

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. The limitations of this paragraph do not apply to the
127 distribution of the unused allocation of the state volume
128 limitation to the Florida Housing Finance Corporation under s.
129 159.81(2)(b), (c), and (d). This subsection does not apply to
130 the Florida Housing Finance Corporation:

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

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

142 Section 2. Section 193.018, Florida Statutes, is created to
143 read:

144 193.018 Land owned by a community land trust used to
145 provide affordable housing; assessment; structural improvements,

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146 condominium parcels, and cooperative parcels.-

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

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

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

173 (a) The amount a willing purchaser would pay a willing
174 seller for the land is limited to an amount commensurate with

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175 the terms of the ground lease that restricts the use of the land
176 to the provision of affordable housing in perpetuity.

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

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

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

192 196.196 Determining whether property is entitled to
193 charitable, religious, scientific, or literary exemption.-

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

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204 similar activities that demonstrate a commitment of the property
205 to providing affordable housing.

206 (b)1. If property owned by an organization granted an
207 exemption under this subsection is transferred for a purpose
208 other than directly providing affordable homeownership or rental
209 housing to persons or families who meet the extremely-low-
210 income, very-low-income, low-income, or moderate-income limits,
211 as specified in s. 420.0004, or is not in actual use to provide
212 such affordable housing within 5 years after the date the
213 organization is granted the exemption, the property appraiser
214 making such determination shall serve upon the organization that
215 illegally or improperly received the exemption a notice of
216 intent to record in the public records of the county a notice of
217 tax lien against any property owned by that organization in the
218 county, and such property shall be identified in the notice of
219 tax lien. The organization owning such property is subject to
220 the taxes otherwise due and owing as a result of the failure to
221 use the property to provide affordable housing plus 15 percent
222 interest per annum and a penalty of 50 percent of the taxes
223 owed.

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

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233 notified must be given 30 days to pay the taxes, penalties, and
234 interest.

235 3. If an exemption is improperly granted as a result of a
236 clerical mistake or an omission by the property appraiser, the
237 organization improperly receiving the exemption shall not be
238 assessed a penalty or interest.

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

243 Section 4. Section 196.1978, Florida Statutes, is amended
244 to read:

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

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262 income, low income, or moderate income under s. 420.0004
263 ~~individuals with incomes as defined in s. 420.0004(10) and (15)~~
264 shall be exempt from ad valorem taxation to the extent
265 authorized in s. 196.196. All property identified in this
266 section shall comply with the criteria for determination of
267 exempt status to be applied by property appraisers on an annual
268 basis as defined in s. 196.195. The Legislature intends that any
269 property owned by a limited liability company or limited
270 partnership which is disregarded as an entity for federal income
271 tax purposes pursuant to Treasury Regulation 301.7701-
272 3(b)(1)(ii) shall be treated as owned by its sole member or sole
273 general partner.

274 Section 5. Paragraph (d) of subsection (2) of section
275 212.055, Florida Statutes, is amended to read:

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

289 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

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

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

318 1.2. For the purposes of this paragraph, the term
319 "infrastructure" means:

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320 a. Any fixed capital expenditure or fixed capital outlay
321 associated with the construction, reconstruction, or improvement
322 of public facilities that have a life expectancy of 5 or more
323 years and any related land acquisition, land improvement,
324 design, and engineering costs ~~related thereto~~.

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

330 c. Any expenditure for the construction, lease, or
331 maintenance of, or provision of utilities or security for,
332 facilities, as defined in s. 29.008.

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

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349 of the minimum period.

350 e. Any land-acquisition expenditure for a residential
351 housing project in which at least 30 percent of the units are
352 affordable to individuals or families whose total annual
353 household income does not exceed 120 percent of the area median
354 income adjusted for household size, if the land is owned by a
355 local government or by a special district that enters into a
356 written agreement with the local government to provide such
357 housing. The local government or special district may enter into
358 a ground lease with a public or private person or entity for
359 nominal or other consideration for the construction of the
360 residential housing project on land acquired pursuant to this
361 sub-subparagraph.

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

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

377 163.3202 Land development regulations.-

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

381 (a) Regulate the subdivision of land.†

382 (b) Regulate the use of land and water for those land use
383 categories included in the land use element and ensure the
384 compatibility of adjacent uses and provide for open space.†

385 (c) Provide for protection of potable water wellfields.†

386 (d) Regulate areas subject to seasonal and periodic
387 flooding and provide for drainage and stormwater management.†

388 (e) Ensure the protection of environmentally sensitive
389 lands designated in the comprehensive plan.†

390 (f) Regulate signage.†

391 (g) Provide that public facilities and services meet or
392 exceed the standards established in the capital improvements
393 element required by s. 163.3177 and are available when needed
394 for the development, or that development orders and permits are
395 conditioned on the availability of these public facilities and
396 services necessary to serve the proposed development. Not later
397 than 1 year after its due date established by the state land
398 planning agency's rule for submission of local comprehensive
399 plans pursuant to s. 163.3167(2), a local government shall not
400 issue a development order or permit which results in a reduction
401 in the level of services for the affected public facilities
402 below the level of services provided in the comprehensive plan
403 of the local government.

404 (h) Ensure safe and convenient onsite traffic flow,
405 considering needed vehicle parking.

406 (i) Maintain the existing density of residential properties

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407 or recreational vehicle parks if the properties are intended for
408 residential use and are located in the unincorporated areas that
409 have sufficient infrastructure, as determined by a local
410 governing authority, and are not located within a coastal high-
411 hazard area under s. 163.3178.

412 Section 7. Present subsections (25) through (41) of section
413 420.503, Florida Statutes, are redesignated as subsections (26)
414 through (42), respectively, and a new subsection (25) is added
415 to that section to read:

416 420.503 Definitions.—As used in this part, the term:

417 (25) "Moderate rehabilitation" means repair or restoration
418 of a dwelling unit when the value of such repair or restoration
419 is 40 percent or less of the value of the dwelling unit but not
420 less than \$10,000.

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

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

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

434 (c) The corporation shall provide by rule for the
435 establishment of a review committee composed of the department

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436 and corporation staff and shall establish by rule a scoring
437 system for evaluation and competitive ranking of applications
438 submitted in this program, including, but not limited to, the
439 following criteria:

440 1. Tenant income and demographic targeting objectives of
441 the corporation.

442 2. Targeting objectives of the corporation which will
443 ensure an equitable distribution of loans between rural and
444 urban areas.

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

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

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

454 b. Forty percent of the units in the project for persons or
455 families who have incomes that do not exceed 60 percent of the
456 state or local median income, whichever is higher, without
457 requiring a greater amount of the loans as provided in this
458 section.

459 5. Provision for tenant counseling.

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

462 7. Projects requiring the least amount of a state apartment
463 incentive loan compared to overall project cost except that the
464 share of the loan attributable to units serving extremely-low-

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465 income persons shall be excluded from this requirement.

466 8. Local government contributions and local government
467 comprehensive planning and activities that promote affordable
468 housing.

469 9. Project feasibility.

470 10. Economic viability of the project.

471 11. Commitment of first mortgage financing.

472 12. Sponsor's prior experience.

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

474 14. Projects that directly implement or assist welfare-to-
475 work transitioning.

476 15. Projects that reserve units for extremely-low-income
477 persons.

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

481 (1) The proceeds of all loans shall be used for new
482 construction, moderate rehabilitation, or substantial
483 rehabilitation which creates or preserves affordable, safe, and
484 sanitary housing units.

485 Section 9. Section 420.628, Florida Statutes, is created to
486 read:

487 420.628 Affordable housing for children and young adults
488 leaving foster care; legislative findings and intent.-

489 (1) (a) The Legislature finds that there are many young
490 adults who, through no fault of their own, live in foster
491 families, group homes, and institutions, and face numerous
492 barriers to a successful transition to adulthood. Young adults
493 who are leaving the child welfare system may enter adulthood

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494 lacking the knowledge, skills, attitudes, habits, and
495 relationships that will enable them to become productive members
496 of society.

497 (b) The Legislature further finds that the main barriers to
498 safe and affordable housing for such young adults are cost, lack
499 of availability, the unwillingness of landlords to rent to such
500 youth due to perceived regulatory barriers, and a lack of
501 knowledge about how to be a good tenant. These barriers cause
502 young adults to be at risk of becoming homeless.

503 (c) The Legislature also finds that young adults who leave
504 the child welfare system are disproportionately represented in
505 the homeless population. Without the stability of safe and
506 affordable housing, all other services, training, and
507 opportunities provided to such young adults may not be
508 effective. Making affordable housing available will decrease the
509 chance of homelessness and may increase the ability of such
510 young adults to live independently.

511 (d) The Legislature intends that the Florida Housing
512 Finance Corporation, agencies within the State Housing
513 Initiative Partnership Program, local housing finance agencies,
514 public housing authorities, and their agents, and other
515 providers of affordable housing coordinate with the Department
516 of Children and Family Services, their agents, and community-
517 based care providers who provide services under s. 409.1671 to
518 develop and implement strategies and procedures designed to make
519 affordable housing available whenever and wherever possible to
520 young adults who leave the child welfare system.

521 (2) Young adults who leave the child welfare system meet
522 the definition of eligible persons under ss. 420.503(7) and

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523 420.907(10) for affordable housing, and are encouraged to
524 participate in federal, state, and local affordable housing
525 programs. Students deemed to be eligible occupants under 26
526 U.S.C. 42(i)(3)(d) shall be considered eligible persons for
527 purposes of all projects funded under this chapter.

528 Section 10. Subsections (4), (8), (16), and (25) of section
529 420.9071, Florida Statutes, are amended, and subsections (29)
530 and (30) are added to that section, to read:

531 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
532 term:

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

546 (8) "Eligible housing" means any real and personal property
547 located within the county or the eligible municipality which is
548 designed and intended for the primary purpose of providing
549 decent, safe, and sanitary residential units that are designed
550 to meet the standards of the Florida Building Code or previous
551 building codes adopted under chapter 553, or manufactured

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552 housing constructed after June 1994 and installed in accordance
553 with the installation standards for mobile or manufactured homes
554 contained in rules of the Department of Highway Safety and Motor
555 Vehicles, for home ownership or rental for eligible persons as
556 designated by each county or eligible municipality participating
557 in the State Housing Initiatives Partnership Program.

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

572 (25) "Recaptured funds" means funds that are recouped by a
573 county or eligible municipality in accordance with the recapture
574 provisions of its local housing assistance plan pursuant to s.
575 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,
576 which funds were not used for assistance to an eligible
577 household for an eligible activity, when there is a ~~who~~ default
578 on the terms of a grant award or loan award.

579 (29) "Assisted housing" or "assisted housing development"
580 means a rental housing development, including rental housing in

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581 a mixed-use development, that received or currently receives
582 funding from any federal or state housing program.

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

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

590 420.9072 State Housing Initiatives Partnership Program.—The
591 State Housing Initiatives Partnership Program is created for the
592 purpose of providing funds to counties and eligible
593 municipalities as an incentive for the creation of local housing
594 partnerships, to expand production of and preserve affordable
595 housing, to further the housing element of the local government
596 comprehensive plan specific to affordable housing, and to
597 increase housing-related employment.

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

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

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

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

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

631 420.9073 Local housing distributions.-

632 (1) Distributions calculated in this section shall be
633 disbursed on a quarterly or more frequent ~~monthly~~ basis by the
634 corporation ~~beginning the first day of the month after program~~
635 ~~approval~~ pursuant to s. 420.9072, subject to availability of
636 funds. Each county's share of the funds to be distributed from
637 the portion of the funds in the Local Government Housing Trust
638 Fund received pursuant to s. 201.15(9) shall be calculated by

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639 the corporation for each fiscal year as follows:

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

644 (b) 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, may
647 receive an additional share calculated as follows:

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

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

656 3. For each county in which the result in subparagraph 1.
657 is greater than the guaranteed amount as determined in
658 subsection (3), the amount calculated in subparagraph 1. shall
659 be reduced by the guaranteed amount. The result for each such
660 county shall be expressed as a percentage of the amounts so
661 determined for all counties. Each such county shall receive an
662 additional share equal to such percentage multiplied by the
663 total funds received by the Local Government Housing Trust Fund
664 pursuant to s. 201.15(9) reduced by the guaranteed amount paid
665 to all counties.

666 (2) ~~Effective July 1, 1995,~~ Distributions calculated in
667 this section shall be disbursed on a quarterly or more frequent

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668 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~
669 ~~month after program approval~~ pursuant to s. 420.9072, subject to
670 availability of funds. Each county's share of the funds to be
671 distributed from the portion of the funds in the Local
672 Government Housing Trust Fund received pursuant to s. 201.15(10)
673 shall be calculated by the corporation for each fiscal year as
674 follows:

675 (a) Each county shall receive the guaranteed amount for
676 each fiscal year.

677 (b) Each county may receive an additional share calculated
678 as follows:

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

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

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

693 (5) Notwithstanding subsections (1)-(4), the corporation
694 may withhold up to \$5 million of the total amount distributed
695 each fiscal year from the Local Government Housing Trust Fund to
696 provide additional funding to counties and eligible

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697 municipalities where a state of emergency has been declared by
698 the Governor pursuant to chapter 252. Any portion of the
699 withheld funds not distributed by the end of the fiscal year
700 shall be distributed as provided in subsections (1) and (2).

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

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

721 Section 13. Subsections (1), (3), (5), and (8), paragraphs
722 (a) and (h) of subsection (10), and paragraph (b) of subsection
723 (13) of section 420.9075, Florida Statutes, are amended, and
724 subsection (14) is added to that section, to read:

725 420.9075 Local housing assistance plans; partnerships.-

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

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

- 741 1. Implement local housing assistance strategies for the
742 provision of affordable housing.
- 743 2. Supplement funds available to the corporation to provide
744 enhanced funding of state housing programs within the county or
745 the eligible municipality.
- 746 3. Provide the local matching share of federal affordable
747 housing grants or programs.
- 748 4. Fund emergency repairs, including, but not limited to,
749 repairs performed by existing service providers under
750 weatherization assistance programs under ss. 409.509-409.5093.
- 751 5. Further the housing element of the local government
752 comprehensive plan adopted pursuant to s. 163.3184, specific to
753 affordable housing.

754 (3) (a) Each local housing assistance plan shall include a

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755 definition of essential service personnel for the county or
756 eligible municipality, including, but not limited to, teachers
757 and educators, other school district, community college, and
758 university employees, police and fire personnel, health care
759 personnel, skilled building trades personnel, and other job
760 categories.

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

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

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

780 (e) Each county and each eligible municipality is
781 encouraged to develop a strategy within its local housing
782 assistance plan which provides program funds for the
783 preservation of assisted housing.

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784 (5) The following criteria apply to awards made to eligible
785 sponsors or eligible persons for the purpose of providing
786 eligible housing:

787 (a) At least 65 percent of the funds made available in each
788 county and eligible municipality from the local housing
789 distribution must be reserved for home ownership for eligible
790 persons.

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

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

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

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

811 2. At least 30 percent of the funds deposited into the
812 local housing assistance trust fund must be reserved for awards

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

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

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

839 (h)~~(g)~~ Loans or grants for eligible owner-occupied housing
840 constructed, rehabilitated, or otherwise assisted from proceeds
841 provided from the local housing assistance trust fund shall be

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842 subject to recapture requirements as provided by the county or
843 eligible municipality in its local housing assistance plan.

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

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

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

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

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

868 2. When preconstruction due-diligence activities conducted
869 as part of a preservation strategy show that preservation of the
870 units is not feasible and will not result in the production of

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871 an eligible unit, such costs shall be deemed a program expense
872 rather than an administrative expense if such program expenses
873 do not exceed 3 percent of the annual local housing
874 distribution.

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

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

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

896 (10) Each county or eligible municipality shall submit to
897 the corporation by September 15 of each year a report of its
898 affordable housing programs and accomplishments through June 30
899 immediately preceding submittal of the report. The report shall

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900 be certified as accurate and complete by the local government's
901 chief elected official or his or her designee. Transmittal of
902 the annual report by a county's or eligible municipality's chief
903 elected official, or his or her designee, certifies that the
904 local housing incentive strategies, or, if applicable, the local
905 housing incentive plan, have been implemented or are in the
906 process of being implemented pursuant to the adopted schedule
907 for implementation. The report must include, but is not limited
908 to:

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

915 (h) Such other data or affordable housing accomplishments
916 considered significant by the reporting county or eligible
917 municipality or by the corporation.

918 (13)

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

926 1. The notice must specify a date of termination of the
927 funding if the affected county or eligible municipality does not
928 implement the plan or strategy and provide for a local response.

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929 A county or eligible municipality shall respond to the
930 corporation within 30 days after receipt of the notice of
931 termination.

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

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

949 4.a. If the affected local government fails to meet the
950 timeframes specified in the agreement, the corporation shall
951 terminate funds. The corporation shall send a notice of
952 termination of the local government's share of the local housing
953 distribution by certified mail to the affected local government.
954 The notice shall specify the termination date, and any
955 uncommitted funds held by the affected local government shall be
956 transferred to the Local Government Housing Trust Fund to the
957 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

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

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

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

976 Section 14. Paragraph (h) of subsection (2), subsections
977 (5) and (6), and paragraph (a) of subsection (7) of section
978 420.9076, Florida Statutes, are amended to read:

979 420.9076 Adoption of affordable housing incentive
980 strategies; committees.—

981 (2) The governing board of a county or municipality shall
982 appoint the members of the affordable housing advisory committee
983 by resolution. Pursuant to the terms of any interlocal
984 agreement, a county and municipality may create and jointly
985 appoint an advisory committee to prepare a joint plan. The
986 ordinance adopted pursuant to s. 420.9072 which creates the

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987 advisory committee or the resolution appointing the advisory
988 committee members must provide for 11 committee members and
989 their terms. The committee must include:

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

995
996 If a county or eligible municipality whether due to its small
997 size, the presence of a conflict of interest by prospective
998 appointees, or other reasonable factor, is unable to appoint a
999 citizen actively engaged in these activities in connection with
1000 affordable housing, a citizen engaged in the activity without
1001 regard to affordable housing may be appointed. Local governments
1002 that receive the minimum allocation under the State Housing
1003 Initiatives Partnership Program may elect to appoint an
1004 affordable housing advisory committee with fewer than 11
1005 representatives if they are unable to find representatives who
1006 meet the criteria of paragraphs (a)-(k).

1007 (5) The approval by the advisory committee of its local
1008 housing incentive strategies recommendations and its review of
1009 local government implementation of previously recommended
1010 strategies must be made by affirmative vote of a majority of the
1011 membership of the advisory committee taken at a public hearing.
1012 Notice of the time, date, and place of the public hearing of the
1013 advisory committee to adopt its evaluation and final local
1014 housing incentive strategies recommendations must be published
1015 in a newspaper of general paid circulation in the county. The

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1016 notice must contain a short and concise summary of the
1017 evaluation and local housing incentives strategies
1018 recommendations to be considered by the advisory committee. The
1019 notice must state the public place where a copy of the
1020 evaluation and tentative advisory committee recommendations can
1021 be obtained by interested persons. The final report, evaluation,
1022 and recommendations shall be submitted to the corporation.

1023 (6) Within 90 days after the date of receipt of the
1024 evaluation and local housing incentive strategies
1025 recommendations from the advisory committee, the governing body
1026 of the appointing local government shall adopt an amendment to
1027 its local housing assistance plan to incorporate the local
1028 housing incentive strategies it will implement within its
1029 jurisdiction. The amendment must include, at a minimum, the
1030 local housing incentive strategies required under s.
1031 420.9071(16). The local government must consider the strategies
1032 specified in paragraphs (4) (a)-(k) as recommended by the
1033 advisory committee.

1034 (7) The governing board of the county or the eligible
1035 municipality shall notify the corporation by certified mail of
1036 its adoption of an amendment of its local housing assistance
1037 plan to incorporate local housing incentive strategies. The
1038 notice must include a copy of the approved amended plan.

1039 (a) If the corporation fails to receive timely the approved
1040 amended local housing assistance plan to incorporate local
1041 housing incentive strategies, a notice of termination of its
1042 share of the local housing distribution shall be sent by
1043 certified mail by the corporation to the affected county or
1044 eligible municipality. The notice of termination must specify a

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

1058 Section 15. Section 420.9078, Florida Statutes, is
1059 repealed.

1060 Section 16. Section 420.9079, Florida Statutes, is amended
1061 to read:

1062 420.9079 Local Government Housing Trust Fund.—

1063 (1) There is created in the State Treasury the Local
1064 Government Housing Trust Fund, which shall be administered by
1065 the corporation on behalf of the department according to the
1066 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this
1067 section. There shall be deposited into the fund a portion of the
1068 documentary stamp tax revenues as provided in s. 201.15, moneys
1069 received from any other source for the purposes of ss. 420.907-
1070 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds
1071 derived from the investment of such moneys. Moneys in the fund
1072 that are not currently needed for the purposes of the programs
1073 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~

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1074 and this section shall be deposited to the credit of the fund
1075 and may be invested as provided by law. The interest received on
1076 any such investment shall be credited to the fund.

1077 (2) The corporation shall administer the fund exclusively
1078 for the purpose of implementing the programs described in ss.
1079 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the
1080 exception of monitoring the activities of counties and eligible
1081 municipalities to determine local compliance with program
1082 requirements, the corporation shall not receive appropriations
1083 from the fund for administrative or personnel costs. For the
1084 purpose of implementing the compliance monitoring provisions of
1085 s. 420.9075(9), the corporation may request a maximum of one-
1086 quarter of 1 percent of the annual appropriation per state
1087 fiscal year. When such funding is appropriated, the corporation
1088 shall deduct the amount appropriated prior to calculating the
1089 local housing distribution pursuant to ss. 420.9072 and
1090 420.9073.

1091 Section 17. Subsection (12) of section 1001.43, Florida
1092 Statutes, is amended to read:

1093 1001.43 Supplemental powers and duties of district school
1094 board.—The district school board may exercise the following
1095 supplemental powers and duties as authorized by this code or
1096 State Board of Education rule.

1097 (12) AFFORDABLE HOUSING.—A district school board may use
1098 portions of school sites purchased within the guidelines of the
1099 State Requirements for Educational Facilities, land deemed not
1100 usable for educational purposes because of location or other
1101 factors, or land declared as surplus by the board to provide
1102 sites for affordable housing for teachers and other district

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1103 personnel and, in areas of critical state concern, for other
1104 essential services personnel as defined by local affordable
1105 housing eligibility requirements, independently or in
1106 conjunction with other agencies as described in subsection (5).
1107 Section 18. This act shall take effect July 1, 2009.