

By the Committees on Finance and Tax; and Community Affairs; and
Senator Bennett

593-05647-09

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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. 201.15, F.S.; removing a limitation on the
35 amount of proceeds from excise taxes on documents
36 which may be deposited into the State Housing Trust
37 Fund on or after a specified date; amending s.
38 212.055, F.S.; redefining the term "infrastructure" to
39 allow the proceeds of a local government
40 infrastructure surtax to be used to purchase land for
41 certain purposes relating to construction of
42 affordable housing; amending s. 163.3202, F.S.;
43 requiring that local land development regulations
44 maintain the existing density of residential
45 properties or recreational vehicle parks under certain
46 circumstances; amending s. 420.503, F.S.; defining the
47 term "moderate rehabilitation" for purposes of the
48 Florida Housing Finance Corporation Act; amending s.
49 420.5087, F.S.; revising purposes for which state
50 apartment incentive loans may be used; amending s.
51 420.622, F.S.; authorizing the agencies that provide a
52 local homeless assistance continuum of care to use
53 homeless housing assistance grants, provided by the
54 State Office of Homelessness within the Department of
55 Children and Family Services, to acquire transitional
56 or permanent housing units for homeless persons;
57 creating s. 420.628, F.S.; providing legislative
58 findings and intent; requiring certain governmental

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59 entities to develop and implement strategies and
60 procedures designed to increase affordable housing
61 opportunities for young adults who are leaving the
62 child welfare system; amending s. 420.9071, F.S.;
63 revising and providing definitions; amending s.
64 420.9072, F.S.; conforming a cross-reference;
65 authorizing counties and eligible municipalities to
66 use funds from the State Housing Initiatives
67 Partnership Program to provide relocation grants for
68 persons who are evicted from rental properties that
69 are in foreclosure; providing eligibility requirements
70 for receiving a grant; providing that authorization
71 for the relocation grants expires July 1, 2010;
72 amending s. 420.9073, F.S.; revising the frequency
73 with which local housing distributions are to be made
74 by the corporation; authorizing the corporation to
75 withhold funds from the total distribution annually
76 for specified purposes; requiring counties and
77 eligible municipalities that receive local housing
78 distributions to expend those funds in a specified
79 manner; amending s. 420.9075, F.S.; requiring that
80 local housing assistance plans address the special
81 housing needs of persons with disabilities;
82 authorizing counties and certain municipalities to
83 assist persons and households meeting specific income
84 requirements; revising requirements to be included in
85 the local housing assistance plan; requiring counties
86 and certain municipalities to include certain
87 initiatives and strategies in the local housing

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

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117 Be It Enacted by the Legislature of the State of Florida:

118
119 Section 1. Subsection (4) of section 159.807, Florida
120 Statutes, is amended to read:

121 159.807 State allocation pool.—

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

128 (b) Notwithstanding the provisions of paragraph (a), on or
129 before November 15 of each year, the Florida Housing Finance
130 Corporation's access to the state allocation pool is limited to
131 the amount of the corporation's initial allocation under s.
132 159.804. Thereafter, the corporation may not receive more than
133 80 percent of the amount in the state allocation pool on
134 November 16 of each year, and may not receive more than 80
135 percent of any additional amounts that become available during
136 each year. The limitations of this paragraph do not apply to the
137 distribution of the unused allocation of the state volume
138 limitation to the Florida Housing Finance Corporation under s.
139 159.81(2) (b), (c), and (d). This subsection does not apply to
140 the Florida Housing Finance Corporation:

141 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~
142 ~~exhausted, is unavailable, or is inadequate to provide an~~
143 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~
144 ~~volume limitation from prior years for the same carryforward~~
145 ~~purpose, as that term is defined in s. 146 of the Code, as the~~

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146 ~~bonds it intends to issue have been completely utilized or have~~
147 ~~expired.~~

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

152 Section 2. Section 193.018, Florida Statutes, is created to
153 read:

154 193.018 Land owned by a community land trust used to
155 provide affordable housing; assessment; structural improvements,
156 condominium parcels, and cooperative parcels.-

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

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

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175 structural improvements, condominium parcels, or cooperative
176 parcels remain affordable.

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

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

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

191 (c) If the ground lease and all amendments and supplements
192 thereto, or a memorandum documenting how such lease and
193 amendments or supplements restrict the price at which the
194 improvements, condominium parcels, or cooperative parcels may be
195 sold, is recorded in the official public records of the county
196 in which the leased land is located, the recorded lease and any
197 amendments and supplements, or the recorded memorandum, shall be
198 deemed a land use regulation during the term of the lease as
199 amended or supplemented.

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

202 196.196 Determining whether property is entitled to
203 charitable, religious, scientific, or literary exemption.-

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204 (5) (a) Property owned by an exempt organization qualified
205 as charitable under s. 501(c) (3) of the Internal Revenue Code is
206 used for a charitable purpose if the organization has taken
207 affirmative steps to prepare the property to provide affordable
208 housing to persons or families that meet the extremely-low-
209 income, very-low-income, low-income, or moderate-income limits,
210 as specified in s. 420.0004. The term "affirmative steps" means
211 environmental or land use permitting activities, creation of
212 architectural plans or schematic drawings, land clearing or site
213 preparation, construction or renovation activities, or other
214 similar activities that demonstrate a commitment of the property
215 to providing affordable housing.

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

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233 owed.

234 2. Such lien, when filed, attaches to any property
235 identified in the notice of tax lien owned by the organization
236 that illegally or improperly received the exemption. If such
237 organization no longer owns property in the county but owns
238 property in any other county in the state, the property
239 appraiser shall record in each such other county a notice of tax
240 lien identifying the property owned by such organization in such
241 county which shall become a lien against the identified
242 property. Before any such lien may be filed, the organization so
243 notified must be given 30 days to pay the taxes, penalties, and
244 interest.

245 3. If an exemption is improperly granted as a result of a
246 clerical mistake or an omission by the property appraiser, the
247 organization improperly receiving the exemption shall not be
248 assessed a penalty or interest.

249 4. The 5-year limitation specified in this subsection may
250 be extended if the holder of the exemption continues to take
251 affirmative steps to develop the property for the purposes
252 specified in this subsection.

253 Section 4. Section 196.1978, Florida Statutes, is amended
254 to read:

255 196.1978 Affordable housing property exemption.—Property
256 used to provide affordable housing serving eligible persons as
257 defined by s. 159.603(7) and natural persons or families meeting
258 the extremely-low-income, very-low-income, low-income, or
259 moderate-income persons meeting income limits specified in s.
260 420.0004 s. 420.0004(8), (10), (11), and (15), which property is
261 owned entirely by a nonprofit entity that is a corporation not

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262 for profit, qualified as charitable under s. 501(c)(3) of the
263 Internal Revenue Code and in compliance with Rev. Proc. 96-32,
264 1996-1 C.B. 717, or a Florida-based limited partnership, the
265 sole general partner of which is a corporation not for profit
266 which is qualified as charitable under s. 501(c)(3) of the
267 Internal Revenue Code and which complies with Rev. Proc. 96-32,
268 1996-1 C.B. 717, shall be considered property owned by an exempt
269 entity and used for a charitable purpose, and those portions of
270 the affordable housing property which provide housing to natural
271 persons or families classified as extremely low income, very low
272 income, low income, or moderate income under s. 420.0004
273 ~~individuals with incomes as defined in s. 420.0004(10) and (15)~~
274 shall be exempt from ad valorem taxation to the extent
275 authorized in s. 196.196. All property identified in this
276 section shall comply with the criteria for determination of
277 exempt status to be applied by property appraisers on an annual
278 basis as defined in s. 196.195. The Legislature intends that any
279 property owned by a limited liability company or limited
280 partnership which is disregarded as an entity for federal income
281 tax purposes pursuant to Treasury Regulation 301.7701-
282 3(b)(1)(ii) shall be treated as owned by its sole member or sole
283 general partner.

284 Section 5. Subsections (9), (10), and (13) of section
285 201.15, Florida Statutes, are amended to read:

286 201.15 Distribution of taxes collected.—All taxes collected
287 under this chapter are subject to the service charge imposed in
288 s. 215.20(1). Prior to distribution under this section, the
289 Department of Revenue shall deduct amounts necessary to pay the
290 costs of the collection and enforcement of the tax levied by

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291 this chapter. Such costs and the service charge may not be
292 levied against any portion of taxes pledged to debt service on
293 bonds to the extent that the costs and service charge are
294 required to pay any amounts relating to the bonds. All taxes
295 remaining after deduction of costs and the service charge shall
296 be distributed as follows:

297 (9) Seven and fifty-three hundredths ~~The lesser of 7.53~~
298 percent of the remaining taxes collected under this chapter ~~or~~
299 ~~\$107 million~~ in each fiscal year shall be paid into the State
300 Treasury to the credit of the State Housing Trust Fund and shall
301 be used as follows:

302 (a) Half of that amount shall be used for the purposes for
303 which the State Housing Trust Fund was created and exists by
304 law.

305 (b) Half of that amount shall be paid into the State
306 Treasury to the credit of the Local Government Housing Trust
307 Fund and shall be used for the purposes for which the Local
308 Government Housing Trust Fund was created and exists by law.

309 (10) Eight and sixty-six hundredths ~~The lesser of 8.66~~
310 percent of the remaining taxes collected under this chapter ~~or~~
311 ~~\$136 million~~ in each fiscal year shall be paid into the State
312 Treasury to the credit of the State Housing Trust Fund and shall
313 be used as follows:

314 (a) Twelve and one-half percent of that amount shall be
315 deposited into the State Housing Trust Fund and be expended by
316 the Department of Community Affairs and by the Florida Housing
317 Finance Corporation for the purposes for which the State Housing
318 Trust Fund was created and exists by law.

319 (b) Eighty-seven and one-half percent of that amount shall

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320 be distributed to the Local Government Housing Trust Fund and
321 shall be used for the purposes for which the Local Government
322 Housing Trust Fund was created and exists by law. Funds from
323 this category may also be used to provide for state and local
324 services to assist the homeless.

325 (13) Beginning July 1, 2009 ~~2008~~, in each fiscal year that
326 the remaining taxes collected under this chapter exceed
327 collections in the prior fiscal year, the stated maximum dollar
328 amounts provided in subsections (2), (4), (6), and (7), ~~(9), and~~
329 ~~(10)~~ shall each be increased by an amount equal to 10 percent of
330 the increase in the remaining taxes collected under this chapter
331 multiplied by the applicable percentage provided in those
332 subsections.

333 Section 6. Paragraph (d) of subsection (2) of section
334 212.055, Florida Statutes, is amended to read:

335 212.055 Discretionary sales surtaxes; legislative intent;
336 authorization and use of proceeds.—It is the legislative intent
337 that any authorization for imposition of a discretionary sales
338 surtax shall be published in the Florida Statutes as a
339 subsection of this section, irrespective of the duration of the
340 levy. Each enactment shall specify the types of counties
341 authorized to levy; the rate or rates which may be imposed; the
342 maximum length of time the surtax may be imposed, if any; the
343 procedure which must be followed to secure voter approval, if
344 required; the purpose for which the proceeds may be expended;
345 and such other requirements as the Legislature may provide.
346 Taxable transactions and administrative procedures shall be as
347 provided in s. 212.054.

348 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

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349 (d)~~1~~. The proceeds of the surtax authorized by this
350 subsection and any accrued interest ~~accrued thereto~~ shall be
351 expended by the school district, ~~or~~ within the county and
352 municipalities within the county, or, in the case of a
353 negotiated joint county agreement, within another county, to
354 finance, plan, and construct infrastructure; ~~and~~ to acquire land
355 for public recreation, ~~or~~ conservation, ~~or~~ protection of natural
356 resources; ~~or and~~ to finance the closure of county-owned or
357 municipally owned solid waste landfills that have been ~~are~~
358 ~~already~~ closed or are required to be closed ~~close~~ by order of
359 the Department of Environmental Protection. Any use of the such
360 proceeds or interest for purposes of landfill closure before
361 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~
362 any interest may not ~~accrued thereto shall~~ be used for the
363 operational expenses of ~~any~~ infrastructure, except that a ~~any~~
364 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and
365 that is required to close a landfill ~~by order of the Department~~
366 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest
367 ~~accrued thereto~~ for long-term maintenance costs associated with
368 landfill closure. Counties, as defined in s. 125.011 ~~s.~~
369 ~~125.011(1)~~, and charter counties may, in addition, use the
370 proceeds or ~~and~~ any interest ~~accrued thereto~~ to retire or
371 service indebtedness incurred for bonds issued before ~~prior to~~
372 July 1, 1987, for infrastructure purposes, and for bonds
373 subsequently issued to refund such bonds. Any use of the such
374 proceeds or interest for purposes of retiring or servicing
375 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~
376 July 1, 1999, is ratified.

377 1.2. For the purposes of this paragraph, the term

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378 "infrastructure" means:

379 a. Any fixed capital expenditure or fixed capital outlay
380 associated with the construction, reconstruction, or improvement
381 of public facilities that have a life expectancy of 5 or more
382 years and any related land acquisition, land improvement,
383 design, and engineering costs ~~related thereto~~.

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

389 c. Any expenditure for the construction, lease, or
390 maintenance of, or provision of utilities or security for,
391 facilities, as defined in s. 29.008.

392 d. Any fixed capital expenditure or fixed capital outlay
393 associated with the improvement of private facilities that have
394 a life expectancy of 5 or more years and that the owner agrees
395 to make available for use on a temporary basis as needed by a
396 local government as a public emergency shelter or a staging area
397 for emergency response equipment during an emergency officially
398 declared by the state or by the local government under s.
399 252.38. Such improvements ~~under this sub-subparagraph~~ are
400 limited to those necessary to comply with current standards for
401 public emergency evacuation shelters. The owner must ~~shall~~ enter
402 into a written contract with the local government providing the
403 improvement funding to make the ~~such~~ private facility available
404 to the public for purposes of emergency shelter at no cost to
405 the local government for a minimum ~~period~~ of 10 years after
406 completion of the improvement, with the provision that the ~~such~~

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407 obligation will transfer to any subsequent owner until the end
408 of the minimum period.

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

421 ~~2.3.~~ Notwithstanding any other provision of this
422 subsection, a local government infrastructure discretionary
423 ~~sales~~ surtax imposed or extended after July 1, 1998, the
424 ~~effective date of this act~~ may allocate up to ~~provide for an~~
425 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax
426 ~~proceeds to be allocated~~ for deposit in ~~to~~ a trust fund within
427 the county's accounts created for the purpose of funding
428 economic development projects having ~~of~~ a general public purpose
429 of improving ~~targeted to improve~~ local economies, including the
430 funding of operational costs and incentives related to ~~such~~
431 economic development. The ballot statement must indicate the
432 intention to make an allocation under the authority of this
433 subparagraph.

434 Section 7. Subsection (2) of section 163.3202, Florida
435 Statutes, is amended to read:

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436 163.3202 Land development regulations.-

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

440 (a) Regulate the subdivision of land.†

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

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

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

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

449 (f) Regulate signage.†

450 (g) Provide that public facilities and services meet or
451 exceed the standards established in the capital improvements
452 element required by s. 163.3177 and are available when needed
453 for the development, or that development orders and permits are
454 conditioned on the availability of these public facilities and
455 services necessary to serve the proposed development. Not later
456 than 1 year after its due date established by the state land
457 planning agency's rule for submission of local comprehensive
458 plans pursuant to s. 163.3167(2), a local government shall not
459 issue a development order or permit which results in a reduction
460 in the level of services for the affected public facilities
461 below the level of services provided in the comprehensive plan
462 of the local government.

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

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465 (i) Maintain the existing density of residential properties
466 or recreational vehicle parks if the properties are intended for
467 residential use and are located in the unincorporated areas that
468 have sufficient infrastructure, as determined by a local
469 governing authority, and are not located within a coastal high-
470 hazard area under s. 163.3178.

471 Section 8. Present subsections (25) through (41) of section
472 420.503, Florida Statutes, are redesignated as subsections (26)
473 through (42), respectively, and a new subsection (25) is added
474 to that section to read:

475 420.503 Definitions.—As used in this part, the term:

476 (25) "Moderate rehabilitation" means repair or restoration
477 of a dwelling unit when the value of such repair or restoration
478 is 40 percent or less of the value of the dwelling unit but not
479 less than \$10,000.

480 Section 9. Paragraphs (c) and (l) of subsection (6) of
481 section 420.5087, Florida Statutes, are amended to read:

482 420.5087 State Apartment Incentive Loan Program.—There is
483 hereby created the State Apartment Incentive Loan Program for
484 the purpose of providing first, second, or other subordinated
485 mortgage loans or loan guarantees to sponsors, including for-
486 profit, nonprofit, and public entities, to provide housing
487 affordable to very-low-income persons.

488 (6) On all state apartment incentive loans, except loans
489 made to housing communities for the elderly to provide for
490 lifesafety, building preservation, health, sanitation, or
491 security-related repairs or improvements, the following
492 provisions shall apply:

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

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494 establishment of a review committee composed of the department
495 and corporation staff and shall establish by rule a scoring
496 system for evaluation and competitive ranking of applications
497 submitted in this program, including, but not limited to, the
498 following criteria:

499 1. Tenant income and demographic targeting objectives of
500 the corporation.

501 2. Targeting objectives of the corporation which will
502 ensure an equitable distribution of loans between rural and
503 urban areas.

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

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

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

513 b. Forty percent of the units in the project for persons or
514 families who have incomes that do not exceed 60 percent of the
515 state or local median income, whichever is higher, without
516 requiring a greater amount of the loans as provided in this
517 section.

518 5. Provision for tenant counseling.

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

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

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

525 8. Local government contributions and local government
526 comprehensive planning and activities that promote affordable
527 housing.

528 9. Project feasibility.

529 10. Economic viability of the project.

530 11. Commitment of first mortgage financing.

531 12. Sponsor's prior experience.

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

533 14. Projects that directly implement or assist welfare-to-
534 work transitioning.

535 15. Projects that reserve units for extremely-low-income
536 persons.

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

540 (1) The proceeds of all loans shall be used for new
541 construction, moderate rehabilitation, or substantial
542 rehabilitation which creates or preserves affordable, safe, and
543 sanitary housing units.

544 Section 10. Subsection (5) of section 420.622, Florida
545 Statutes, is amended to read:

546 420.622 State Office on Homelessness; Council on
547 Homelessness.—

548 (5) The State Office on Homelessness, with the concurrence
549 of the Council on Homelessness, may administer moneys
550 appropriated to it to provide homeless housing assistance grants
551 annually to lead agencies for local homeless assistance

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552 continuum of care, as recognized by the State Office on
553 Homelessness, to acquire, construct, or rehabilitate
554 transitional or permanent housing units for homeless persons.
555 These moneys shall consist of any sums that the state may
556 appropriate, as well as money received from donations, gifts,
557 bequests, or otherwise from any public or private source, which
558 are ~~money is~~ intended to acquire, construct, or rehabilitate
559 transitional or permanent housing units for homeless persons.

560 (a) Grant applicants shall be ranked competitively.
561 Preference must be given to applicants who leverage additional
562 private funds and public funds, particularly federal funds
563 designated for the acquisition, construction, or ~~and~~
564 rehabilitation of transitional or permanent housing for homeless
565 persons; ~~;~~ who acquire, build, or rehabilitate the greatest
566 number of units; ~~;~~ and who acquire, build, or rehabilitate in
567 catchment areas having the greatest need for housing for the
568 homeless relative to the population of the catchment area.

569 (b) Funding for any particular project may not exceed
570 \$750,000.

571 (c) Projects must reserve, for a minimum of 10 years, the
572 number of units acquired, constructed, or rehabilitated through
573 homeless housing assistance grant funding to serve persons who
574 are homeless at the time they assume tenancy.

575 (d) No more than two grants may be awarded annually in any
576 given local homeless assistance continuum of care catchment
577 area.

578 (e) A project may not be funded which is not included in
579 the local homeless assistance continuum of care plan, as
580 recognized by the State Office on Homelessness, for the

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581 catchment area in which the project is located.

582 (f) The maximum percentage of funds that the State Office
583 on Homelessness and each applicant may spend on administrative
584 costs is 5 percent.

585 Section 11. Section 420.628, Florida Statutes, is created
586 to read:

587 420.628 Affordable housing for children and young adults
588 leaving foster care; legislative findings and intent.-

589 (1) (a) The Legislature finds that there are many young
590 adults who, through no fault of their own, live in foster
591 families, group homes, and institutions, and face numerous
592 barriers to a successful transition to adulthood. Young adults
593 who are leaving the child welfare system may enter adulthood
594 lacking the knowledge, skills, attitudes, habits, and
595 relationships that will enable them to become productive members
596 of society.

597 (b) The Legislature further finds that the main barriers to
598 safe and affordable housing for such young adults are cost, lack
599 of availability, the unwillingness of landlords to rent to such
600 youth due to perceived regulatory barriers, and a lack of
601 knowledge about how to be a good tenant. These barriers cause
602 young adults to be at risk of becoming homeless.

603 (c) The Legislature also finds that young adults who leave
604 the child welfare system are disproportionately represented in
605 the homeless population. Without the stability of safe and
606 affordable housing, all other services, training, and
607 opportunities provided to such young adults may not be
608 effective. Making affordable housing available will decrease the
609 chance of homelessness and may increase the ability of such

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610 young adults to live independently.

611 (d) The Legislature intends that the Florida Housing
612 Finance Corporation, agencies within the State Housing
613 Initiative Partnership Program, local housing finance agencies,
614 public housing authorities, and their agents, and other
615 providers of affordable housing coordinate with the Department
616 of Children and Family Services, their agents, and community-
617 based care providers who provide services under s. 409.1671 to
618 develop and implement strategies and procedures designed to make
619 affordable housing available whenever and wherever possible to
620 young adults who leave the child welfare system.

621 (2) Young adults who leave the child welfare system meet
622 the definition of eligible persons under ss. 420.503(7) and
623 420.907(10) for affordable housing, and are encouraged to
624 participate in federal, state, and local affordable housing
625 programs. Students deemed to be eligible occupants under 26
626 U.S.C. 42(i)(3)(d) shall be considered eligible persons for
627 purposes of all projects funded under this chapter.

628 Section 12. Subsections (4), (8), (16), and (25) of section
629 420.9071, Florida Statutes, are amended, and subsections (29)
630 and (30) are added to that section, to read:

631 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
632 term:

633 (4) "Annual gross income" means annual income as defined
634 under the Section 8 housing assistance payments programs in 24
635 C.F.R. part 5; annual income as reported under the census long
636 form for the recent available decennial census; or adjusted
637 gross income as defined for purposes of reporting under Internal
638 Revenue Service Form 1040 for individual federal annual income

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639 tax purposes or as defined by standard practices used in the
640 lending industry as detailed in the local housing assistance
641 plan and approved by the corporation. Counties and eligible
642 municipalities shall calculate income by annualizing verified
643 sources of income for the household as the amount of income to
644 be received in a household during the 12 months following the
645 effective date of the determination.

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

658 (16) "Local housing incentive strategies" means local
659 regulatory reform or incentive programs to encourage or
660 facilitate affordable housing production, which include at a
661 minimum, assurance that permits as defined in s. 163.3164(7) and
662 (8) for affordable housing projects are expedited to a greater
663 degree than other projects; an ongoing process for review of
664 local policies, ordinances, regulations, and plan provisions
665 that increase the cost of housing prior to their adoption; and a
666 schedule for implementing the incentive strategies. Local
667 housing incentive strategies may also include other regulatory

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668 reforms, such as those enumerated in s. 420.9076 or those
669 recommended by the affordable housing advisory committee in its
670 triennial evaluation of the implementation of affordable housing
671 incentives, and adopted by the local governing body.

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

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

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

688 Section 13. Subsections (6) and (7) of section 420.9072,
689 Florida Statutes, are amended to read:

690 420.9072 State Housing Initiatives Partnership Program.—The
691 State Housing Initiatives Partnership Program is created for the
692 purpose of providing funds to counties and eligible
693 municipalities as an incentive for the creation of local housing
694 partnerships, to expand production of and preserve affordable
695 housing, to further the housing element of the local government
696 comprehensive plan specific to affordable housing, and to

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697 increase housing-related employment.

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

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

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

710 (b) A county or an eligible municipality may expend a
711 portion of the local housing distribution to provide a one-time
712 relocation grant to persons who meet the income requirements of
713 the State Housing Initiatives Partnership Program and who are
714 subject to eviction from rental property located in the county
715 or eligible municipality due to the foreclosure of the rental
716 property. In order to receive a grant under this paragraph, a
717 person must provide the county or eligible municipality with
718 proof of meeting the income requirements of a very-low-income
719 household, a low-income household, or a moderate-income
720 household; a notice of eviction; and proof that the rent has
721 been paid for at least 3 months before the date of eviction,
722 including the month that the notice of eviction was served.
723 Relocation assistance under this paragraph is limited to a one-
724 time grant of not more than \$5,000 and is not limited to persons
725 who are subject to eviction from projects funded under the State

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726 Housing Initiatives Partnership Program. This paragraph expires
727 July 1, 2010.

728 Section 14. Subsections (1) and (2) of section 420.9073,
729 Florida Statutes, are amended, and subsections (5), (6), and (7)
730 are added to that section, to read:

731 420.9073 Local housing distributions.—

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

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

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

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

753 2. If the result in subparagraph 1. is less than the
754 guaranteed amount as determined in subsection (3), that county's

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755 additional share shall be zero.

756 3. For each county in which the result in subparagraph 1.
757 is greater than the guaranteed amount as determined in
758 subsection (3), the amount calculated in subparagraph 1. shall
759 be reduced by the guaranteed amount. The result for each such
760 county shall be expressed as a percentage of the amounts so
761 determined for all counties. Each such county shall receive an
762 additional share equal to such percentage multiplied by the
763 total funds received by the Local Government Housing Trust Fund
764 pursuant to s. 201.15(9) reduced by the guaranteed amount paid
765 to all counties.

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

775 (a) Each county shall receive the guaranteed amount for
776 each fiscal year.

777 (b) Each county may receive an additional share calculated
778 as follows:

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

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

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784 3. For each county in which the result in subparagraph 1.
785 is greater than the guaranteed amount, the amount calculated in
786 subparagraph 1. shall be reduced by the guaranteed amount. The
787 result for each such county shall be expressed as a percentage
788 of the amounts so determined for all counties. Each such county
789 shall receive an additional share equal to this percentage
790 multiplied by the total funds received by the Local Government
791 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
792 guaranteed amount paid to all counties.

793 (5) Notwithstanding subsections (1)-(4), the corporation
794 may withhold up to \$5 million of the total amount distributed
795 each fiscal year from the Local Government Housing Trust Fund to
796 provide additional funding to counties and eligible
797 municipalities where a state of emergency has been declared by
798 the Governor pursuant to chapter 252. Any portion of the
799 withheld funds not distributed by the end of the fiscal year
800 shall be distributed as provided in subsections (1) and (2).

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

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813 distributed under this subsection by the end of the fiscal year
814 shall be distributed as provided in subsections (1) and (2).

815 (7) A county receiving local housing distributions under
816 this section or an eligible municipality that receives local
817 housing distributions under an interlocal agreement shall expend
818 those funds in accordance with the provisions of ss. 420.907-
819 420.9079, rules of the corporation, and the county's local
820 housing assistance plan.

821 Section 15. Subsections (1), (3), (5), and (8), paragraphs
822 (a) and (h) of subsection (10), and paragraph (b) of subsection
823 (13) of section 420.9075, Florida Statutes, are amended, and
824 subsection (14) is added to that section, to read:

825 420.9075 Local housing assistance plans; partnerships.—

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

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

841 1. Implement local housing assistance strategies for the

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842 provision of affordable housing.

843 2. Supplement funds available to the corporation to provide
844 enhanced funding of state housing programs within the county or
845 the eligible municipality.

846 3. Provide the local matching share of federal affordable
847 housing grants or programs.

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

851 5. Further the housing element of the local government
852 comprehensive plan adopted pursuant to s. 163.3184, specific to
853 affordable housing.

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

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

868 (c) Each county and each eligible municipality is
869 encouraged to develop a strategy within its local housing
870 assistance plan that addresses the needs of persons who are

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871 deprived of affordable housing due to the closure of a mobile
872 home park or the conversion of affordable rental units to
873 condominiums.

874 (d) Each county and each eligible municipality shall
875 describe initiatives in the local housing assistance plan to
876 encourage or require innovative design, green building
877 principles, storm-resistant construction, or other elements that
878 reduce long-term costs relating to maintenance, utilities, or
879 insurance.

880 (e) Each county and each eligible municipality is
881 encouraged to develop a strategy within its local housing
882 assistance plan which provides program funds for the
883 preservation of assisted housing.

884 (5) The following criteria apply to awards made to eligible
885 sponsors or eligible persons for the purpose of providing
886 eligible housing:

887 (a) At least 65 percent of the funds made available in each
888 county and eligible municipality from the local housing
889 distribution must be reserved for home ownership for eligible
890 persons.

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

895 (c) Not more than 20 percent of the funds made available in
896 each county and eligible municipality from the local housing
897 distribution may be used for manufactured housing.

898 (d)~~(e)~~ The sales price or value of new or existing eligible
899 housing may not exceed 90 percent of the average area purchase

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900 price in the statistical area in which the eligible housing is
901 located. Such average area purchase price may be that calculated
902 for any 12-month period beginning not earlier than the fourth
903 calendar year prior to the year in which the award occurs or as
904 otherwise established by the United States Department of the
905 Treasury.

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

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

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

927 (g)~~(f)~~ Loans or grants for eligible rental housing
928 constructed, rehabilitated, or otherwise assisted from the local

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929 housing assistance trust fund must be subject to recapture
930 requirements as provided by the county or eligible municipality
931 in its local housing assistance plan unless reserved for
932 eligible persons for 15 years or the term of the assistance,
933 whichever period is longer. Eligible sponsors that offer rental
934 housing for sale before 15 years or that have remaining
935 mortgages funded under this program must give a first right of
936 refusal to eligible nonprofit organizations for purchase at the
937 current market value for continued occupancy by eligible
938 persons.

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

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

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

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

956 (l)~~(k)~~ Funds from the local housing distribution not used
957 to meet the criteria established in paragraph (a) or paragraph

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958 (b) or not used for the administration of a local housing
959 assistance plan must be used for housing production and finance
960 activities, including, but not limited to, financing
961 preconstruction activities or the purchase of existing units,
962 providing rental housing, and providing home ownership training
963 to prospective home buyers and owners of homes assisted through
964 the local housing assistance plan.

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

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

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

985 4. Each county and each eligible municipality may award
986 funds as a grant for construction, rehabilitation, or repair as

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987 part of disaster recovery or emergency repairs or to remedy
988 accessibility or health and safety deficiencies. Any other
989 grants must be approved as part of the local housing assistance
990 plan.

991 (8) Pursuant to s. 420.531, the corporation shall provide
992 training and technical assistance to local governments regarding
993 the creation of partnerships, the design of local housing
994 assistance strategies, the implementation of local housing
995 incentive strategies, and the provision of support services.

996 (10) Each county or eligible municipality shall submit to
997 the corporation by September 15 of each year a report of its
998 affordable housing programs and accomplishments through June 30
999 immediately preceding submittal of the report. The report shall
1000 be certified as accurate and complete by the local government's
1001 chief elected official or his or her designee. Transmittal of
1002 the annual report by a county's or eligible municipality's chief
1003 elected official, or his or her designee, certifies that the
1004 local housing incentive strategies, or, if applicable, the local
1005 housing incentive plan, have been implemented or are in the
1006 process of being implemented pursuant to the adopted schedule
1007 for implementation. The report must include, but is not limited
1008 to:

1009 (a) The number of households served by income category,
1010 age, family size, and race, and data regarding any special needs
1011 populations such as farmworkers, homeless persons, persons with
1012 disabilities, and the elderly. Counties shall report this
1013 information separately for households served in the
1014 unincorporated area and each municipality within the county.

1015 (h) Such other data or affordable housing accomplishments

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1016 considered significant by the reporting county or eligible
1017 municipality or by the corporation.

1018 (13)

1019 (b) If, as a result of its review of the annual report, the
1020 corporation determines that a county or eligible municipality
1021 has failed to implement a local housing incentive strategy, or,
1022 if applicable, a local housing incentive plan, it shall send a
1023 notice of termination of the local government's share of the
1024 local housing distribution by certified mail to the affected
1025 county or eligible municipality.

1026 1. The notice must specify a date of termination of the
1027 funding if the affected county or eligible municipality does not
1028 implement the plan or strategy and provide for a local response.
1029 A county or eligible municipality shall respond to the
1030 corporation within 30 days after receipt of the notice of
1031 termination.

1032 2. The corporation shall consider the local response that
1033 extenuating circumstances precluded implementation and grant an
1034 extension to the timeframe for implementation. Such an extension
1035 shall be made in the form of an extension agreement that
1036 provides a timeframe for implementation. The chief elected
1037 official of a county or eligible municipality or his or her
1038 designee shall have the authority to enter into the agreement on
1039 behalf of the local government.

1040 3. If the county or the eligible municipality has not
1041 implemented the incentive strategy or entered into an extension
1042 agreement by the termination date specified in the notice, the
1043 local housing distribution share terminates, and any uncommitted
1044 local housing distribution funds held by the affected county or

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1045 eligible municipality in its local housing assistance trust fund
1046 shall be transferred to the Local Government Housing Trust Fund
1047 to the credit of the corporation to administer ~~pursuant to s.~~
1048 ~~420.9078.~~

1049 4.a. If the affected local government fails to meet the
1050 timeframes specified in the agreement, the corporation shall
1051 terminate funds. The corporation shall send a notice of
1052 termination of the local government's share of the local housing
1053 distribution by certified mail to the affected local government.
1054 The notice shall specify the termination date, and any
1055 uncommitted funds held by the affected local government shall be
1056 transferred to the Local Government Housing Trust Fund to the
1057 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

1058 b. If the corporation terminates funds to a county, but an
1059 eligible municipality receiving a local housing distribution
1060 pursuant to an interlocal agreement maintains compliance with
1061 program requirements, the corporation shall thereafter
1062 distribute directly to the participating eligible municipality
1063 its share calculated in the manner provided in s. 420.9072.

1064 c. Any county or eligible municipality whose local
1065 distribution share has been terminated may subsequently elect to
1066 receive directly its local distribution share by adopting the
1067 ordinance, resolution, and local housing assistance plan in the
1068 manner and according to the procedures provided in ss. 420.907-
1069 420.9079.

1070 (14) If the corporation determines that a county or
1071 eligible municipality has expended program funds for an
1072 ineligible activity, the corporation shall require such funds to
1073 be repaid to the local housing assistance trust fund. Such

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1074 repayment may not be made with funds from the State Housing
1075 Initiatives Partnership Program.

1076 Section 16. Paragraph (h) of subsection (2), subsections
1077 (5) and (6), and paragraph (a) of subsection (7) of section
1078 420.9076, Florida Statutes, are amended to read:

1079 420.9076 Adoption of affordable housing incentive
1080 strategies; committees.—

1081 (2) The governing board of a county or municipality shall
1082 appoint the members of the affordable housing advisory committee
1083 by resolution. Pursuant to the terms of any interlocal
1084 agreement, a county and municipality may create and jointly
1085 appoint an advisory committee to prepare a joint plan. The
1086 ordinance adopted pursuant to s. 420.9072 which creates the
1087 advisory committee or the resolution appointing the advisory
1088 committee members must provide for 11 committee members and
1089 their terms. The committee must include:

1090 (h) One citizen who actively serves on the local planning
1091 agency pursuant to s. 163.3174. If the local planning agency is
1092 comprised of the governing board of the county or municipality,
1093 the governing board may appoint a designee who is knowledgeable
1094 in the local planning process.

1095
1096 If a county or eligible municipality whether due to its small
1097 size, the presence of a conflict of interest by prospective
1098 appointees, or other reasonable factor, is unable to appoint a
1099 citizen actively engaged in these activities in connection with
1100 affordable housing, a citizen engaged in the activity without
1101 regard to affordable housing may be appointed. Local governments
1102 that receive the minimum allocation under the State Housing

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1103 Initiatives Partnership Program may elect to appoint an
1104 affordable housing advisory committee with fewer than 11
1105 representatives if they are unable to find representatives who
1106 meet the criteria of paragraphs (a)-(k).

1107 (5) The approval by the advisory committee of its local
1108 housing incentive strategies recommendations and its review of
1109 local government implementation of previously recommended
1110 strategies must be made by affirmative vote of a majority of the
1111 membership of the advisory committee taken at a public hearing.
1112 Notice of the time, date, and place of the public hearing of the
1113 advisory committee to adopt its evaluation and final local
1114 housing incentive strategies recommendations must be published
1115 in a newspaper of general paid circulation in the county. The
1116 notice must contain a short and concise summary of the
1117 evaluation and local housing incentives strategies
1118 recommendations to be considered by the advisory committee. The
1119 notice must state the public place where a copy of the
1120 evaluation and tentative advisory committee recommendations can
1121 be obtained by interested persons. The final report, evaluation,
1122 and recommendations shall be submitted to the corporation.

1123 (6) Within 90 days after the date of receipt of the
1124 evaluation and local housing incentive strategies
1125 recommendations from the advisory committee, the governing body
1126 of the appointing local government shall adopt an amendment to
1127 its local housing assistance plan to incorporate the local
1128 housing incentive strategies it will implement within its
1129 jurisdiction. The amendment must include, at a minimum, the
1130 local housing incentive strategies required under s.
1131 420.9071(16). The local government must consider the strategies

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1132 specified in paragraphs (4)(a)-(k) as recommended by the
1133 advisory committee.

1134 (7) The governing board of the county or the eligible
1135 municipality shall notify the corporation by certified mail of
1136 its adoption of an amendment of its local housing assistance
1137 plan to incorporate local housing incentive strategies. The
1138 notice must include a copy of the approved amended plan.

1139 (a) If the corporation fails to receive timely the approved
1140 amended local housing assistance plan to incorporate local
1141 housing incentive strategies, a notice of termination of its
1142 share of the local housing distribution shall be sent by
1143 certified mail by the corporation to the affected county or
1144 eligible municipality. The notice of termination must specify a
1145 date of termination of the funding if the affected county or
1146 eligible municipality has not adopted an amended local housing
1147 assistance plan to incorporate local housing incentive
1148 strategies. If the county or the eligible municipality has not
1149 adopted an amended local housing assistance plan to incorporate
1150 local housing incentive strategies by the termination date
1151 specified in the notice of termination, the local distribution
1152 share terminates; and any uncommitted local distribution funds
1153 held by the affected county or eligible municipality in its
1154 local housing assistance trust fund shall be transferred to the
1155 Local Government Housing Trust Fund to the credit of the
1156 corporation to administer the local government housing program
1157 ~~pursuant to s. 420.9078.~~

1158 Section 17. Section 420.9078, Florida Statutes, is
1159 repealed.

1160 Section 18. Section 420.9079, Florida Statutes, is amended

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1161 to read:

1162 420.9079 Local Government Housing Trust Fund.—

1163 (1) There is created in the State Treasury the Local
1164 Government Housing Trust Fund, which shall be administered by
1165 the corporation on behalf of the department according to the
1166 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this
1167 section. There shall be deposited into the fund a portion of the
1168 documentary stamp tax revenues as provided in s. 201.15, moneys
1169 received from any other source for the purposes of ss. 420.907-
1170 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds
1171 derived from the investment of such moneys. Moneys in the fund
1172 that are not currently needed for the purposes of the programs
1173 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~
1174 and this section shall be deposited to the credit of the fund
1175 and may be invested as provided by law. The interest received on
1176 any such investment shall be credited to the fund.

1177 (2) The corporation shall administer the fund exclusively
1178 for the purpose of implementing the programs described in ss.
1179 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the
1180 exception of monitoring the activities of counties and eligible
1181 municipalities to determine local compliance with program
1182 requirements, the corporation shall not receive appropriations
1183 from the fund for administrative or personnel costs. For the
1184 purpose of implementing the compliance monitoring provisions of
1185 s. 420.9075(9), the corporation may request a maximum of one-
1186 quarter of 1 percent of the annual appropriation per state
1187 fiscal year. When such funding is appropriated, the corporation
1188 shall deduct the amount appropriated prior to calculating the
1189 local housing distribution pursuant to ss. 420.9072 and

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1190 420.9073.

1191 Section 19. Subsection (12) of section 1001.43, Florida
1192 Statutes, is amended to read:

1193 1001.43 Supplemental powers and duties of district school
1194 board.—The district school board may exercise the following
1195 supplemental powers and duties as authorized by this code or
1196 State Board of Education rule.

1197 (12) AFFORDABLE HOUSING.—A district school board may use
1198 portions of school sites purchased within the guidelines of the
1199 State Requirements for Educational Facilities, land deemed not
1200 usable for educational purposes because of location or other
1201 factors, or land declared as surplus by the board to provide
1202 sites for affordable housing for teachers and other district
1203 personnel and, in areas of critical state concern, for other
1204 essential services personnel as defined by local affordable
1205 housing eligibility requirements, independently or in
1206 conjunction with other agencies as described in subsection (5).

1207 Section 20. This act shall take effect July 1, 2009.