



449176

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/31/2009	.	
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The Committee on Community Affairs (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

159.807 State allocation pool.—

(4) (a) The state allocation pool shall also be used to  
provide written confirmations for private activity bonds that  
are to be issued by state agencies, which bonds, notwithstanding  
any other provisions of this part, shall receive priority in the



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12 use of the pool available at the time the notice of intent to  
13 issue such bonds is filed with the division.

14 (b) Notwithstanding the provisions of paragraph (a), on or  
15 before November 15 of each year, the Florida Housing Finance  
16 Corporation's access to the state allocation pool is limited to  
17 the amount of the corporation's initial allocation under s.  
18 159.804. Thereafter, the corporation may not receive more than  
19 80 percent of the amount in the state allocation pool on  
20 November 16 of each year, and may not receive more than 80  
21 percent of any additional amounts that become available during  
22 each year. The limitations of this paragraph do not apply to the  
23 distribution of the unused allocation of the state volume  
24 limitation to the Florida Housing Finance Corporation under s.  
25 159.81(2)(b), (c), and (d). This subsection does not apply to  
26 the Florida Housing Finance Corporation:

27 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~  
28 ~~exhausted, is unavailable, or is inadequate to provide an~~  
29 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~  
30 ~~volume limitation from prior years for the same carryforward~~  
31 ~~purpose, as that term is defined in s. 146 of the Code, as the~~  
32 ~~bonds it intends to issue have been completely utilized or have~~  
33 ~~expired.~~

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

38 Section 2. Section 193.018, Florida Statutes, is created to  
39 read:

40 193.018 Land owned by a community land trust used to



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41 provide affordable housing; assessment; structural improvements,  
42 condominium parcels, and cooperative parcels.-

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

48 (2) A community land trust may convey structural  
49 improvements, condominium parcels, or cooperative parcels, that  
50 are located on specific parcels of land that are identified by a  
51 legal description contained in and subject to a ground lease  
52 having a term of at least 99 years, for the purpose of providing  
53 affordable housing to natural persons or families who meet the  
54 extremely-low-income, very-low-income, low-income, or moderate-  
55 income limits specified in s. 420.0004, or the income limits for  
56 workforce housing, as defined in s. 420.5095(3). A community  
57 land trust shall retain a preemptive option to purchase any  
58 structural improvements, condominium parcels, or cooperative  
59 parcels on the land at a price determined by a formula specified  
60 in the ground lease which is designed to ensure that the  
61 structural improvements, condominium parcels, or cooperative  
62 parcels remain affordable.

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

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



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70 seller for the land is limited to an amount commensurate with  
71 the terms of the ground lease that restricts the use of the land  
72 to the provision of affordable housing in perpetuity.

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

77 (c) If the ground lease and all amendments and supplements  
78 thereto, or a memorandum documenting how such lease and  
79 amendments or supplements restrict the price at which the  
80 improvements, condominium parcels, or cooperative parcels may be  
81 sold, is recorded in the official public records of the county  
82 in which the leased land is located, the recorded lease and any  
83 amendments and supplements, or the recorded memorandum, shall be  
84 deemed a land use regulation during the term of the lease as  
85 amended or supplemented.

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

88 196.196 Determining whether property is entitled to  
89 charitable, religious, scientific, or literary exemption.—

90 (5) (a) Property owned by an exempt organization qualified  
91 as charitable under s. 501(c) (3) of the Internal Revenue Code is  
92 used for a charitable purpose if the organization has taken  
93 affirmative steps to prepare the property to provide affordable  
94 housing to persons or families that meet the extremely-low-  
95 income, very-low-income, low-income, or moderate-income limits,  
96 as specified in s. 420.0004. The term "affirmative steps" means  
97 environmental or land use permitting activities, creation of  
98 architectural plans or schematic drawings, land clearing or site



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99 preparation, construction or renovation activities, or other  
100 similar activities that demonstrate a commitment of the property  
101 to providing affordable housing.

102 (b)1. If property owned by an organization granted an  
103 exemption under this subsection is transferred for a purpose  
104 other than directly providing affordable homeownership or rental  
105 housing to persons or families who meet the extremely-low-  
106 income, very-low-income, low-income, or moderate-income limits,  
107 as specified in s. 420.0004, or is not in actual use to provide  
108 such affordable housing within 5 years after the date the  
109 organization is granted the exemption, the property appraiser  
110 making such determination shall serve upon the organization that  
111 illegally or improperly received the exemption a notice of  
112 intent to record in the public records of the county a notice of  
113 tax lien against any property owned by that organization in the  
114 county, and such property shall be identified in the notice of  
115 tax lien. The organization owning such property is subject to  
116 the taxes otherwise due and owing as a result of the failure to  
117 use the property to provide affordable housing plus 15 percent  
118 interest per annum and a penalty of 50 percent of the taxes  
119 owed.

120 2. Such lien, when filed, attaches to any property  
121 identified in the notice of tax lien owned by the organization  
122 that illegally or improperly received the exemption. If such  
123 organization no longer owns property in the county but owns  
124 property in any other county in the state, the property  
125 appraiser shall record in each such other county a notice of tax  
126 lien identifying the property owned by such organization in such  
127 county which shall become a lien against the identified



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128 property. Before any such lien may be filed, the organization so  
129 notified must be given 30 days to pay the taxes, penalties, and  
130 interest.

131 3. If an exemption is improperly granted as a result of a  
132 clerical mistake or an omission by the property appraiser, the  
133 organization improperly receiving the exemption shall not be  
134 assessed a penalty or interest.

135 4. The 5-year limitation specified in this subsection may  
136 be extended if the holder of the exemption continues to take  
137 affirmative steps to develop the property for the purposes  
138 specified in this subsection.

139 Section 4. Section 196.1978, Florida Statutes, is amended  
140 to read:

141 196.1978 Affordable housing property exemption.—Property  
142 used to provide affordable housing serving eligible persons as  
143 defined by s. 159.603(7) and natural persons or families meeting  
144 the extremely-low-income, very-low-income, low-income, or  
145 moderate-income persons meeting income limits specified in s.  
146 420.0004 s. 420.0004(8), (10), (11), and (15), which property is  
147 owned entirely by a nonprofit entity that is a corporation not  
148 for profit, qualified as charitable under s. 501(c)(3) of the  
149 Internal Revenue Code and in compliance with Rev. Proc. 96-32,  
150 1996-1 C.B. 717, or a Florida-based limited partnership, the  
151 sole general partner of which is a corporation not for profit  
152 which is qualified as charitable under s. 501(c)(3) of the  
153 Internal Revenue Code and which complies with Rev. Proc. 96-32,  
154 1996-1 C.B. 717, shall be considered property owned by an exempt  
155 entity and used for a charitable purpose, and those portions of  
156 the affordable housing property which provide housing to natural



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157 persons or families classified as extremely low income, very low  
158 income, low income, or moderate income under s. 420.0004  
159 ~~individuals with incomes as defined in s. 420.0004(10) and (15)~~  
160 shall be exempt from ad valorem taxation to the extent  
161 authorized in s. 196.196. All property identified in this  
162 section shall comply with the criteria for determination of  
163 exempt status to be applied by property appraisers on an annual  
164 basis as defined in s. 196.195. The Legislature intends that any  
165 property owned by a limited liability company or limited  
166 partnership which is disregarded as an entity for federal income  
167 tax purposes pursuant to Treasury Regulation 301.7701-  
168 3(b)(1)(ii) shall be treated as owned by its sole member or sole  
169 general partner.

170 Section 5. Paragraph (d) of subsection (2) of section  
171 212.055, Florida Statutes, is amended to read:

172 212.055 Discretionary sales surtaxes; legislative intent;  
173 authorization and use of proceeds.—It is the legislative intent  
174 that any authorization for imposition of a discretionary sales  
175 surtax shall be published in the Florida Statutes as a  
176 subsection of this section, irrespective of the duration of the  
177 levy. Each enactment shall specify the types of counties  
178 authorized to levy; the rate or rates which may be imposed; the  
179 maximum length of time the surtax may be imposed, if any; the  
180 procedure which must be followed to secure voter approval, if  
181 required; the purpose for which the proceeds may be expended;  
182 and such other requirements as the Legislature may provide.  
183 Taxable transactions and administrative procedures shall be as  
184 provided in s. 212.054.

185 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—



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186 (d)~~1.~~ The proceeds of the surtax authorized by this  
187 subsection and any accrued interest ~~accrued thereto~~ shall be  
188 expended by the school district, ~~or~~ within the county and  
189 municipalities within the county, or, in the case of a  
190 negotiated joint county agreement, within another county, to  
191 finance, plan, and construct infrastructure; ~~and~~ to acquire land  
192 for public recreation, ~~or~~ conservation, or protection of natural  
193 resources; ~~or~~ ~~and~~ to finance the closure of county-owned or  
194 municipally owned solid waste landfills that have been ~~are~~  
195 ~~already~~ closed or are required to be closed ~~close~~ by order of  
196 the Department of Environmental Protection. Any use of the such  
197 proceeds or interest for purposes of landfill closure before  
198 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~  
199 any interest may not ~~accrued thereto shall~~ be used for the  
200 operational expenses of ~~any~~ infrastructure, except that a ~~any~~  
201 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and  
202 that is required to close a landfill ~~by order of the Department~~  
203 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest  
204 ~~accrued thereto~~ for long-term maintenance costs associated with  
205 landfill closure. Counties, as defined in s. 125.011 ~~s.~~  
206 ~~125.011(1)~~, and charter counties may, in addition, use the  
207 proceeds or ~~and~~ ~~any~~ interest ~~accrued thereto~~ to retire or  
208 service indebtedness incurred for bonds issued before ~~prior to~~  
209 July 1, 1987, for infrastructure purposes, and for bonds  
210 subsequently issued to refund such bonds. Any use of the such  
211 proceeds or interest for purposes of retiring or servicing  
212 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~  
213 July 1, 1999, is ratified.

214 1.2. For the purposes of this paragraph, the term





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215 "infrastructure" means:

216 a. Any fixed capital expenditure or fixed capital outlay  
217 associated with the construction, reconstruction, or improvement  
218 of public facilities that have a life expectancy of 5 or more  
219 years and any related land acquisition, land improvement,  
220 design, and engineering costs ~~related thereto~~.

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

226 c. Any expenditure for the construction, lease, or  
227 maintenance of, or provision of utilities or security for,  
228 facilities, as defined in s. 29.008.

229 d. Any fixed capital expenditure or fixed capital outlay  
230 associated with the improvement of private facilities that have  
231 a life expectancy of 5 or more years and that the owner agrees  
232 to make available for use on a temporary basis as needed by a  
233 local government as a public emergency shelter or a staging area  
234 for emergency response equipment during an emergency officially  
235 declared by the state or by the local government under s.  
236 252.38. Such improvements ~~under this sub-subparagraph~~ are  
237 limited to those necessary to comply with current standards for  
238 public emergency evacuation shelters. The owner must ~~shall~~ enter  
239 into a written contract with the local government providing the  
240 improvement funding to make the ~~such~~ private facility available  
241 to the public for purposes of emergency shelter at no cost to  
242 the local government for a minimum ~~period~~ of 10 years after  
243 completion of the improvement, with the provision that the ~~such~~



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244 obligation will transfer to any subsequent owner until the end  
245 of the minimum period.

246 e. Any land-acquisition expenditure for a residential  
247 housing project in which at least 30 percent of the units are  
248 affordable to individuals or families whose total annual  
249 household income does not exceed 120 percent of the area median  
250 income adjusted for household size, if the land is owned by a  
251 local government or by a special district that enters into a  
252 written agreement with the local government to provide such  
253 housing. The local government or special district may enter into  
254 a ground lease with a public or private person or entity for  
255 nominal or other consideration for the construction of the  
256 residential housing project on land acquired pursuant to this  
257 sub-subparagraph.

258 ~~2.3.~~ Notwithstanding any other provision of this  
259 subsection, a local government infrastructure discretionary  
260 ~~sales~~ surtax imposed or extended after July 1, 1998, the  
261 ~~effective date of this act~~ may allocate up to ~~provide for an~~  
262 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax  
263 ~~proceeds to be allocated~~ for deposit in ~~to~~ a trust fund within  
264 the county's accounts created for the purpose of funding  
265 economic development projects having ~~of~~ a general public purpose  
266 of improving ~~targeted to improve~~ local economies, including the  
267 funding of operational costs and incentives related to ~~such~~  
268 economic development. The ballot statement must indicate the  
269 intention to make an allocation under the authority of this  
270 subparagraph.

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



273           163.3202 Land development regulations.-  
274           (2) Local land development regulations shall contain  
275 specific and detailed provisions necessary or desirable to  
276 implement the adopted comprehensive plan and shall as a minimum:  
277           (a) Regulate the subdivision of land.~~†~~  
278           (b) Regulate the use of land and water for those land use  
279 categories included in the land use element and ensure the  
280 compatibility of adjacent uses and provide for open space.~~†~~  
281           (c) Provide for protection of potable water wellfields.~~†~~  
282           (d) Regulate areas subject to seasonal and periodic  
283 flooding and provide for drainage and stormwater management.~~†~~  
284           (e) Ensure the protection of environmentally sensitive  
285 lands designated in the comprehensive plan.~~†~~  
286           (f) Regulate signage.~~†~~  
287           (g) Provide that public facilities and services meet or  
288 exceed the standards established in the capital improvements  
289 element required by s. 163.3177 and are available when needed  
290 for the development, or that development orders and permits are  
291 conditioned on the availability of these public facilities and  
292 services necessary to serve the proposed development. Not later  
293 than 1 year after its due date established by the state land  
294 planning agency's rule for submission of local comprehensive  
295 plans pursuant to s. 163.3167(2), a local government shall not  
296 issue a development order or permit which results in a reduction  
297 in the level of services for the affected public facilities  
298 below the level of services provided in the comprehensive plan  
299 of the local government.  
300           (h) Ensure safe and convenient onsite traffic flow,  
301 considering needed vehicle parking.



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302           (i) Maintain the existing density of residential properties  
303 or recreational vehicle parks if the properties are intended for  
304 residential use and are located in the unincorporated areas that  
305 have sufficient infrastructure, as determined by a local  
306 governing authority, and are not located within a coastal high  
307 hazard area under s. 163.3178.

308           Section 7. Present subsections (25) through (41) of section  
309 420.503, Florida Statutes, are redesignated as subsections (26)  
310 through (42), respectively, and a new subsection (25) is added  
311 to that section to read:

312           420.503 Definitions.—As used in this part, the term:

313           (25) "Moderate rehabilitation" means repair or restoration  
314 of a dwelling unit when the value of such repair or restoration  
315 is 40 percent or less of the value of the dwelling unit but not  
316 less than \$10,000.

317           Section 8. Paragraphs (c) and (1) of subsection (6) of  
318 section 420.5087, Florida Statutes, are amended to read:

319           420.5087 State Apartment Incentive Loan Program.—There is  
320 hereby created the State Apartment Incentive Loan Program for  
321 the purpose of providing first, second, or other subordinated  
322 mortgage loans or loan guarantees to sponsors, including for-  
323 profit, nonprofit, and public entities, to provide housing  
324 affordable to very-low-income persons.

325           (6) On all state apartment incentive loans, except loans  
326 made to housing communities for the elderly to provide for  
327 lifesafety, building preservation, health, sanitation, or  
328 security-related repairs or improvements, the following  
329 provisions shall apply:

330           (c) The corporation shall provide by rule for the



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331 establishment of a review committee composed of the department  
332 and corporation staff and shall establish by rule a scoring  
333 system for evaluation and competitive ranking of applications  
334 submitted in this program, including, but not limited to, the  
335 following criteria:

336 1. Tenant income and demographic targeting objectives of  
337 the corporation.

338 2. Targeting objectives of the corporation which will  
339 ensure an equitable distribution of loans between rural and  
340 urban areas.

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

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

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

350 b. Forty percent of the units in the project for persons or  
351 families who have incomes that do not exceed 60 percent of the  
352 state or local median income, whichever is higher, without  
353 requiring a greater amount of the loans as provided in this  
354 section.

355 5. Provision for tenant counseling.

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

358 7. Projects requiring the least amount of a state apartment  
359 incentive loan compared to overall project cost except that the



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360 share of the loan attributable to units serving extremely-low-  
361 income persons shall be excluded from this requirement.

362 8. Local government contributions and local government  
363 comprehensive planning and activities that promote affordable  
364 housing.

365 9. Project feasibility.

366 10. Economic viability of the project.

367 11. Commitment of first mortgage financing.

368 12. Sponsor's prior experience.

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

370 14. Projects that directly implement or assist welfare-to-  
371 work transitioning.

372 15. Projects that reserve units for extremely-low-income  
373 persons.

374 16. Projects that include green building principles, storm-  
375 resistant construction, or other elements that reduce long-term  
376 costs relating to maintenance, utilities, or insurance.

377 (1) The proceeds of all loans shall be used for new  
378 construction, moderate rehabilitation, or substantial  
379 rehabilitation which creates or preserves affordable, safe, and  
380 sanitary housing units.

381 Section 9. Section 420.628, Florida Statutes, is created to  
382 read:

383 420.628 Affordable housing for children and young adults  
384 leaving foster care; legislative findings and intent.-

385 (1) (a) The Legislature finds that there are many young  
386 persons who, through no fault of their own, live in foster  
387 families, group homes, and institutions, and face numerous  
388 barriers to a successful transition to adulthood. Young persons



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389 who emancipate from the child welfare system or age out of the  
390 foster care system may enter adulthood lacking the knowledge,  
391 skills, attitudes, habits, and relationships that will enable  
392 them to become productive members of society.

393 (b) The Legislature further finds that the main barriers to  
394 safe and affordable housing for such young persons are cost,  
395 lack of availability, the unwillingness of landlords to rent to  
396 such youth due to perceived regulatory barriers, and a lack of  
397 knowledge about how to be a good tenant. These barriers cause  
398 young persons to be at risk of becoming homeless.

399 (c) The Legislature also finds that young persons who  
400 emancipate from the child welfare system or are age out of the  
401 foster care system are disproportionately represented in the  
402 homeless population. Without the stability of safe and  
403 affordable housing, all other services, training, and  
404 opportunities provided to such young persons may not be  
405 effective. Making affordable housing available will decrease the  
406 chance of homelessness and may increase the ability of such  
407 young persons to live independently.

408 (d) The Legislature intends that the Florida Housing  
409 Finance Corporation, State Housing Initiative Partnership  
410 Program agencies, local housing finance agencies, public housing  
411 authorities and their agents, and other providers of affordable  
412 housing coordinate with the Department of Children and Families,  
413 their agents and community-based care providers who operate  
414 under s. 409.1671, to develop and implement strategies and  
415 procedures designed to make affordable housing available  
416 whenever and wherever possible to young persons who emancipate  
417 from the child welfare system or age out of the foster care



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418 system.

419 (2) Young persons who emancipate from the child welfare  
420 system and or age out of the foster care system meet the  
421 definition of eligible persons under s. 420.503(7) and s.  
422 420.907(10) for affordable housing, and are encouraged to  
423 participate in federal, state, and local affordable housing  
424 programs. Students deemed to be eligible occupants under 26 USC  
425 42(i)(3)(d) shall be considered eligible persons for purposes of  
426 all projects funded under chapter 420.

427 Section 10. Subsections (4), (8), (16), and (25) of section  
428 420.9071, Florida Statutes, are amended, and subsections (29)  
429 and (30) are added to that section, to read:

430 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
431 term:

432 (4) "Annual gross income" means annual income as defined  
433 under the Section 8 housing assistance payments programs in 24  
434 C.F.R. part 5; annual income as reported under the census long  
435 form for the recent available decennial census; or adjusted  
436 gross income as defined for purposes of reporting under Internal  
437 Revenue Service Form 1040 for individual federal annual income  
438 tax purposes or as defined by standard practices used in the  
439 lending industry as detailed in the local housing assistance  
440 plan and approved by the corporation. Counties and eligible  
441 municipalities shall calculate income by annualizing verified  
442 sources of income for the household as the amount of income to  
443 be received in a household during the 12 months following the  
444 effective date of the determination.

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





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447 designed and intended for the primary purpose of providing  
448 decent, safe, and sanitary residential units that are designed  
449 to meet the standards of the Florida Building Code or previous  
450 building codes adopted under chapter 553, or manufactured  
451 housing constructed after June 1994 and installed in accordance  
452 with the installation standards for mobile or manufactured homes  
453 contained in rules of the Department of Highway Safety and Motor  
454 Vehicles, for home ownership or rental for eligible persons as  
455 designated by each county or eligible municipality participating  
456 in the State Housing Initiatives Partnership Program.

457 (16) "Local housing incentive strategies" means local  
458 regulatory reform or incentive programs to encourage or  
459 facilitate affordable housing production, which include at a  
460 minimum, assurance that permits as defined in s. 163.3164(7) and  
461 (8) for affordable housing projects are expedited to a greater  
462 degree than other projects; an ongoing process for review of  
463 local policies, ordinances, regulations, and plan provisions  
464 that increase the cost of housing prior to their adoption; and a  
465 schedule for implementing the incentive strategies. Local  
466 housing incentive strategies may also include other regulatory  
467 reforms, such as those enumerated in s. 420.9076 or those  
468 recommended by the affordable housing advisory committee in its  
469 triennial evaluation of the implementation of affordable housing  
470 incentives, and adopted by the local governing body.

471 (25) "Recaptured funds" means funds that are recouped by a  
472 county or eligible municipality in accordance with the recapture  
473 provisions of its local housing assistance plan pursuant to s.  
474 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,  
475 which funds were not used for assistance to an eligible



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

478 (29) "Assisted housing" or "assisted housing development"  
479 means a rental housing development, including rental housing in  
480 a mixed-use development, that received or currently receives  
481 funding from any federal or state housing program.

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

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

489 420.9072 State Housing Initiatives Partnership Program.—The  
490 State Housing Initiatives Partnership Program is created for the  
491 purpose of providing funds to counties and eligible  
492 municipalities as an incentive for the creation of local housing  
493 partnerships, to expand production of and preserve affordable  
494 housing, to further the housing element of the local government  
495 comprehensive plan specific to affordable housing, and to  
496 increase housing-related employment.

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

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



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

509       (b) A county or an eligible municipality may expend a  
510 portion of the local housing distribution to provide a one-time  
511 relocation grant to persons who meet the income requirements of  
512 the State Housing Initiatives Partnership Program and who are  
513 subject to eviction from rental property located in the county  
514 or eligible municipality due to the foreclosure of the rental  
515 property. In order to receive a grant under this paragraph, a  
516 person must provide the county or eligible municipality with  
517 proof of meeting the income requirements of a very-low-income  
518 household, a low-income household, or a moderate-income  
519 household; a notice of eviction; and proof that the rent has  
520 been paid for at least 3 months before the date of eviction,  
521 including the month that the notice of eviction was served.  
522 Relocation assistance under this paragraph is limited to a one-  
523 time grant of not more than \$5,000 and is not limited to persons  
524 who are subject to eviction from projects funded under the State  
525 Housing Initiatives Partnership Program. This paragraph expires  
526 July 1, 2010.

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

530       420.9073 Local housing distributions.—

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



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

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

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

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

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

555 3. For each county in which the result in subparagraph 1.  
556 is greater than the guaranteed amount as determined in  
557 subsection (3), the amount calculated in subparagraph 1. shall  
558 be reduced by the guaranteed amount. The result for each such  
559 county shall be expressed as a percentage of the amounts so  
560 determined for all counties. Each such county shall receive an  
561 additional share equal to such percentage multiplied by the  
562 total funds received by the Local Government Housing Trust Fund



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

565 (2) ~~Effective July 1, 1995,~~ Distributions calculated in  
566 this section shall be disbursed on a quarterly or more frequent  
567 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~  
568 ~~month after program approval~~ pursuant to s. 420.9072, subject to  
569 availability of funds. Each county's share of the funds to be  
570 distributed from the portion of the funds in the Local  
571 Government Housing Trust Fund received pursuant to s. 201.15(10)  
572 shall be calculated by the corporation for each fiscal year as  
573 follows:

574 (a) Each county shall receive the guaranteed amount for  
575 each fiscal year.

576 (b) Each county may receive an additional share calculated  
577 as follows:

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

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

583 3. For each county in which the result in subparagraph 1.  
584 is greater than the guaranteed amount, the amount calculated in  
585 subparagraph 1. shall be reduced by the guaranteed amount. The  
586 result for each such county shall be expressed as a percentage  
587 of the amounts so determined for all counties. Each such county  
588 shall receive an additional share equal to this percentage  
589 multiplied by the total funds received by the Local Government  
590 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the  
591 guaranteed amount paid to all counties.



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592           (5) Notwithstanding subsections (1)-(4), the corporation  
593 may withhold up to \$5 million of the total amount distributed  
594 each fiscal year from the Local Government Housing Trust Fund to  
595 provide additional funding to counties and eligible  
596 municipalities where a state of emergency has been declared by  
597 the Governor pursuant to chapter 252. Any portion of the  
598 withheld funds not distributed by the end of the fiscal year  
599 shall be distributed as provided in subsections (1) and (2).

600           (6) Notwithstanding subsections (1)-(4), the corporation  
601 may withhold up to \$5 million from the total amount distributed  
602 each fiscal year from the Local Government Housing Trust Fund to  
603 provide funding to counties and eligible municipalities to  
604 purchase properties subject to a State Housing Initiative  
605 Partnership Program lien and on which foreclosure proceedings  
606 have been initiated by any mortgagee. Each county and eligible  
607 municipality that receives funds under this subsection shall  
608 repay such funds to the corporation not later than the  
609 expenditure deadline for the fiscal year in which the funds were  
610 awarded. Amounts not repaid shall be withheld from the  
611 subsequent year's distribution. Any portion of such funds not  
612 distributed under this subsection by the end of the fiscal year  
613 shall be distributed as provided in subsections (1) and (2).

614           (7) A county receiving local housing distributions under  
615 this section or an eligible municipality that receives local  
616 housing distributions under an interlocal agreement shall expend  
617 those funds in accordance with the provisions of ss. 420.907-  
618 420.9079, rules of the corporation, and the county's local  
619 housing assistance plan.

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



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

624 420.9075 Local housing assistance plans; partnerships.—

625 (1) (a) Each county or eligible municipality participating  
626 in the State Housing Initiatives Partnership Program shall  
627 develop and implement a local housing assistance plan created to  
628 make affordable residential units available to persons of very  
629 low income, low income, or moderate income and to persons who  
630 have special housing needs, including, but not limited to,  
631 homeless people, the elderly, ~~and~~ migrant farmworkers, and  
632 persons with disabilities. Counties or eligible municipalities  
633 may include strategies to assist persons and households having  
634 annual incomes of not more than 140 percent of area median  
635 income. The plans are intended to increase the availability of  
636 affordable residential units by combining local resources and  
637 cost-saving measures into a local housing partnership and using  
638 private and public funds to reduce the cost of housing.

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

- 640 1. Implement local housing assistance strategies for the  
641 provision of affordable housing.
- 642 2. Supplement funds available to the corporation to provide  
643 enhanced funding of state housing programs within the county or  
644 the eligible municipality.
- 645 3. Provide the local matching share of federal affordable  
646 housing grants or programs.
- 647 4. Fund emergency repairs, including, but not limited to,  
648 repairs performed by existing service providers under  
649 weatherization assistance programs under ss. 409.509-409.5093.



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650           5. Further the housing element of the local government  
651 comprehensive plan adopted pursuant to s. 163.3184, specific to  
652 affordable housing.

653           (3) (a) Each local housing assistance plan shall include a  
654 definition of essential service personnel for the county or  
655 eligible municipality, including, but not limited to, teachers  
656 and educators, other school district, community college, and  
657 university employees, police and fire personnel, health care  
658 personnel, skilled building trades personnel, and other job  
659 categories.

660           (b) Each county and each eligible municipality is  
661 encouraged to develop a strategy within its local housing  
662 assistance plan that emphasizes the recruitment and retention of  
663 essential service personnel. The local government is encouraged  
664 to involve public and private sector employers. Compliance with  
665 the eligibility criteria established under this strategy shall  
666 be verified by the county or eligible municipality.

667           (c) Each county and each eligible municipality is  
668 encouraged to develop a strategy within its local housing  
669 assistance plan that addresses the needs of persons who are  
670 deprived of affordable housing due to the closure of a mobile  
671 home park or the conversion of affordable rental units to  
672 condominiums.

673           (d) Each county and each eligible municipality shall  
674 describe initiatives in the local housing assistance plan to  
675 encourage or require innovative design, green building  
676 principles, storm-resistant construction, or other elements that  
677 reduce long-term costs relating to maintenance, utilities, or  
678 insurance.





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679           (e) Each county and each eligible municipality is  
680 encouraged to develop a strategy within its local housing  
681 assistance plan which provides program funds for the  
682 preservation of assisted housing.

683           (5) The following criteria apply to awards made to eligible  
684 sponsors or eligible persons for the purpose of providing  
685 eligible housing:

686           (a) At least 65 percent of the funds made available in each  
687 county and eligible municipality from the local housing  
688 distribution must be reserved for home ownership for eligible  
689 persons.

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

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

697           (d)~~(e)~~ The sales price or value of new or existing eligible  
698 housing may not exceed 90 percent of the average area purchase  
699 price in the statistical area in which the eligible housing is  
700 located. Such average area purchase price may be that calculated  
701 for any 12-month period beginning not earlier than the fourth  
702 calendar year prior to the year in which the award occurs or as  
703 otherwise established by the United States Department of the  
704 Treasury.

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



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708 persons, low-income persons, and moderate-income persons except  
709 as otherwise provided in this section.

710 2. At least 30 percent of the funds deposited into the  
711 local housing assistance trust fund must be reserved for awards  
712 to very-low-income persons or eligible sponsors who will serve  
713 very-low-income persons and at least an additional 30 percent of  
714 the funds deposited into the local housing assistance trust fund  
715 must be reserved for awards to low-income persons or eligible  
716 sponsors who will serve low-income persons. This subparagraph  
717 does not apply to a county or an eligible municipality that  
718 includes, or has included within the previous 5 years, an area  
719 of critical state concern designated or ratified by the  
720 Legislature for which the Legislature has declared its intent to  
721 provide affordable housing. The exemption created by this act  
722 expires on July 1, 2013, and shall apply retroactively 2008.

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

726 (g)~~(f)~~ Loans or grants for eligible rental housing  
727 constructed, rehabilitated, or otherwise assisted from the local  
728 housing assistance trust fund must be subject to recapture  
729 requirements as provided by the county or eligible municipality  
730 in its local housing assistance plan unless reserved for  
731 eligible persons for 15 years or the term of the assistance,  
732 whichever period is longer. Eligible sponsors that offer rental  
733 housing for sale before 15 years or that have remaining  
734 mortgages funded under this program must give a first right of  
735 refusal to eligible nonprofit organizations for purchase at the  
736 current market value for continued occupancy by eligible



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737 persons.

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

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

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

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

755 (l)~~(k)~~ Funds from the local housing distribution not used  
756 to meet the criteria established in paragraph (a) or paragraph  
757 (b) or not used for the administration of a local housing  
758 assistance plan must be used for housing production and finance  
759 activities, including, but not limited to, financing  
760 preconstruction activities or the purchase of existing units,  
761 providing rental housing, and providing home ownership training  
762 to prospective home buyers and owners of homes assisted through  
763 the local housing assistance plan.

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



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766 used to fund activities described in this paragraph.

767 2. When preconstruction due-diligence activities conducted  
768 as part of a preservation strategy show that preservation of the  
769 units is not feasible and will not result in the production of  
770 an eligible unit, such costs shall be deemed a program expense  
771 rather than an administrative expense if such program expenses  
772 do not exceed 3 percent of the annual local housing  
773 distribution.

774 3. If both an award under the local housing assistance plan  
775 and federal low-income housing tax credits are used to assist a  
776 project and there is a conflict between the criteria prescribed  
777 in this subsection and the requirements of s. 42 of the Internal  
778 Revenue Code of 1986, as amended, the county or eligible  
779 municipality may resolve the conflict by giving precedence to  
780 the requirements of s. 42 of the Internal Revenue Code of 1986,  
781 as amended, in lieu of following the criteria prescribed in this  
782 subsection with the exception of paragraphs (a) and (e) ~~(d)~~ of  
783 this subsection.

784 4. Each county and each eligible municipality may award  
785 funds as a grant for construction, rehabilitation, or repair as  
786 part of disaster recovery or emergency repairs or to remedy  
787 accessibility or health and safety deficiencies. Any other  
788 grants must be approved as part of the local housing assistance  
789 plan.

790 (8) Pursuant to s. 420.531, the corporation shall provide  
791 training and technical assistance to local governments regarding  
792 the creation of partnerships, the design of local housing  
793 assistance strategies, the implementation of local housing  
794 incentive strategies, and the provision of support services.



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795           (10) Each county or eligible municipality shall submit to  
796 the corporation by September 15 of each year a report of its  
797 affordable housing programs and accomplishments through June 30  
798 immediately preceding submittal of the report. The report shall  
799 be certified as accurate and complete by the local government's  
800 chief elected official or his or her designee. Transmittal of  
801 the annual report by a county's or eligible municipality's chief  
802 elected official, or his or her designee, certifies that the  
803 local housing incentive strategies, or, if applicable, the local  
804 housing incentive plan, have been implemented or are in the  
805 process of being implemented pursuant to the adopted schedule  
806 for implementation. The report must include, but is not limited  
807 to:

808           (a) The number of households served by income category,  
809 age, family size, and race, and data regarding any special needs  
810 populations such as farmworkers, homeless persons, persons with  
811 disabilities, and the elderly. Counties shall report this  
812 information separately for households served in the  
813 unincorporated area and each municipality within the county.

814           (h) Such other data or affordable housing accomplishments  
815 considered significant by the reporting county or eligible  
816 municipality or by the corporation.

817           (13)

818           (b) If, as a result of its review of the annual report, the  
819 corporation determines that a county or eligible municipality  
820 has failed to implement a local housing incentive strategy, or,  
821 if applicable, a local housing incentive plan, it shall send a  
822 notice of termination of the local government's share of the  
823 local housing distribution by certified mail to the affected



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824 county or eligible municipality.

825 1. The notice must specify a date of termination of the  
826 funding if the affected county or eligible municipality does not  
827 implement the plan or strategy and provide for a local response.  
828 A county or eligible municipality shall respond to the  
829 corporation within 30 days after receipt of the notice of  
830 termination.

831 2. The corporation shall consider the local response that  
832 extenuating circumstances precluded implementation and grant an  
833 extension to the timeframe for implementation. Such an extension  
834 shall be made in the form of an extension agreement that  
835 provides a timeframe for implementation. The chief elected  
836 official of a county or eligible municipality or his or her  
837 designee shall have the authority to enter into the agreement on  
838 behalf of the local government.

839 3. If the county or the eligible municipality has not  
840 implemented the incentive strategy or entered into an extension  
841 agreement by the termination date specified in the notice, the  
842 local housing distribution share terminates, and any uncommitted  
843 local housing distribution funds held by the affected county or  
844 eligible municipality in its local housing assistance trust fund  
845 shall be transferred to the Local Government Housing Trust Fund  
846 to the credit of the corporation to administer ~~pursuant to s.~~  
847 ~~420.9078.~~

848 4.a. If the affected local government fails to meet the  
849 timeframes specified in the agreement, the corporation shall  
850 terminate funds. The corporation shall send a notice of  
851 termination of the local government's share of the local housing  
852 distribution by certified mail to the affected local government.



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

857 b. If the corporation terminates funds to a county, but an  
858 eligible municipality receiving a local housing distribution  
859 pursuant to an interlocal agreement maintains compliance with  
860 program requirements, the corporation shall thereafter  
861 distribute directly to the participating eligible municipality  
862 its share calculated in the manner provided in s. 420.9072.

863 c. Any county or eligible municipality whose local  
864 distribution share has been terminated may subsequently elect to  
865 receive directly its local distribution share by adopting the  
866 ordinance, resolution, and local housing assistance plan in the  
867 manner and according to the procedures provided in ss. 420.907-  
868 420.9079.

869 (14) If the corporation determines that a county or  
870 eligible municipality has expended program funds for an  
871 ineligible activity, the corporation shall require such funds to  
872 be repaid to the local housing assistance trust fund. Such  
873 repayment may not be made with funds from the State Housing  
874 Initiatives Partnership Program.

875 Section 14. Paragraph (h) of subsection (2), subsections  
876 (5) and (6), and paragraph (a) of subsection (7) of section  
877 420.9076, Florida Statutes, are amended to read:

878 420.9076 Adoption of affordable housing incentive  
879 strategies; committees.—

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



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882 by resolution. Pursuant to the terms of any interlocal  
883 agreement, a county and municipality may create and jointly  
884 appoint an advisory committee to prepare a joint plan. The  
885 ordinance adopted pursuant to s. 420.9072 which creates the  
886 advisory committee or the resolution appointing the advisory  
887 committee members must provide for 11 committee members and  
888 their terms. The committee must include:

889 (h) One citizen who actively serves on the local planning  
890 agency pursuant to s. 163.3174. If the local planning agency is  
891 comprised of the governing board of the county or municipality,  
892 the governing board may appoint a designee who is knowledgeable  
893 in the local planning process.

894  
895 If a county or eligible municipality whether due to its small  
896 size, the presence of a conflict of interest by prospective  
897 appointees, or other reasonable factor, is unable to appoint a  
898 citizen actively engaged in these activities in connection with  
899 affordable housing, a citizen engaged in the activity without  
900 regard to affordable housing may be appointed. Local governments  
901 that receive the minimum allocation under the State Housing  
902 Initiatives Partnership Program may elect to appoint an  
903 affordable housing advisory committee with fewer than 11  
904 representatives if they are unable to find representatives who  
905 meet the criteria of paragraphs (a)-(k).

906 (5) The approval by the advisory committee of its local  
907 housing incentive strategies recommendations and its review of  
908 local government implementation of previously recommended  
909 strategies must be made by affirmative vote of a majority of the  
910 membership of the advisory committee taken at a public hearing.





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911 Notice of the time, date, and place of the public hearing of the  
912 advisory committee to adopt its evaluation and final local  
913 housing incentive strategies recommendations must be published  
914 in a newspaper of general paid circulation in the county. The  
915 notice must contain a short and concise summary of the  
916 evaluation and local housing incentives strategies  
917 recommendations to be considered by the advisory committee. The  
918 notice must state the public place where a copy of the  
919 evaluation and tentative advisory committee recommendations can  
920 be obtained by interested persons. The final report, evaluation,  
921 and recommendations shall be submitted to the corporation.

922 (6) Within 90 days after the date of receipt of the  
923 evaluation and local housing incentive strategies  
924 recommendations from the advisory committee, the governing body  
925 of the appointing local government shall adopt an amendment to  
926 its local housing assistance plan to incorporate the local  
927 housing incentive strategies it will implement within its  
928 jurisdiction. The amendment must include, at a minimum, the  
929 local housing incentive strategies required under s.  
930 420.9071(16). The local government must consider the strategies  
931 specified in paragraphs (4)(a)-(k) as recommended by the  
932 advisory committee.

933 (7) The governing board of the county or the eligible  
934 municipality shall notify the corporation by certified mail of  
935 its adoption of an amendment of its local housing assistance  
936 plan to incorporate local housing incentive strategies. The  
937 notice must include a copy of the approved amended plan.

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



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940 housing incentive strategies, a notice of termination of its  
941 share of the local housing distribution shall be sent by  
942 certified mail by the corporation to the affected county or  
943 eligible municipality. The notice of termination must specify a  
944 date of termination of the funding if the affected county or  
945 eligible municipality has not adopted an amended local housing  
946 assistance plan to incorporate local housing incentive  
947 strategies. If the county or the eligible municipality has not  
948 adopted an amended local housing assistance plan to incorporate  
949 local housing incentive strategies by the termination date  
950 specified in the notice of termination, the local distribution  
951 share terminates; and any uncommitted local distribution funds  
952 held by the affected county or eligible municipality in its  
953 local housing assistance trust fund shall be transferred to the  
954 Local Government Housing Trust Fund to the credit of the  
955 corporation to administer the local government housing program  
956 ~~pursuant to s. 420.9078.~~

957 Section 15. Section 420.9078, Florida Statutes, is  
958 repealed.

959 Section 16. Section 420.9079, Florida Statutes, is amended  
960 to read:

961 420.9079 Local Government Housing Trust Fund.—

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



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969 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds  
970 derived from the investment of such moneys. Moneys in the fund  
971 that are not currently needed for the purposes of the programs  
972 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~  
973 and this section shall be deposited to the credit of the fund  
974 and may be invested as provided by law. The interest received on  
975 any such investment shall be credited to the fund.

976 (2) The corporation shall administer the fund exclusively  
977 for the purpose of implementing the programs described in ss.  
978 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the  
979 exception of monitoring the activities of counties and eligible  
980 municipalities to determine local compliance with program  
981 requirements, the corporation shall not receive appropriations  
982 from the fund for administrative or personnel costs. For the  
983 purpose of implementing the compliance monitoring provisions of  
984 s. 420.9075(9), the corporation may request a maximum of one-  
985 quarter of 1 percent of the annual appropriation per state  
986 fiscal year. When such funding is appropriated, the corporation  
987 shall deduct the amount appropriated prior to calculating the  
988 local housing distribution pursuant to ss. 420.9072 and  
989 420.9073.

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

992 1001.43 Supplemental powers and duties of district school  
993 board.—The district school board may exercise the following  
994 supplemental powers and duties as authorized by this code or  
995 State Board of Education rule.

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



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998 State Requirements for Educational Facilities, land deemed not  
999 usable for educational purposes because of location or other  
1000 factors, or land declared as surplus by the board to provide  
1001 sites for affordable housing for teachers and other district  
1002 personnel and, in areas of critical state concern, for other  
1003 essential services personnel as defined by local affordable  
1004 housing eligibility requirements, independently or in  
1005 conjunction with other agencies as described in subsection (5).

1006 Section 18. This act shall take effect July 1, 2009.

1007  
1008 ===== T I T L E A M E N D M E N T =====

1009 And the title is amended as follows:

1010 Delete everything before the enacting clause  
1011 and insert:

1012 A bill to be entitled  
1013 An act relating to affordable housing; amending s. 159.807,  
1014 F.S.; providing limitations on the Florida Housing Finance  
1015 Corporation's access to the state allocation pool; deleting a  
1016 provision exempting the corporation from the applicability of  
1017 certain uses of the state allocation pool; creating s. 193.018,  
1018 F.S.; providing for the assessment of property receiving the  
1019 low-income housing tax credit; defining the term "community land  
1020 trust"; providing for the assessment of structural improvements,  
1021 condominium parcels, and cooperative parcels on land owned by a  
1022 community land trust and used to provide affordable housing;  
1023 providing for the conveyance of structural improvements,  
1024 condominium parcels, and cooperative parcels subject to certain  
1025 conditions; specifying the criteria to be used in arriving at  
1026 just valuation of a structural improvement, condominium parcel,



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1027 or cooperative parcel; amending s. 196.196, F.S.; providing  
1028 additional criteria for determining whether certain affordable  
1029 housing property owned by certain exempt organizations is  
1030 entitled to an exemption from ad valorem taxation; providing a  
1031 definition; subjecting organizations owning certain property to  
1032 ad valorem taxation under certain circumstances; providing for  
1033 tax liens; providing for penalties and interest; providing an  
1034 exception; providing notice requirements; amending s. 196.1978,  
1035 F.S.; providing that property owned by certain nonprofit  
1036 entities or Florida-based limited partnerships and used or held  
1037 for the purpose of providing affordable housing to certain  
1038 income-qualified persons is exempt from ad valorem taxation;  
1039 revising legislative intent; amending s. 212.055, F.S.;  
1040 redefining the term "infrastructure" to allow the proceeds of a  
1041 local government infrastructure surtax to be used to purchase  
1042 land for certain purposes relating to construction of affordable  
1043 housing; amending s. 163.3202, F.S.; requiring that local land  
1044 development regulations maintain the existing density of  
1045 residential properties or recreational vehicle parks under  
1046 certain circumstances; amending s. 420.503, F.S.; defining the  
1047 term "moderate rehabilitation" for purposes of the Florida  
1048 Housing Finance Corporation Act; amending s. 420.5087, F.S.;  
1049 revising purposes for which state apartment incentive loans may  
1050 be used; creating s. 420.628, F.S.; providing legislative  
1051 findings and intent; requiring certain governmental entities to  
1052 develop and implement strategies and procedures designed to  
1053 increase affordable housing opportunities for young adults who  
1054 are leaving the child welfare system; amending s. 420.9071,  
1055 F.S.; revising and providing definitions; amending s. 420.9072,



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1056 F.S.; conforming a cross-reference; authorizing counties and  
1057 eligible municipalities to use funds from the State Housing  
1058 Initiatives Partnership Program to provide relocation grants for  
1059 persons who are evicted from rental properties that are in  
1060 foreclosure; providing eligibility requirements for receiving a  
1061 grant; providing that authorization for the relocation grants  
1062 expires July 1, 2010, amending s. 420.9073, F.S.; revising the  
1063 frequency with which local housing distributions are to be made  
1064 by the corporation; authorizing the corporation to withhold  
1065 funds from the total distribution annually for specified  
1066 purposes; requiring counties and eligible municipalities that  
1067 receive local housing distributions to expend those funds in a  
1068 specified manner; amending s. 420.9075, F.S.; requiring that  
1069 local housing assistance plans address the special housing needs  
1070 of persons with disabilities; authorizing counties and certain  
1071 municipalities to assist persons and households meeting specific  
1072 income requirements; revising requirements to be included in the  
1073 local housing assistance plan; requiring counties and certain  
1074 municipalities to include certain initiatives and strategies in  
1075 the local housing assistance plan; revising criteria that  
1076 applies to awards made for the purpose of providing eligible  
1077 housing; authorizing and limiting the percentage of funds from  
1078 the local housing distribution which may be used for  
1079 manufactured housing; extending the expiration date of an  
1080 exemption from certain income requirements in specified areas;  
1081 providing for retroactive application; authorizing the use of  
1082 certain funds for preconstruction activities; providing that  
1083 certain costs are a program expense; authorizing counties and  
1084 certain municipalities to award grant funds under certain



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1085 conditions; providing for the repayment of funds by the local  
1086 housing assistance trust fund; amending s. 420.9076, F.S.;  
1087 revising appointments to a local affordable housing advisory  
1088 committee; revising notice requirements for public hearings of  
1089 the advisory committee; requiring the committee's final report,  
1090 evaluation, and recommendations to be submitted to the  
1091 corporation; deleting cross-references to conform to changes  
1092 made by the act; repealing s. 420.9078, F.S., relating to state  
1093 administration of funds remaining in the Local Government  
1094 Housing Trust Fund; amending s. 420.9079, F.S.; conforming  
1095 cross-references; amending s. 1001.43, F.S.; revising district  
1096 school board powers and duties in relation to use of land for  
1097 affordable housing in certain areas for certain personnel;  
1098 providing an effective date.