

By Senator Bennett

21-01488-09

20091040__

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
4 certain tax revenues for workforce, affordable, and
5 employee housing; amending s. 159.807, F.S.; providing
6 limitations on the Florida Housing Finance
7 Corporation's access to the state allocation pool;
8 deleting a provision exempting the corporation from
9 the applicability of certain uses of the state
10 allocation pool and revising language relating to such
11 uses; creating s. 193.018, F.S.; providing for the
12 assessment of property receiving the low-income
13 housing tax credit; defining the term "community land
14 trust"; providing for the assessment of structural
15 improvements, condominium parcels, and cooperative
16 parcels on land owned by a community land trust and
17 used to provide affordable housing; providing for the
18 conveyance of structural improvements, condominium
19 parcels, and cooperative parcels subject to certain
20 conditions; specifying the criteria to be used in
21 arriving at just valuation of a structural
22 improvement, condominium parcel, or cooperative
23 parcel; amending s. 196.196, F.S.; providing
24 additional criteria for determining whether certain
25 affordable housing property owned by certain exempt
26 organizations is entitled to an exemption from ad
27 valorem taxation; providing a definition; amending s.
28 196.1978, F.S.; providing that property owned by
29 certain nonprofit entities or Florida-based limited

21-01488-09

20091040__

30 partnerships and used or held for the purpose of
31 providing affordable housing to certain income-
32 qualified persons is exempt from ad valorem taxation;
33 revising legislative intent; subjecting organizations
34 owning certain property to ad valorem taxation under
35 certain circumstances; providing for tax liens;
36 providing for penalties and interest; providing an
37 exception; providing notice requirements; amending s.
38 212.055, F.S.; redefining the term "infrastructure" to
39 allow the proceeds of a local government
40 infrastructure surtax to be used to purchase land for
41 certain purposes relating to construction of
42 affordable housing; amending s. 420.503, F.S.;
43 defining the term "moderate rehabilitation" for
44 purposes of the Florida Housing Finance Corporation
45 Act; amending s. 420.5061, F.S.; removing a provision
46 requiring the Florida Housing Finance Corporation to
47 transfer certain funds to the General Revenue Fund;
48 amending s. 420.507, F.S.; providing the corporation
49 with certain powers relating to developing and
50 administering a grant program; amending s. 420.5087,
51 F.S.; revising purposes for which state apartment
52 incentive loans may be used; amending s. 420.5095,
53 F.S.; providing for the disbursement of certain
54 Community Workforce Housing Innovation Pilot Program
55 funds that were awarded but have been declined or
56 returned; amending s. 420.615, F.S.; revising
57 provisions relating to comprehensive plan amendments;
58 authorizing certain persons to challenge the

21-01488-09

20091040__

59 compliance of an amendment; creating s. 420.628, F.S.;

60 providing legislative findings and intent; requiring

61 certain governmental entities to develop and implement

62 strategies and procedures designed to increase

63 affordable housing opportunities for young adults who

64 are leaving the child welfare system; amending s.

65 420.9071, F.S.; revising and providing definitions;

66 amending s. 420.9072, F.S.; conforming a cross-

67 reference; amending s. 420.9073, F.S.; revising the

68 frequency with which local housing distributions are

69 to be made by the corporation; authorizing the

70 corporation to withhold funds from the total

71 distribution annually for specified purposes;

72 requiring counties and eligible municipalities that

73 receive local housing distributions to expend those

74 funds in a specified manner; amending s. 420.9075,

75 F.S.; requiring that local housing assistance plans

76 address the special housing needs of persons with

77 disabilities; authorizing the corporation to define

78 high-cost counties and eligible municipalities by

79 rule; authorizing high-cost counties and certain

80 municipalities to assist persons and households

81 meeting specific income requirements; revising

82 requirements to be included in the local housing

83 assistance plan; requiring counties and certain

84 municipalities to include certain initiatives and

85 strategies in the local housing assistance plan;

86 revising criteria that applies to awards made for the

87 purpose of providing eligible housing; authorizing and

21-01488-09

20091040__

88 limiting the percentage of funds from the local
89 housing distribution that may be used for manufactured
90 housing; extending the expiration date of an exemption
91 from certain income requirements in specified areas;
92 authorizing the use of certain funds for
93 preconstruction activities; providing that certain
94 costs are a program expense; authorizing counties and
95 certain municipalities to award grant funds under
96 certain conditions; providing for the repayment of
97 funds by the local housing assistance trust fund;
98 amending s. 420.9076, F.S.; revising appointments to a
99 local affordable housing advisory committee; revising
100 notice requirements for public hearings of the
101 advisory committee; requiring the committee's final
102 report, evaluation, and recommendations to be
103 submitted to the corporation; deleting cross-
104 references to conform to changes made by the act;
105 repealing s. 420.9078, F.S., relating to state
106 administration of funds remaining in the Local
107 Government Housing Trust Fund; amending s. 420.9079,
108 F.S.; conforming cross-references; amending s.
109 1001.43, F.S.; revising district school board powers
110 and duties in relation to use of land for affordable
111 housing in certain areas for certain personnel;
112 providing an effective date.

113
114 Be It Enacted by the Legislature of the State of Florida:

115
116 Section 1. Paragraph (m) of subsection (3) of section

21-01488-09

20091040__

117 125.0104, Florida Statutes, is amended to read:

118 125.0104 Tourist development tax; procedure for levying;
119 authorized uses; referendum; enforcement.—

120 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

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

21-01488-09

20091040__

146 commission does not enact such an ordinance, the revenue
147 generated shall be distributed among incorporated and
148 unincorporated areas based on the location of the living
149 quarters or accommodations that are leased or rented. However,
150 nothing in this paragraph shall preclude an interlocal agreement
151 between local governments for the use of funds received pursuant
152 to this paragraph in a manner that addresses the provision of
153 affordable and workforce housing opportunities on a regional
154 basis or in accordance with a multijurisdictional housing
155 strategy, program, or policy.

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

168 3. The provisions of paragraphs (4) (a)-(d) shall not apply
169 to the adoption of the additional tax authorized in this
170 paragraph. The effective date of the levy and imposition of the
171 tax authorized under this paragraph shall be the first day of
172 the second month following approval of the ordinance by the
173 governing board or the first day of any subsequent month as may
174 be specified in the ordinance. A certified copy of such

21-01488-09

20091040__

175 ordinance shall be furnished by the county to the Department of
176 Revenue within 10 days after approval of such ordinance.

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

179 159.807 State allocation pool.—

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

186 (b) Notwithstanding the provisions of paragraph (a), on or
187 before November 15 of each year, the Florida Housing Finance
188 Corporation's access to the state allocation pool is limited to
189 the amount of the corporation's initial allocation under s.
190 159.804. Thereafter, the corporation may not receive more than
191 80 percent of the amount in the state allocation pool on
192 November 16 of each year, and may not receive more than 80
193 percent of any additional amounts that become available during
194 the remainder of the calendar year, provided the limitations set
195 forth in this paragraph shall not apply to the allocation of
196 state volume limitation to the Florida Housing Finance
197 Corporation pursuant to s. 159.81(2) (b), (c), or (d). This
198 subsection does not apply to the Florida Housing Finance
199 Corporation:

200 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~
201 ~~exhausted, is unavailable, or is inadequate to provide an~~
202 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~
203 ~~volume limitation from prior years for the same carryforward~~

21-01488-09

20091040__

204 ~~purpose, as that term is defined in s. 146 of the Code, as the~~
205 ~~bonds it intends to issue have been completely utilized or have~~
206 ~~expired.~~

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

211 Section 3. Section 193.018, Florida Statutes, is created to
212 read:

213 193.018 Land owned by a community land trust used to
214 provide affordable housing; assessment; structural improvements,
215 condominium parcels, and cooperative parcels.-

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

221 (2) A community land trust may convey structural
222 improvements, condominium parcels, or cooperative parcels, that
223 are located on specific parcels of land that are identified by a
224 legal description contained in and subject to a ground lease
225 having a term of at least 99 years, for the purpose of providing
226 affordable housing to natural persons or families who meet the
227 extremely-low-income, very-low-income, low-income, or moderate-
228 income limits specified in s. 420.0004, or the income limits for
229 workforce housing, as defined in s. 420.5095(3). A community
230 land trust shall retain a preemptive option to purchase any
231 structural improvements, condominium parcels, or cooperative
232 parcels on the land at a price determined by a formula specified

21-01488-09

20091040__

233 in the ground lease which is designed to ensure that the
234 structural improvements, condominium parcels, or cooperative
235 parcels remain affordable.

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

242 (a) The amount a willing purchaser would pay a willing
243 seller for the land is limited to an amount commensurate with
244 the terms of the ground lease that restricts the use of the land
245 to the provision of affordable housing in perpetuity.

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

250 (c) If the ground lease and all amendments and supplements
251 thereto, or a memorandum documenting how such lease and
252 amendments or supplements restrict the price at which the
253 improvements, condominium parcels, or cooperative parcels may be
254 sold, is recorded in the official public records of the county
255 in which the leased land is located, the recorded lease and any
256 amendments and supplements, or the recorded memorandum, shall be
257 deemed a land use regulation during the term of the lease as
258 amended or supplemented.

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

261 196.196 Determining whether property is entitled to

21-01488-09

20091040__

262 charitable, religious, scientific, or literary exemption.-

263 (5) Property owned by an exempt organization qualified as
264 charitable under s. 501(c)(3) of the Internal Revenue Code is
265 used for a charitable purpose if the organization has taken
266 affirmative steps to prepare the property to provide affordable
267 housing to persons or families that meet the extremely-low-
268 income, very-low-income, low-income, or moderate-income limits,
269 as specified in s. 420.0004. The term "affirmative steps" means
270 environmental or land use permitting activities, creation of
271 architectural plans or schematic drawings, land clearing or site
272 preparation, construction or renovation activities, or other
273 similar activities that demonstrate a commitment of the property
274 to providing affordable housing.

275 Section 5. Section 196.1978, Florida Statutes, is amended
276 to read:

277 196.1978 Affordable housing property exemption.-

278 (1) Property used to provide affordable housing serving
279 eligible persons as defined by s. 159.603(7) and natural persons
280 or families meeting the extremely-low-income, very-low-income,
281 low-income, or moderate-income ~~persons meeting income~~ limits
282 specified in s. 420.0004 ~~s. 420.0004(8), (10), (11), and (15),~~
283 which property is owned entirely by a nonprofit entity that is a
284 corporation not for profit, qualified as charitable under s.
285 501(c)(3) of the Internal Revenue Code and in compliance with
286 Rev. Proc. 96-32, 1996-1 C.B. 717, or a Florida-based limited
287 partnership, the sole general partner of which is a corporation
288 not for profit which is qualified as charitable under s.
289 501(c)(3) of the Internal Revenue Code and which complies with
290 Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property

21-01488-09

20091040__

291 owned by an exempt entity and used for a charitable purpose, and
292 those portions of the affordable housing property which provide
293 housing to natural persons or families classified as extremely
294 low income, very low income, low income, or moderate income
295 under s. 420.0004 ~~individuals with incomes as defined in s.~~
296 ~~420.0004(10) and (15)~~ shall be exempt from ad valorem taxation
297 to the extent authorized in s. 196.196. All property identified
298 in this section shall comply with the criteria for determination
299 of exempt status to be applied by property appraisers on an
300 annual basis as defined in s. 196.195. The Legislature intends
301 that any property owned by a limited liability company or
302 limited partnership which is disregarded as an entity for
303 federal income tax purposes pursuant to Treasury Regulation
304 301.7701-3(b)(1)(ii) shall be treated as owned by its sole
305 member or sole general partner.

306 (2) If property owned by an organization granted an
307 exemption under s. 196.196(5) is transferred for a purpose other
308 than directly providing affordable homeownership or rental
309 housing to persons or families who meet the extremely-low-
310 income, very-low-income, low-income, or moderate-income limits,
311 as specified in s. 420.0004, or is not in actual use to provide
312 such affordable housing within 5 years after the date the
313 organization is granted the exemption, the property appraiser
314 making such determination shall serve upon the organization that
315 illegally or improperly received the exemption a notice of
316 intent to record in the public records of the county a notice of
317 tax lien against any property owned by that organization in the
318 county, and such property shall be identified in the notice of
319 tax lien. The organization owning such property is subject to

21-01488-09

20091040__

320 the taxes otherwise due and owing as a result of the failure to
321 use the property to provide affordable housing plus 15 percent
322 interest per annum and a penalty of 50 percent of the taxes
323 owed. Such lien, when filed, attaches to any property identified
324 in the notice of tax lien owned by the organization that
325 illegally or improperly received the exemption. If such
326 organization no longer owns property in the county but owns
327 property in any other county in the state, the property
328 appraiser shall record in each such other county a notice of tax
329 lien identifying the property owned by such organization in such
330 county which shall become a lien against the identified
331 property. If an exemption is improperly granted as a result of a
332 clerical mistake or an omission by the property appraiser, the
333 organization improperly receiving the exemption shall not be
334 assessed penalty and interest. Before any such lien may be
335 filed, the organization so notified must be given 30 days to pay
336 the taxes, penalties, and interest. The 5-year limitation
337 specified in this subsection may be extended provided the holder
338 of the exemption continues to take affirmative steps to develop
339 the property for the purposes specified in this subsection.

340 Section 6. Paragraph (d) of subsection (2) of section
341 212.055, Florida Statutes, is amended to read:

342 212.055 Discretionary sales surtaxes; legislative intent;
343 authorization and use of proceeds.—It is the legislative intent
344 that any authorization for imposition of a discretionary sales
345 surtax shall be published in the Florida Statutes as a
346 subsection of this section, irrespective of the duration of the
347 levy. Each enactment shall specify the types of counties
348 authorized to levy; the rate or rates which may be imposed; the

21-01488-09

20091040__

349 maximum length of time the surtax may be imposed, if any; the
 350 procedure which must be followed to secure voter approval, if
 351 required; the purpose for which the proceeds may be expended;
 352 and such other requirements as the Legislature may provide.
 353 Taxable transactions and administrative procedures shall be as
 354 provided in s. 212.054.

355 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.-

356 (d)~~1~~. The proceeds of the surtax authorized by this
 357 subsection and any accrued interest ~~accrued thereto~~ shall be
 358 expended by the school district, ~~or~~ within the county and
 359 municipalities within the county, or, in the case of a
 360 negotiated joint county agreement, within another county, to
 361 finance, plan, and construct infrastructure; ~~and~~ to acquire land
 362 for public recreation, ~~or~~ conservation, ~~or~~ protection of natural
 363 resources; ~~or and~~ to finance the closure of county-owned or
 364 municipally owned solid waste landfills that have been ~~are~~
 365 ~~already~~ closed or are required to be closed ~~close~~ by order of
 366 the Department of Environmental Protection. Any use of the ~~such~~
 367 proceeds or interest for purposes of landfill closure before
 368 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~
 369 any interest may not ~~accrued thereto shall~~ be used for the
 370 operational expenses of ~~any~~ infrastructure, except that a ~~any~~
 371 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and
 372 that is required to close a landfill ~~by order of the Department~~
 373 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest
 374 ~~accrued thereto~~ for long-term maintenance costs associated with
 375 landfill closure. Counties, as defined in s. 125.011 ~~s.~~
 376 ~~125.011(1)~~, and charter counties may, in addition, use the
 377 proceeds or ~~and any interest accrued thereto~~ to retire or

21-01488-09

20091040__

378 service indebtedness incurred for bonds issued before ~~prior to~~
379 July 1, 1987, for infrastructure purposes, and for bonds
380 subsequently issued to refund such bonds. Any use of the ~~such~~
381 proceeds or interest for purposes of retiring or servicing
382 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~
383 July 1, 1999, is ratified.

384 1.2. For the purposes of this paragraph, the term
385 "infrastructure" means:

386 a. Any fixed capital expenditure or fixed capital outlay
387 associated with the construction, reconstruction, or improvement
388 of public facilities that have a life expectancy of 5 or more
389 years and any related land acquisition, land improvement,
390 design, and engineering costs ~~related thereto~~.

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

396 c. Any expenditure for the construction, lease, or
397 maintenance of, or provision of utilities or security for,
398 facilities, as defined in s. 29.008.

399 d. Any fixed capital expenditure or fixed capital outlay
400 associated with the improvement of private facilities that have
401 a life expectancy of 5 or more years and that the owner agrees
402 to make available for use on a temporary basis as needed by a
403 local government as a public emergency shelter or a staging area
404 for emergency response equipment during an emergency officially
405 declared by the state or by the local government under s.
406 252.38. Such improvements ~~under this sub-subparagraph~~ are

21-01488-09

20091040__

407 limited to those necessary to comply with current standards for
408 public emergency evacuation shelters. The owner must ~~shall~~ enter
409 into a written contract with the local government providing the
410 improvement funding to make the ~~such~~ private facility available
411 to the public for purposes of emergency shelter at no cost to
412 the local government for a minimum ~~period~~ of 10 years after
413 completion of the improvement, with the provision that the ~~such~~
414 obligation will transfer to any subsequent owner until the end
415 of the minimum period.

416 e. Any land expenditure acquisition for a residential
417 housing project in which at least 30 percent of the units are
418 affordable to individuals or families whose total annual
419 household income does not exceed 120 percent of the area median
420 income adjusted for household size, if the land is owned by a
421 local government or by a special district that enters into a
422 written agreement with the local government to provide such
423 housing. The local government or special district may enter into
424 a ground lease with a public or private person or entity for
425 nominal or other consideration for the construction of the
426 residential housing project on land acquired pursuant to this
427 sub-subparagraph.

428 2.3. Notwithstanding any other provision of this
429 subsection, a local government infrastructure ~~discretionary~~
430 ~~sales~~ surtax imposed or extended after July 1, 1998, the
431 ~~effective date of this act~~ may allocate up to ~~provide for an~~
432 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax
433 ~~proceeds to be allocated~~ for deposit in ~~to~~ a trust fund within
434 the county's accounts created for the purpose of funding
435 economic development projects having ~~of~~ a general public purpose

21-01488-09

20091040__

436 of improving ~~targeted to improve~~ local economies, including the
437 funding of operational costs and incentives related to ~~such~~
438 economic development. The ballot statement must indicate the
439 intention to make an allocation under the authority of this
440 subparagraph.

441 Section 7. Present subsections (25) through (41) of section
442 420.503, Florida Statutes, are redesignated as subsections (26)
443 through (42), respectively, and a new subsection (25) is added
444 to that section to read:

445 420.503 Definitions.—As used in this part, the term:

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

450 Section 8. Section 420.5061, Florida Statutes, is amended
451 to read:

452 420.5061 Transfer of agency assets and liabilities.—The
453 corporation is the legal successor in all respects to the
454 agency, is obligated to the same extent as the agency under any
455 agreements existing on December 31, 1997, and is entitled to any
456 rights and remedies previously afforded the agency by law or
457 contract, including specifically the rights of the agency under
458 chapter 201 and part VI of chapter 159. Effective January 1,
459 1998, all references under Florida law to the agency are deemed
460 to mean the corporation. ~~The corporation shall transfer to the~~
461 ~~General Revenue Fund an amount which otherwise would have been~~
462 ~~deducted as a service charge pursuant to s. 215.20(1) if the~~
463 ~~Florida Housing Finance Corporation Fund established by s.~~
464 ~~420.508(5), the State Apartment Incentive Loan Fund established~~

21-01488-09

20091040

465 ~~by s. 420.5087(7), the Florida Homeownership Assistance Fund~~
466 ~~established by s. 420.5088(4), the HOME Investment Partnership~~
467 ~~Fund established by s. 420.5089(1), and the Housing~~
468 ~~Predevelopment Loan Fund established by s. 420.525(1) were each~~
469 ~~trust funds. For purposes of s. 112.313, the corporation is~~
470 ~~deemed to be a continuation of the agency, and the provisions~~
471 ~~thereof are deemed to apply as if the same entity remained in~~
472 ~~place. Any employees of the agency and agency board members~~
473 ~~covered by s. 112.313(9)(a)6. shall continue to be entitled to~~
474 ~~the exemption in that subparagraph, notwithstanding being hired~~
475 ~~by the corporation or appointed as board members of the~~
476 ~~corporation.~~

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

479 420.507 Powers of the corporation.—The corporation shall
480 have all the powers necessary or convenient to carry out and
481 effectuate the purposes and provisions of this part, including
482 the following powers which are in addition to all other powers
483 granted by other provisions of this part:

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

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

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

493 Section 10. Paragraphs (c) and (l) of subsection (6) of

21-01488-09

20091040__

494 section 420.5087, Florida Statutes, are amended to read:

495 420.5087 State Apartment Incentive Loan Program.—There is
496 hereby created the State Apartment Incentive Loan Program for
497 the purpose of providing first, second, or other subordinated
498 mortgage loans or loan guarantees to sponsors, including for-
499 profit, nonprofit, and public entities, to provide housing
500 affordable to very-low-income persons.

501 (6) On all state apartment incentive loans, except loans
502 made to housing communities for the elderly to provide for
503 lifesafety, building preservation, health, sanitation, or
504 security-related repairs or improvements, the following
505 provisions shall apply:

506 (c) The corporation shall provide by rule for the
507 establishment of a review committee composed of the department
508 and corporation staff and shall establish by rule a scoring
509 system for evaluation and competitive ranking of applications
510 submitted in this program, including, but not limited to, the
511 following criteria:

512 1. Tenant income and demographic targeting objectives of
513 the corporation.

514 2. Targeting objectives of the corporation which will
515 ensure an equitable distribution of loans between rural and
516 urban areas.

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

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

21-01488-09

20091040__

- 523 a. Twenty percent of the units in the project for persons
524 or families who have incomes that do not exceed 50 percent of
525 the state or local median income, whichever is higher; or
- 526 b. Forty percent of the units in the project for persons or
527 families who have incomes that do not exceed 60 percent of the
528 state or local median income, whichever is higher, without
529 requiring a greater amount of the loans as provided in this
530 section.
- 531 5. Provision for tenant counseling.
- 532 6. Sponsor's agreement to accept rental assistance
533 certificates or vouchers as payment for rent.
- 534 7. Projects requiring the least amount of a state apartment
535 incentive loan compared to overall project cost except that the
536 share of the loan attributable to units serving extremely-low-
537 income persons shall be excluded from this requirement.
- 538 8. Local government contributions and local government
539 comprehensive planning and activities that promote affordable
540 housing.
- 541 9. Project feasibility.
- 542 10. Economic viability of the project.
- 543 11. Commitment of first mortgage financing.
- 544 12. Sponsor's prior experience.
- 545 13. Sponsor's ability to proceed with construction.
- 546 14. Projects that directly implement or assist welfare-to-
547 work transitioning.
- 548 15. Projects that reserve units for extremely-low-income
549 persons.
- 550 16. Projects that include green building principles, storm-
551 resistant construction, or other elements that reduce long-term

21-01488-09

20091040__

552 costs relating to maintenance, utilities, or insurance.

553 (1) The proceeds of all loans shall be used for new
554 construction, moderate rehabilitation, or substantial
555 rehabilitation which creates or preserves affordable, safe, and
556 sanitary housing units.

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

559 420.5095 Community Workforce Housing Innovation Pilot
560 Program.—

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

568 (b) Projects shall be given priority for funding when the
569 school district provides the property for the project pursuant
570 to s. 1001.43.

571 (c) Projects shall be given priority for funding when the
572 public-private partnership includes the school district and a
573 national nonprofit organization to provide financial support,
574 technical assistance, and training for community-based
575 revitalization efforts.

576 (d) Projects in counties which had a project selected for
577 funding that declined or returned funds shall be given priority
578 for funding.

579 (e) Projects shall be selected for funding by requests for
580 proposals.

21-01488-09

20091040__

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

583 420.615 Affordable housing land donation density bonus
584 incentives.—

585 (5) The local government, as part of the approval process,
586 shall adopt a comprehensive plan amendment, pursuant to part II
587 of chapter 163, for the receiving land that incorporates the
588 density bonus. Such amendment shall be deemed by operation of
589 law a small scale amendment, shall be subject only to the
590 requirements of ~~adopted in the manner as required for small-~~
591 ~~scale amendments pursuant to s. 163.3187(1)(c)2. and 3.,~~ is not
592 subject to the requirements of s. 163.3184~~(3)-(11)(3)-(6)~~, and
593 is exempt from s. 163.3187(1)(c)1. and the limitation on the
594 frequency of plan amendments as provided in s. 163.3187. An
595 affected person, as defined in s. 163.3184(1), may file a
596 petition for administrative review pursuant to the requirements
597 of s. 163.3187(3) to challenge the compliance of an adopted plan
598 amendment.

599 Section 13. Section 420.628, Florida Statutes, is created
600 to read:

601 420.628 Affordable housing for children and young adults
602 leaving foster care; legislative findings and intent.—

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

607 (2) These youth in foster care are among those who may
608 enter adulthood without the knowledge, skills, attitudes,
609 habits, and relationships that will enable them to be productive

21-01488-09

20091040__

610 members of society.

611 (3) The main barriers to safe and affordable housing for
612 youth aging out of the foster care system are cost, lack of
613 availability, the unwillingness of many landlords to rent to
614 them, and their own lack of knowledge about how to be good
615 tenants.

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

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

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

630 (7) The Legislature affirms that young adults transitioning
631 out of foster care are to be considered eligible persons, as
632 defined in ss. 420.503(17) and 420.9071(10), for affordable
633 housing purposes and shall be encouraged to participate in
634 state, federal, and local affordable housing programs.

635 (8) It is therefore the intent of the Legislature to
636 encourage the Florida Housing Finance Corporation, State Housing
637 Initiative Partnership Program agencies, local housing finance
638 agencies, public housing authorities and their agents,

21-01488-09

20091040__

639 developers, and other providers of affordable housing to make
640 affordable housing available to youth transitioning out of
641 foster care whenever and wherever possible.

642 (9) The Florida Housing Finance Corporation, State Housing
643 Initiative Partnership Program agencies, local housing finance
644 agencies, and public housing authorities shall coordinate with
645 the Department of Children and Family Services and their agents
646 and community-based care providers who are operating pursuant to
647 s. 409.1671 to develop and implement strategies and procedures
648 designed to increase affordable housing opportunities for young
649 adults who are leaving the child welfare system.

650 Section 14. Subsections (4), (8), (16), and (25) of section
651 420.9071, Florida Statutes, are amended, and subsections (29)
652 and (30) are added to that section, to read:

653 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
654 term:

655 (4) "Annual gross income" means annual income as defined
656 under the Section 8 housing assistance payments programs in 24
657 C.F.R. part 5; annual income as reported under the census long
658 form for the recent available decennial census; or adjusted
659 gross income as defined for purposes of reporting under Internal
660 Revenue Service Form 1040 for individual federal annual income
661 tax purposes or as defined by standard practices used in the
662 lending industry as detailed in the local housing assistance
663 plan and approved by the corporation. Counties and eligible
664 municipalities shall calculate income by annualizing verified
665 sources of income for the household as the amount of income to
666 be received in a household during the 12 months following the
667 effective date of the determination.

21-01488-09

20091040__

668 (8) "Eligible housing" means any real and personal property
669 located within the county or the eligible municipality which is
670 designed and intended for the primary purpose of providing
671 decent, safe, and sanitary residential units that are designed
672 to meet the standards of the Florida Building Code or a
673 predecessor building code adopted under chapter 553, or
674 manufactured housing constructed after June 1994 and installed
675 in accordance with mobile home installation standards of the
676 Department of Highway Safety and Motor Vehicles, for home
677 ownership or rental for eligible persons as designated by each
678 county or eligible municipality participating in the State
679 Housing Initiatives Partnership Program.

680 (16) "Local housing incentive strategies" means local
681 regulatory reform or incentive programs to encourage or
682 facilitate affordable housing production, which include at a
683 minimum, assurance that permits as defined in s. 163.3164(7) and
684 (8) for affordable housing projects are expedited to a greater
685 degree than other projects; an ongoing process for review of
686 local policies, ordinances, regulations, and plan provisions
687 that increase the cost of housing prior to their adoption; and a
688 schedule for implementing the incentive strategies. Local
689 housing incentive strategies may also include other regulatory
690 reforms, such as those enumerated in s. 420.9076 or those
691 recommended by the affordable housing advisory committee in its
692 triennial evaluation and adopted by the local governing body.

693 (25) "Recaptured funds" means funds that are recouped by a
694 county or eligible municipality in accordance with the recapture
695 provisions of its local housing assistance plan pursuant to s.
696 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,

21-01488-09

20091040__

697 which funds were not used for assistance to an eligible
698 household for an eligible activity, when there is a ~~who~~ default
699 on the terms of a grant award or loan award.

700 (29) "Assisted housing" or "assisted housing development"
701 means a rental housing development, including rental housing in
702 a mixed-use development, that received or currently receives
703 funding from any federal or state housing program.

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

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

711 420.9072 State Housing Initiatives Partnership Program.—The
712 State Housing Initiatives Partnership Program is created for the
713 purpose of providing funds to counties and eligible
714 municipalities as an incentive for the creation of local housing
715 partnerships, to expand production of and preserve affordable
716 housing, to further the housing element of the local government
717 comprehensive plan specific to affordable housing, and to
718 increase housing-related employment.

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

724 Section 16. Subsections (1) and (2) of section 420.9073,
725 Florida Statutes, are amended, and subsections (5), (6), and (7)

21-01488-09

20091040__

726 are added to that section, to read:

727 420.9073 Local housing distributions.-

728 (1) Distributions calculated in this section shall be
729 disbursed on a quarterly or more frequent ~~monthly~~ basis by the
730 corporation ~~beginning the first day of the month after program~~
731 ~~approval~~ pursuant to s. 420.9072, subject to availability of
732 funds. Each county's share of the funds to be distributed from
733 the portion of the funds in the Local Government Housing Trust
734 Fund received pursuant to s. 201.15(9) shall be calculated by
735 the corporation for each fiscal year as follows:

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

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

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

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

752 3. For each county in which the result in subparagraph 1.
753 is greater than the guaranteed amount as determined in
754 subsection (3), the amount calculated in subparagraph 1. shall

21-01488-09

20091040__

755 be reduced by the guaranteed amount. The result for each such
756 county shall be expressed as a percentage of the amounts so
757 determined for all counties. Each such county shall receive an
758 additional share equal to such percentage multiplied by the
759 total funds received by the Local Government Housing Trust Fund
760 pursuant to s. 201.15(9) reduced by the guaranteed amount paid
761 to all counties.

762 (2) ~~Effective July 1, 1995,~~ Distributions calculated in
763 this section shall be disbursed on a quarterly or more frequent
764 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~
765 ~~month after program approval~~ pursuant to s. 420.9072, subject to
766 availability of funds. Each county's share of the funds to be
767 distributed from the portion of the funds in the Local
768 Government Housing Trust Fund received pursuant to s. 201.15(10)
769 shall be calculated by the corporation for each fiscal year as
770 follows:

771 (a) Each county shall receive the guaranteed amount for
772 each fiscal year.

773 (b) Each county may receive an additional share calculated
774 as follows:

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

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

780 3. For each county in which the result in subparagraph 1.
781 is greater than the guaranteed amount, the amount calculated in
782 subparagraph 1. shall be reduced by the guaranteed amount. The
783 result for each such county shall be expressed as a percentage

21-01488-09

20091040__

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

789 (5) Notwithstanding subsections (1)-(4), the corporation is
790 authorized to withhold up to \$5 million from the total
791 distribution each fiscal year to provide additional funding to
792 counties and eligible municipalities in which a state of
793 emergency has been declared by the Governor pursuant to chapter
794 252. Any portion of such funds not distributed under this
795 subsection by the end of the fiscal year shall be distributed as
796 provided in this section.

797 (6) Notwithstanding subsections (1)-(4), the corporation is
798 authorized to withhold up to \$5 million from the total
799 distribution each fiscal year to provide funding to counties and
800 eligible municipalities to purchase properties subject to a
801 State Housing Initiative Partnership Program lien and on which
802 foreclosure proceedings have been initiated by any mortgagee.
803 Each county and eligible municipality that receives funds under
804 this subsection shall repay such funds to the corporation not
805 later than the expenditure deadline for the fiscal year in which
806 the funds were awarded. Amounts not repaid shall be withheld
807 from the subsequent year's distribution. Any portion of such
808 funds not distributed under this subsection by the end of the
809 fiscal year shall be distributed as provided in this section.

810 (7) A county or eligible municipality that receives local
811 housing distributions pursuant to this section shall expend
812 those funds in accordance with the provisions of ss. 420.907-

21-01488-09

20091040__

813 420.9079, corporation rule, and its local housing assistance
814 plan.

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

819 420.9075 Local housing assistance plans; partnerships.—

820 (1) (a) Each county or eligible municipality participating
821 in the State Housing Initiatives Partnership Program shall
822 develop and implement a local housing assistance plan created to
823 make affordable residential units available to persons of very
824 low income, low income, or moderate income and to persons who
825 have special housing needs, including, but not limited to,
826 homeless people, the elderly, ~~and~~ migrant farmworkers, and
827 persons with disabilities. High-cost counties or eligible
828 municipalities as defined by rule of the corporation may include
829 strategies to assist persons and households having annual
830 incomes of not more than 140 percent of area median income. The
831 plans are intended to increase the availability of affordable
832 residential units by combining local resources and cost-saving
833 measures into a local housing partnership and using private and
834 public funds to reduce the cost of housing.

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

836 1. Implement local housing assistance strategies for the
837 provision of affordable housing.

838 2. Supplement funds available to the corporation to provide
839 enhanced funding of state housing programs within the county or
840 the eligible municipality.

841 3. Provide the local matching share of federal affordable

21-01488-09

20091040__

842 housing grants or programs.

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

846 5. Further the housing element of the local government
847 comprehensive plan adopted pursuant to s. 163.3184, specific to
848 affordable housing.

849 (3) (a) Each local housing assistance plan shall include a
850 definition of essential service personnel for the county or
851 eligible municipality, including, but not limited to, teachers
852 and educators, other school district, community college, and
853 university employees, police and fire personnel, health care
854 personnel, skilled building trades personnel, and other job
855 categories.

856 (b) Each county and each eligible municipality is
857 encouraged to develop a strategy within its local housing
858 assistance plan that emphasizes the recruitment and retention of
859 essential service personnel. The local government is encouraged
860 to involve public and private sector employers. Compliance with
861 the eligibility criteria established under this strategy shall
862 be verified by the county or eligible municipality.

863 (c) Each county and each eligible municipality is
864 encouraged to develop a strategy within its local housing
865 assistance plan that addresses the needs of persons who are
866 deprived of affordable housing due to the closure of a mobile
867 home park or the conversion of affordable rental units to
868 condominiums.

869 (d) Each county and each eligible municipality shall
870 describe initiatives in the local housing assistance plan to

21-01488-09

20091040__

871 encourage or require innovative design, green building
872 principles, storm-resistant construction, or other elements that
873 reduce long-term costs relating to maintenance, utilities, or
874 insurance.

875 (e) Each county and each eligible municipality is
876 encouraged to develop a strategy within its local housing
877 assistance plan that provides program funds for the preservation
878 of assisted housing.

879 (5) The following criteria apply to awards made to eligible
880 sponsors or eligible persons for the purpose of providing
881 eligible housing:

882 (a) At least 65 percent of the funds made available in each
883 county and eligible municipality from the local housing
884 distribution must be reserved for home ownership for eligible
885 persons.

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

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

893 (d) ~~(e)~~ The sales price or value of new or existing eligible
894 housing may not exceed 90 percent of the average area purchase
895 price in the statistical area in which the eligible housing is
896 located. Such average area purchase price may be that calculated
897 for any 12-month period beginning not earlier than the fourth
898 calendar year prior to the year in which the award occurs or as
899 otherwise established by the United States Department of the

21-01488-09

20091040__

900 Treasury.

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

906 2. At least 30 percent of the funds deposited into the
907 local housing assistance trust fund must be reserved for awards
908 to very-low-income persons or eligible sponsors who will serve
909 very-low-income persons and at least an additional 30 percent of
910 the funds deposited into the local housing assistance trust fund
911 must be reserved for awards to low-income persons or eligible
912 sponsors who will serve low-income persons. This subparagraph
913 does not apply to a county or an eligible municipality that
914 includes, or has included within the previous 5 years, an area
915 of critical state concern designated or ratified by the
916 Legislature for which the Legislature has declared its intent to
917 provide affordable housing. The exemption created by this act
918 expires on July 1, 2013 ~~2008~~.

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

922 (g)~~(f)~~ Loans or grants for eligible rental housing
923 constructed, rehabilitated, or otherwise assisted from the local
924 housing assistance trust fund must be subject to recapture
925 requirements as provided by the county or eligible municipality
926 in its local housing assistance plan unless reserved for
927 eligible persons for 15 years or the term of the assistance,
928 whichever period is longer. Eligible sponsors that offer rental

21-01488-09

20091040__

929 housing for sale before 15 years or that have remaining
930 mortgages funded under this program must give a first right of
931 refusal to eligible nonprofit organizations for purchase at the
932 current market value for continued occupancy by eligible
933 persons.

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

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

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

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

951 (l)~~(k)~~ Funds from the local housing distribution not used
952 to meet the criteria established in paragraph (a) or paragraph
953 (b) or not used for the administration of a local housing
954 assistance plan must be used for housing production and finance
955 activities, including, but not limited to, financing
956 preconstruction activities or the purchase of existing units,
957 providing rental housing, and providing home ownership training

21-01488-09

20091040__

958 to prospective home buyers and owners of homes assisted through
959 the local housing assistance plan.

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

963 2. When preconstruction due diligence activities conducted
964 as part of a preservation strategy show that preservation of the
965 units is not feasible and will not result in the production of
966 an eligible unit, such costs shall be deemed a program expense
967 rather than an administrative expense if such program expenses
968 do not exceed 3 percent of the annual local housing
969 distribution.

970 3. If both an award under the local housing assistance plan and
971 federal low-income housing tax credits are used to assist a
972 project and there is a conflict between the criteria prescribed
973 in this subsection and the requirements of s. 42 of the Internal
974 Revenue Code of 1986, as amended, the county or eligible
975 municipality may resolve the conflict by giving precedence to
976 the requirements of s. 42 of the Internal Revenue Code of 1986,
977 as amended, in lieu of following the criteria prescribed in this
978 subsection with the exception of paragraphs (a) and (e) ~~(d)~~ of
979 this subsection.

980 4. Each county and each eligible municipality may award
981 funds as a grant for construction, rehabilitation, or repair as
982 part of disaster recovery or emergency repairs or to remedy
983 accessibility or health and safety deficiencies. Any other
984 grants must be approved as part of the local housing assistance
985 plan.

986 (8) Pursuant to s. 420.531, the corporation shall provide

21-01488-09

20091040__

987 training and technical assistance to local governments regarding
988 the creation of partnerships, the design of local housing
989 assistance strategies, the implementation of local housing
990 incentive strategies, and the provision of support services.

991 (10) Each county or eligible municipality shall submit to
992 the corporation by September 15 of each year a report of its
993 affordable housing programs and accomplishments through June 30
994 immediately preceding submittal of the report. The report shall
995 be certified as accurate and complete by the local government's
996 chief elected official or his or her designee. Transmittal of
997 the annual report by a county's or eligible municipality's chief
998 elected official, or his or her designee, certifies that the
999 local housing incentive strategies, or, if applicable, the local
1000 housing incentive plan, have been implemented or are in the
1001 process of being implemented pursuant to the adopted schedule
1002 for implementation. The report must include, but is not limited
1003 to:

1004 (a) The number of households served by income category,
1005 age, family size, and race, and data regarding any special needs
1006 populations such as farmworkers, homeless persons, persons with
1007 disabilities, and the elderly. Counties shall report this
1008 information separately for households served in the
1009 unincorporated area and each municipality within the county.

1010 (h) Such other data or affordable housing accomplishments
1011 considered significant by the reporting county or eligible
1012 municipality or by the corporation.

1013 (13)

1014 (b) If, as a result of its review of the annual report, the
1015 corporation determines that a county or eligible municipality

21-01488-09

20091040__

1016 has failed to implement a local housing incentive strategy, or,
1017 if applicable, a local housing incentive plan, it shall send a
1018 notice of termination of the local government's share of the
1019 local housing distribution by certified mail to the affected
1020 county or eligible municipality.

1021 1. The notice must specify a date of termination of the
1022 funding if the affected county or eligible municipality does not
1023 implement the plan or strategy and provide for a local response.
1024 A county or eligible municipality shall respond to the
1025 corporation within 30 days after receipt of the notice of
1026 termination.

1027 2. The corporation shall consider the local response that
1028 extenuating circumstances precluded implementation and grant an
1029 extension to the timeframe for implementation. Such an extension
1030 shall be made in the form of an extension agreement that
1031 provides a timeframe for implementation. The chief elected
1032 official of a county or eligible municipality or his or her
1033 designee shall have the authority to enter into the agreement on
1034 behalf of the local government.

1035 3. If the county or the eligible municipality has not
1036 implemented the incentive strategy or entered into an extension
1037 agreement by the termination date specified in the notice, the
1038 local housing distribution share terminates, and any uncommitted
1039 local housing distribution funds held by the affected county or
1040 eligible municipality in its local housing assistance trust fund
1041 shall be transferred to the Local Government Housing Trust Fund
1042 to the credit of the corporation to administer ~~pursuant to s.~~
1043 ~~420.9078.~~

1044 4.a. If the affected local government fails to meet the

21-01488-09

20091040__

1045 timeframes specified in the agreement, the corporation shall
 1046 terminate funds. The corporation shall send a notice of
 1047 termination of the local government's share of the local housing
 1048 distribution by certified mail to the affected local government.
 1049 The notice shall specify the termination date, and any
 1050 uncommitted funds held by the affected local government shall be
 1051 transferred to the Local Government Housing Trust Fund to the
 1052 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

1053 b. If the corporation terminates funds to a county, but an
 1054 eligible municipality receiving a local housing distribution
 1055 pursuant to an interlocal agreement maintains compliance with
 1056 program requirements, the corporation shall thereafter
 1057 distribute directly to the participating eligible municipality
 1058 its share calculated in the manner provided in s. 420.9072.

1059 c. Any county or eligible municipality whose local
 1060 distribution share has been terminated may subsequently elect to
 1061 receive directly its local distribution share by adopting the
 1062 ordinance, resolution, and local housing assistance plan in the
 1063 manner and according to the procedures provided in ss. 420.907-
 1064 420.9079.

1065 (14) If the corporation determines that a county or
 1066 eligible municipality has expended program funds for an
 1067 ineligible activity, the corporation shall require such funds to
 1068 be repaid to the local housing assistance trust fund. Such
 1069 repayment may not be made with funds from the State Housing
 1070 Initiatives Partnership Program.

1071 Section 18. Paragraph (h) of subsection (2), subsections
 1072 (5) and (6), and paragraph (a) of subsection (7) of section
 1073 420.9076, Florida Statutes, are amended to read:

21-01488-09

20091040__

1074 420.9076 Adoption of affordable housing incentive
1075 strategies; committees.—

1076 (2) The governing board of a county or municipality shall
1077 appoint the members of the affordable housing advisory committee
1078 by resolution. Pursuant to the terms of any interlocal
1079 agreement, a county and municipality may create and jointly
1080 appoint an advisory committee to prepare a joint plan. The
1081 ordinance adopted pursuant to s. 420.9072 which creates the
1082 advisory committee or the resolution appointing the advisory
1083 committee members must provide for 11 committee members and
1084 their terms. The committee must include:

1085 (h) One citizen who actively serves on the local planning
1086 agency pursuant to s. 163.3174. If the local planning agency is
1087 comprised of the governing board of the county or municipality,
1088 the governing board may appoint a designee who is knowledgeable
1089 in the local planning process.

1090
1091 If a county or eligible municipality whether due to its small
1092 size, the presence of a conflict of interest by prospective
1093 appointees, or other reasonable factor, is unable to appoint a
1094 citizen actively engaged in these activities in connection with
1095 affordable housing, a citizen engaged in the activity without
1096 regard to affordable housing may be appointed. Local governments
1097 that receive the minimum allocation under the State Housing
1098 Initiatives Partnership Program may elect to appoint an
1099 affordable housing advisory committee with fewer than 11
1100 representatives if they are unable to find representatives who
1101 meet the criteria of paragraphs (a)-(k).

1102 (5) The approval by the advisory committee of its local

21-01488-09

20091040__

1103 housing incentive strategies recommendations and its review of
 1104 local government implementation of previously recommended
 1105 strategies must be made by affirmative vote of a majority of the
 1106 membership of the advisory committee taken at a public hearing.
 1107 Notice of the time, date, and place of the public hearing of the
 1108 advisory committee to adopt its evaluation and final local
 1109 housing incentive strategies recommendations must be published
 1110 in a newspaper of general paid circulation in the county. The
 1111 notice must contain a short and concise summary of the
 1112 evaluation and local housing incentives strategies
 1113 recommendations to be considered by the advisory committee. The
 1114 notice must state the public place where a copy of the
 1115 evaluation and tentative advisory committee recommendations can
 1116 be obtained by interested persons. The final report, evaluation,
 1117 and recommendations shall be submitted to the corporation.

1118 (6) Within 90 days after the date of receipt of the
 1119 evaluation and local housing incentive strategies
 1120 recommendations from the advisory committee, the governing body
 1121 of the appointing local government shall adopt an amendment to
 1122 its local housing assistance plan to incorporate the local
 1123 housing incentive strategies it will implement within its
 1124 jurisdiction. The amendment must include, at a minimum, the
 1125 local housing incentive strategies required under s.
 1126 420.9071(16). The local government must consider the strategies
 1127 specified in paragraphs (4)(a)-(k) as recommended by the
 1128 advisory committee.

1129 (7) The governing board of the county or the eligible
 1130 municipality shall notify the corporation by certified mail of
 1131 its adoption of an amendment of its local housing assistance

21-01488-09

20091040__

1132 plan to incorporate local housing incentive strategies. The
1133 notice must include a copy of the approved amended plan.

1134 (a) If the corporation fails to receive timely the approved
1135 amended local housing assistance plan to incorporate local
1136 housing incentive strategies, a notice of termination of its
1137 share of the local housing distribution shall be sent by
1138 certified mail by the corporation to the affected county or
1139 eligible municipality. The notice of termination must specify a
1140 date of termination of the funding if the affected county or
1141 eligible municipality has not adopted an amended local housing
1142 assistance plan to incorporate local housing incentive
1143 strategies. If the county or the eligible municipality has not
1144 adopted an amended local housing assistance plan to incorporate
1145 local housing incentive strategies by the termination date
1146 specified in the notice of termination, the local distribution
1147 share terminates; and any uncommitted local distribution funds
1148 held by the affected county or eligible municipality in its
1149 local housing assistance trust fund shall be transferred to the
1150 Local Government Housing Trust Fund to the credit of the
1151 corporation to administer the local government housing program
1152 ~~pursuant to s. 420.9078.~~

1153 Section 19. Section 420.9078, Florida Statutes, is
1154 repealed.

1155 Section 20. Section 420.9079, Florida Statutes, is amended
1156 to read:

1157 420.9079 Local Government Housing Trust Fund.—

1158 (1) There is created in the State Treasury the Local
1159 Government Housing Trust Fund, which shall be administered by
1160 the corporation on behalf of the department according to the

21-01488-09

20091040__

1161 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this
 1162 section. There shall be deposited into the fund a portion of the
 1163 documentary stamp tax revenues as provided in s. 201.15, moneys
 1164 received from any other source for the purposes of ss. 420.907-
 1165 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds
 1166 derived from the investment of such moneys. Moneys in the fund
 1167 that are not currently needed for the purposes of the programs
 1168 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~
 1169 and this section shall be deposited to the credit of the fund
 1170 and may be invested as provided by law. The interest received on
 1171 any such investment shall be credited to the fund.

1172 (2) The corporation shall administer the fund exclusively
 1173 for the purpose of implementing the programs described in ss.
 1174 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the
 1175 exception of monitoring the activities of counties and eligible
 1176 municipalities to determine local compliance with program
 1177 requirements, the corporation shall not receive appropriations
 1178 from the fund for administrative or personnel costs. For the
 1179 purpose of implementing the compliance monitoring provisions of
 1180 s. 420.9075(9), the corporation may request a maximum of one-
 1181 quarter of 1 percent of the annual appropriation per state
 1182 fiscal year. When such funding is appropriated, the corporation
 1183 shall deduct the amount appropriated prior to calculating the
 1184 local housing distribution pursuant to ss. 420.9072 and
 1185 420.9073.

1186 Section 21. Subsection (12) of section 1001.43, Florida
 1187 Statutes, is amended to read:

1188 1001.43 Supplemental powers and duties of district school
 1189 board.—The district school board may exercise the following

21-01488-09

20091040__

1190 supplemental powers and duties as authorized by this code or
1191 State Board of Education rule.

1192 (12) AFFORDABLE HOUSING.—A district school board may use
1193 portions of school sites purchased within the guidelines of the
1194 State Requirements for Educational Facilities, land deemed not
1195 usable for educational purposes because of location or other
1196 factors, or land declared as surplus by the board to provide
1197 sites for affordable housing for teachers and other district
1198 personnel and, in areas of critical state concern, for other
1199 essential services personnel as defined by local affordable
1200 housing eligibility requirements, independently or in
1201 conjunction with other agencies as described in subsection (5).

1202 Section 22. This act shall take effect July 1, 2009.