

675 (25) "Recaptured funds" means funds that are recouped by a
 676 county or eligible municipality in accordance with the recapture
 677 provisions of its local housing assistance plan pursuant to s.
 678 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,
 679 which funds were not used for assistance to an eligible
 680 household for an eligible activity, when there is a ~~who~~ default
 681 on the terms of a grant award or loan award.

682 (29) "Assisted housing" or "assisted housing development"
 683 means a rental housing development, including rental housing in
 684 a mixed-use development, that received or currently receives
 685 funding from any federal or state housing program.

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

691 Section 15. Subsection (6) of section 420.9072, Florida
 692 Statutes, is amended to read:

693 420.9072 State Housing Initiatives Partnership
 694 Program.--The State Housing Initiatives Partnership Program is
 695 created for the purpose of providing funds to counties and

696 eligible municipalities as an incentive for the creation of
 697 local housing partnerships, to expand production of and preserve
 698 affordable housing, to further the housing element of the local
 699 government comprehensive plan specific to affordable housing,
 700 and to increase housing-related employment.

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

706 Section 16. Subsections (1) and (2) of section 420.9073,
 707 Florida Statutes, are amended, and subsections (5), (6), and (7)
 708 are added to that section, to read:

709 420.9073 Local housing distributions.--

710 (1) Distributions calculated in this section shall be
 711 disbursed on a quarterly or more frequent ~~monthly~~ basis by the
 712 corporation ~~beginning the first day of the month after program~~
 713 ~~approval~~ pursuant to s. 420.9072, subject to availability of
 714 funds. Each county's share of the funds to be distributed from
 715 the portion of the funds in the Local Government Housing Trust
 716 Fund received pursuant to s. 201.15(9) shall be calculated by
 717 the corporation for each fiscal year as follows:

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

722 (b) Each county other than a county that has implemented
 723 the provisions of chapter 83-220, Laws of Florida, as amended by

724 chapters 84-270, 86-152, and 89-252, Laws of Florida, may
 725 receive an additional share calculated as follows:

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

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

734 3. For each county in which the result in subparagraph 1.
 735 is greater than the guaranteed amount as determined in
 736 subsection (3), the amount calculated in subparagraph 1. shall
 737 be reduced by the guaranteed amount. The result for each such
 738 county shall be expressed as a percentage of the amounts so
 739 determined for all counties. Each such county shall receive an
 740 additional share equal to such percentage multiplied by the
 741 total funds received by the Local Government Housing Trust Fund
 742 pursuant to s. 201.15(9) reduced by the guaranteed amount paid
 743 to all counties.

744 (2) ~~Effective July 1, 1995,~~ Distributions calculated in
 745 this section shall be disbursed on a quarterly or more frequent
 746 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~
 747 ~~month after program approval~~ pursuant to s. 420.9072, subject to
 748 availability of funds. Each county's share of the funds to be
 749 distributed from the portion of the funds in the Local
 750 Government Housing Trust Fund received pursuant to s. 201.15(10)

751 shall be calculated by the corporation for each fiscal year as
 752 follows:

753 (a) Each county shall receive the guaranteed amount for
 754 each fiscal year.

755 (b) Each county may receive an additional share calculated
 756 as follows:

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

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

762 3. For each county in which the result in subparagraph 1.
 763 is greater than the guaranteed amount, the amount calculated in
 764 subparagraph 1. shall be reduced by the guaranteed amount. The
 765 result for each such county shall be expressed as a percentage
 766 of the amounts so determined for all counties. Each such county
 767 shall receive an additional share equal to this percentage
 768 multiplied by the total funds received by the Local Government
 769 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
 770 guaranteed amount paid to all counties.

771 (5) Notwithstanding subsections (1)-(4), the corporation
 772 is authorized to withhold up to \$5 million from the total
 773 distribution each fiscal year to provide additional funding to
 774 counties and eligible municipalities in which a state of
 775 emergency has been declared by the Governor pursuant to chapter
 776 252. Any portion of such funds not distributed under this
 777 subsection by the end of the fiscal year shall be distributed as
 778 provided in this section.

779 (6) Notwithstanding subsections (1)-(4), the corporation
 780 is authorized to withhold up to \$5 million from the total
 781 distribution each fiscal year to provide funding to counties and
 782 eligible municipalities to purchase properties subject to a
 783 State Housing Initiative Partnership Program lien and on which
 784 foreclosure proceedings have been initiated by any mortgagee.
 785 Each county and eligible municipality that receives funds under
 786 this subsection shall repay such funds to the corporation not
 787 later than the expenditure deadline for the fiscal year in which
 788 the funds were awarded. Amounts not repaid shall be withheld
 789 from the subsequent year's distribution. Any portion of such
 790 funds not distributed under this subsection by the end of the
 791 fiscal year shall be distributed as provided in this section.

792 (7) A county or eligible municipality that receives local
 793 housing distributions pursuant to this section shall expend
 794 those funds in accordance with the provisions of ss. 420.907-
 795 420.9079, corporation rule, and its local housing assistance
 796 plan.

797 Section 17. Subsections (1), (3), (5), and (8), paragraphs
 798 (a) and (h) of subsection (10), and paragraph (b) of subsection
 799 (13) of section 420.9075, Florida Statutes, are amended, and
 800 subsection (14) is added to that section, to read:

801 420.9075 Local housing assistance plans; partnerships.--

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

807 have special housing needs, including, but not limited to,
808 homeless people, the elderly, ~~and~~ migrant farmworkers, and
809 persons with disabilities. High-cost counties or eligible
810 municipalities as defined by rule of the corporation may include
811 strategies to assist persons and households having annual
812 incomes of not more than 140 percent of area median income. The
813 plans are intended to increase the availability of affordable
814 residential units by combining local resources and cost-saving
815 measures into a local housing partnership and using private and
816 public funds to reduce the cost of housing.

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

818 1. Implement local housing assistance strategies for the
819 provision of affordable housing.

820 2. Supplement funds available to the corporation to
821 provide enhanced funding of state housing programs within the
822 county or the eligible municipality.

823 3. Provide the local matching share of federal affordable
824 housing grants or programs.

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

828 5. Further the housing element of the local government
829 comprehensive plan adopted pursuant to s. 163.3184, specific to
830 affordable housing.

831 (3)(a) Each local housing assistance plan shall include a
832 definition of essential service personnel for the county or
833 eligible municipality, including, but not limited to, teachers
834 and educators, other school district, community college, and

835 university employees, police and fire personnel, health care
836 personnel, skilled building trades personnel, and other job
837 categories.

838 (b) Each county and each eligible municipality is
839 encouraged to develop a strategy within its local housing
840 assistance plan that emphasizes the recruitment and retention of
841 essential service personnel. The local government is encouraged
842 to involve public and private sector employers. Compliance with
843 the eligibility criteria established under this strategy shall
844 be verified by the county or eligible municipality.

845 (c) Each county and each eligible municipality is
846 encouraged to develop a strategy within its local housing
847 assistance plan that addresses the needs of persons who are
848 deprived of affordable housing due to the closure of a mobile
849 home park or the conversion of affordable rental units to
850 condominiums.

851 (d) Each county and each eligible municipality shall
852 describe initiatives in the local housing assistance plan to
853 encourage or require innovative design, green building
854 principles, storm-resistant construction, or other elements that
855 reduce long-term costs relating to maintenance, utilities, or
856 insurance.

857 (e) Each county and each eligible municipality is
858 encouraged to develop a strategy within its local housing
859 assistance plan that provides program funds for the preservation
860 of assisted housing.

861 (5) The following criteria apply to awards made to
862 eligible sponsors or eligible persons for the purpose of
863 providing eligible housing:

864 (a) At least 65 percent of the funds made available in
865 each county and eligible municipality from the local housing
866 distribution must be reserved for home ownership for eligible
867 persons.

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

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

875 (d)-(e) The sales price or value of new or existing
876 eligible housing may not exceed 90 percent of the average area
877 purchase price in the statistical area in which the eligible
878 housing is located. Such average area purchase price may be that
879 calculated for any 12-month period beginning not earlier than
880 the fourth calendar year prior to the year in which the award
881 occurs or as otherwise established by the United States
882 Department of the Treasury.

883 (e)-(d)1. All units constructed, rehabilitated, or
884 otherwise assisted with the funds provided from the local
885 housing assistance trust fund must be occupied by very-low-
886 income persons, low-income persons, and moderate-income persons
887 except as otherwise provided in this section.

888 2. At least 30 percent of the funds deposited into the
889 local housing assistance trust fund must be reserved for awards
890 to very-low-income persons or eligible sponsors who will serve
891 very-low-income persons and at least an additional 30 percent of
892 the funds deposited into the local housing assistance trust fund
893 must be reserved for awards to low-income persons or eligible
894 sponsors who will serve low-income persons. This subparagraph
895 does not apply to a county or an eligible municipality that
896 includes, or has included within the previous 5 years, an area
897 of critical state concern designated or ratified by the
898 Legislature for which the Legislature has declared its intent to
899 provide affordable housing. The exemption created by this act
900 expires on July 1, 2013 ~~2008~~.

901 (f) ~~(e)~~ Loans shall be provided for periods not exceeding
902 30 years, except for deferred payment loans or loans that extend
903 beyond 30 years which continue to serve eligible persons.

904 (g) ~~(f)~~ Loans or grants for eligible rental housing
905 constructed, rehabilitated, or otherwise assisted from the local
906 housing assistance trust fund must be subject to recapture
907 requirements as provided by the county or eligible municipality
908 in its local housing assistance plan unless reserved for
909 eligible persons for 15 years or the term of the assistance,
910 whichever period is longer. Eligible sponsors that offer rental
911 housing for sale before 15 years or that have remaining
912 mortgages funded under this program must give a first right of
913 refusal to eligible nonprofit organizations for purchase at the
914 current market value for continued occupancy by eligible
915 persons.

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

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

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

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

933 (l)~~(k)~~ Funds from the local housing distribution not used
934 to meet the criteria established in paragraph (a) or paragraph
935 (b) or not used for the administration of a local housing
936 assistance plan must be used for housing production and finance
937 activities, including, but not limited to, financing
938 preconstruction activities or the purchase of existing units,
939 providing rental housing, and providing home ownership training
940 to prospective home buyers and owners of homes assisted through
941 the local housing assistance plan.

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

945 2. When preconstruction due diligence activities conducted
946 as part of a preservation strategy show that preservation of the
947 units is not feasible and will not result in the production of
948 an eligible unit, such costs shall be deemed a program expense
949 rather than an administrative expense if such program expenses
950 do not exceed 3 percent of the annual local housing
951 distribution.

952 3. If both an award under the local housing assistance
953 plan and federal low-income housing tax credits are used to
954 assist a project and there is a conflict between the criteria
955 prescribed in this subsection and the requirements of s. 42 of
956 the Internal Revenue Code of 1986, as amended, the county or
957 eligible municipality may resolve the conflict by giving
958 precedence to the requirements of s. 42 of the Internal Revenue
959 Code of 1986, as amended, in lieu of following the criteria
960 prescribed in this subsection with the exception of paragraphs
961 (a) and (e) ~~(d)~~ of this subsection.

962 4. Each county and each eligible municipality may award
963 funds as a grant for construction, rehabilitation, or repair as
964 part of disaster recovery or emergency repairs or to remedy
965 accessibility or health and safety deficiencies. Any other
966 grants must be approved as part of the local housing assistance
967 plan.

968 (8) Pursuant to s. 420.531, the corporation shall provide
969 training and technical assistance to local governments regarding

970 the creation of partnerships, the design of local housing
971 assistance strategies, the implementation of local housing
972 incentive strategies, and the provision of support services.

973 (10) Each county or eligible municipality shall submit to
974 the corporation by September 15 of each year a report of its
975 affordable housing programs and accomplishments through June 30
976 immediately preceding submittal of the report. The report shall
977 be certified as accurate and complete by the local government's
978 chief elected official or his or her designee. Transmittal of
979 the annual report by a county's or eligible municipality's chief
980 elected official, or his or her designee, certifies that the
981 local housing incentive strategies, or, if applicable, the local
982 housing incentive plan, have been implemented or are in the
983 process of being implemented pursuant to the adopted schedule
984 for implementation. The report must include, but is not limited
985 to:

986 (a) The number of households served by income category,
987 age, family size, and race, and data regarding any special needs
988 populations such as farmworkers, homeless persons, persons with
989 disabilities, and the elderly. Counties shall report this
990 information separately for households served in the
991 unincorporated area and each municipality within the county.

992 (h) Such other data or affordable housing accomplishments
993 considered significant by the reporting county or eligible
994 municipality or by the corporation.

995 (13)

996 (b) If, as a result of its review of the annual report,
997 the corporation determines that a county or eligible

998 municipality has failed to implement a local housing incentive
 999 strategy, or, if applicable, a local housing incentive plan, it
 1000 shall send a notice of termination of the local government's
 1001 share of the local housing distribution by certified mail to the
 1002 affected county or eligible municipality.

1003 1. The notice must specify a date of termination of the
 1004 funding if the affected county or eligible municipality does not
 1005 implement the plan or strategy and provide for a local response.
 1006 A county or eligible municipality shall respond to the
 1007 corporation within 30 days after receipt of the notice of
 1008 termination.

1009 2. The corporation shall consider the local response that
 1010 extenuating circumstances precluded implementation and grant an
 1011 extension to the timeframe for implementation. Such an extension
 1012 shall be made in the form of an extension agreement that
 1013 provides a timeframe for implementation. The chief elected
 1014 official of a county or eligible municipality or his or her
 1015 designee shall have the authority to enter into the agreement on
 1016 behalf of the local government.

1017 3. If the county or the eligible municipality has not
 1018 implemented the incentive strategy or entered into an extension
 1019 agreement by the termination date specified in the notice, the
 1020 local housing distribution share terminates, and any uncommitted
 1021 local housing distribution funds held by the affected county or
 1022 eligible municipality in its local housing assistance trust fund
 1023 shall be transferred to the Local Government Housing Trust Fund
 1024 to the credit of the corporation to administer ~~pursuant to s.~~
 1025 ~~420.9078.~~

1026 4.a. If the affected local government fails to meet the
 1027 timeframes specified in the agreement, the corporation shall
 1028 terminate funds. The corporation shall send a notice of
 1029 termination of the local government's share of the local housing
 1030 distribution by certified mail to the affected local government.
 1031 The notice shall specify the termination date, and any
 1032 uncommitted funds held by the affected local government shall be
 1033 transferred to the Local Government Housing Trust Fund to the
 1034 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

1035 b. If the corporation terminates funds to a county, but an
 1036 eligible municipality receiving a local housing distribution
 1037 pursuant to an interlocal agreement maintains compliance with
 1038 program requirements, the corporation shall thereafter
 1039 distribute directly to the participating eligible municipality
 1040 its share calculated in the manner provided in s. 420.9072.

1041 c. Any county or eligible municipality whose local
 1042 distribution share has been terminated may subsequently elect to
 1043 receive directly its local distribution share by adopting the
 1044 ordinance, resolution, and local housing assistance plan in the
 1045 manner and according to the procedures provided in ss. 420.907-
 1046 420.9079.

1047 (14) If the corporation determines that a county or
 1048 eligible municipality has expended program funds for an
 1049 ineligible activity, the corporation shall require such funds to
 1050 be repaid to the local housing assistance trust fund. Such
 1051 repayment may not be made with funds from State Housing
 1052 Initiatives Partnership Program funds.

1053 Section 18. Paragraph (h) of subsection (2), subsections
 1054 (5) and (6), and paragraph (a) of subsection (7) of section
 1055 420.9076, Florida Statutes, are amended to read:

1056 420.9076 Adoption of affordable housing incentive
 1057 strategies; committees.--

1058 (2) The governing board of a county or municipality shall
 1059 appoint the members of the affordable housing advisory committee
 1060 by resolution. Pursuant to the terms of any interlocal
 1061 agreement, a county and municipality may create and jointly
 1062 appoint an advisory committee to prepare a joint plan. The
 1063 ordinance adopted pursuant to s. 420.9072 which creates the
 1064 advisory committee or the resolution appointing the advisory
 1065 committee members must provide for 11 committee members and
 1066 their terms. The committee must include:

1067 (h) One citizen who actively serves on the local planning
 1068 agency pursuant to s. 163.3174. If the local planning agency is
 1069 comprised of the county or municipality commission, the
 1070 commission may appoint a designee who is knowledgeable in the
 1071 local planning process.

1072
 1073 If a county or eligible municipality whether due to its small
 1074 size, the presence of a conflict of interest by prospective
 1075 appointees, or other reasonable factor, is unable to appoint a
 1076 citizen actively engaged in these activities in connection with
 1077 affordable housing, a citizen engaged in the activity without
 1078 regard to affordable housing may be appointed. Local governments
 1079 that receive the minimum allocation under the State Housing
 1080 Initiatives Partnership Program may elect to appoint an

1081 affordable housing advisory committee with fewer than 11
1082 representatives if they are unable to find representatives who
1083 meet the criteria of paragraphs (a)-(k).

1084 (5) The approval by the advisory committee of its local
1085 housing incentive strategies recommendations and its review of
1086 local government implementation of previously recommended
1087 strategies must be made by affirmative vote of a majority of the
1088 membership of the advisory committee taken at a public hearing.
1089 Notice of the time, date, and place of the public hearing of the
1090 advisory committee to adopt its evaluation and final local
1091 housing incentive strategies recommendations must be published
1092 in a newspaper of general paid circulation in the county. The
1093 notice must contain a short and concise summary of the
1094 evaluation and local housing incentives strategies
1095 recommendations to be considered by the advisory committee. The
1096 notice must state the public place where a copy of the
1097 evaluation and tentative advisory committee recommendations can
1098 be obtained by interested persons. The final report, evaluation,
1099 and recommendations shall be submitted to the corporation.

1100 (6) Within 90 days after the date of receipt of the
1101 evaluation and local housing incentive strategies
1102 recommendations from the advisory committee, the governing body
1103 of the appointing local government shall adopt an amendment to
1104 its local housing assistance plan to incorporate the local
1105 housing incentive strategies it will implement within its
1106 jurisdiction. The amendment must include, at a minimum, the
1107 local housing incentive strategies required under s.
1108 420.9071(16). The local government must consider the strategies

1109 specified in paragraphs (4) (a) - (k) as recommended by the
 1110 advisory committee.

1111 (7) The governing board of the county or the eligible
 1112 municipality shall notify the corporation by certified mail of
 1113 its adoption of an amendment of its local housing assistance
 1114 plan to incorporate local housing incentive strategies. The
 1115 notice must include a copy of the approved amended plan.

1116 (a) If the corporation fails to receive timely the
 1117 approved amended local housing assistance plan to incorporate
 1118 local housing incentive strategies, a notice of termination of
 1119 its share of the local housing distribution shall be sent by
 1120 certified mail by the corporation to the affected county or
 1121 eligible municipality. The notice of termination must specify a
 1122 date of termination of the funding if the affected county or
 1123 eligible municipality has not adopted an amended local housing
 1124 assistance plan to incorporate local housing incentive
 1125 strategies. If the county or the eligible municipality has not
 1126 adopted an amended local housing assistance plan to incorporate
 1127 local housing incentive strategies by the termination date
 1128 specified in the notice of termination, the local distribution
 1129 share terminates; and any uncommitted local distribution funds
 1130 held by the affected county or eligible municipality in its
 1131 local housing assistance trust fund shall be transferred to the
 1132 Local Government Housing Trust Fund to the credit of the
 1133 corporation to administer the local government housing program
 1134 ~~pursuant to s. 420.9078.~~

1135 Section 19. Section 420.9078, Florida Statutes, is
 1136 repealed.

1137 Section 20. Section 420.9079, Florida Statutes, is amended
 1138 to read:

1139 420.9079 Local Government Housing Trust Fund.--

1140 (1) There is created in the State Treasury the Local
 1141 Government Housing Trust Fund, which shall be administered by
 1142 the corporation on behalf of the department according to the
 1143 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this
 1144 section. There shall be deposited into the fund a portion of the
 1145 documentary stamp tax revenues as provided in s. 201.15, moneys
 1146 received from any other source for the purposes of ss. 420.907-
 1147 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds
 1148 derived from the investment of such moneys. Moneys in the fund
 1149 that are not currently needed for the purposes of the programs
 1150 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~
 1151 and this section shall be deposited to the credit of the fund
 1152 and may be invested as provided by law. The interest received on
 1153 any such investment shall be credited to the fund.

1154 (2) The corporation shall administer the fund exclusively
 1155 for the purpose of implementing the programs described in ss.
 1156 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the
 1157 exception of monitoring the activities of counties and eligible
 1158 municipalities to determine local compliance with program
 1159 requirements, the corporation shall not receive appropriations
 1160 from the fund for administrative or personnel costs. For the
 1161 purpose of implementing the compliance monitoring provisions of
 1162 s. 420.9075(9), the corporation may request a maximum of one-
 1163 quarter of 1 percent of the annual appropriation per state
 1164 fiscal year. When such funding is appropriated, the corporation

1165 shall deduct the amount appropriated prior to calculating the
 1166 local housing distribution pursuant to ss. 420.9072 and
 1167 420.9073.

1168 Section 21. Section 624.46227, Florida Statutes, is
 1169 created to read:

1170 624.46227 Public housing authorities; insurance covering
 1171 the peril of wind.--

1172 (1) Property insurance, including coverage for the peril
 1173 of wind, shall be obtained and maintained on any affordable
 1174 housing that is:

1175 (a) Owned or operated by a public housing authority as
 1176 defined in chapter 421; and

1177 (b) Located in areas eligible for coverage in the Florida
 1178 Windstorm Underwriting Association, as those areas were defined
 1179 on January 1, 2002, or located in the area within Port
 1180 Canaveral, which is bordered on the south by the City of Cape
 1181 Canaveral, bordered on the west by the Banana River, and
 1182 bordered on the north by Federal Government property.

1183 (2) Coverage for the peril of wind, as required by this
 1184 section, must be based on a minimum of a 1-in-250-year storm
 1185 model approved by the Florida Commission on Hurricane Loss
 1186 Projection Methodology.

1187 Section 22. Subsection (12) of section 1001.43, Florida
 1188 Statutes, is amended to read:

1189 1001.43 Supplemental powers and duties of district school
 1190 board.--The district school board may exercise the following
 1191 supplemental powers and duties as authorized by this code or
 1192 State Board of Education rule.

1193 (12) AFFORDABLE HOUSING.--A district school board may use
1194 portions of school sites purchased within the guidelines of the
1195 State Requirements for Educational Facilities, land deemed not
1196 usable for educational purposes because of location or other
1197 factors, or land declared as surplus by the board to provide
1198 sites for affordable housing for teachers and other district
1199 personnel and, in areas of critical state concern, for other
1200 essential services personnel as defined by local affordable
1201 housing eligibility requirements, independently or in
1202 conjunction with other agencies as described in subsection (5).
1203 Section 23. This act shall take effect July 1, 2008.