

1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 125.0104, F.S.; allowing certain counties to use certain
4 tax revenues for workforce, affordable, and employee
5 housing; amending s. 159.807, F.S.; providing limitations
6 on the Florida Housing Finance Corporation's access to the
7 state allocation pool; deleting a provision exempting the
8 corporation from the applicability of certain uses of the
9 state allocation pool and revising language relating to
10 such uses; creating s. 193.018, F.S.; providing for the
11 assessment of property receiving the low-income housing
12 tax credit; defining the term "community land trust";
13 providing for the assessment of structural improvements,
14 condominium parcels, and cooperative parcels on land owned
15 by a community land trust and used to provide affordable
16 housing; providing for the conveyance of structural
17 improvements, condominium parcels, and cooperative parcels
18 subject to certain conditions; specifying the criteria to
19 be used in arriving at just valuation of a structural
20 improvement, condominium parcel, or cooperative parcel;
21 amending s. 196.196, F.S.; providing additional criteria
22 for determining whether certain affordable housing
23 property owned by certain exempt organizations is entitled
24 to an exemption from ad valorem taxation; providing a
25 definition; amending s. 196.1978, F.S.; providing that
26 property owned by certain nonprofit entities or Florida-
27 based limited partnerships and used or held for the
28 purpose of providing affordable housing to certain income-

29 | qualified persons is exempt from ad valorem taxation;
30 | revising legislative intent; subjecting organizations
31 | owning certain property to ad valorem taxation under
32 | certain circumstances; providing for tax liens; providing
33 | for penalties and interest; providing an exception;
34 | providing notice requirements; amending s. 212.055, F.S.;
35 | redefining the term "infrastructure" to allow the proceeds
36 | of a local government infrastructure surtax to be used to
37 | purchase land for certain purposes relating to
38 | construction of affordable housing; amending s. 420.503,
39 | F.S.; defining the term "moderate rehabilitation" for
40 | purposes of the Florida Housing Finance Corporation Act;
41 | amending s. 420.5061, F.S.; removing a provision requiring
42 | the Florida Housing Finance Corporation to transfer
43 | certain funds to the General Revenue Fund; amending s.
44 | 420.507, F.S.; providing the corporation with certain
45 | powers relating to developing and administering a grant
46 | program; amending s. 420.5087, F.S.; revising purposes for
47 | which state apartment incentive loans may be used;
48 | amending s. 420.5095, F.S.; providing for the disbursement
49 | of certain Community Workforce Housing Innovation Pilot
50 | Program funds that were awarded but have been declined or
51 | returned; amending s. 420.615, F.S.; revising provisions
52 | relating to comprehensive plan amendments; authorizing
53 | certain persons to challenge the compliance of an
54 | amendment; creating s. 420.628, F.S.; providing
55 | legislative findings and intent; requiring certain
56 | governmental entities to develop and implement strategies

57 | and procedures designed to increase affordable housing
58 | opportunities for young adults who are leaving the child
59 | welfare system; amending s. 420.9071, F.S.; revising and
60 | providing definitions; amending s. 420.9072, F.S.;
61 | conforming a cross-reference; amending s. 420.9073, F.S.;
62 | revising the frequency with which local housing
63 | distributions are to be made by the corporation;
64 | authorizing the corporation to withhold funds from the
65 | total distribution annually for specified purposes;
66 | requiring counties and eligible municipalities that
67 | receive local housing distributions to expend those funds
68 | in a specified manner; amending s. 420.9075, F.S.;
69 | requiring that local housing assistance plans address the
70 | special housing needs of persons with disabilities;
71 | authorizing the corporation to define high-cost counties
72 | and eligible municipalities by rule; authorizing high-cost
73 | counties and certain municipalities to assist persons and
74 | households meeting specific income requirements; revising
75 | requirements to be included in the local housing
76 | assistance plan; requiring counties and certain
77 | municipalities to include certain initiatives and
78 | strategies in the local housing assistance plan; revising
79 | criteria that applies to awards made for the purpose of
80 | providing eligible housing; authorizing and limiting the
81 | percentage of funds from the local housing distribution
82 | that may be used for manufactured housing; extending the
83 | expiration date of an exemption from certain income
84 | requirements in specified areas; authorizing the use of

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

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

106 Section 1. Paragraph (m) of subsection (3) of section
 107 125.0104, Florida Statutes, is amended to read:

108 125.0104 Tourist development tax; procedure for levying;
 109 authorized uses; referendum; enforcement.--

110 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.--

111 (m)1. In addition to any other tax which is imposed
 112 pursuant to this section, a high tourism impact county may

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113 impose an additional 1-percent tax on the exercise of the
114 privilege described in paragraph (a) by extraordinary vote of
115 the governing board of the county. The tax revenues received
116 pursuant to this paragraph shall be used for one or more of the
117 authorized uses pursuant to subsection (5). In addition, any
118 high tourism impact county that is designated as an area of
119 critical state concern pursuant to chapter 380 may also use
120 revenues received pursuant to this paragraph for affordable or
121 workforce housing as defined in chapter 420 or for affordable,
122 workforce, or employee housing as defined in any adopted
123 comprehensive plan, land development regulation, or local
124 housing assistance plan. Such authority for the use of revenues
125 for workforce, affordable, or employee housing shall extend for
126 10 years after the date of any de-designation of a location as
127 an area of critical state concern or for the period of time
128 required under any bond or other financing issued in accordance
129 with or based upon the authority granted pursuant to the
130 provisions of this section. Revenues derived pursuant to this
131 paragraph shall be bondable in accordance with other laws
132 regarding revenue bonding. If a high tourism impact county
133 designated as an area of critical state concern enacts the tax
134 specified in this paragraph, the revenue generated shall be
135 directed by the county commission by ordinance. If the county
136 commission does not enact such an ordinance, the revenue
137 generated shall be distributed among incorporated and
138 unincorporated areas based on the location of the living
139 quarters or accommodations that are leased or rented. However,
140 nothing in this paragraph shall preclude an interlocal agreement

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141 between local governments for the use of funds received pursuant
142 to this paragraph in a manner that addresses the provision of
143 affordable and workforce housing opportunities on a regional
144 basis or in accordance with a multijurisdictional housing
145 strategy, program, or policy.

146 2. A county is considered to be a high tourism impact
147 county after the Department of Revenue has certified to such
148 county that the sales subject to the tax levied pursuant to this
149 section exceeded \$600 million during the previous calendar year,
150 or were at least 18 percent of the county's total taxable sales
151 under chapter 212 where the sales subject to the tax levied
152 pursuant to this section were a minimum of \$200 million, except
153 that no county authorized to levy a convention development tax
154 pursuant to s. 212.0305 shall be considered a high tourism
155 impact county. Once a county qualifies as a high tourism impact
156 county, it shall retain this designation for the period the tax
157 is levied pursuant to this paragraph.

158 3. The provisions of paragraphs (4) (a)-(d) shall not apply
159 to the adoption of the additional tax authorized in this
160 paragraph. The effective date of the levy and imposition of the
161 tax authorized under this paragraph shall be the first day of
162 the second month following approval of the ordinance by the
163 governing board or the first day of any subsequent month as may
164 be specified in the ordinance. A certified copy of such
165 ordinance shall be furnished by the county to the Department of
166 Revenue within 10 days after approval of such ordinance.

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

169 159.807 State allocation pool.--

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

176 (b) Notwithstanding the provisions of paragraph (a), on or
 177 before November 15 of each year, the Florida Housing Finance
 178 Corporation's access to the state allocation pool is limited to
 179 the amount of the corporation's initial allocation under s.
 180 159.804. Thereafter, the corporation may not receive more than
 181 80 percent of the amount in the state allocation pool on
 182 November 16 of each year, and may not receive more than 80
 183 percent of any additional amounts that become available during
 184 the remainder of the calendar year, provided the limitations set
 185 forth in this paragraph shall not apply to the allocation of
 186 state volume limitation to the Florida Housing Finance
 187 Corporation pursuant to s. 159.81(2) (b), (c), or (d). This
 188 ~~subsection does not apply to the Florida Housing Finance~~
 189 ~~Corporation:~~

190 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~
 191 ~~exhausted, is unavailable, or is inadequate to provide an~~
 192 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~
 193 ~~volume limitation from prior years for the same carryforward~~
 194 ~~purpose, as that term is defined in s. 146 of the Code, as the~~
 195 ~~bonds it intends to issue have been completely utilized or have~~
 196 ~~expired.~~

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

201 Section 3. Section 193.018, Florida Statutes, is created
 202 to read:

203 193.018 Land owned by a community land trust used to
 204 provide affordable housing; assessment; structural improvements,
 205 condominium parcels, and cooperative parcels.--

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

211 (2) A community land trust may convey structural
 212 improvements, condominium parcels, or cooperative parcels, that
 213 are located on specific parcels of land that are identified by a
 214 legal description contained in and subject to a ground lease
 215 having a term of at least 99 years, for the purpose of providing
 216 affordable housing to natural persons or families who meet the
 217 extremely-low-income, very-low-income, low-income, or moderate-
 218 income limits specified in s. 420.0004, or the income limits for
 219 workforce housing, as defined in s. 420.5095(3). A community
 220 land trust shall retain a preemptive option to purchase any
 221 structural improvements, condominium parcels, or cooperative
 222 parcels on the land at a price determined by a formula specified
 223 in the ground lease which is designed to ensure that the
 224 structural improvements, condominium parcels, or cooperative

225 parcels remain affordable.

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

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

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

240 (c) If the ground lease and all amendments and supplements
 241 thereto, or a memorandum documenting how such lease and
 242 amendments or supplements restrict the price at which the
 243 improvements, condominium parcels, or cooperative parcels may be
 244 sold, is recorded in the official public records of the county
 245 in which the leased land is located, the recorded lease and any
 246 amendments and supplements, or the recorded memorandum, shall be
 247 deemed a land use regulation during the term of the lease as
 248 amended or supplemented.

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

251 196.196 Determining whether property is entitled to
 252 charitable, religious, scientific, or literary exemption.--

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

265 Section 5. Section 196.1978, Florida Statutes, is amended
 266 to read:

267 196.1978 Affordable housing property exemption.--

268 (1) Property used to provide affordable housing serving
 269 eligible persons as defined by s. 159.603(7) and natural persons
 270 or families meeting the extremely-low-income, very-low-income,
 271 low-income, or moderate-income persons meeting income limits
 272 specified in s. 420.0004 ~~s. 420.0004(8), (10), (11), and (15),~~
 273 which property is owned entirely by a nonprofit entity that is a
 274 corporation not for profit, qualified as charitable under s.
 275 501(c)(3) of the Internal Revenue Code and in compliance with
 276 Rev. Proc. 96-32, 1996-1 C.B. 717, or a Florida-based limited
 277 partnership, the sole general partner of which is a corporation
 278 not for profit which is qualified as charitable under s.
 279 501(c)(3) of the Internal Revenue Code and which complies with
 280 Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property

281 owned by an exempt entity and used for a charitable purpose, and
 282 those portions of the affordable housing property which provide
 283 housing to natural persons or families classified as extremely
 284 low income, very low income, low income, or moderate income
 285 under s. 420.0004 ~~individuals with incomes as defined in s.~~
 286 ~~420.0004(10) and (15)~~ shall be exempt from ad valorem taxation
 287 to the extent authorized in s. 196.196. All property identified
 288 in this section shall comply with the criteria for determination
 289 of exempt status to be applied by property appraisers on an
 290 annual basis as defined in s. 196.195. The Legislature intends
 291 that any property owned by a limited liability company or
 292 limited partnership which is disregarded as an entity for
 293 federal income tax purposes pursuant to Treasury Regulation
 294 301.7701-3(b)(1)(ii) shall be treated as owned by its sole
 295 member or sole general partner.

296 (2) If property owned by an organization granted an
 297 exemption under s. 196.196(5) is transferred for a purpose other
 298 than directly providing affordable homeownership or rental
 299 housing to persons or families who meet the extremely-low-
 300 income, very-low-income, low-income, or moderate-income limits,
 301 as specified in s. 420.0004, or is not in actual use to provide
 302 such affordable housing within 5 years after the date the
 303 organization is granted the exemption, the property appraiser
 304 making such determination shall serve upon the organization that
 305 illegally or improperly received the exemption a notice of
 306 intent to record in the public records of the county a notice of
 307 tax lien against any property owned by that organization in the
 308 county, and such property shall be identified in the notice of

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

330 Section 6. Paragraph (d) of subsection (2) of section
331 212.055, Florida Statutes, is amended to read:

332 212.055 Discretionary sales surtaxes; legislative intent;
333 authorization and use of proceeds.--It is the legislative intent
334 that any authorization for imposition of a discretionary sales
335 surtax shall be published in the Florida Statutes as a
336 subsection of this section, irrespective of the duration of the

337 levy. Each enactment shall specify the types of counties
 338 authorized to levy; the rate or rates which may be imposed; the
 339 maximum length of time the surtax may be imposed, if any; the
 340 procedure which must be followed to secure voter approval, if
 341 required; the purpose for which the proceeds may be expended;
 342 and such other requirements as the Legislature may provide.
 343 Taxable transactions and administrative procedures shall be as
 344 provided in s. 212.054.

345 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

346 (d)~~1~~. The proceeds of the surtax authorized by this
 347 subsection and any accrued interest ~~accrued thereto~~ shall be
 348 expended by the school district, or within the county and
 349 municipalities within the county, or, in the case of a
 350 negotiated joint county agreement, within another county, to
 351 finance, plan, and construct infrastructure; and to acquire land
 352 for public recreation, or conservation, or protection of natural
 353 resources; or ~~and~~ to finance the closure of county-owned or
 354 municipally owned solid waste landfills that have been ~~are~~
 355 ~~already~~ closed or are required to be closed ~~close~~ by order of
 356 the Department of Environmental Protection. Any use of the ~~such~~
 357 proceeds or interest for purposes of landfill closure before
 358 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~
 359 any interest may not ~~accrued thereto shall~~ be used for the
 360 operational expenses of ~~any~~ infrastructure, except that a ~~any~~
 361 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and
 362 that is required to close a landfill ~~by order of the Department~~
 363 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest
 364 ~~accrued thereto~~ for long-term maintenance costs associated with

365 landfill closure. Counties, as defined in s. 125.011 ~~s.~~
 366 ~~125.011(1)~~, and charter counties may, in addition, use the
 367 proceeds or ~~and any~~ interest ~~accrued thereto~~ to retire or
 368 service indebtedness incurred for bonds issued before ~~prior to~~
 369 July 1, 1987, for infrastructure purposes, and for bonds
 370 subsequently issued to refund such bonds. Any use of the ~~such~~
 371 proceeds or interest for purposes of retiring or servicing
 372 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~
 373 July 1, 1999, is ratified.

374 1.2. For the purposes of this paragraph, the term
 375 "infrastructure" means:

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

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

386 c. Any expenditure for the construction, lease, or
 387 maintenance of, or provision of utilities or security for,
 388 facilities, as defined in s. 29.008.

389 d. Any fixed capital expenditure or fixed capital outlay
 390 associated with the improvement of private facilities that have
 391 a life expectancy of 5 or more years and that the owner agrees
 392 to make available for use on a temporary basis as needed by a

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393 local government as a public emergency shelter or a staging area
394 for emergency response equipment during an emergency officially
395 declared by the state or by the local government under s.
396 252.38. Such improvements ~~under this sub-subparagraph~~ are
397 limited to those necessary to comply with current standards for
398 public emergency evacuation shelters. The owner must ~~shall~~ enter
399 into a written contract with the local government providing the
400 improvement funding to make the ~~such~~ private facility available
401 to the public for purposes of emergency shelter at no cost to
402 the local government for a minimum ~~period~~ of 10 years after
403 completion of the improvement, with the provision that the ~~such~~
404 obligation will transfer to any subsequent owner until the end
405 of the minimum period.

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

418 2.3. Notwithstanding any other provision of this
419 subsection, a local government infrastructure discretionary
420 ~~sales~~ surtax imposed or extended after July 1, 1998, the

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

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

435 420.503 Definitions.--As used in this part, the term:
 436 (25) "Moderate rehabilitation" means repair or restoration
 437 of a dwelling unit when the value of such repair or restoration
 438 is 40 percent or less of the value of the dwelling but not less
 439 than \$10,000 per dwelling unit.

440 Section 8. Section 420.5061, Florida Statutes, is amended
 441 to read:

442 420.5061 Transfer of agency assets and liabilities.--The
 443 corporation is the legal successor in all respects to the
 444 agency, is obligated to the same extent as the agency under any
 445 agreements existing on December 31, 1997, and is entitled to any
 446 rights and remedies previously afforded the agency by law or
 447 contract, including specifically the rights of the agency under
 448 chapter 201 and part VI of chapter 159. Effective January 1,

449 1998, all references under Florida law to the agency are deemed
 450 to mean the corporation. ~~The corporation shall transfer to the~~
 451 ~~General Revenue Fund an amount which otherwise would have been~~
 452 ~~deducted as a service charge pursuant to s. 215.20(1) if the~~
 453 ~~Florida Housing Finance Corporation Fund established by s.~~
 454 ~~420.508(5), the State Apartment Incentive Loan Fund established~~
 455 ~~by s. 420.5087(7), the Florida Homeownership Assistance Fund~~
 456 ~~established by s. 420.5088(4), the HOME Investment Partnership~~
 457 ~~Fund established by s. 420.5089(1), and the Housing~~
 458 ~~Predevelopment Loan Fund established by s. 420.525(1) were each~~
 459 ~~trust funds.~~ For purposes of s. 112.313, the corporation is
 460 deemed to be a continuation of the agency, and the provisions
 461 thereof are deemed to apply as if the same entity remained in
 462 place. Any employees of the agency and agency board members
 463 covered by s. 112.313(9)(a)6. shall continue to be entitled to
 464 the exemption in that subparagraph, notwithstanding being hired
 465 by the corporation or appointed as board members of the
 466 corporation.

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

469 420.507 Powers of the corporation.--The corporation shall
 470 have all the powers necessary or convenient to carry out and
 471 effectuate the purposes and provisions of this part, including
 472 the following powers which are in addition to all other powers
 473 granted by other provisions of this part:

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

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

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

483 Section 10. Paragraphs (c) and (1) of subsection (6) of
 484 section 420.5087, Florida Statutes, are amended to read:

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

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

496 (c) The corporation shall provide by rule for the
 497 establishment of a review committee composed of the department
 498 and corporation staff and shall establish by rule a scoring
 499 system for evaluation and competitive ranking of applications
 500 submitted in this program, including, but not limited to, the
 501 following criteria:

502 1. Tenant income and demographic targeting objectives of
 503 the corporation.

504 2. Targeting objectives of the corporation which will
505 ensure an equitable distribution of loans between rural and
506 urban areas.

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

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

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

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

521 5. Provision for tenant counseling.

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

524 7. Projects requiring the least amount of a state
525 apartment incentive loan compared to overall project cost except
526 that the share of the loan attributable to units serving
527 extremely-low-income persons shall be excluded from this
528 requirement.

529 8. Local government contributions and local government
530 comprehensive planning and activities that promote affordable
531 housing.

- 532 9. Project feasibility.
- 533 10. Economic viability of the project.
- 534 11. Commitment of first mortgage financing.
- 535 12. Sponsor's prior experience.
- 536 13. Sponsor's ability to proceed with construction.
- 537 14. Projects that directly implement or assist welfare-to-
- 538 work transitioning.
- 539 15. Projects that reserve units for extremely-low-income
- 540 persons.
- 541 16. Projects that include green building principles,
- 542 storm-resistant construction, or other elements that reduce
- 543 long-term costs relating to maintenance, utilities, or
- 544 insurance.
- 545 (1) The proceeds of all loans shall be used for new
- 546 construction, moderate rehabilitation, or substantial
- 547 rehabilitation which creates or preserves affordable, safe, and
- 548 sanitary housing units.
- 549 Section 11. Subsection (17) is added to section 420.5095,
- 550 Florida Statutes, to read:
- 551 420.5095 Community Workforce Housing Innovation Pilot
- 552 Program.--
- 553 (17) (a) Funds appropriated by s. 33, chapter 2006-69, Laws
- 554 of Florida, that were awarded but have been declined or returned
- 555 shall be made available for projects that otherwise comply with
- 556 the provisions of this section and that are created to provide
- 557 workforce housing for teachers and instructional personnel
- 558 employed by the school district in the county in which the
- 559 project is located.

560 (b) Projects shall be given priority for funding when the
 561 school district provides the property for the project pursuant
 562 to s. 1001.43.

563 (c) Projects shall be given priority for funding when the
 564 public-private partnership includes the school district and a
 565 national nonprofit organization to provide financial support,
 566 technical assistance, and training for community-based
 567 revitalization efforts.

568 (d) Projects in counties which had a project selected for
 569 funding that declined or returned funds shall be given priority
 570 for funding.

571 (e) Projects shall be selected for funding by requests for
 572 proposals.

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

575 420.615 Affordable housing land donation density bonus
 576 incentives.--

577 (5) The local government, as part of the approval process,
 578 shall adopt a comprehensive plan amendment, pursuant to part II
 579 of chapter 163, for the receiving land that incorporates the
 580 density bonus. Such amendment shall be deemed by operation of
 581 law a small scale amendment, shall be subject only to the
 582 requirements of adopted in the manner as required for small-
 583 scale amendments pursuant to s. 163.3187(1)(c)2. and 3., is not
 584 subject to the requirements of s. 163.3184(3)-(11)(3)-(6), and
 585 is exempt from s. 163.3187(1)(c)1. and the limitation on the
 586 frequency of plan amendments as provided in s. 163.3187. An
 587 affected person, as defined in s. 163.3184(1), may file a

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588 petition for administrative review pursuant to the requirements
589 of s. 163.3187(3) to challenge the compliance of an adopted plan
590 amendment.

591 Section 13. Section 420.628, Florida Statutes, is created
592 to read:

593 420.628 Affordable housing for children and young adults
594 leaving foster care; legislative findings and intent.--

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

599 (2) These youth in foster care are among those who may
600 enter adulthood without the knowledge, skills, attitudes,
601 habits, and relationships that will enable them to be productive
602 members of society.

603 (3) The main barriers to safe and affordable housing for
604 youth aging out of the foster care system are cost, lack of
605 availability, the unwillingness of many landlords to rent to
606 them, and their own lack of knowledge about how to be good
607 tenants.

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

614 (5) The Legislature further finds that making affordable
615 housing available for young adults who transition from foster

616 care decreases their chance of homelessness and may increase
617 their ability to live independently in the future.

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

622 (7) The Legislature affirms that young adults
623 transitioning out of foster care are to be considered eligible
624 persons, as defined in ss. 420.503(17) and 420.9071(10), for
625 affordable housing purposes and shall be encouraged to
626 participate in state, federal, and local affordable housing
627 programs.

628 (8) It is therefore the intent of the Legislature to
629 encourage the Florida Housing Finance Corporation, State Housing
630 Initiative Partnership Program agencies, local housing finance
631 agencies, public housing authorities and their agents,
632 developers, and other providers of affordable housing to make
633 affordable housing available to youth transitioning out of
634 foster care whenever and wherever possible.

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

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

646 420.9071 Definitions.--As used in ss. 420.907-420.9079,
 647 the term:

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

661 (8) "Eligible housing" means any real and personal
 662 property located within the county or the eligible municipality
 663 which is designed and intended for the primary purpose of
 664 providing decent, safe, and sanitary residential units that are
 665 designed to meet the standards of the Florida Building Code or a
 666 predecessor building code adopted under chapter 553, or
 667 manufactured housing constructed after June 1994 and installed
 668 in accordance with mobile home installation standards of the
 669 Department of Highway Safety and Motor Vehicles, for home
 670 ownership or rental for eligible persons as designated by each

671 county or eligible municipality participating in the State
 672 Housing Initiatives Partnership Program.

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

686 (25) "Recaptured funds" means funds that are recouped by a
 687 county or eligible municipality in accordance with the recapture
 688 provisions of its local housing assistance plan pursuant to s.
 689 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,
 690 which funds were not used for assistance to an eligible
 691 household for an eligible activity, when there is a ~~who~~ default
 692 on the terms of a grant award or loan award.

693 (29) "Assisted housing" or "assisted housing development"
 694 means a rental housing development, including rental housing in
 695 a mixed-use development, that received or currently receives
 696 funding from any federal or state housing program.

697 (30) "Preservation" means actions taken to keep rents in
 698 existing assisted housing affordable for extremely-low-income,

699 very-low-income, low-income, and moderate-income households
 700 while ensuring that the property stays in good physical and
 701 financial condition for an extended period.

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

704 420.9072 State Housing Initiatives Partnership
 705 Program.--The State Housing Initiatives Partnership Program is
 706 created for the purpose of providing funds to counties and
 707 eligible municipalities as an incentive for the creation of
 708 local housing partnerships, to expand production of and preserve
 709 affordable housing, to further the housing element of the local
 710 government comprehensive plan specific to affordable housing,
 711 and to increase housing-related employment.

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

717 Section 16. Subsections (1) and (2) of section 420.9073,
 718 Florida Statutes, are amended, and subsections (5), (6), and (7)
 719 are added to that section, to read:

720 420.9073 Local housing distributions.--

721 (1) Distributions calculated in this section shall be
 722 disbursed on a quarterly or more frequent ~~monthly~~ basis by the
 723 corporation ~~beginning the first day of the month after program~~
 724 ~~approval~~ pursuant to s. 420.9072, subject to availability of
 725 funds. Each county's share of the funds to be distributed from
 726 the portion of the funds in the Local Government Housing Trust

727 Fund received pursuant to s. 201.15(9) shall be calculated by
 728 the corporation for each fiscal year as follows:

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

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

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

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

745 3. For each county in which the result in subparagraph 1.
 746 is greater than the guaranteed amount as determined in
 747 subsection (3), the amount calculated in subparagraph 1. shall
 748 be reduced by the guaranteed amount. The result for each such
 749 county shall be expressed as a percentage of the amounts so
 750 determined for all counties. Each such county shall receive an
 751 additional share equal to such percentage multiplied by the
 752 total funds received by the Local Government Housing Trust Fund
 753 pursuant to s. 201.15(9) reduced by the guaranteed amount paid
 754 to all counties.

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

764 (a) Each county shall receive the guaranteed amount for
765 each fiscal year.

766 (b) Each county may receive an additional share calculated
767 as follows:

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

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

773 3. For each county in which the result in subparagraph 1.
774 is greater than the guaranteed amount, the amount calculated in
775 subparagraph 1. shall be reduced by the guaranteed amount. The
776 result for each such county shall be expressed as a percentage
777 of the amounts so determined for all counties. Each such county
778 shall receive an additional share equal to this percentage
779 multiplied by the total funds received by the Local Government
780 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
781 guaranteed amount paid to all counties.

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

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

803 (7) A county or eligible municipality that receives local
804 housing distributions pursuant to this section shall expend
805 those funds in accordance with the provisions of ss. 420.907-
806 420.9079, corporation rule, and its local housing assistance
807 plan.

808 Section 17. Subsections (1), (3), (5), and (8), paragraphs
809 (a) and (h) of subsection (10), and paragraph (b) of subsection

810 (13) of section 420.9075, Florida Statutes, are amended, and
 811 subsection (14) is added to that section, to read:

812 420.9075 Local housing assistance plans; partnerships.--

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

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

829 1. Implement local housing assistance strategies for the
 830 provision of affordable housing.

831 2. Supplement funds available to the corporation to
 832 provide enhanced funding of state housing programs within the
 833 county or the eligible municipality.

834 3. Provide the local matching share of federal affordable
 835 housing grants or programs.

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

839 5. Further the housing element of the local government
 840 comprehensive plan adopted pursuant to s. 163.3184, specific to
 841 affordable housing.

842 (3) (a) Each local housing assistance plan shall include a
 843 definition of essential service personnel for the county or
 844 eligible municipality, including, but not limited to, teachers
 845 and educators, other school district, community college, and
 846 university employees, police and fire personnel, health care
 847 personnel, skilled building trades personnel, and other job
 848 categories.

849 (b) Each county and each eligible municipality is
 850 encouraged to develop a strategy within its local housing
 851 assistance plan that emphasizes the recruitment and retention of
 852 essential service personnel. The local government is encouraged
 853 to involve public and private sector employers. Compliance with
 854 the eligibility criteria established under this strategy shall
 855 be verified by the county or eligible municipality.

856 (c) Each county and each eligible municipality is
 857 encouraged to develop a strategy within its local housing
 858 assistance plan that addresses the needs of persons who are
 859 deprived of affordable housing due to the closure of a mobile
 860 home park or the conversion of affordable rental units to
 861 condominiums.

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

864 encourage or require innovative design, green building
 865 principles, storm-resistant construction, or other elements that
 866 reduce long-term costs relating to maintenance, utilities, or
 867 insurance.

868 (e) Each county and each eligible municipality is
 869 encouraged to develop a strategy within its local housing
 870 assistance plan that provides program funds for the preservation
 871 of assisted housing.

872 (5) The following criteria apply to awards made to
 873 eligible sponsors or eligible persons for the purpose of
 874 providing eligible housing:

875 (a) At least 65 percent of the funds made available in
 876 each county and eligible municipality from the local housing
 877 distribution must be reserved for home ownership for eligible
 878 persons.

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

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

886 (d)~~(e)~~ The sales price or value of new or existing
 887 eligible housing may not exceed 90 percent of the average area
 888 purchase price in the statistical area in which the eligible
 889 housing is located. Such average area purchase price may be that
 890 calculated for any 12-month period beginning not earlier than
 891 the fourth calendar year prior to the year in which the award

892 | occurs or as otherwise established by the United States
 893 | Department of the Treasury.

894 | (e)~~(d)~~1. All units constructed, rehabilitated, or
 895 | otherwise assisted with the funds provided from the local
 896 | housing assistance trust fund must be occupied by very-low-
 897 | income persons, low-income persons, and moderate-income persons
 898 | except as otherwise provided in this section.

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

912 | (f)~~(e)~~ Loans shall be provided for periods not exceeding
 913 | 30 years, except for deferred payment loans or loans that extend
 914 | beyond 30 years which continue to serve eligible persons.

915 | (g)~~(f)~~ Loans or grants for eligible rental housing
 916 | constructed, rehabilitated, or otherwise assisted from the local
 917 | housing assistance trust fund must be subject to recapture
 918 | requirements as provided by the county or eligible municipality
 919 | in its local housing assistance plan unless reserved for

920 eligible persons for 15 years or the term of the assistance,
 921 whichever period is longer. Eligible sponsors that offer rental
 922 housing for sale before 15 years or that have remaining
 923 mortgages funded under this program must give a first right of
 924 refusal to eligible nonprofit organizations for purchase at the
 925 current market value for continued occupancy by eligible
 926 persons.

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

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

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

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

944 (l)~~(k)~~ Funds from the local housing distribution not used
 945 to meet the criteria established in paragraph (a) or paragraph
 946 (b) or not used for the administration of a local housing
 947 assistance plan must be used for housing production and finance

948 activities, including, but not limited to, financing
 949 preconstruction activities or the purchase of existing units,
 950 providing rental housing, and providing home ownership training
 951 to prospective home buyers and owners of homes assisted through
 952 the local housing assistance plan.

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

956 2. When preconstruction due diligence activities conducted
 957 as part of a preservation strategy show that preservation of the
 958 units is not feasible and will not result in the production of
 959 an eligible unit, such costs shall be deemed a program expense
 960 rather than an administrative expense if such program expenses
 961 do not exceed 3 percent of the annual local housing
 962 distribution.

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

973 4. Each county and each eligible municipality may award
 974 funds as a grant for construction, rehabilitation, or repair as
 975 part of disaster recovery or emergency repairs or to remedy

976 accessibility or health and safety deficiencies. Any other
 977 grants must be approved as part of the local housing assistance
 978 plan.

979 (8) Pursuant to s. 420.531, the corporation shall provide
 980 training and technical assistance to local governments regarding
 981 the creation of partnerships, the design of local housing
 982 assistance strategies, the implementation of local housing
 983 incentive strategies, and the provision of support services.

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

997 (a) The number of households served by income category,
 998 age, family size, and race, and data regarding any special needs
 999 populations such as farmworkers, homeless persons, persons with
 1000 disabilities, and the elderly. Counties shall report this
 1001 information separately for households served in the
 1002 unincorporated area and each municipality within the county.

1003 (h) Such other data or affordable housing accomplishments
 1004 considered significant by the reporting county or eligible
 1005 municipality or by the corporation.

1006 (13)

1007 (b) If, as a result of its review of the annual report,
 1008 the corporation determines that a county or eligible
 1009 municipality has failed to implement a local housing incentive
 1010 strategy, or, if applicable, a local housing incentive plan, it
 1011 shall send a notice of termination of the local government's
 1012 share of the local housing distribution by certified mail to the
 1013 affected county or eligible municipality.

1014 1. The notice must specify a date of termination of the
 1015 funding if the affected county or eligible municipality does not
 1016 implement the plan or strategy and provide for a local response.
 1017 A county or eligible municipality shall respond to the
 1018 corporation within 30 days after receipt of the notice of
 1019 termination.

1020 2. The corporation shall consider the local response that
 1021 extenuating circumstances precluded implementation and grant an
 1022 extension to the timeframe for implementation. Such an extension
 1023 shall be made in the form of an extension agreement that
 1024 provides a timeframe for implementation. The chief elected
 1025 official of a county or eligible municipality or his or her
 1026 designee shall have the authority to enter into the agreement on
 1027 behalf of the local government.

1028 3. If the county or the eligible municipality has not
 1029 implemented the incentive strategy or entered into an extension
 1030 agreement by the termination date specified in the notice, the

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1031 local housing distribution share terminates, and any uncommitted
 1032 local housing distribution funds held by the affected county or
 1033 eligible municipality in its local housing assistance trust fund
 1034 shall be transferred to the Local Government Housing Trust Fund
 1035 to the credit of the corporation to administer ~~pursuant to s.~~
 1036 ~~420.9078.~~

1037 4.a. If the affected local government fails to meet the
 1038 timeframes specified in the agreement, the corporation shall
 1039 terminate funds. The corporation shall send a notice of
 1040 termination of the local government's share of the local housing
 1041 distribution by certified mail to the affected local government.
 1042 The notice shall specify the termination date, and any
 1043 uncommitted funds held by the affected local government shall be
 1044 transferred to the Local Government Housing Trust Fund to the
 1045 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

1046 b. If the corporation terminates funds to a county, but an
 1047 eligible municipality receiving a local housing distribution
 1048 pursuant to an interlocal agreement maintains compliance with
 1049 program requirements, the corporation shall thereafter
 1050 distribute directly to the participating eligible municipality
 1051 its share calculated in the manner provided in s. 420.9072.

1052 c. Any county or eligible municipality whose local
 1053 distribution share has been terminated may subsequently elect to
 1054 receive directly its local distribution share by adopting the
 1055 ordinance, resolution, and local housing assistance plan in the
 1056 manner and according to the procedures provided in ss. 420.907-
 1057 420.9079.

1058 (14) If the corporation determines that a county or
 1059 eligible municipality has expended program funds for an
 1060 ineligible activity, the corporation shall require such funds to
 1061 be repaid to the local housing assistance trust fund. Such
 1062 repayment may not be made with funds from the State Housing
 1063 Initiatives Partnership Program.

1064 Section 18. Paragraph (h) of subsection (2), subsections
 1065 (5) and (6), and paragraph (a) of subsection (7) of section
 1066 420.9076, Florida Statutes, are amended to read:

1067 420.9076 Adoption of affordable housing incentive
 1068 strategies; committees.--

1069 (2) The governing board of a county or municipality shall
 1070 appoint the members of the affordable housing advisory committee
 1071 by resolution. Pursuant to the terms of any interlocal
 1072 agreement, a county and municipality may create and jointly
 1073 appoint an advisory committee to prepare a joint plan. The
 1074 ordinance adopted pursuant to s. 420.9072 which creates the
 1075 advisory committee or the resolution appointing the advisory
 1076 committee members must provide for 11 committee members and
 1077 their terms. The committee must include:

1078 (h) One citizen who actively serves on the local planning
 1079 agency pursuant to s. 163.3174. If the local planning agency is
 1080 comprised of the governing board of the county or municipality,
 1081 the governing board may appoint a designee who is knowledgeable
 1082 in the local planning process.

1083
 1084 If a county or eligible municipality whether due to its small
 1085 size, the presence of a conflict of interest by prospective

1086 appointees, or other reasonable factor, is unable to appoint a
 1087 citizen actively engaged in these activities in connection with
 1088 affordable housing, a citizen engaged in the activity without
 1089 regard to affordable housing may be appointed. Local governments
 1090 that receive the minimum allocation under the State Housing
 1091 Initiatives Partnership Program may elect to appoint an
 1092 affordable housing advisory committee with fewer than 11
 1093 representatives if they are unable to find representatives who
 1094 meet the criteria of paragraphs (a)-(k).

1095 (5) The approval by the advisory committee of its local
 1096 housing incentive strategies recommendations and its review of
 1097 local government implementation of previously recommended
 1098 strategies must be made by affirmative vote of a majority of the
 1099 membership of the advisory committee taken at a public hearing.
 1100 Notice of the time, date, and place of the public hearing of the
 1101 advisory committee to adopt its evaluation and final local
 1102 housing incentive strategies recommendations must be published
 1103 in a newspaper of general paid circulation in the county. The
 1104 notice must contain a short and concise summary of the
 1105 evaluation and local housing incentives strategies
 1106 recommendations to be considered by the advisory committee. The
 1107 notice must state the public place where a copy of the
 1108 evaluation and tentative advisory committee recommendations can
 1109 be obtained by interested persons. The final report, evaluation,
 1110 and recommendations shall be submitted to the corporation.

1111 (6) Within 90 days after the date of receipt of the
 1112 evaluation and local housing incentive strategies
 1113 recommendations from the advisory committee, the governing body

1114 of the appointing local government shall adopt an amendment to
 1115 its local housing assistance plan to incorporate the local
 1116 housing incentive strategies it will implement within its
 1117 jurisdiction. The amendment must include, at a minimum, the
 1118 local housing incentive strategies required under s.
 1119 420.9071(16). The local government must consider the strategies
 1120 specified in paragraphs (4)(a)-(k) as recommended by the
 1121 advisory committee.

1122 (7) The governing board of the county or the eligible
 1123 municipality shall notify the corporation by certified mail of
 1124 its adoption of an amendment of its local housing assistance
 1125 plan to incorporate local housing incentive strategies. The
 1126 notice must include a copy of the approved amended plan.

1127 (a) If the corporation fails to receive timely the
 1128 approved amended local housing assistance plan to incorporate
 1129 local housing incentive strategies, a notice of termination of
 1130 its share of the local housing distribution shall be sent by
 1131 certified mail by the corporation to the affected county or
 1132 eligible municipality. The notice of termination must specify a
 1133 date of termination of the funding if the affected county or
 1134 eligible municipality has not adopted an amended local housing
 1135 assistance plan to incorporate local housing incentive
 1136 strategies. If the county or the eligible municipality has not
 1137 adopted an amended local housing assistance plan to incorporate
 1138 local housing incentive strategies by the termination date
 1139 specified in the notice of termination, the local distribution
 1140 share terminates; and any uncommitted local distribution funds
 1141 held by the affected county or eligible municipality in its

1142 local housing assistance trust fund shall be transferred to the
 1143 Local Government Housing Trust Fund to the credit of the
 1144 corporation to administer the local government housing program
 1145 pursuant to ~~s. 420.9078~~.

1146 Section 19. Section 420.9078, Florida Statutes, is
 1147 repealed.

1148 Section 20. Section 420.9079, Florida Statutes, is amended
 1149 to read:

1150 420.9079 Local Government Housing Trust Fund.--

1151 (1) There is created in the State Treasury the Local
 1152 Government Housing Trust Fund, which shall be administered by
 1153 the corporation on behalf of the department according to the
 1154 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this
 1155 section. There shall be deposited into the fund a portion of the
 1156 documentary stamp tax revenues as provided in s. 201.15, moneys
 1157 received from any other source for the purposes of ss. 420.907-
 1158 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds
 1159 derived from the investment of such moneys. Moneys in the fund
 1160 that are not currently needed for the purposes of the programs
 1161 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~
 1162 and this section shall be deposited to the credit of the fund
 1163 and may be invested as provided by law. The interest received on
 1164 any such investment shall be credited to the fund.

1165 (2) The corporation shall administer the fund exclusively
 1166 for the purpose of implementing the programs described in ss.
 1167 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the
 1168 exception of monitoring the activities of counties and eligible
 1169 municipalities to determine local compliance with program

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1170 requirements, the corporation shall not receive appropriations
 1171 from the fund for administrative or personnel costs. For the
 1172 purpose of implementing the compliance monitoring provisions of
 1173 s. 420.9075(9), the corporation may request a maximum of one-
 1174 quarter of 1 percent of the annual appropriation per state
 1175 fiscal year. When such funding is appropriated, the corporation
 1176 shall deduct the amount appropriated prior to calculating the
 1177 local housing distribution pursuant to ss. 420.9072 and
 1178 420.9073.

1179 Section 21. Subsection (12) of section 1001.43, Florida
 1180 Statutes, is amended to read:

1181 1001.43 Supplemental powers and duties of district school
 1182 board.--The district school board may exercise the following
 1183 supplemental powers and duties as authorized by this code or
 1184 State Board of Education rule.

1185 (12) AFFORDABLE HOUSING.--A district school board may use
 1186 portions of school sites purchased within the guidelines of the
 1187 State Requirements for Educational Facilities, land deemed not
 1188 usable for educational purposes because of location or other
 1189 factors, or land declared as surplus by the board to provide
 1190 sites for affordable housing for teachers and other district
 1191 personnel and, in areas of critical state concern, for other
 1192 essential services personnel as defined by local affordable
 1193 housing eligibility requirements, independently or in
 1194 conjunction with other agencies as described in subsection (5).

1195 Section 22. This act shall take effect July 1, 2009.