

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 the  
7 state allocation pool and revising language relating to  
8 such uses; amending s. 212.055, F.S.; redefining the term  
9 "infrastructure" to allow the proceeds of a local  
10 government infrastructure surtax to be used to purchase  
11 land for certain purposes relating to construction of  
12 affordable housing; amending s. 420.503, F.S.; defining  
13 the term "moderate rehabilitation" for purposes of the  
14 Florida Housing Finance Corporation Act; amending s.  
15 420.507, F.S.; providing the corporation with certain  
16 powers relating to competitive programs; providing  
17 criteria for the evaluation of domicile and experience of  
18 developers and general contractors; providing the  
19 corporation with certain powers relating to developing and  
20 administering a grant program; requiring the corporation  
21 to adopt rules; amending s. 420.5087, F.S.; revising  
22 purposes for which state apartment incentive loans may be  
23 used; amending s. 420.615, F.S.; revising provisions  
24 relating to comprehensive plan amendments; authorizing  
25 certain persons to challenge the compliance of an  
26 amendment; creating s. 420.628, F.S.; providing  
27 legislative findings and intent; requiring certain  
28 governmental entities to develop and implement strategies

29 | and procedures designed to increase affordable housing  
30 | opportunities for young adults who are leaving the child  
31 | welfare system; amending s. 420.9071, F.S.; revising and  
32 | providing definitions; amending s. 420.9072, F.S.;  
33 | conforming a cross-reference; amending s. 420.9073, F.S.;  
34 | revising the frequency with which local housing  
35 | distributions are to be made by the corporation;  
36 | authorizing the corporation to withhold funds from the  
37 | total distribution annually for specified purposes;  
38 | requiring counties and eligible municipalities that  
39 | receive local housing distributions to expend those funds  
40 | in a specified manner; reenacting and amending s.  
41 | 420.9075(5)(d), F.S., to extend the expiration date of an  
42 | exemption from certain income requirements in specified  
43 | areas to qualify for awards from local housing assistance  
44 | trust funds; providing for retroactive operation; amending  
45 | s. 420.9075, F.S.; requiring that local housing assistance  
46 | plans address the special housing needs of persons with  
47 | disabilities; authorizing the corporation to define high-  
48 | cost counties and eligible municipalities by rule;  
49 | authorizing high-cost counties and certain municipalities  
50 | to assist persons and households meeting specific income  
51 | requirements; revising requirements to be included in the  
52 | local housing assistance plan; requiring counties and  
53 | certain municipalities to include certain initiatives and  
54 | strategies in the local housing assistance plan; revising  
55 | criteria that applies to awards made for the purpose of  
56 | providing eligible housing; authorizing and limiting the

57 percentage of funds from the local housing distribution  
 58 that may be used for manufactured housing; authorizing the  
 59 use of certain funds for preconstruction activities;  
 60 providing that certain costs are a program expense;  
 61 authorizing counties and certain municipalities to award  
 62 grant funds under certain conditions; providing for the  
 63 repayment of funds by the local housing assistance trust  
 64 fund; deleting cross-references to conform to changes made  
 65 by the act; amending s. 420.9076, F.S.; revising  
 66 appointments to a local affordable housing advisory  
 67 committee; revising notice requirements for public  
 68 hearings of the advisory committee; requiring the  
 69 committee's final report, evaluation, and recommendations  
 70 to be submitted to the corporation; deleting a cross-  
 71 reference to conform to changes made by the act; repealing  
 72 s. 420.9078, F.S., relating to state administration of  
 73 funds remaining in the Local Government Housing Trust  
 74 Fund; amending s. 420.9079, F.S.; conforming cross-  
 75 references; amending s. 1001.43, F.S.; revising district  
 76 school board powers and duties in relation to use of land  
 77 for affordable housing in certain areas for certain  
 78 personnel; providing effective dates.

79  
 80 Be It Enacted by the Legislature of the State of Florida:

81  
 82 Section 1. Subsection (4) of section 159.807, Florida  
 83 Statutes, is amended to read:  
 84 159.807 State allocation pool.--

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

91 (b) Notwithstanding the provisions of paragraph (a), on or  
92 before November 15 of each year, the Florida Housing Finance  
93 Corporation's access to the state allocation pool is limited to  
94 the amount of the corporation's initial allocation under s.  
95 159.804. Thereafter, the corporation may not receive more than  
96 80 percent of the amount in the state allocation pool on  
97 November 16 of each year, and may not receive more than 80  
98 percent of any additional amounts that become available during  
99 the remainder of the calendar year, provided the limitations set  
100 forth in this paragraph shall not apply to the allocation of  
101 state volume limitation to the Florida Housing Finance  
102 Corporation pursuant to s. 159.81(2) (b), (c), or (d). This  
103 ~~subsection does not apply to the Florida Housing Finance~~  
104 ~~Corporation:~~

105 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~  
106 ~~exhausted, is unavailable, or is inadequate to provide an~~  
107 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~  
108 ~~volume limitation from prior years for the same carryforward~~  
109 ~~purpose, as that term is defined in s. 146 of the Code, as the~~  
110 ~~bonds it intends to issue have been completely utilized or have~~  
111 ~~expired.~~

112 ~~2. Prior to July 1 of any year, when housing bonds for~~

113 ~~which the Florida Housing Finance Corporation has made an~~  
 114 ~~assignment of its allocation permitted by s. 159.804(3)(c) have~~  
 115 ~~not been issued.~~

116 Section 2. Paragraph (d) of subsection (2) of section  
 117 212.055, Florida Statutes, is amended to read:

118 212.055 Discretionary sales surtaxes; legislative intent;  
 119 authorization and use of proceeds.--It is the legislative intent  
 120 that any authorization for imposition of a discretionary sales  
 121 surtax shall be published in the Florida Statutes as a  
 122 subsection of this section, irrespective of the duration of the  
 123 levy. Each enactment shall specify the types of counties  
 124 authorized to levy; the rate or rates which may be imposed; the  
 125 maximum length of time the surtax may be imposed, if any; the  
 126 procedure which must be followed to secure voter approval, if  
 127 required; the purpose for which the proceeds may be expended;  
 128 and such other requirements as the Legislature may provide.  
 129 Taxable transactions and administrative procedures shall be as  
 130 provided in s. 212.054.

131 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

132 (d)~~1~~. The proceeds of the surtax authorized by this  
 133 subsection and any accrued interest ~~accrued thereto~~ shall be  
 134 expended by the school district, or within the county and  
 135 municipalities within the county, or, in the case of a  
 136 negotiated joint county agreement, within another county, to  
 137 finance, plan, and construct infrastructure; and to acquire land  
 138 for public recreation, or conservation, or protection of natural  
 139 resources; or ~~and~~ to finance the closure of county-owned or  
 140 municipally owned solid waste landfills that have been ~~are~~

141 ~~already~~ closed or are required to be closed ~~close~~ by order of  
 142 the Department of Environmental Protection. Any use of the ~~such~~  
 143 proceeds or interest for purposes of landfill closure before  
 144 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~  
 145 any interest may not ~~accrued thereto shall~~ be used for the  
 146 operational expenses of ~~any~~ infrastructure, except that a ~~any~~  
 147 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and  
 148 that is required to close a landfill ~~by order of the Department~~  
 149 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest  
 150 ~~accrued thereto~~ for long-term maintenance costs associated with  
 151 landfill closure. Counties, as defined in s. 125.011 ~~s.~~  
 152 ~~125.011(1)~~, and charter counties may, in addition, use the  
 153 proceeds or ~~and any~~ interest ~~accrued thereto~~ to retire or  
 154 service indebtedness incurred for bonds issued before ~~prior to~~  
 155 July 1, 1987, for infrastructure purposes, and for bonds  
 156 subsequently issued to refund such bonds. Any use of the ~~such~~  
 157 proceeds or interest for purposes of retiring or servicing  
 158 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~  
 159 July 1, 1999, is ratified.

160 1.2. For the purposes of this paragraph, the term  
 161 "infrastructure" means:

162 a. Any fixed capital expenditure or fixed capital outlay  
 163 associated with the construction, reconstruction, or improvement  
 164 of public facilities that have a life expectancy of 5 or more  
 165 years and any related land acquisition, land improvement,  
 166 design, and engineering costs ~~related thereto~~.

167 b. A fire department vehicle, an emergency medical service  
 168 vehicle, a sheriff's office vehicle, a police department

169 vehicle, or any other vehicle, and the ~~such~~ equipment necessary  
 170 to outfit the vehicle for its official use or equipment that has  
 171 a life expectancy of at least 5 years.

172 c. Any expenditure for the construction, lease, or  
 173 maintenance of, or provision of utilities or security for,  
 174 facilities, as defined in s. 29.008.

175 d. Any fixed capital expenditure or fixed capital outlay  
 176 associated with the improvement of private facilities that have  
 177 a life expectancy of 5 or more years and that the owner agrees  
 178 to make available for use on a temporary basis as needed by a  
 179 local government as a public emergency shelter or a staging area  
 180 for emergency response equipment during an emergency officially  
 181 declared by the state or by the local government under s.  
 182 252.38. Such improvements ~~under this sub-subparagraph~~ are  
 183 limited to those necessary to comply with current standards for  
 184 public emergency evacuation shelters. The owner must ~~shall~~ enter  
 185 into a written contract with the local government providing the  
 186 improvement funding to make the ~~such~~ private facility available  
 187 to the public for purposes of emergency shelter at no cost to  
 188 the local government for a minimum ~~period~~ of 10 years after  
 189 completion of the improvement, with the provision that the ~~such~~  
 190 obligation will transfer to any subsequent owner until the end  
 191 of the minimum period.

192 e. Any land expenditure acquisition for a residential  
 193 housing project in which at least 30 percent of the units are  
 194 affordable to individuals or families whose total annual  
 195 household income does not exceed 120 percent of the area median  
 196 income adjusted for household size, if the land is owned by a

197 local government or by a special district that enters into a  
 198 written agreement with the local government to provide such  
 199 housing. The local government or special district may enter into  
 200 a ground lease with a public or private person or entity for  
 201 nominal or other consideration for the construction of the  
 202 residential housing project on land acquired pursuant to this  
 203 sub-subparagraph.

204 ~~2.3.~~ Notwithstanding any other provision of this  
 205 subsection, a local government infrastructure discretionary  
 206 ~~sales~~ surtax imposed or extended after July 1, 1998, the  
 207 ~~effective date of this act~~ may allocate up to ~~provide for an~~  
 208 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax  
 209 ~~proceeds to be allocated~~ for deposit in ~~to~~ a trust fund within  
 210 the county's accounts created for the purpose of funding  
 211 economic development projects having ~~of~~ a general public purpose  
 212 of improving targeted to improve local economies, including the  
 213 funding of operational costs and incentives related to ~~such~~  
 214 economic development. The ballot statement must indicate the  
 215 intention to make an allocation under the authority of this  
 216 subparagraph.

217 Section 3. Present subsections (25) through (41) of  
 218 section 420.503, Florida Statutes, are redesignated as  
 219 subsections (26) through (42), respectively, and a new  
 220 subsection (25) is added to that section to read:

221 420.503 Definitions.--As used in this part, the term:  
 222 (25) "Moderate rehabilitation" means repair or restoration  
 223 of a dwelling unit when the value of such repair or restoration  
 224 is 40 percent or less of the value of the dwelling but not less



225 than \$10,000 per dwelling unit.

226 Section 4. Subsections (47) and (48) are added to section  
227 420.507, Florida Statutes, to read:

228 420.507 Powers of the corporation.--The corporation shall  
229 have all the powers necessary or convenient to carry out and  
230 effectuate the purposes and provisions of this part, including  
231 the following powers which are in addition to all other powers  
232 granted by other provisions of this part:

233 (47) To provide by rule, in connection with any  
234 corporation competitive program, criteria establishing a  
235 preference for developers and general contractors domiciled in  
236 this state and for developers and general contractors,  
237 regardless of domicile, who have substantial experience in  
238 developing or building affordable housing through the  
239 corporation's programs.

240 (a) In evaluating whether a developer or general  
241 contractor is domiciled in this state, the corporation shall  
242 consider whether the developer's or general contractor's  
243 principal office is located in this state and whether a majority  
244 of the developer's or general contractor's principals and  
245 financial beneficiaries reside in Florida.

246 (b) In evaluating whether a developer or general  
247 contractor has substantial experience, the corporation shall  
248 consider whether the developer or general contractor has  
249 completed at least five developments using funds either provided  
250 by or administered by the corporation.

251 (48) To develop and administer the Florida Public Housing  
252 Authority Preservation Grant Program. In developing and

253 administering the program, the corporation may:

254 (a) Develop criteria for determining the priority for  
 255 expending grants to preserve and rehabilitate 30-year-old and  
 256 older buildings and units under public housing authority control  
 257 as defined in chapter 421.

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

260 Section 5. Paragraphs (c) and (l) of subsection (6) of  
 261 section 420.5087, Florida Statutes, are amended to read:

262 420.5087 State Apartment Incentive Loan Program.--There is  
 263 hereby created the State Apartment Incentive Loan Program for  
 264 the purpose of providing first, second, or other subordinated  
 265 mortgage loans or loan guarantees to sponsors, including for-  
 266 profit, nonprofit, and public entities, to provide housing  
 267 affordable to very-low-income persons.

268 (6) On all state apartment incentive loans, except loans  
 269 made to housing communities for the elderly to provide for  
 270 lifesafety, building preservation, health, sanitation, or  
 271 security-related repairs or improvements, the following  
 272 provisions shall apply:

273 (c) The corporation shall provide by rule for the  
 274 establishment of a review committee composed of the department  
 275 and corporation staff and shall establish by rule a scoring  
 276 system for evaluation and competitive ranking of applications  
 277 submitted in this program, including, but not limited to, the  
 278 following criteria:

279 1. Tenant income and demographic targeting objectives of  
 280 the corporation.

281           2. Targeting objectives of the corporation which will  
 282 ensure an equitable distribution of loans between rural and  
 283 urban areas.

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

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

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

293           b. Forty percent of the units in the project for persons  
 294 or families who have incomes that do not exceed 60 percent of  
 295 the state or local median income, whichever is higher, without  
 296 requiring a greater amount of the loans as provided in this  
 297 section.

298           5. Provision for tenant counseling.

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

301           7. Projects requiring the least amount of a state  
 302 apartment incentive loan compared to overall project cost except  
 303 that the share of the loan attributable to units serving  
 304 extremely-low-income persons shall be excluded from this  
 305 requirement.

306           8. Local government contributions and local government  
 307 comprehensive planning and activities that promote affordable  
 308 housing.

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- 309 9. Project feasibility.
- 310 10. Economic viability of the project.
- 311 11. Commitment of first mortgage financing.
- 312 12. Sponsor's prior experience, including whether the  
313 developer and general contractor have substantial experience, as  
314 provided in s. 420.507(47).
- 315 13. Sponsor's ability to proceed with construction.
- 316 14. Projects that directly implement or assist welfare-to-  
317 work transitioning.
- 318 15. Projects that reserve units for extremely-low-income  
319 persons.
- 320 16. Projects that include green building principles,  
321 storm-resistant construction, or other elements that reduce  
322 long-term costs relating to maintenance, utilities, or  
323 insurance.
- 324 17. Domicile of the developer and general contractor, as  
325 provided in s. 420.507(47).
- 326 (1) The proceeds of all loans shall be used for new  
327 construction, moderate rehabilitation, or substantial  
328 rehabilitation which creates or preserves affordable, safe, and  
329 sanitary housing units.
- 330 Section 6. Subsection (5) of section 420.615, Florida  
331 Statutes, is amended to read:
- 332 420.615 Affordable housing land donation density bonus  
333 incentives.--
- 334 (5) The local government, as part of the approval process,  
335 shall adopt a comprehensive plan amendment, pursuant to part II  
336 of chapter 163, for the receiving land that incorporates the

337 density bonus. Such amendment shall be deemed by operation of  
338 law a small scale amendment, shall be subject only to the  
339 requirements of adopted in the manner as required for small-  
340 scale amendments pursuant to s. 163.3187(1)(c)2. and 3., is not  
341 subject to the requirements of s. 163.3184~~(3)-(11)(3)-(6)~~, and  
342 is exempt from s. 163.3187(1)(c)1. and the limitation on the  
343 frequency of plan amendments as provided in s. 163.3187. An  
344 affected person, as defined in s. 163.3184(1), may file a  
345 petition for administrative review pursuant to the requirements  
346 of s. 163.3187(3) to challenge the compliance of an adopted plan  
347 amendment.

348 Section 7. Section 420.628, Florida Statutes, is created  
349 to read:

350 420.628 Affordable housing for children and young adults  
351 leaving foster care; legislative findings and intent.--

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

356 (b) These youth in foster care are among those who may  
357 enter adulthood without the knowledge, skills, attitudes,  
358 habits, and relationships that will enable them to be productive  
359 members of society.

360 (c) The main barriers to safe and affordable housing for  
361 youth aging out of the foster care system are cost, lack of  
362 availability, the unwillingness of many landlords to rent to  
363 them, and their own lack of knowledge about how to be good  
364 tenants.

365       (d) The Legislature also finds that young adults who  
 366 emancipate from the child welfare system are at risk of becoming  
 367 homeless and those who were formerly in foster care are  
 368 disproportionately represented in the homeless population.  
 369 Without the stability of safe housing, all other services,  
 370 training, and opportunities may not be effective.

371       (e) The Legislature further finds that making affordable  
 372 housing available for young adults who transition from foster  
 373 care decreases their chance of homelessness and may increase  
 374 their ability to live independently in the future.

375       (f) The Legislature finds that the Road-to-Independence  
 376 Program, as described in s. 409.1451, is similar to the Job  
 377 Training Partnership Act for purposes of s. 42(i)(3)(D)(i)(II)  
 378 of the Internal Revenue Code.

379       (g) The Legislature affirms that young adults  
 380 transitioning out of foster care are to be considered eligible  
 381 persons, as defined in ss. 420.503(17) and 420.9071(10), for  
 382 affordable housing purposes and shall be encouraged to  
 383 participate in state, federal, and local affordable housing  
 384 programs.

385       (h) It is therefore the intent of the Legislature to  
 386 encourage the Florida Housing Finance Corporation, State Housing  
 387 Initiative Partnership Program agencies, local housing finance  
 388 agencies, public housing authorities and their agents,  
 389 developers, and other providers of affordable housing to make  
 390 affordable housing available to youth transitioning out of  
 391 foster care whenever and wherever possible.

392       (2) The Florida Housing Finance Corporation, State Housing

393 Initiative Partnership Program agencies, local housing finance  
 394 agencies, and public housing authorities shall coordinate with  
 395 the Department of Children and Family Services and their agents  
 396 and community-based care providers who are operating pursuant to  
 397 s. 409.1671 to develop and implement strategies and procedures  
 398 designed to increase affordable housing opportunities for young  
 399 adults who are leaving the child welfare system.

400 Section 8. Subsections (4), (8), (16), and (25) of section  
 401 420.9071, Florida Statutes, are amended, and subsections (29)  
 402 and (30) are added to that section, to read:

403 420.9071 Definitions.--As used in ss. 420.907-420.9079,  
 404 the term:

405 (4) "Annual gross income" means annual income as defined  
 406 under the Section 8 housing assistance payments programs in 24  
 407 C.F.R. part 5; annual income as reported under the census long  
 408 form for the recent available decennial census; or adjusted  
 409 gross income as defined for purposes of reporting under Internal  
 410 Revenue Service Form 1040 for individual federal annual income  
 411 tax purposes or as defined by standard practices used in the  
 412 lending industry as detailed in the local housing assistance  
 413 plan and approved by the corporation. Counties and eligible  
 414 municipalities shall calculate income by annualizing verified  
 415 sources of income for the household as the amount of income to  
 416 be received in a household during the 12 months following the  
 417 effective date of the determination.

418 (8) "Eligible housing" means any real and personal  
 419 property located within the county or the eligible municipality  
 420 which is designed and intended for the primary purpose of

421 providing decent, safe, and sanitary residential units that are  
 422 designed to meet the standards of the Florida Building Code or a  
 423 predecessor building code adopted under chapter 553, or  
 424 manufactured housing constructed after June 1994 and installed  
 425 in accordance with mobile home installation standards of the  
 426 Department of Highway Safety and Motor Vehicles, for home  
 427 ownership or rental for eligible persons as designated by each  
 428 county or eligible municipality participating in the State  
 429 Housing Initiatives Partnership Program.

430 (16) "Local housing incentive strategies" means local  
 431 regulatory reform or incentive programs to encourage or  
 432 facilitate affordable housing production, which include at a  
 433 minimum, assurance that permits as defined in s. 163.3164(7) and  
 434 (8) for affordable housing projects are expedited to a greater  
 435 degree than other projects; an ongoing process for review of  
 436 local policies, ordinances, regulations, and plan provisions  
 437 that increase the cost of housing prior to their adoption; and a  
 438 schedule for implementing the incentive strategies. Local  
 439 housing incentive strategies may also include other regulatory  
 440 reforms, such as those enumerated in s. 420.9076 or those  
 441 recommended by the affordable housing advisory committee in its  
 442 triennial evaluation and adopted by the local governing body.

443 (25) "Recaptured funds" means funds that are recouped by a  
 444 county or eligible municipality in accordance with the recapture  
 445 provisions of its local housing assistance plan pursuant to s.  
 446 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,  
 447 which funds were not used for assistance to an eligible  
 448 household for an eligible activity, when there is a ~~who~~ default



449 on the terms of a grant award or loan award.

450 (29) "Assisted housing" or "assisted housing development"  
 451 means a rental housing development, including rental housing in  
 452 a mixed-use development, that received or currently receives  
 453 funding from any federal or state housing program.

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

459 Section 9. Subsection (6) of section 420.9072, Florida  
 460 Statutes, is amended to read:

461 420.9072 State Housing Initiatives Partnership  
 462 Program.--The State Housing Initiatives Partnership Program is  
 463 created for the purpose of providing funds to counties and  
 464 eligible municipalities as an incentive for the creation of  
 465 local housing partnerships, to expand production of and preserve  
 466 affordable housing, to further the housing element of the local  
 467 government comprehensive plan specific to affordable housing,  
 468 and to increase housing-related employment.

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

474 Section 10. Subsections (1) and (2) of section 420.9073,  
 475 Florida Statutes, are amended, and subsections (5), (6), and (7)  
 476 are added to that section, to read:

477 | 420.9073 Local housing distributions.--

478 | (1) Distributions calculated in this section shall be  
 479 | disbursed on a quarterly or more frequent ~~monthly~~ basis by the  
 480 | corporation ~~beginning the first day of the month after program~~  
 481 | ~~approval~~ pursuant to s. 420.9072, subject to availability of  
 482 | funds. Each county's share of the funds to be distributed from  
 483 | the portion of the funds in the Local Government Housing Trust  
 484 | Fund received pursuant to s. 201.15(9) shall be calculated by  
 485 | the corporation for each fiscal year as follows:

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

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

494 | 1. Multiply each county's percentage of the total state  
 495 | population excluding the population of any county that has  
 496 | implemented the provisions of chapter 83-220, Laws of Florida,  
 497 | as amended by chapters 84-270, 86-152, and 89-252, Laws of  
 498 | Florida, by the total funds to be distributed.

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

502 | 3. For each county in which the result in subparagraph 1.  
 503 | is greater than the guaranteed amount as determined in  
 504 | subsection (3), the amount calculated in subparagraph 1. shall

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505 | be reduced by the guaranteed amount. The result for each such  
 506 | county shall be expressed as a percentage of the amounts so  
 507 | determined for all counties. Each such county shall receive an  
 508 | additional share equal to such percentage multiplied by the  
 509 | total funds received by the Local Government Housing Trust Fund  
 510 | pursuant to s. 201.15(9) reduced by the guaranteed amount paid  
 511 | to all counties.

512 |       (2) ~~Effective July 1, 1995,~~ Distributions calculated in  
 513 | this section shall be disbursed on a quarterly or more frequent  
 514 | ~~monthly~~ basis by the corporation ~~beginning the first day of the~~  
 515 | ~~month after program approval~~ pursuant to s. 420.9072, subject to  
 516 | availability of funds. Each county's share of the funds to be  
 517 | distributed from the portion of the funds in the Local  
 518 | Government Housing Trust Fund received pursuant to s. 201.15(10)  
 519 | shall be calculated by the corporation for each fiscal year as  
 520 | follows:

521 |       (a) Each county shall receive the guaranteed amount for  
 522 | each fiscal year.

523 |       (b) Each county may receive an additional share calculated  
 524 | as follows:

525 |           1. Multiply each county's percentage of the total state  
 526 | population, by the total funds to be distributed.

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

530 |           3. For each county in which the result in subparagraph 1.  
 531 | is greater than the guaranteed amount, the amount calculated in  
 532 | subparagraph 1. shall be reduced by the guaranteed amount. The

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533 result for each such county shall be expressed as a percentage  
534 of the amounts so determined for all counties. Each such county  
535 shall receive an additional share equal to this percentage  
536 multiplied by the total funds received by the Local Government  
537 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the  
538 guaranteed amount paid to all counties.

539 (5) Notwithstanding subsections (1)-(4), the corporation  
540 is authorized to withhold up to \$5 million from the total  
541 distribution each fiscal year to provide additional funding to  
542 counties and eligible municipalities in which a state of  
543 emergency has been declared by the Governor pursuant to chapter  
544 252. Any portion of such funds not distributed under this  
545 subsection by the end of the fiscal year shall be distributed as  
546 provided in this section.

547 (6) Notwithstanding subsections (1)-(4), the corporation  
548 is authorized to withhold up to \$5 million from the total  
549 distribution each fiscal year to provide funding to counties and  
550 eligible municipalities to purchase properties subject to a  
551 State Housing Initiative Partnership Program lien and on which  
552 foreclosure proceedings have been initiated by any mortgagee.  
553 Each county and eligible municipality that receives funds under  
554 this subsection shall repay such funds to the corporation not  
555 later than the expenditure deadline for the fiscal year in which  
556 the funds were awarded. Amounts not repaid shall be withheld  
557 from the subsequent year's distribution. Any portion of such  
558 funds not distributed under this subsection by the end of the  
559 fiscal year shall be distributed as provided in this section.

560 (7) A county or eligible municipality that receives local

561 housing distributions pursuant to this section shall expend  
 562 those funds in accordance with the provisions of ss. 420.907-  
 563 420.9079, corporation rule, and its local housing assistance  
 564 plan.

565 Section 11. Effective upon this act becoming a law and  
 566 operating retroactively to July 1, 2008, paragraph (d) of  
 567 subsection (5) of section 420.9075, Florida Statutes, is  
 568 reenacted and amended to read:

569 420.9075 Local housing assistance plans; partnerships.--

570 (5) The following criteria apply to awards made to  
 571 eligible sponsors or eligible persons for the purpose of  
 572 providing eligible housing:

573 (d)1. All units constructed, rehabilitated, or otherwise  
 574 assisted with the funds provided from the local housing  
 575 assistance trust fund must be occupied by very-low-income  
 576 persons, low-income persons, and moderate-income persons.

577 2. At least 30 percent of the funds deposited into the  
 578 local housing assistance trust fund must be reserved for awards  
 579 to very-low-income persons or eligible sponsors who will serve  
 580 very-low-income persons and at least an additional 30 percent of  
 581 the funds deposited into the local housing assistance trust fund  
 582 must be reserved for awards to low-income persons or eligible  
 583 sponsors who will serve low-income persons. This subparagraph  
 584 does not apply to a county or an eligible municipality that  
 585 includes, or has included within the previous 5 years, an area  
 586 of critical state concern designated or ratified by the  
 587 Legislature for which the Legislature has declared its intent to  
 588 provide affordable housing. The exemption created by this act

589 expires on July 1, 2013 ~~2008~~.

590  
 591 If both an award under the local housing assistance plan and  
 592 federal low-income housing tax credits are used to assist a  
 593 project and there is a conflict between the criteria prescribed  
 594 in this subsection and the requirements of s. 42 of the Internal  
 595 Revenue Code of 1986, as amended, the county or eligible  
 596 municipality may resolve the conflict by giving precedence to  
 597 the requirements of s. 42 of the Internal Revenue Code of 1986,  
 598 as amended, in lieu of following the criteria prescribed in this  
 599 subsection with the exception of paragraphs (a) and (d) of this  
 600 subsection.

601 Section 12. Subsections (1), (3), (5), and (8), paragraphs  
 602 (a) and (h) of subsection (10), and paragraph (b) of subsection  
 603 (13) of section 420.9075, Florida Statutes, as amended by this  
 604 act, are amended, and subsection (14) is added to that section,  
 605 to read:

606 420.9075 Local housing assistance plans; partnerships.--

607 (1) (a) Each county or eligible municipality participating  
 608 in the State Housing Initiatives Partnership Program shall  
 609 develop and implement a local housing assistance plan created to  
 610 make affordable residential units available to persons of very  
 611 low income, low income, or moderate income and to persons who  
 612 have special housing needs, including, but not limited to,  
 613 homeless people, the elderly, ~~and~~ migrant farmworkers, and  
 614 persons with disabilities. High-cost counties or eligible  
 615 municipalities as defined by rule of the corporation may include  
 616 strategies to assist persons and households having annual

617 incomes of not more than 140 percent of area median income. The  
 618 plans are intended to increase the availability of affordable  
 619 residential units by combining local resources and cost-saving  
 620 measures into a local housing partnership and using private and  
 621 public funds to reduce the cost of housing.

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

623 1. Implement local housing assistance strategies for the  
 624 provision of affordable housing.

625 2. Supplement funds available to the corporation to  
 626 provide enhanced funding of state housing programs within the  
 627 county or the eligible municipality.

628 3. Provide the local matching share of federal affordable  
 629 housing grants or programs.

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

633 5. Further the housing element of the local government  
 634 comprehensive plan adopted pursuant to s. 163.3184, specific to  
 635 affordable housing.

636 (3) (a) Each local housing assistance plan shall include a  
 637 definition of essential service personnel for the county or  
 638 eligible municipality, including, but not limited to, teachers  
 639 and educators, other school district, community college, and  
 640 university employees, police and fire personnel, health care  
 641 personnel, skilled building trades personnel, and other job  
 642 categories.

643 (b) Each county and each eligible municipality is  
 644 encouraged to develop a strategy within its local housing

645 assistance plan that emphasizes the recruitment and retention of  
646 essential service personnel. The local government is encouraged  
647 to involve public and private sector employers. Compliance with  
648 the eligibility criteria established under this strategy shall  
649 be verified by the county or eligible municipality.

650 (c) Each county and each eligible municipality is  
651 encouraged to develop a strategy within its local housing  
652 assistance plan that addresses the needs of persons who are  
653 deprived of affordable housing due to the closure of a mobile  
654 home park or the conversion of affordable rental units to  
655 condominiums.

656 (d) Each county and each eligible municipality shall  
657 describe initiatives in the local housing assistance plan to  
658 encourage or require innovative design, green building  
659 principles, storm-resistant construction, or other elements that  
660 reduce long-term costs relating to maintenance, utilities, or  
661 insurance.

662 (e) Each county and each eligible municipality is  
663 encouraged to develop a strategy within its local housing  
664 assistance plan that provides program funds for the preservation  
665 of assisted housing.

666 (5) The following criteria apply to awards made to  
667 eligible sponsors or eligible persons for the purpose of  
668 providing eligible housing:

669 (a) At least 65 percent of the funds made available in  
670 each county and eligible municipality from the local housing  
671 distribution must be reserved for home ownership for eligible  
672 persons.



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

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

680 (d)~~(e)~~ The sales price or value of new or existing  
681 eligible housing may not exceed 90 percent of the average area  
682 purchase price in the statistical area in which the eligible  
683 housing is located. Such average area purchase price may be that  
684 calculated for any 12-month period beginning not earlier than  
685 the fourth calendar year prior to the year in which the award  
686 occurs or as otherwise established by the United States  
687 Department of the Treasury.

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

693 2. At least 30 percent of the funds deposited into the  
694 local housing assistance trust fund must be reserved for awards  
695 to very-low-income persons or eligible sponsors who will serve  
696 very-low-income persons and at least an additional 30 percent of  
697 the funds deposited into the local housing assistance trust fund  
698 must be reserved for awards to low-income persons or eligible  
699 sponsors who will serve low-income persons. This subparagraph  
700 does not apply to a county or an eligible municipality that

701 includes, or has included within the previous 5 years, an area  
702 of critical state concern designated or ratified by the  
703 Legislature for which the Legislature has declared its intent to  
704 provide affordable housing. The exemption created by this act  
705 expires on July 1, 2013.

706 (f)~~(e)~~ Loans shall be provided for periods not exceeding  
707 30 years, except for deferred payment loans or loans that extend  
708 beyond 30 years which continue to serve eligible persons.

709 (g)~~(f)~~ Loans or grants for eligible rental housing  
710 constructed, rehabilitated, or otherwise assisted from the local  
711 housing assistance trust fund must be subject to recapture  
712 requirements as provided by the county or eligible municipality  
713 in its local housing assistance plan unless reserved for  
714 eligible persons for 15 years or the term of the assistance,  
715 whichever period is longer. Eligible sponsors that offer rental  
716 housing for sale before 15 years or that have remaining  
717 mortgages funded under this program must give a first right of  
718 refusal to eligible nonprofit organizations for purchase at the  
719 current market value for continued occupancy by eligible  
720 persons.

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

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

729        ~~(j)-(i)~~ The maximum sales price or value per unit and the  
730 maximum award per unit for eligible housing benefiting from  
731 awards made pursuant to this section must be established in the  
732 local housing assistance plan.

733        ~~(k)-(j)~~ The benefit of assistance provided through the  
734 State Housing Initiatives Partnership Program must accrue to  
735 eligible persons occupying eligible housing. This provision  
736 shall not be construed to prohibit use of the local housing  
737 distribution funds for a mixed income rental development.

738        ~~(l)-(k)~~ Funds from the local housing distribution not used  
739 to meet the criteria established in paragraph (a) or paragraph  
740 (b) or not used for the administration of a local housing  
741 assistance plan must be used for housing production and finance  
742 activities, including, but not limited to, financing  
743 preconstruction activities or the purchase of existing units,  
744 providing rental housing, and providing home ownership training  
745 to prospective home buyers and owners of homes assisted through  
746 the local housing assistance plan.

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

750        2. When preconstruction due diligence activities conducted  
751 as part of a preservation strategy show that preservation of the  
752 units is not feasible and will not result in the production of  
753 an eligible unit, such costs shall be deemed a program expense  
754 rather than an administrative expense if such program expenses  
755 do not exceed 3 percent of the annual local housing  
756 distribution.

757           3. If both an award under the local housing assistance  
 758 plan and federal low-income housing tax credits are used to  
 759 assist a project and there is a conflict between the criteria  
 760 prescribed in this subsection and the requirements of s. 42 of  
 761 the Internal Revenue Code of 1986, as amended, the county or  
 762 eligible municipality may resolve the conflict by giving  
 763 precedence to the requirements of s. 42 of the Internal Revenue  
 764 Code of 1986, as amended, in lieu of following the criteria  
 765 prescribed in this subsection with the exception of paragraphs  
 766 (a) and (e) ~~(d)~~ of this subsection.

767           4. Each county and each eligible municipality may award  
 768 funds as a grant for construction, rehabilitation, or repair as  
 769 part of disaster recovery or emergency repairs or to remedy  
 770 accessibility or health and safety deficiencies. Any other  
 771 grants must be approved as part of the local housing assistance  
 772 plan.

773           (8) Pursuant to s. 420.531, the corporation shall provide  
 774 training and technical assistance to local governments regarding  
 775 the creation of partnerships, the design of local housing  
 776 assistance strategies, the implementation of local housing  
 777 incentive strategies, and the provision of support services.

778           (10) Each county or eligible municipality shall submit to  
 779 the corporation by September 15 of each year a report of its  
 780 affordable housing programs and accomplishments through June 30  
 781 immediately preceding submittal of the report. The report shall  
 782 be certified as accurate and complete by the local government's  
 783 chief elected official or his or her designee. Transmittal of  
 784 the annual report by a county's or eligible municipality's chief

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785 | elected official, or his or her designee, certifies that the  
786 | local housing incentive strategies, or, if applicable, the local  
787 | housing incentive plan, have been implemented or are in the  
788 | process of being implemented pursuant to the adopted schedule  
789 | for implementation. The report must include, but is not limited  
790 | to:

791 |       (a) The number of households served by income category,  
792 | age, family size, and race, and data regarding any special needs  
793 | populations such as farmworkers, homeless persons, persons with  
794 | disabilities, and the elderly. Counties shall report this  
795 | information separately for households served in the  
796 | unincorporated area and each municipality within the county.

797 |       (h) Such other data or affordable housing accomplishments  
798 | considered significant by the reporting county or eligible  
799 | municipality or by the corporation.

800 |       (13)

801 |       (b) If, as a result of its review of the annual report,  
802 | the corporation determines that a county or eligible  
803 | municipality has failed to implement a local housing incentive  
804 | strategy, or, if applicable, a local housing incentive plan, it  
805 | shall send a notice of termination of the local government's  
806 | share of the local housing distribution by certified mail to the  
807 | affected county or eligible municipality.

808 |       1. The notice must specify a date of termination of the  
809 | funding if the affected county or eligible municipality does not  
810 | implement the plan or strategy and provide for a local response.  
811 | A county or eligible municipality shall respond to the  
812 | corporation within 30 days after receipt of the notice of

813 termination.

814         2. The corporation shall consider the local response that  
 815 extenuating circumstances precluded implementation and grant an  
 816 extension to the timeframe for implementation. Such an extension  
 817 shall be made in the form of an extension agreement that  
 818 provides a timeframe for implementation. The chief elected  
 819 official of a county or eligible municipality or his or her  
 820 designee shall have the authority to enter into the agreement on  
 821 behalf of the local government.

822         3. If the county or the eligible municipality has not  
 823 implemented the incentive strategy or entered into an extension  
 824 agreement by the termination date specified in the notice, the  
 825 local housing distribution share terminates, and any uncommitted  
 826 local housing distribution funds held by the affected county or  
 827 eligible municipality in its local housing assistance trust fund  
 828 shall be transferred to the Local Government Housing Trust Fund  
 829 to the credit of the corporation to administer ~~pursuant to s.~~  
 830 ~~420.9078.~~

831         4.a. If the affected local government fails to meet the  
 832 timeframes specified in the agreement, the corporation shall  
 833 terminate funds. The corporation shall send a notice of  
 834 termination of the local government's share of the local housing  
 835 distribution by certified mail to the affected local government.  
 836 The notice shall specify the termination date, and any  
 837 uncommitted funds held by the affected local government shall be  
 838 transferred to the Local Government Housing Trust Fund to the  
 839 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

840         b. If the corporation terminates funds to a county, but an

841 eligible municipality receiving a local housing distribution  
842 pursuant to an interlocal agreement maintains compliance with  
843 program requirements, the corporation shall thereafter  
844 distribute directly to the participating eligible municipality  
845 its share calculated in the manner provided in s. 420.9072.

846 c. Any county or eligible municipality whose local  
847 distribution share has been terminated may subsequently elect to  
848 receive directly its local distribution share by adopting the  
849 ordinance, resolution, and local housing assistance plan in the  
850 manner and according to the procedures provided in ss. 420.907-  
851 420.9079.

852 (14) If the corporation determines that a county or  
853 eligible municipality has expended program funds for an  
854 ineligible activity, the corporation shall require such funds to  
855 be repaid to the local housing assistance trust fund. Such  
856 repayment may not be made with funds from the State Housing  
857 Initiatives Partnership Program.

858 Section 13. Paragraph (h) of subsection (2), subsections  
859 (5) and (6), and paragraph (a) of subsection (7) of section  
860 420.9076, Florida Statutes, are amended to read:

861 420.9076 Adoption of affordable housing incentive  
862 strategies; committees.--

863 (2) The governing board of a county or municipality shall  
864 appoint the members of the affordable housing advisory committee  
865 by resolution. Pursuant to the terms of any interlocal  
866 agreement, a county and municipality may create and jointly  
867 appoint an advisory committee to prepare a joint plan. The  
868 ordinance adopted pursuant to s. 420.9072 which creates the

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869 advisory committee or the resolution appointing the advisory  
870 committee members must provide for 11 committee members and  
871 their terms. The committee must include:

872 (h) One citizen who actively serves on the local planning  
873 agency pursuant to s. 163.3174. If the local planning agency is  
874 comprised of the governing board of the county or municipality,  
875 the governing board may appoint a designee who is knowledgeable  
876 in the local planning process.

877  
878 If a county or eligible municipality whether due to its small  
879 size, the presence of a conflict of interest by prospective  
880 appointees, or other reasonable factor, is unable to appoint a  
881 citizen actively engaged in these activities in connection with  
882 affordable housing, a citizen engaged in the activity without  
883 regard to affordable housing may be appointed. Local governments  
884 that receive the minimum allocation under the State Housing  
885 Initiatives Partnership Program may elect to appoint an  
886 affordable housing advisory committee with fewer than 11  
887 representatives if they are unable to find representatives who  
888 meet the criteria of paragraphs (a)-(k).

889 (5) The approval by the advisory committee of its local  
890 housing incentive strategies recommendations and its review of  
891 local government implementation of previously recommended  
892 strategies must be made by affirmative vote of a majority of the  
893 membership of the advisory committee taken at a public hearing.  
894 Notice of the time, date, and place of the public hearing of the  
895 advisory committee to adopt its evaluation and final local  
896 housing incentive strategies recommendations must be published



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897 | in a newspaper of general paid circulation in the county. The  
898 | notice must contain a short and concise summary of the  
899 | evaluation and local housing incentives strategies  
900 | recommendations to be considered by the advisory committee. The  
901 | notice must state the public place where a copy of the  
902 | evaluation and tentative advisory committee recommendations can  
903 | be obtained by interested persons. The final report, evaluation,  
904 | and recommendations shall be submitted to the corporation.

905 |         (6) Within 90 days after the date of receipt of the  
906 | evaluation and local housing incentive strategies  
907 | recommendations from the advisory committee, the governing body  
908 | of the appointing local government shall adopt an amendment to  
909 | its local housing assistance plan to incorporate the local  
910 | housing incentive strategies it will implement within its  
911 | jurisdiction. The amendment must include, at a minimum, the  
912 | local housing incentive strategies required under s.  
913 | 420.9071(16). The local government must consider the strategies  
914 | specified in paragraphs (4) (a)-(k) as recommended by the  
915 | advisory committee.

916 |         (7) The governing board of the county or the eligible  
917 | municipality shall notify the corporation by certified mail of  
918 | its adoption of an amendment of its local housing assistance  
919 | plan to incorporate local housing incentive strategies. The  
920 | notice must include a copy of the approved amended plan.

921 |         (a) If the corporation fails to receive timely the  
922 | approved amended local housing assistance plan to incorporate  
923 | local housing incentive strategies, a notice of termination of  
924 | its share of the local housing distribution shall be sent by

925 certified mail by the corporation to the affected county or  
 926 eligible municipality. The notice of termination must specify a  
 927 date of termination of the funding if the affected county or  
 928 eligible municipality has not adopted an amended local housing  
 929 assistance plan to incorporate local housing incentive  
 930 strategies. If the county or the eligible municipality has not  
 931 adopted an amended local housing assistance plan to incorporate  
 932 local housing incentive strategies by the termination date  
 933 specified in the notice of termination, the local distribution  
 934 share terminates; and any uncommitted local distribution funds  
 935 held by the affected county or eligible municipality in its  
 936 local housing assistance trust fund shall be transferred to the  
 937 Local Government Housing Trust Fund to the credit of the  
 938 corporation to administer the local government housing program  
 939 pursuant to ~~s. 420.9078~~.

940 Section 14. Section 420.9078, Florida Statutes, is  
 941 repealed.

942 Section 15. Section 420.9079, Florida Statutes, as amended  
 943 by chapter 2009-2, Laws of Florida, is amended to read:

944 420.9079 Local Government Housing Trust Fund.--

945 (1) There is created in the State Treasury the Local  
 946 Government Housing Trust Fund, which shall be administered by  
 947 the corporation on behalf of the department according to the  
 948 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this  
 949 section. There shall be deposited into the fund a portion of the  
 950 documentary stamp tax revenues as provided in s. 201.15, moneys  
 951 received from any other source for the purposes of ss. 420.907-  
 952 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds

953 derived from the investment of such moneys. Moneys in the fund  
 954 that are not currently needed for the purposes of the programs  
 955 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~  
 956 and this section shall be deposited to the credit of the fund  
 957 and may be invested as provided by law. The interest received on  
 958 any such investment shall be credited to the fund.

959 (2) The corporation shall administer the fund exclusively  
 960 for the purpose of implementing the programs described in ss.  
 961 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the  
 962 exception of monitoring the activities of counties and eligible  
 963 municipalities to determine local compliance with program  
 964 requirements, the corporation shall not receive appropriations  
 965 from the fund for administrative or personnel costs. For the  
 966 purpose of implementing the compliance monitoring provisions of  
 967 s. 420.9075(9), the corporation may request a maximum of one-  
 968 quarter of 1 percent of the annual appropriation per state  
 969 fiscal year. When such funding is appropriated, the corporation  
 970 shall deduct the amount appropriated prior to calculating the  
 971 local housing distribution pursuant to ss. 420.9072 and  
 972 420.9073.

973 ~~(3) Notwithstanding any provision of this section to the~~  
 974 ~~contrary and for the 2008-2009 fiscal year only, the corporation~~  
 975 ~~shall return unexpended funds held by the corporation pursuant~~  
 976 ~~to this section and part V of this chapter to the State Treasury~~  
 977 ~~as directed by law. This subsection expires June 30, 2009.~~

978 Section 16. Subsection (12) of section 1001.43, Florida  
 979 Statutes, is amended to read:

980 1001.43 Supplemental powers and duties of district school

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981 board.--The district school board may exercise the following  
982 supplemental powers and duties as authorized by this code or  
983 State Board of Education rule.

984 (12) AFFORDABLE HOUSING.--A district school board may use  
985 portions of school sites purchased within the guidelines of the  
986 State Requirements for Educational Facilities, land deemed not  
987 usable for educational purposes because of location or other  
988 factors, or land declared as surplus by the board to provide  
989 sites for affordable housing for teachers and other district  
990 personnel and, in areas of critical state concern, for other  
991 essential services personnel as defined by local affordable  
992 housing eligibility requirements, independently or in  
993 conjunction with other agencies as described in subsection (5).

994 Section 17. Except as otherwise expressly provided in this  
995 act, this act shall take effect July 1, 2009.