

By the Committee on Community Affairs; and Senator Bennett

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1                   A bill to be entitled  
2           An act relating to affordable housing; amending s.  
3           159.807, F.S.; providing limitations on the Florida  
4           Housing Finance Corporation's access to the state  
5           allocation pool; deleting a provision exempting the  
6           corporation from the applicability of certain uses of  
7           the state allocation pool; creating s. 193.018, F.S.;  
8           providing for the assessment of property receiving the  
9           low-income housing tax credit; defining the term  
10          "community land trust"; providing for the assessment  
11          of structural improvements, condominium parcels, and  
12          cooperative parcels on land owned by a community land  
13          trust and used to provide affordable housing;  
14          providing for the conveyance of structural  
15          improvements, condominium parcels, and cooperative  
16          parcels subject to certain conditions; specifying the  
17          criteria to be used in arriving at just valuation of a  
18          structural improvement, condominium parcel, or  
19          cooperative parcel; amending s. 196.196, F.S.;  
20          providing additional criteria for determining whether  
21          certain affordable housing property owned by certain  
22          exempt organizations is entitled to an exemption from  
23          ad valorem taxation; providing a definition;  
24          subjecting organizations owning certain property to ad  
25          valorem taxation under certain circumstances;  
26          providing for tax liens; providing for penalties and  
27          interest; providing an exception; providing notice  
28          requirements; amending s. 196.1978, F.S.; providing  
29          that property owned by certain nonprofit entities or

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30 Florida-based limited partnerships and used or held  
31 for the purpose of providing affordable housing to  
32 certain income-qualified persons is exempt from ad  
33 valorem taxation; revising legislative intent;  
34 amending s. 212.055, F.S.; redefining the term  
35 "infrastructure" to allow the proceeds of a local  
36 government infrastructure surtax to be used to  
37 purchase land for certain purposes relating to  
38 construction of affordable housing; amending s.  
39 163.3202, F.S.; requiring that local land development  
40 regulations maintain the existing density of  
41 residential properties or recreational vehicle parks  
42 under certain circumstances; amending s. 420.503,  
43 F.S.; defining the term "moderate rehabilitation" for  
44 purposes of the Florida Housing Finance Corporation  
45 Act; amending s. 420.5087, F.S.; revising purposes for  
46 which state apartment incentive loans may be used;  
47 creating s. 420.628, F.S.; providing legislative  
48 findings and intent; requiring certain governmental  
49 entities to develop and implement strategies and  
50 procedures designed to increase affordable housing  
51 opportunities for young adults who are leaving the  
52 child welfare system; amending s. 420.9071, F.S.;  
53 revising and providing definitions; amending s.  
54 420.9072, F.S.; conforming a cross-reference;  
55 authorizing counties and eligible municipalities to  
56 use funds from the State Housing Initiatives  
57 Partnership Program to provide relocation grants for  
58 persons who are evicted from rental properties that

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59 are in foreclosure; providing eligibility requirements  
60 for receiving a grant; providing that authorization  
61 for the relocation grants expires July 1, 2010,  
62 amending s. 420.9073, F.S.; revising the frequency  
63 with which local housing distributions are to be made  
64 by the corporation; authorizing the corporation to  
65 withhold funds from the total distribution annually  
66 for specified purposes; requiring counties and  
67 eligible municipalities that receive local housing  
68 distributions to expend those funds in a specified  
69 manner; amending s. 420.9075, F.S.; requiring that  
70 local housing assistance plans address the special  
71 housing needs of persons with disabilities;  
72 authorizing counties and certain municipalities to  
73 assist persons and households meeting specific income  
74 requirements; revising requirements to be included in  
75 the local housing assistance plan; requiring counties  
76 and certain municipalities to include certain  
77 initiatives and strategies in the local housing  
78 assistance plan; revising criteria that applies to  
79 awards made for the purpose of providing eligible  
80 housing; authorizing and limiting the percentage of  
81 funds from the local housing distribution which may be  
82 used for manufactured housing; extending the  
83 expiration date of an exemption from certain income  
84 requirements in specified areas; providing for  
85 retroactive application; authorizing the use of  
86 certain funds for preconstruction activities;  
87 providing that certain costs are a program expense;

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

106  
107 Be It Enacted by the Legislature of the State of Florida:

108  
109 Section 1. Subsection (4) of section 159.807, Florida  
110 Statutes, is amended to read:

111 159.807 State allocation pool.—

112 (4) (a) The state allocation pool shall also be used to  
113 provide written confirmations for private activity bonds that  
114 are to be issued by state agencies, which bonds, notwithstanding  
115 any other provisions of this part, shall receive priority in the  
116 use of the pool available at the time the notice of intent to

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117 issue such bonds is filed with the division.

118 (b) Notwithstanding the provisions of paragraph (a), on or  
119 before November 15 of each year, the Florida Housing Finance  
120 Corporation's access to the state allocation pool is limited to  
121 the amount of the corporation's initial allocation under s.  
122 159.804. Thereafter, the corporation may not receive more than  
123 80 percent of the amount in the state allocation pool on  
124 November 16 of each year, and may not receive more than 80  
125 percent of any additional amounts that become available during  
126 each year. This subsection does not apply to the Florida Housing  
127 Finance Corporation:

128 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~  
129 ~~exhausted, is unavailable, or is inadequate to provide an~~  
130 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~  
131 ~~volume limitation from prior years for the same carryforward~~  
132 ~~purpose, as that term is defined in s. 146 of the Code, as the~~  
133 ~~bonds it intends to issue have been completely utilized or have~~  
134 ~~expired.~~

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

139 Section 2. Section 193.018, Florida Statutes, is created to  
140 read:

141 193.018 Land owned by a community land trust used to  
142 provide affordable housing; assessment; structural improvements,  
143 condominium parcels, and cooperative parcels.-

144 (1) As used in this section, the term "community land  
145 trust" means a nonprofit entity that is qualified as charitable

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146 under s. 501(c)(3) of the Internal Revenue Code and has as one  
147 of its purposes the acquisition of land to be held in perpetuity  
148 for the primary purpose of providing affordable homeownership.

149 (2) A community land trust may convey structural  
150 improvements, condominium parcels, or cooperative parcels, that  
151 are located on specific parcels of land that are identified by a  
152 legal description contained in and subject to a ground lease  
153 having a term of at least 99 years, for the purpose of providing  
154 affordable housing to natural persons or families who meet the  
155 extremely-low-income, very-low-income, low-income, or moderate-  
156 income limits specified in s. 420.0004, or the income limits for  
157 workforce housing, as defined in s. 420.5095(3). A community  
158 land trust shall retain a preemptive option to purchase any  
159 structural improvements, condominium parcels, or cooperative  
160 parcels on the land at a price determined by a formula specified  
161 in the ground lease which is designed to ensure that the  
162 structural improvements, condominium parcels, or cooperative  
163 parcels remain affordable.

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

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

174 (b) The amount a willing purchaser would pay a willing

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175 seller for resale-restricted improvements, condominium parcels,  
176 or cooperative parcels is limited to the amount determined by  
177 the formula in the ground lease.

178 (c) If the ground lease and all amendments and supplements  
179 thereto, or a memorandum documenting how such lease and  
180 amendments or supplements restrict the price at which the  
181 improvements, condominium parcels, or cooperative parcels may be  
182 sold, is recorded in the official public records of the county  
183 in which the leased land is located, the recorded lease and any  
184 amendments and supplements, or the recorded memorandum, shall be  
185 deemed a land use regulation during the term of the lease as  
186 amended or supplemented.

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

189 196.196 Determining whether property is entitled to  
190 charitable, religious, scientific, or literary exemption.—

191 (5) (a) Property owned by an exempt organization qualified  
192 as charitable under s. 501(c) (3) of the Internal Revenue Code is  
193 used for a charitable purpose if the organization has taken  
194 affirmative steps to prepare the property to provide affordable  
195 housing to persons or families that meet the extremely-low-  
196 income, very-low-income, low-income, or moderate-income limits,  
197 as specified in s. 420.0004. The term "affirmative steps" means  
198 environmental or land use permitting activities, creation of  
199 architectural plans or schematic drawings, land clearing or site  
200 preparation, construction or renovation activities, or other  
201 similar activities that demonstrate a commitment of the property  
202 to providing affordable housing.

203 (b)1. If property owned by an organization granted an

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204 exemption under this subsection is transferred for a purpose  
205 other than directly providing affordable homeownership or rental  
206 housing to persons or families who meet the extremely-low-  
207 income, very-low-income, low-income, or moderate-income limits,  
208 as specified in s. 420.0004, or is not in actual use to provide  
209 such affordable housing within 5 years after the date the  
210 organization is granted the exemption, the property appraiser  
211 making such determination shall serve upon the organization that  
212 illegally or improperly received the exemption a notice of  
213 intent to record in the public records of the county a notice of  
214 tax lien against any property owned by that organization in the  
215 county, and such property shall be identified in the notice of  
216 tax lien. The organization owning such property is subject to  
217 the taxes otherwise due and owing as a result of the failure to  
218 use the property to provide affordable housing plus 15 percent  
219 interest per annum and a penalty of 50 percent of the taxes  
220 owed.

221 2. Such lien, when filed, attaches to any property  
222 identified in the notice of tax lien owned by the organization  
223 that illegally or improperly received the exemption. If such  
224 organization no longer owns property in the county but owns  
225 property in any other county in the state, the property  
226 appraiser shall record in each such other county a notice of tax  
227 lien identifying the property owned by such organization in such  
228 county which shall become a lien against the identified  
229 property. Before any such lien may be filed, the organization so  
230 notified must be given 30 days to pay the taxes, penalties, and  
231 interest.

232 3. If an exemption is improperly granted as a result of a



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233 clerical mistake or an omission by the property appraiser, the  
234 organization improperly receiving the exemption shall not be  
235 assessed a penalty or interest.

236 4. The 5-year limitation specified in this subsection may  
237 be extended if the holder of the exemption continues to take  
238 affirmative steps to develop the property for the purposes  
239 specified in this subsection.

240 Section 4. Section 196.1978, Florida Statutes, is amended  
241 to read:

242 196.1978 Affordable housing property exemption.—Property  
243 used to provide affordable housing serving eligible persons as  
244 defined by s. 159.603(7) and natural persons or families meeting  
245 the extremely-low-income, very-low-income, low-income, or  
246 moderate-income persons meeting income limits specified in s.  
247 420.0004 s. 420.0004(8), (10), (11), and (15), which property is  
248 owned entirely by a nonprofit entity that is a corporation not  
249 for profit, qualified as charitable under s. 501(c)(3) of the  
250 Internal Revenue Code and in compliance with Rev. Proc. 96-32,  
251 1996-1 C.B. 717, or a Florida-based limited partnership, the  
252 sole general partner of which is a corporation not for profit  
253 which is qualified as charitable under s. 501(c)(3) of the  
254 Internal Revenue Code and which complies with Rev. Proc. 96-32,  
255 1996-1 C.B. 717, shall be considered property owned by an exempt  
256 entity and used for a charitable purpose, and those portions of  
257 the affordable housing property which provide housing to natural  
258 persons or families classified as extremely low income, very low  
259 income, low income, or moderate income under s. 420.0004  
260 individuals with incomes as defined in s. 420.0004(10) and (15)  
261 shall be exempt from ad valorem taxation to the extent

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262 authorized in s. 196.196. All property identified in this  
263 section shall comply with the criteria for determination of  
264 exempt status to be applied by property appraisers on an annual  
265 basis as defined in s. 196.195. The Legislature intends that any  
266 property owned by a limited liability company or limited  
267 partnership which is disregarded as an entity for federal income  
268 tax purposes pursuant to Treasury Regulation 301.7701-  
269 3(b)(1)(ii) shall be treated as owned by its sole member or sole  
270 general partner.

271 Section 5. Paragraph (d) of subsection (2) of section  
272 212.055, Florida Statutes, is amended to read:

273 212.055 Discretionary sales surtaxes; legislative intent;  
274 authorization and use of proceeds.—It is the legislative intent  
275 that any authorization for imposition of a discretionary sales  
276 surtax shall be published in the Florida Statutes as a  
277 subsection of this section, irrespective of the duration of the  
278 levy. Each enactment shall specify the types of counties  
279 authorized to levy; the rate or rates which may be imposed; the  
280 maximum length of time the surtax may be imposed, if any; the  
281 procedure which must be followed to secure voter approval, if  
282 required; the purpose for which the proceeds may be expended;  
283 and such other requirements as the Legislature may provide.  
284 Taxable transactions and administrative procedures shall be as  
285 provided in s. 212.054.

286 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

287 (d)~~1~~. The proceeds of the surtax authorized by this  
288 subsection and any accrued interest ~~accrued thereto~~ shall be  
289 expended by the school district, ~~or~~ within the county and  
290 municipalities within the county, or, in the case of a

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291 negotiated joint county agreement, within another county, to  
292 finance, plan, and construct infrastructure; ~~and~~ to acquire land  
293 for public recreation, ~~or~~ conservation, or protection of natural  
294 resources; or ~~and~~ to finance the closure of county-owned or  
295 municipally owned solid waste landfills that have been ~~are~~  
296 ~~already~~ closed or are required to be closed ~~close~~ by order of  
297 the Department of Environmental Protection. Any use of the ~~such~~  
298 proceeds or interest for purposes of landfill closure before  
299 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~  
300 any interest may not ~~accrued thereto shall~~ be used for the  
301 operational expenses of ~~any~~ infrastructure, except that a ~~any~~  
302 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and  
303 that is required to close a landfill ~~by order of the Department~~  
304 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest  
305 ~~accrued thereto~~ for long-term maintenance costs associated with  
306 landfill closure. Counties, as defined in s. 125.011 ~~s.~~  
307 ~~125.011(1)~~, and charter counties may, in addition, use the  
308 proceeds or ~~and any~~ interest ~~accrued thereto~~ to retire or  
309 service indebtedness incurred for bonds issued before ~~prior to~~  
310 July 1, 1987, for infrastructure purposes, and for bonds  
311 subsequently issued to refund such bonds. Any use of the ~~such~~  
312 proceeds or interest for purposes of retiring or servicing  
313 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~  
314 July 1, 1999, is ratified.

315 1.2. For the purposes of this paragraph, the term  
316 "infrastructure" means:

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

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320 years and any related land acquisition, land improvement,  
321 design, and engineering costs ~~related thereto~~.

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

327 c. Any expenditure for the construction, lease, or  
328 maintenance of, or provision of utilities or security for,  
329 facilities, as defined in s. 29.008.

330 d. Any fixed capital expenditure or fixed capital outlay  
331 associated with the improvement of private facilities that have  
332 a life expectancy of 5 or more years and that the owner agrees  
333 to make available for use on a temporary basis as needed by a  
334 local government as a public emergency shelter or a staging area  
335 for emergency response equipment during an emergency officially  
336 declared by the state or by the local government under s.  
337 252.38. Such improvements ~~under this sub-subparagraph~~ are  
338 limited to those necessary to comply with current standards for  
339 public emergency evacuation shelters. The owner must ~~shall~~ enter  
340 into a written contract with the local government providing the  
341 improvement funding to make the ~~such~~ private facility available  
342 to the public for purposes of emergency shelter at no cost to  
343 the local government for a minimum ~~period~~ of 10 years after  
344 completion of the improvement, with the provision that the ~~such~~  
345 obligation will transfer to any subsequent owner until the end  
346 of the minimum period.

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

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349 affordable to individuals or families whose total annual  
350 household income does not exceed 120 percent of the area median  
351 income adjusted for household size, if the land is owned by a  
352 local government or by a special district that enters into a  
353 written agreement with the local government to provide such  
354 housing. The local government or special district may enter into  
355 a ground lease with a public or private person or entity for  
356 nominal or other consideration for the construction of the  
357 residential housing project on land acquired pursuant to this  
358 sub-subparagraph.

359 ~~2.3.~~ Notwithstanding any other provision of this  
360 subsection, a local government infrastructure discretionary  
361 ~~sales~~ surtax imposed or extended after July 1, 1998, the  
362 ~~effective date of this act~~ may allocate up to ~~provide for an~~  
363 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax  
364 proceeds ~~to be allocated~~ for deposit in ~~to~~ a trust fund within  
365 the county's accounts created for the purpose of funding  
366 economic development projects having ~~of~~ a general public purpose  
367 of improving ~~targeted to improve~~ local economies, including the  
368 funding of operational costs and incentives related to ~~such~~  
369 economic development. The ballot statement must indicate the  
370 intention to make an allocation under the authority of this  
371 subparagraph.

372 Section 6. Subsection (2) of section 163.3202, Florida  
373 Statutes, is amended to read:

374 163.3202 Land development regulations.—

375 (2) Local land development regulations shall contain  
376 specific and detailed provisions necessary or desirable to  
377 implement the adopted comprehensive plan and shall as a minimum:

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- 378 (a) Regulate the subdivision of land.~~†~~
- 379 (b) Regulate the use of land and water for those land use  
380 categories included in the land use element and ensure the  
381 compatibility of adjacent uses and provide for open space.~~†~~
- 382 (c) Provide for protection of potable water wellfields.~~†~~
- 383 (d) Regulate areas subject to seasonal and periodic  
384 flooding and provide for drainage and stormwater management.~~†~~
- 385 (e) Ensure the protection of environmentally sensitive  
386 lands designated in the comprehensive plan.~~†~~
- 387 (f) Regulate signage.~~†~~
- 388 (g) Provide that public facilities and services meet or  
389 exceed the standards established in the capital improvements  
390 element required by s. 163.3177 and are available when needed  
391 for the development, or that development orders and permits are  
392 conditioned on the availability of these public facilities and  
393 services necessary to serve the proposed development. Not later  
394 than 1 year after its due date established by the state land  
395 planning agency's rule for submission of local comprehensive  
396 plans pursuant to s. 163.3167(2), a local government shall not  
397 issue a development order or permit which results in a reduction  
398 in the level of services for the affected public facilities  
399 below the level of services provided in the comprehensive plan  
400 of the local government.
- 401 (h) Ensure safe and convenient onsite traffic flow,  
402 considering needed vehicle parking.
- 403 (i) Maintain the existing density of residential properties  
404 or recreational vehicle parks if the properties are intended for  
405 residential use and are located in the unincorporated areas that  
406 have sufficient infrastructure, as determined by a local

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407 governing authority.

408 Section 7. Present subsections (25) through (41) of section  
409 420.503, Florida Statutes, are redesignated as subsections (26)  
410 through (42), respectively, and a new subsection (25) is added  
411 to that section to read:

412 420.503 Definitions.—As used in this part, the term:

413 (25) "Moderate rehabilitation" means repair or restoration  
414 of a dwelling unit when the value of such repair or restoration  
415 is 40 percent or less of the value of the dwelling unit but not  
416 less than \$10,000.

417 Section 8. Paragraphs (c) and (l) of subsection (6) of  
418 section 420.5087, Florida Statutes, are amended to read:

419 420.5087 State Apartment Incentive Loan Program.—There is  
420 hereby created the State Apartment Incentive Loan Program for  
421 the purpose of providing first, second, or other subordinated  
422 mortgage loans or loan guarantees to sponsors, including for-  
423 profit, nonprofit, and public entities, to provide housing  
424 affordable to very-low-income persons.

425 (6) On all state apartment incentive loans, except loans  
426 made to housing communities for the elderly to provide for  
427 lifesafety, building preservation, health, sanitation, or  
428 security-related repairs or improvements, the following  
429 provisions shall apply:

430 (c) The corporation shall provide by rule for the  
431 establishment of a review committee composed of the department  
432 and corporation staff and shall establish by rule a scoring  
433 system for evaluation and competitive ranking of applications  
434 submitted in this program, including, but not limited to, the  
435 following criteria:

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- 436 1. Tenant income and demographic targeting objectives of  
437 the corporation.
- 438 2. Targeting objectives of the corporation which will  
439 ensure an equitable distribution of loans between rural and  
440 urban areas.
- 441 3. Sponsor's agreement to reserve the units for persons or  
442 families who have incomes below 50 percent of the state or local  
443 median income, whichever is higher, for a time period to exceed  
444 the minimum required by federal law or the provisions of this  
445 part.
- 446 4. Sponsor's agreement to reserve more than:
- 447 a. Twenty percent of the units in the project for persons  
448 or families who have incomes that do not exceed 50 percent of  
449 the state or local median income, whichever is higher; or
- 450 b. Forty percent of the units in the project for persons or  
451 families who have incomes that do not exceed 60 percent of the  
452 state or local median income, whichever is higher, without  
453 requiring a greater amount of the loans as provided in this  
454 section.
- 455 5. Provision for tenant counseling.
- 456 6. Sponsor's agreement to accept rental assistance  
457 certificates or vouchers as payment for rent.
- 458 7. Projects requiring the least amount of a state apartment  
459 incentive loan compared to overall project cost except that the  
460 share of the loan attributable to units serving extremely-low-  
461 income persons shall be excluded from this requirement.
- 462 8. Local government contributions and local government  
463 comprehensive planning and activities that promote affordable  
464 housing.



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- 465 9. Project feasibility.
- 466 10. Economic viability of the project.
- 467 11. Commitment of first mortgage financing.
- 468 12. Sponsor's prior experience.
- 469 13. Sponsor's ability to proceed with construction.
- 470 14. Projects that directly implement or assist welfare-to-
- 471 work transitioning.
- 472 15. Projects that reserve units for extremely-low-income
- 473 persons.
- 474 16. Projects that include green building principles, storm-
- 475 resistant construction, or other elements that reduce long-term
- 476 costs relating to maintenance, utilities, or insurance.
- 477 (1) The proceeds of all loans shall be used for new
- 478 construction, moderate rehabilitation, or substantial
- 479 rehabilitation which creates or preserves affordable, safe, and
- 480 sanitary housing units.
- 481 Section 9. Section 420.628, Florida Statutes, is created to
- 482 read:
- 483 420.628 Affordable housing for children and young adults
- 484 leaving foster care; legislative findings and intent.-
- 485 (1) The Legislature finds that there are many young adults
- 486 who, through no fault of their own, live in foster families,
- 487 group homes, and institutions and who face numerous barriers to
- 488 a successful transition to adulthood.
- 489 (2) These youth in foster care are among those who may
- 490 enter adulthood without the knowledge, skills, attitudes,
- 491 habits, and relationships that will enable them to be productive
- 492 members of society.
- 493 (3) The main barriers to safe and affordable housing for

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494 youth aging out of the foster care system are cost, lack of  
495 availability, the unwillingness of many landlords to rent to  
496 them, and their own lack of knowledge about how to be good  
497 tenants.

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

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

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

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

517 (8) It is therefore the intent of the Legislature to  
518 encourage the Florida Housing Finance Corporation, State Housing  
519 Initiative Partnership Program agencies, local housing finance  
520 agencies, public housing authorities and their agents,  
521 developers, and other providers of affordable housing to make  
522 affordable housing available to youth transitioning out of

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523 foster care whenever and wherever possible.

524 (9) The Florida Housing Finance Corporation, State Housing  
525 Initiative Partnership Program agencies, local housing finance  
526 agencies, and public housing authorities shall coordinate with  
527 the Department of Children and Family Services and their agents  
528 and community-based care providers who are operating pursuant to  
529 s. 409.1671 to develop and implement strategies and procedures  
530 designed to increase affordable housing opportunities for young  
531 adults who are leaving the child welfare system.

532 Section 10. Subsections (4), (8), (16), and (25) of section  
533 420.9071, Florida Statutes, are amended, and subsections (29)  
534 and (30) are added to that section, to read:

535 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
536 term:

537 (4) "Annual gross income" means annual income as defined  
538 under the Section 8 housing assistance payments programs in 24  
539 C.F.R. part 5; annual income as reported under the census long  
540 form for the recent available decennial census; or adjusted  
541 gross income as defined for purposes of reporting under Internal  
542 Revenue Service Form 1040 for individual federal annual income  
543 tax purposes or as defined by standard practices used in the  
544 lending industry as detailed in the local housing assistance  
545 plan and approved by the corporation. Counties and eligible  
546 municipalities shall calculate income by annualizing verified  
547 sources of income for the household as the amount of income to  
548 be received in a household during the 12 months following the  
549 effective date of the determination.

550 (8) "Eligible housing" means any real and personal property  
551 located within the county or the eligible municipality which is

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552 designed and intended for the primary purpose of providing  
553 decent, safe, and sanitary residential units that are designed  
554 to meet the standards of the Florida Building Code or previous  
555 building codes adopted under chapter 553, or manufactured  
556 housing constructed after June 1994 and installed in accordance  
557 with the installation standards for mobile or manufactured homes  
558 contained in rules of the Department of Highway Safety and Motor  
559 Vehicles, for home ownership or rental for eligible persons as  
560 designated by each county or eligible municipality participating  
561 in the State Housing Initiatives Partnership Program.

562 (16) "Local housing incentive strategies" means local  
563 regulatory reform or incentive programs to encourage or  
564 facilitate affordable housing production, which include at a  
565 minimum, assurance that permits as defined in s. 163.3164(7) and  
566 (8) for affordable housing projects are expedited to a greater  
567 degree than other projects; an ongoing process for review of  
568 local policies, ordinances, regulations, and plan provisions  
569 that increase the cost of housing prior to their adoption; and a  
570 schedule for implementing the incentive strategies. Local  
571 housing incentive strategies may also include other regulatory  
572 reforms, such as those enumerated in s. 420.9076 or those  
573 recommended by the affordable housing advisory committee in its  
574 triennial evaluation of the implementation of affordable housing  
575 incentives, and adopted by the local governing body.

576 (25) "Recaptured funds" means funds that are recouped by a  
577 county or eligible municipality in accordance with the recapture  
578 provisions of its local housing assistance plan pursuant to s.  
579 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,  
580 which funds were not used for assistance to an eligible

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581 household for an eligible activity, when there is a ~~who~~ default  
582 on the terms of a grant award or loan award.

583 (29) "Assisted housing" or "assisted housing development"  
584 means a rental housing development, including rental housing in  
585 a mixed-use development, that received or currently receives  
586 funding from any federal or state housing program.

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

592 Section 11. Subsections (6) and (7) of section 420.9072,  
593 Florida Statutes, are amended to read:

594 420.9072 State Housing Initiatives Partnership Program.—The  
595 State Housing Initiatives Partnership Program is created for the  
596 purpose of providing funds to counties and eligible  
597 municipalities as an incentive for the creation of local housing  
598 partnerships, to expand production of and preserve affordable  
599 housing, to further the housing element of the local government  
600 comprehensive plan specific to affordable housing, and to  
601 increase housing-related employment.

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

607 (7) A county or an eligible municipality must expend its  
608 portion of the local housing distribution only to implement a  
609 local housing assistance plan or as provided in this subsection.

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610       (a) A county or an eligible municipality may not expend its  
611 portion of the local housing distribution to provide rent  
612 subsidies; however, this does not prohibit the use of funds for  
613 security and utility deposit assistance.

614       (b) A county or an eligible municipality may expend a  
615 portion of the local housing distribution to provide a one-time  
616 relocation grant to persons who meet the income requirements of  
617 the State Housing Initiatives Partnership Program and who are  
618 subject to eviction from rental property located in the county  
619 or eligible municipality due to the foreclosure of the rental  
620 property. In order to receive a grant under this paragraph, a  
621 person must provide the county or eligible municipality with  
622 proof of meeting the income requirements of a very-low-income  
623 household, a low-income household, or a moderate-income  
624 household; a notice of eviction; and proof that the rent has  
625 been paid for at least 3 months before the date of eviction,  
626 including the month that the notice of eviction was served.  
627 Relocation assistance under this paragraph is limited to a one-  
628 time grant of not more than \$5,000 and is not limited to persons  
629 who are subject to eviction from projects funded under the State  
630 Housing Initiatives Partnership Program. This paragraph expires  
631 July 1, 2010.

632       Section 12. Subsections (1) and (2) of section 420.9073,  
633 Florida Statutes, are amended, and subsections (5), (6), and (7)  
634 are added to that section, to read:

635       420.9073 Local housing distributions.—

636       (1) Distributions calculated in this section shall be  
637 disbursed on a quarterly or more frequent ~~monthly~~ basis by the  
638 corporation ~~beginning the first day of the month after program~~

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639 ~~approval~~ pursuant to s. 420.9072, subject to availability of  
640 funds. Each county's share of the funds to be distributed from  
641 the portion of the funds in the Local Government Housing Trust  
642 Fund received pursuant to s. 201.15(9) shall be calculated by  
643 the corporation for each fiscal year as follows:

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

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

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

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

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

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668 pursuant to s. 201.15(9) reduced by the guaranteed amount paid  
669 to all counties.

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

679 (a) Each county shall receive the guaranteed amount for  
680 each fiscal year.

681 (b) Each county may receive an additional share calculated  
682 as follows:

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

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

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



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697       (5) Notwithstanding subsections (1)-(4), the corporation  
698 may withhold up to \$5 million of the total amount distributed  
699 each fiscal year from the Local Government Housing Trust Fund to  
700 provide additional funding to counties and eligible  
701 municipalities where a state of emergency has been declared by  
702 the Governor pursuant to chapter 252. Any portion of the  
703 withheld funds not distributed by the end of the fiscal year  
704 shall be distributed as provided in subsections (1) and (2).

705       (6) Notwithstanding subsections (1)-(4), the corporation  
706 may withhold up to \$5 million from the total amount distributed  
707 each fiscal year from the Local Government Housing Trust Fund to  
708 provide funding to counties and eligible municipalities to  
709 purchase properties subject to a State Housing Initiative  
710 Partnership Program lien and on which foreclosure proceedings  
711 have been initiated by any mortgagee. Each county and eligible  
712 municipality that receives funds under this subsection shall  
713 repay such funds to the corporation not later than the  
714 expenditure deadline for the fiscal year in which the funds were  
715 awarded. Amounts not repaid shall be withheld from the  
716 subsequent year's distribution. Any portion of such funds not  
717 distributed under this subsection by the end of the fiscal year  
718 shall be distributed as provided in subsections (1) and (2).

719       (7) A county receiving local housing distributions under  
720 this section or an eligible municipality that receives local  
721 housing distributions under an interlocal agreement shall expend  
722 those funds in accordance with the provisions of ss. 420.907-  
723 420.9079, rules of the corporation, and the county's local  
724 housing assistance plan.

725       Section 13. Subsections (1), (3), (5), and (8), paragraphs

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726 (a) and (h) of subsection (10), and paragraph (b) of subsection  
727 (13) of section 420.9075, Florida Statutes, are amended, and  
728 subsection (14) is added to that section, to read:

729 420.9075 Local housing assistance plans; partnerships.—

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

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

745 1. Implement local housing assistance strategies for the  
746 provision of affordable housing.

747 2. Supplement funds available to the corporation to provide  
748 enhanced funding of state housing programs within the county or  
749 the eligible municipality.

750 3. Provide the local matching share of federal affordable  
751 housing grants or programs.

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

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755           5. Further the housing element of the local government  
756 comprehensive plan adopted pursuant to s. 163.3184, specific to  
757 affordable housing.

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

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

772           (c) Each county and each eligible municipality is  
773 encouraged to develop a strategy within its local housing  
774 assistance plan that addresses the needs of persons who are  
775 deprived of affordable housing due to the closure of a mobile  
776 home park or the conversion of affordable rental units to  
777 condominiums.

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

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784       (e) Each county and each eligible municipality is  
785 encouraged to develop a strategy within its local housing  
786 assistance plan which provides program funds for the  
787 preservation of assisted housing.

788           (5) The following criteria apply to awards made to eligible  
789 sponsors or eligible persons for the purpose of providing  
790 eligible housing:

791           (a) At least 65 percent of the funds made available in each  
792 county and eligible municipality from the local housing  
793 distribution must be reserved for home ownership for eligible  
794 persons.

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

799           (c) Not more than 25 percent of the funds made available in  
800 each county and eligible municipality from the local housing  
801 distribution may be used for manufactured housing.

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

810           (e)~~(d)~~ 1. All units constructed, rehabilitated, or otherwise  
811 assisted with the funds provided from the local housing  
812 assistance trust fund must be occupied by very-low-income

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813 persons, low-income persons, and moderate-income persons except  
814 as otherwise provided in this section.

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

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

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

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842 persons.

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

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

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

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

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

869 1. Notwithstanding the provisions of paragraphs (a) and  
870 (b), program income as defined in s. 420.9071(24) may also be

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871 used to fund activities described in this paragraph.

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

879 3. If both an award under the local housing assistance plan  
880 and federal low-income housing tax credits are used to assist a  
881 project and there is a conflict between the criteria prescribed  
882 in this subsection and the requirements of s. 42 of the Internal  
883 Revenue Code of 1986, as amended, the county or eligible  
884 municipality may resolve the conflict by giving precedence to  
885 the requirements of s. 42 of the Internal Revenue Code of 1986,  
886 as amended, in lieu of following the criteria prescribed in this  
887 subsection with the exception of paragraphs (a) and (e) ~~(d)~~ of  
888 this subsection.

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

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

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900 (10) Each county or eligible municipality shall submit to  
901 the corporation by September 15 of each year a report of its  
902 affordable housing programs and accomplishments through June 30  
903 immediately preceding submittal of the report. The report shall  
904 be certified as accurate and complete by the local government's  
905 chief elected official or his or her designee. Transmittal of  
906 the annual report by a county's or eligible municipality's chief  
907 elected official, or his or her designee, certifies that the  
908 local housing incentive strategies, or, if applicable, the local  
909 housing incentive plan, have been implemented or are in the  
910 process of being implemented pursuant to the adopted schedule  
911 for implementation. The report must include, but is not limited  
912 to:

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

919 (h) Such other data or affordable housing accomplishments  
920 considered significant by the reporting county or eligible  
921 municipality or by the corporation.

922 (13)

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



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929 county or eligible municipality.

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

936 2. The corporation shall consider the local response that  
937 extenuating circumstances precluded implementation and grant an  
938 extension to the timeframe for implementation. Such an extension  
939 shall be made in the form of an extension agreement that  
940 provides a timeframe for implementation. The chief elected  
941 official of a county or eligible municipality or his or her  
942 designee shall have the authority to enter into the agreement on  
943 behalf of the local government.

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

953 4.a. If the affected local government fails to meet the  
954 timeframes specified in the agreement, the corporation shall  
955 terminate funds. The corporation shall send a notice of  
956 termination of the local government's share of the local housing  
957 distribution by certified mail to the affected local government.

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958 The notice shall specify the termination date, and any  
959 uncommitted funds held by the affected local government shall be  
960 transferred to the Local Government Housing Trust Fund to the  
961 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

962 b. If the corporation terminates funds to a county, but an  
963 eligible municipality receiving a local housing distribution  
964 pursuant to an interlocal agreement maintains compliance with  
965 program requirements, the corporation shall thereafter  
966 distribute directly to the participating eligible municipality  
967 its share calculated in the manner provided in s. 420.9072.

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

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

980 Section 14. Paragraph (h) of subsection (2), subsections  
981 (5) and (6), and paragraph (a) of subsection (7) of section  
982 420.9076, Florida Statutes, are amended to read:

983 420.9076 Adoption of affordable housing incentive  
984 strategies; committees.-

985 (2) The governing board of a county or municipality shall  
986 appoint the members of the affordable housing advisory committee

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987 by resolution. Pursuant to the terms of any interlocal  
988 agreement, a county and municipality may create and jointly  
989 appoint an advisory committee to prepare a joint plan. The  
990 ordinance adopted pursuant to s. 420.9072 which creates the  
991 advisory committee or the resolution appointing the advisory  
992 committee members must provide for 11 committee members and  
993 their terms. The committee must include:

994 (h) One citizen who actively serves on the local planning  
995 agency pursuant to s. 163.3174. If the local planning agency is  
996 comprised of the governing board of the county or municipality,  
997 the governing board may appoint a designee who is knowledgeable  
998 in the local planning process.

999  
1000 If a county or eligible municipality whether due to its small  
1001 size, the presence of a conflict of interest by prospective  
1002 appointees, or other reasonable factor, is unable to appoint a  
1003 citizen actively engaged in these activities in connection with  
1004 affordable housing, a citizen engaged in the activity without  
1005 regard to affordable housing may be appointed. Local governments  
1006 that receive the minimum allocation under the State Housing  
1007 Initiatives Partnership Program may elect to appoint an  
1008 affordable housing advisory committee with fewer than 11  
1009 representatives if they are unable to find representatives who  
1010 meet the criteria of paragraphs (a)-(k).

1011 (5) The approval by the advisory committee of its local  
1012 housing incentive strategies recommendations and its review of  
1013 local government implementation of previously recommended  
1014 strategies must be made by affirmative vote of a majority of the  
1015 membership of the advisory committee taken at a public hearing.

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1016 Notice of the time, date, and place of the public hearing of the  
1017 advisory committee to adopt its evaluation and final local  
1018 housing incentive strategies recommendations must be published  
1019 in a newspaper of general paid circulation in the county. The  
1020 notice must contain a short and concise summary of the  
1021 evaluation and local housing incentives strategies  
1022 recommendations to be considered by the advisory committee. The  
1023 notice must state the public place where a copy of the  
1024 evaluation and tentative advisory committee recommendations can  
1025 be obtained by interested persons. The final report, evaluation,  
1026 and recommendations shall be submitted to the corporation.

1027 (6) Within 90 days after the date of receipt of the  
1028 evaluation and local housing incentive strategies  
1029 recommendations from the advisory committee, the governing body  
1030 of the appointing local government shall adopt an amendment to  
1031 its local housing assistance plan to incorporate the local  
1032 housing incentive strategies it will implement within its  
1033 jurisdiction. The amendment must include, at a minimum, the  
1034 local housing incentive strategies required under s.  
1035 420.9071(16). The local government must consider the strategies  
1036 specified in paragraphs (4) (a)-(k) as recommended by the  
1037 advisory committee.

1038 (7) The governing board of the county or the eligible  
1039 municipality shall notify the corporation by certified mail of  
1040 its adoption of an amendment of its local housing assistance  
1041 plan to incorporate local housing incentive strategies. The  
1042 notice must include a copy of the approved amended plan.

1043 (a) If the corporation fails to receive timely the approved  
1044 amended local housing assistance plan to incorporate local

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1045 housing incentive strategies, a notice of termination of its  
1046 share of the local housing distribution shall be sent by  
1047 certified mail by the corporation to the affected county or  
1048 eligible municipality. The notice of termination must specify a  
1049 date of termination of the funding if the affected county or  
1050 eligible municipality has not adopted an amended local housing  
1051 assistance plan to incorporate local housing incentive  
1052 strategies. If the county or the eligible municipality has not  
1053 adopted an amended local housing assistance plan to incorporate  
1054 local housing incentive strategies by the termination date  
1055 specified in the notice of termination, the local distribution  
1056 share terminates; and any uncommitted local distribution funds  
1057 held by the affected county or eligible municipality in its  
1058 local housing assistance trust fund shall be transferred to the  
1059 Local Government Housing Trust Fund to the credit of the  
1060 corporation to administer the local government housing program  
1061 pursuant to ~~s. 420.9078~~.

1062 Section 15. Section 420.9078, Florida Statutes, is  
1063 repealed.

1064 Section 16. Section 420.9079, Florida Statutes, is amended  
1065 to read:

1066 420.9079 Local Government Housing Trust Fund.—

1067 (1) There is created in the State Treasury the Local  
1068 Government Housing Trust Fund, which shall be administered by  
1069 the corporation on behalf of the department according to the  
1070 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this  
1071 section. There shall be deposited into the fund a portion of the  
1072 documentary stamp tax revenues as provided in s. 201.15, moneys  
1073 received from any other source for the purposes of ss. 420.907-

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1074 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds  
1075 derived from the investment of such moneys. Moneys in the fund  
1076 that are not currently needed for the purposes of the programs  
1077 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~  
1078 and this section shall be deposited to the credit of the fund  
1079 and may be invested as provided by law. The interest received on  
1080 any such investment shall be credited to the fund.

1081 (2) The corporation shall administer the fund exclusively  
1082 for the purpose of implementing the programs described in ss.  
1083 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the  
1084 exception of monitoring the activities of counties and eligible  
1085 municipalities to determine local compliance with program  
1086 requirements, the corporation shall not receive appropriations  
1087 from the fund for administrative or personnel costs. For the  
1088 purpose of implementing the compliance monitoring provisions of  
1089 s. 420.9075(9), the corporation may request a maximum of one-  
1090 quarter of 1 percent of the annual appropriation per state  
1091 fiscal year. When such funding is appropriated, the corporation  
1092 shall deduct the amount appropriated prior to calculating the  
1093 local housing distribution pursuant to ss. 420.9072 and  
1094 420.9073.

1095 Section 17. Subsection (12) of section 1001.43, Florida  
1096 Statutes, is amended to read:

1097 1001.43 Supplemental powers and duties of district school  
1098 board.—The district school board may exercise the following  
1099 supplemental powers and duties as authorized by this code or  
1100 State Board of Education rule.

1101 (12) AFFORDABLE HOUSING.—A district school board may use  
1102 portions of school sites purchased within the guidelines of the

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1103 State Requirements for Educational Facilities, land deemed not  
1104 usable for educational purposes because of location or other  
1105 factors, or land declared as surplus by the board to provide  
1106 sites for affordable housing for teachers and other district  
1107 personnel and, in areas of critical state concern, for other  
1108 essential services personnel as defined by local affordable  
1109 housing eligibility requirements, independently or in  
1110 conjunction with other agencies as described in subsection (5).  
1111 Section 18. This act shall take effect July 1, 2009.