

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. 163.3202, F.S.; requiring that  
9           local land development regulations maintain the existing  
10          density of residential properties or recreational vehicle  
11          parks under certain circumstances; creating s. 193.018,  
12          F.S.; providing for the assessment of property receiving  
13          the low-income housing tax credit; defining the term  
14          "community land trust"; providing for the assessment of  
15          structural improvements, condominium parcels, and  
16          cooperative parcels on land owned by a community land  
17          trust and used to provide affordable housing; providing  
18          for the conveyance of structural improvements, condominium  
19          parcels, and cooperative parcels subject to certain  
20          conditions; specifying the criteria to be used in arriving  
21          at just valuation of a structural improvement, condominium  
22          parcel, or cooperative parcel; amending s. 196.196, F.S.;  
23          providing additional criteria for determining whether  
24          certain affordable housing property owned by certain  
25          exempt organizations is entitled to an exemption from ad  
26          valorem taxation; providing a definition; subjecting  
27          organizations owning certain property to ad valorem  
28          taxation under certain circumstances; providing for tax

29 | liens; providing for penalties and interest; providing an  
30 | exception; providing notice requirements; amending s.  
31 | 196.1978, F.S.; providing that property owned by certain  
32 | nonprofit entities or Florida-based limited partnerships  
33 | and used or held for the purpose of providing affordable  
34 | housing to certain income-qualified persons is exempt from  
35 | ad valorem taxation; revising legislative intent; amending  
36 | s. 212.055, F.S.; redefining the term "infrastructure" to  
37 | allow the proceeds of a local government infrastructure  
38 | surtax to be used to purchase land for certain purposes  
39 | relating to construction of affordable housing; amending  
40 | s. 420.503, F.S.; defining the term "moderate  
41 | rehabilitation" for purposes of the Florida Housing  
42 | Finance Corporation Act; amending s. 420.507, F.S.;  
43 | prohibiting the corporation from limiting the number of  
44 | certain applications eligible for consideration; providing  
45 | applicability; providing the corporation with certain  
46 | powers relating to competitive programs; providing  
47 | criteria for the evaluation of domicile and experience of  
48 | developers and general contractors; providing the  
49 | corporation with certain powers relating to developing and  
50 | administering a grant program; requiring the corporation  
51 | to adopt rules; amending s. 420.5087, F.S.; revising  
52 | purposes for which state apartment incentive loans may be  
53 | used; amending s. 420.615, F.S.; revising provisions  
54 | relating to comprehensive plan amendments; authorizing  
55 | certain persons to challenge the compliance of an  
56 | amendment; amending s. 420.622, F.S.; authorizing the

57 agencies that provide a local homeless assistance  
58 continuum of care to use homeless housing assistance  
59 grants, provided by the State Office on Homelessness  
60 within the Department of Children and Family Services, to  
61 acquire transitional or permanent housing units for  
62 homeless persons; creating s. 420.628, F.S.; providing  
63 legislative findings and intent; requiring certain  
64 governmental entities to develop and implement strategies  
65 and procedures designed to increase affordable housing  
66 opportunities for young adults who are leaving the child  
67 welfare system; amending s. 420.9071, F.S.; revising and  
68 providing definitions; amending s. 420.9072, F.S.;  
69 conforming a cross-reference; authorizing counties and  
70 eligible municipalities to use funds from the State  
71 Housing Initiatives Partnership Program to provide  
72 relocation grants for persons who are evicted from rental  
73 properties that are in foreclosure; providing eligibility  
74 requirements for receiving a grant; providing that  
75 authorization for the relocation grants expires July 1,  
76 2010; amending s. 420.9073, F.S.; revising the frequency  
77 with which local housing distributions are to be made by  
78 the corporation; authorizing the corporation to withhold  
79 funds from the total distribution annually for specified  
80 purposes; requiring counties and eligible municipalities  
81 that receive local housing distributions to expend those  
82 funds in a specified manner; reenacting and amending s.  
83 420.9075(5)(d), F.S., to extend the expiration date of an  
84 exemption from certain income requirements in specified

85 areas to qualify for awards from local housing assistance  
86 trust funds; providing for retroactive operation; amending  
87 s. 420.9075, F.S.; requiring that local housing assistance  
88 plans address the special housing needs of persons with  
89 disabilities; authorizing the corporation to define high-  
90 cost counties and eligible municipalities by rule;  
91 authorizing high-cost counties and certain municipalities  
92 to assist persons and households meeting specific income  
93 requirements; revising requirements to be included in the  
94 local housing assistance plan; requiring counties and  
95 certain municipalities to include certain initiatives and  
96 strategies in the local housing assistance plan; revising  
97 criteria that apply to awards made for the purpose of  
98 providing eligible housing; authorizing and limiting the  
99 percentage of funds from the local housing distribution  
100 that may be used for manufactured housing; authorizing the  
101 use of certain funds for preconstruction activities;  
102 providing that certain costs are a program expense;  
103 authorizing counties and certain municipalities to award  
104 grant funds under certain conditions; providing for the  
105 repayment of funds by the local housing assistance trust  
106 fund; deleting cross-references to conform to changes made  
107 by the act; amending s. 420.9076, F.S.; revising  
108 appointments to a local affordable housing advisory  
109 committee; revising notice requirements for public  
110 hearings of the advisory committee; requiring the  
111 committee's final report, evaluation, and recommendations  
112 to be submitted to the corporation; deleting a cross-

113 reference to conform to changes made by the act; repealing  
 114 s. 420.9078, F.S., relating to state administration of  
 115 funds remaining in the Local Government Housing Trust  
 116 Fund; amending s. 420.9079, F.S.; conforming cross-  
 117 references; amending s. 1001.43, F.S.; revising district  
 118 school board powers and duties in relation to use of land  
 119 for affordable housing in certain areas for certain  
 120 personnel; providing effective dates.

121

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

123

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

126 159.807 State allocation pool.--

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

133 (b) Notwithstanding the provisions of paragraph (a), on or  
 134 before November 15 of each year, the Florida Housing Finance  
 135 Corporation's access to the state allocation pool is limited to  
 136 the amount of the corporation's initial allocation under s.  
 137 159.804. Thereafter, the corporation may not receive more than  
 138 80 percent of the amount in the state allocation pool on  
 139 November 16 of each year, and may not receive more than 80  
 140 percent of any additional amounts that become available during

141 the remainder of the calendar year, provided the limitations set  
 142 forth in this paragraph shall not apply to the allocation of  
 143 state volume limitation to the Florida Housing Finance  
 144 Corporation pursuant to s. 159.81(2) (b), (c), or (d). ~~This~~  
 145 ~~subsection does not apply to the Florida Housing Finance~~  
 146 ~~Corporation:~~

147 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~  
 148 ~~exhausted, is unavailable, or is inadequate to provide an~~  
 149 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~  
 150 ~~volume limitation from prior years for the same carryforward~~  
 151 ~~purpose, as that term is defined in s. 146 of the Code, as the~~  
 152 ~~bonds it intends to issue have been completely utilized or have~~  
 153 ~~expired.~~

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

158 Section 2. Subsection (2) of section 163.3202, Florida  
 159 Statutes, is amended to read:

160 163.3202 Land development regulations.--

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

164 (a) Regulate the subdivision of land.†

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

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

169 (d) Regulate areas subject to seasonal and periodic  
 170 flooding and provide for drainage and stormwater management.~~†~~

171 (e) Ensure the protection of environmentally sensitive  
 172 lands designated in the comprehensive plan.~~†~~

173 (f) Regulate signage.~~†~~

174 (g) Provide that public facilities and services meet or  
 175 exceed the standards established in the capital improvements  
 176 element required by s. 163.3177 and are available when needed  
 177 for the development, or that development orders and permits are  
 178 conditioned on the availability of these public facilities and  
 179 services necessary to serve the proposed development. Not later  
 180 than 1 year after its due date established by the state land  
 181 planning agency's rule for submission of local comprehensive  
 182 plans pursuant to s. 163.3167(2), a local government shall not  
 183 issue a development order or permit which results in a reduction  
 184 in the level of services for the affected public facilities  
 185 below the level of services provided in the comprehensive plan  
 186 of the local government.

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

189 (i) Maintain the existing density of residential  
 190 properties or recreational vehicle parks if the properties or  
 191 parks are intended for residential use and are located in the  
 192 unincorporated areas that have sufficient infrastructure, as  
 193 determined by a local governing authority, and are not located  
 194 within a coastal high-hazard area under s. 163.3178.

195 Section 3. Section 193.018, Florida Statutes, is created  
 196 to read:

197 193.018 Land owned by a community land trust used to  
 198 provide affordable housing; assessment; structural improvements,  
 199 condominium parcels, and cooperative parcels.--

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

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

220 (3) In arriving at just valuation under s. 193.011, a  
 221 structural improvement, condominium parcel, or cooperative  
 222 parcel providing affordable housing on land owned by a community  
 223 land trust, and the land owned by a community land trust that is  
 224 subject to a 99-year or longer ground lease, shall be assessed



225 using the following criteria:

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

230 (b) The amount a willing purchaser would pay a willing  
 231 seller for resale-restricted structural improvements,  
 232 condominium parcels, or cooperative parcels is limited to the  
 233 amount determined by the formula in the ground lease.

234 (c) If the ground lease and all amendments and supplements  
 235 thereto, or a memorandum documenting how such lease and  
 236 amendments or supplements restrict the price at which the  
 237 structural improvements, condominium parcels, or cooperative  
 238 parcels may be sold, are recorded in the official public records  
 239 of the county in which the leased land is located, the recorded  
 240 lease and any amendments and supplements, or the recorded  
 241 memorandum, shall be deemed a land use regulation during the  
 242 term of the lease as amended or supplemented.

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

245 196.196 Determining whether property is entitled to  
 246 charitable, religious, scientific, or literary exemption.--

247 (5) (a) Property owned by an exempt organization qualified  
 248 as charitable under s. 501(c) (3) of the Internal Revenue Code is  
 249 used for a charitable purpose if the organization has taken  
 250 affirmative steps to prepare the property to provide affordable  
 251 housing to persons or families that meet the extremely-low-  
 252 income, very-low-income, low-income, or moderate-income limits,

253 as specified in s. 420.0004. The term "affirmative steps" means  
254 environmental or land use permitting activities, creation of  
255 architectural plans or schematic drawings, land clearing or site  
256 preparation, construction or renovation activities, or other  
257 similar activities that demonstrate a commitment of the property  
258 to providing affordable housing.

259 (b)1. If property owned by an organization granted an  
260 exemption under this subsection is transferred for a purpose  
261 other than directly providing affordable homeownership or rental  
262 housing to persons or families who meet the extremely-low-  
263 income, very-low-income, low-income, or moderate-income limits,  
264 as specified in s. 420.0004, or is not in actual use to provide  
265 such affordable housing within 5 years after the date the  
266 organization is granted the exemption, the property appraiser  
267 making such determination shall serve upon the organization that  
268 illegally or improperly received the exemption a notice of  
269 intent to record in the public records of the county a notice of  
270 tax lien against any property owned by that organization in the  
271 county, and such property shall be identified in the notice of  
272 tax lien. The organization owning such property is subject to  
273 the taxes otherwise due and owing as a result of the failure to  
274 use the property to provide affordable housing plus 15 percent  
275 interest per annum and a penalty of 50 percent of the taxes  
276 owed.

277 2. Such lien, when filed, attaches to any property  
278 identified in the notice of tax lien owned by the organization  
279 that illegally or improperly received the exemption. If such  
280 organization no longer owns property in the county but owns

281 property in any other county in the state, the property  
 282 appraiser shall record in each such other county a notice of tax  
 283 lien identifying the property owned by such organization in such  
 284 county which shall become a lien against the identified  
 285 property. Before any such lien may be filed, the organization so  
 286 notified must be given 30 days to pay the taxes, penalties, and  
 287 interest.

288 3. If an exemption is improperly granted as a result of a  
 289 clerical mistake or an omission by the property appraiser, the  
 290 organization improperly receiving the exemption shall not be  
 291 assessed a penalty or interest.

292 4. The 5-year limitation specified in this subsection may  
 293 be extended if the holder of the exemption continues to take  
 294 affirmative steps to develop the property for the purposes  
 295 specified in this subsection.

296 Section 5. Section 196.1978, Florida Statutes, is amended  
 297 to read:

298 196.1978 Affordable housing property exemption.--Property  
 299 used to provide affordable housing serving eligible persons as  
 300 defined by s. 159.603(7) and natural persons or families meeting  
 301 the extremely-low-income, very-low-income, low-income, or  
 302 moderate-income persons meeting income limits specified in s.  
 303 420.0004 s. 420.0004(8), (10), (11), and (15), which property is  
 304 owned entirely by a nonprofit entity that is a corporation not  
 305 for profit, qualified as charitable under s. 501(c)(3) of the  
 306 Internal Revenue Code and in compliance with Rev. Proc. 96-32,  
 307 1996-1 C.B. 717, or a Florida-based limited partnership, the  
 308 sole general partner of which is a corporation not for profit

309 which is qualified as charitable under s. 501(c)(3) of the  
 310 Internal Revenue Code and which complies with Rev. Proc. 96-32,  
 311 1996-1 C.B. 717, shall be considered property owned by an exempt  
 312 entity and used for a charitable purpose, and those portions of  
 313 the affordable housing property which provide housing to natural  
 314 persons or families classified as extremely low income, very low  
 315 income, low income, or moderate income under s. 420.0004  
 316 ~~individuals with incomes as defined in s. 420.0004(10) and (15)~~  
 317 shall be exempt from ad valorem taxation to the extent  
 318 authorized in s. 196.196. All property identified in this  
 319 section shall comply with the criteria for determination of  
 320 exempt status to be applied by property appraisers on an annual  
 321 basis as defined in s. 196.195. The Legislature intends that any  
 322 property owned by a limited liability company or limited  
 323 partnership which is disregarded as an entity for federal income  
 324 tax purposes pursuant to Treasury Regulation 301.7701-  
 325 3(b)(1)(ii) shall be treated as owned by its sole member or sole  
 326 general partner.

327 Section 6. Paragraph (d) of subsection (2) of section  
 328 212.055, Florida Statutes, is amended to read:

329 212.055 Discretionary sales surtaxes; legislative intent;  
 330 authorization and use of proceeds.--It is the legislative intent  
 331 that any authorization for imposition of a discretionary sales  
 332 surtax shall be published in the Florida Statutes as a  
 333 subsection of this section, irrespective of the duration of the  
 334 levy. Each enactment shall specify the types of counties  
 335 authorized to levy; the rate or rates which may be imposed; the  
 336 maximum length of time the surtax may be imposed, if any; the

337 procedure which must be followed to secure voter approval, if  
 338 required; the purpose for which the proceeds may be expended;  
 339 and such other requirements as the Legislature may provide.  
 340 Taxable transactions and administrative procedures shall be as  
 341 provided in s. 212.054.

342 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

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

365 service indebtedness incurred for bonds issued before ~~prior to~~  
 366 July 1, 1987, for infrastructure purposes, and for bonds  
 367 subsequently issued to refund such bonds. Any use of the ~~such~~  
 368 proceeds or interest for purposes of retiring or servicing  
 369 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~  
 370 July 1, 1999, is ratified.

371 ~~1.2.~~ For the purposes of this paragraph, the term  
 372 "infrastructure" means:

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

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

383 c. Any expenditure for the construction, lease, or  
 384 maintenance of, or provision of utilities or security for,  
 385 facilities, as defined in s. 29.008.

386 d. Any fixed capital expenditure or fixed capital outlay  
 387 associated with the improvement of private facilities that have  
 388 a life expectancy of 5 or more years and that the owner agrees  
 389 to make available for use on a temporary basis as needed by a  
 390 local government as a public emergency shelter or a staging area  
 391 for emergency response equipment during an emergency officially  
 392 declared by the state or by the local government under s.

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

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

415 ~~2.3.~~ Notwithstanding any other provision of this  
416 subsection, a local government infrastructure ~~discretionary~~  
417 ~~sales~~ surtax imposed or extended after July 1, 1998, the  
418 ~~effective date of this act~~ may allocate up to ~~provide for an~~  
419 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax  
420 ~~proceeds to be allocated~~ for deposit in ~~to~~ a trust fund within

421 the county's accounts created for the purpose of funding  
422 economic development projects having ~~of~~ a general public purpose  
423 of improving ~~targeted to improve~~ local economies, including the  
424 funding of operational costs and incentives related to ~~such~~  
425 economic development. The ballot statement must indicate the  
426 intention to make an allocation under the authority of this  
427 subparagraph.

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

432 420.503 Definitions.--As used in this part, the term:

433 (25) "Moderate rehabilitation" means repair or restoration  
434 of a dwelling unit when the value of such repair or restoration  
435 is 40 percent or less of the value of the dwelling but not less  
436 than \$10,000 per dwelling unit.

437 Section 8. Subsection (35) of section 420.507, Florida  
438 Statutes, is amended, and subsections (47) and (48) are added to  
439 that section, to read:

440 420.507 Powers of the corporation.--The corporation shall  
441 have all the powers necessary or convenient to carry out and  
442 effectuate the purposes and provisions of this part, including  
443 the following powers which are in addition to all other powers  
444 granted by other provisions of this part:

445 (35) To preclude from further participation in any of the  
446 corporation's programs, for a period of up to 2 years, any  
447 applicant or affiliate of an applicant which has made a material  
448 misrepresentation or engaged in fraudulent actions in connection



449 | with any application for a corporation program, except that the  
450 | corporation may not limit the number of applications, whether by  
451 | overall number or by category, from any applicant or affiliate  
452 | of an applicant that are otherwise eligible for consideration in  
453 | any of the corporation's programs. The prohibition on limitation  
454 | of applications shall be applicable to any application cycle  
455 | commenced after the effective date of this act.

456 |       (47) To provide by rule, in connection with any  
457 | corporation competitive program, criteria establishing a  
458 | preference for developers and general contractors domiciled in  
459 | this state and for developers and general contractors,  
460 | regardless of domicile, who have substantial experience in  
461 | developing or building affordable housing through the  
462 | corporation's programs.

463 |       (a) In evaluating whether a developer or general  
464 | contractor is domiciled in this state, the corporation shall  
465 | consider whether the developer's or general contractor's  
466 | principal office is located in this state and whether a majority  
467 | of the developer's or general contractor's principals and  
468 | financial beneficiaries reside in Florida.

469 |       (b) In evaluating whether a developer or general  
470 | contractor has substantial experience, the corporation shall  
471 | consider whether the developer or general contractor has  
472 | completed at least five developments using funds either provided  
473 | by or administered by the corporation.

474 |       (48) 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-old and  
 479 older buildings and units under public housing authority control  
 480 as defined in chapter 421.

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

483           Section 9. 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, including whether the  
 536 developer and general contractor have substantial experience, as  
 537 provided in s. 420.507(47).
- 538 13. Sponsor's ability to proceed with construction.
- 539 14. Projects that directly implement or assist welfare-to-  
 540 work transitioning.
- 541 15. Projects that reserve units for extremely-low-income  
 542 persons.
- 543 16. Projects that include green building principles,  
 544 storm-resistant construction, or other elements that reduce  
 545 long-term costs relating to maintenance, utilities, or  
 546 insurance.
- 547 17. Domicile of the developer and general contractor, as  
 548 provided in s. 420.507(47).
- 549 (1) The proceeds of all loans shall be used for new  
 550 construction, moderate rehabilitation, or substantial  
 551 rehabilitation which creates or preserves affordable, safe, and  
 552 sanitary housing units.
- 553 Section 10. Subsection (5) of section 420.615, Florida  
 554 Statutes, is amended to read:
- 555 420.615 Affordable housing land donation density bonus  
 556 incentives.--
- 557 (5) The local government, as part of the approval process,  
 558 shall adopt a comprehensive plan amendment, pursuant to part II  
 559 of chapter 163, for the receiving land that incorporates the  
 560 density bonus. Such amendment shall be deemed by operation of

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561 law a small scale amendment, shall be subject only to the  
562 requirements of ~~adopted in the manner as required for small-~~  
563 ~~scale amendments pursuant to s. 163.3187(1)(c)2. and 3.,~~ is not  
564 subject to the requirements of s. 163.3184 (3)-(11) ~~(3)-(6)~~, and  
565 is exempt from s. 163.3187(1)(c)1. and the limitation on the  
566 frequency of plan amendments as provided in s. 163.3187. An  
567 affected person, as defined in s. 163.3184(1), may file a  
568 petition for administrative review pursuant to the requirements  
569 of s. 163.3187(3) to challenge the compliance of an adopted plan  
570 amendment.

571 Section 11. Subsection (5) of section 420.622, Florida  
572 Statutes, is amended to read:

573 420.622 State Office on Homelessness; Council on  
574 Homelessness.--

575 (5) The State Office on Homelessness, with the concurrence  
576 of the Council on Homelessness, may administer moneys  
577 appropriated to it to provide homeless housing assistance grants  
578 annually to lead agencies for local homeless assistance  
579 continuum of care, as recognized by the State Office on  
580 Homelessness, to acquire, construct, or rehabilitate  
581 transitional or permanent housing units for homeless persons.  
582 These moneys shall consist of any sums that the state may  
583 appropriate, as well as money received from donations, gifts,  
584 bequests, or otherwise from any public or private source, which  
585 are ~~money is~~ intended to acquire, construct, or rehabilitate  
586 transitional or permanent housing units for homeless persons.

587 (a) Grant applicants shall be ranked competitively.  
588 Preference must be given to applicants who leverage additional

589 private funds and public funds, particularly federal funds  
 590 designated for the acquisition, construction, or ~~and~~  
 591 rehabilitation of transitional or permanent housing for homeless  
 592 persons; ~~;~~ who acquire, build, or rehabilitate the greatest  
 593 number of units; ~~;~~ and who acquire, build, or rehabilitate in  
 594 catchment areas having the greatest need for housing for the  
 595 homeless relative to the population of the catchment area.

596 (b) Funding for any particular project may not exceed  
 597 \$750,000.

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

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

605 (e) A project may not be funded which is not included in  
 606 the local homeless assistance continuum of care plan, as  
 607 recognized by the State Office on Homelessness, for the  
 608 catchment area in which the project is located.

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

612 Section 12. Section 420.628, Florida Statutes, is created  
 613 to read:

614 420.628 Affordable housing for children and young adults  
 615 leaving foster care.--

616 (1) (a) The Legislature finds that many young people who

617 live in foster families, group homes, and institutions face  
618 numerous barriers to a successful transition to adulthood,  
619 through no fault of their own and that youth in, or  
620 transitioning out of, foster care may enter adulthood lacking  
621 the knowledge, skills, attitudes, habits, and relationships that  
622 will enable them to become productive members of society.

623 (b) The Legislature further finds that the main barriers  
624 to safe and affordable housing for youth aging out of the foster  
625 care system are cost, lack of availability, the unwillingness of  
626 many landlords to rent to them due to perceived regulatory  
627 barriers, and their own lack of knowledge about how to be good  
628 tenants.

629 (c) The Legislature also finds that young adults who  
630 emancipate from the child welfare system are at risk of becoming  
631 homeless and those who were formerly in foster care are  
632 disproportionately represented in the homeless population. The  
633 Legislature further finds that making available affordable  
634 housing for young people who transition from foster care  
635 decreases their chance of homelessness and may increase their  
636 ability to live independently. Without the stability of safe  
637 housing, all other services, training, and opportunities may not  
638 be effective.

639 (d) It is therefore the intent of the Legislature that the  
640 Florida Housing Finance Corporation, State Housing Initiative  
641 Partnership Program agencies, local housing finance agencies,  
642 public housing authorities, and other providers of affordable  
643 housing coordinate with the Department of Children and Family  
644 Services, their agents, and community-based care providers to

645 develop and implement strategies and procedures designed to make  
646 affordable housing available to youth transitioning out of  
647 foster care whenever and wherever possible.

648 (2) (a) Young adults formerly in foster care who are  
649 eligible for services under s. 409.1451(5) are eligible persons,  
650 as defined by ss. 420.503(17) and 420.9071(10), for affordable  
651 housing and shall be encouraged to participate in state,  
652 federal, and local affordable housing programs.

653 (b) Students deemed eligible occupants under 26 CFR s.  
654 42(i) (3) (D) shall be considered eligible persons for purposes of  
655 all projects funded under this chapter.

656 Section 13. Subsections (4), (8), (16), and (25) of  
657 section 420.9071, Florida Statutes, are amended, and subsections  
658 (29) and (30) are added to that section, to read:

659 420.9071 Definitions.--As used in ss. 420.907-420.9079,  
660 the term:

661 (4) "Annual gross income" means annual income as defined  
662 under the Section 8 housing assistance payments programs in 24  
663 C.F.R. part 5; annual income as reported under the census long  
664 form for the recent available decennial census; or adjusted  
665 gross income as defined for purposes of reporting under Internal  
666 Revenue Service Form 1040 for individual federal annual income  
667 tax purposes or as defined by standard practices used in the  
668 lending industry as detailed in the local housing assistance  
669 plan and approved by the corporation. Counties and eligible  
670 municipalities shall calculate income by annualizing verified  
671 sources of income for the household as the amount of income to  
672 be received in a household during the 12 months following the



673 effective date of the determination.

674 (8) "Eligible housing" means any real and personal  
 675 property located within the county or the eligible municipality  
 676 which is designed and intended for the primary purpose of  
 677 providing decent, safe, and sanitary residential units that are  
 678 designed to meet the standards of the Florida Building Code or a  
 679 predecessor building code adopted under chapter 553, or  
 680 manufactured housing constructed after June 1994 and installed  
 681 in accordance with mobile home installation standards of the  
 682 Department of Highway Safety and Motor Vehicles, for home  
 683 ownership or rental for eligible persons as designated by each  
 684 county or eligible municipality participating in the State  
 685 Housing Initiatives Partnership Program.

686 (16) "Local housing incentive strategies" means local  
 687 regulatory reform or incentive programs to encourage or  
 688 facilitate affordable housing production, which include at a  
 689 minimum, assurance that permits as defined in s. 163.3164(7) and  
 690 (8) for affordable housing projects are expedited to a greater  
 691 degree than other projects; an ongoing process for review of  
 692 local policies, ordinances, regulations, and plan provisions  
 693 that increase the cost of housing prior to their adoption; and a  
 694 schedule for implementing the incentive strategies. Local  
 695 housing incentive strategies may also include other regulatory  
 696 reforms, such as those enumerated in s. 420.9076 or those  
 697 recommended by the affordable housing advisory committee in its  
 698 triennial evaluation and adopted by the local governing body.

699 (25) "Recaptured funds" means funds that are recouped by a  
 700 county or eligible municipality in accordance with the recapture

701 provisions of its local housing assistance plan pursuant to s.  
 702 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,  
 703 which funds were not used for assistance to an eligible  
 704 household for an eligible activity, when there is a ~~who~~ default  
 705 on the terms of a grant award or loan award.

706 (29) "Assisted housing" or "assisted housing development"  
 707 means a rental housing development, including rental housing in  
 708 a mixed-use development, that received or currently receives  
 709 funding from any federal or state housing program.

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

715 Section 14. Subsections (6) and (7) of section 420.9072,  
 716 Florida Statutes, are amended to read:

717 420.9072 State Housing Initiatives Partnership  
 718 Program.--The State Housing Initiatives Partnership Program is  
 719 created for the purpose of providing funds to counties and  
 720 eligible municipalities as an incentive for the creation of  
 721 local housing partnerships, to expand production of and preserve  
 722 affordable housing, to further the housing element of the local  
 723 government comprehensive plan specific to affordable housing,  
 724 and to increase housing-related employment.

725 (6) The moneys that otherwise would be distributed  
 726 pursuant to s. 420.9073 to a local government that does not meet  
 727 the program's requirements for receipts of such distributions  
 728 shall remain in the Local Government Housing Trust Fund to be

729 administered by the corporation ~~pursuant to s. 420.9078.~~

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

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

737 (b) A county or an eligible municipality may expend a  
738 portion of the local housing distribution to provide a one-time  
739 relocation grant to persons who meet the income requirements of  
740 the State Housing Initiatives Partnership Program and who are  
741 subject to eviction from rental property located in the county  
742 or eligible municipality due to the foreclosure of the rental  
743 property. In order to receive a grant under this paragraph, a  
744 person must provide the county or eligible municipality with  
745 proof of meeting the income requirements of a very-low-income  
746 household, a low-income household, or a moderate-income  
747 household; a notice of eviction; and proof that the rent has  
748 been paid for at least 3 months before the date of eviction,  
749 including the month that the notice of eviction was served.  
750 Relocation assistance under this paragraph is limited to a one-  
751 time grant of not more than \$5,000 and is not limited to persons  
752 who are subject to eviction from projects funded under the State  
753 Housing Initiatives Partnership Program. This paragraph expires  
754 July 1, 2010.

755 Section 15. Subsections (1) and (2) of section 420.9073,  
756 Florida Statutes, are amended, and subsections (5), (6), and (7)

757 are added to that section, to read:

758 420.9073 Local housing distributions.--

759 (1) Distributions calculated in this section shall be  
 760 disbursed on a quarterly or more frequent ~~monthly~~ basis by the  
 761 corporation ~~beginning the first day of the month after program~~  
 762 ~~approval~~ pursuant to s. 420.9072, subject to availability of  
 763 funds. Each county's share of the funds to be distributed from  
 764 the portion of the funds in the Local Government Housing Trust  
 765 Fund received pursuant to s. 201.15(9) shall be calculated by  
 766 the corporation for each fiscal year as follows:

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

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

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

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

783 3. For each county in which the result in subparagraph 1.  
 784 is greater than the guaranteed amount as determined in

785 subsection (3), the amount calculated in subparagraph 1. shall  
 786 be reduced by the guaranteed amount. The result for each such  
 787 county shall be expressed as a percentage of the amounts so  
 788 determined for all counties. Each such county shall receive an  
 789 additional share equal to such percentage multiplied by the  
 790 total funds received by the Local Government Housing Trust Fund  
 791 pursuant to s. 201.15(9) reduced by the guaranteed amount paid  
 792 to all counties.

793 (2) ~~Effective July 1, 1995,~~ Distributions calculated in  
 794 this section shall be disbursed on a quarterly or more frequent  
 795 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~  
 796 ~~month after program approval~~ pursuant to s. 420.9072, subject to  
 797 availability of funds. Each county's share of the funds to be  
 798 distributed from the portion of the funds in the Local  
 799 Government Housing Trust Fund received pursuant to s. 201.15(10)  
 800 shall be calculated by the corporation for each fiscal year as  
 801 follows:

802 (a) Each county shall receive the guaranteed amount for  
 803 each fiscal year.

804 (b) Each county may receive an additional share calculated  
 805 as follows:

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

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

811 3. For each county in which the result in subparagraph 1.  
 812 is greater than the guaranteed amount, the amount calculated in

813 subparagraph 1. shall be reduced by the guaranteed amount. The  
 814 result for each such county shall be expressed as a percentage  
 815 of the amounts so determined for all counties. Each such county  
 816 shall receive an additional share equal to this percentage  
 817 multiplied by the total funds received by the Local Government  
 818 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the  
 819 guaranteed amount paid to all counties.

820 (5) Notwithstanding subsections (1)-(4), the corporation  
 821 is authorized to withhold up to \$5 million from the total  
 822 distribution each fiscal year to provide additional funding to  
 823 counties and eligible municipalities in which a state of  
 824 emergency has been declared by the Governor pursuant to chapter  
 825 252. Any portion of such funds not distributed under this  
 826 subsection by the end of the fiscal year shall be distributed as  
 827 provided in this section.

828 (6) Notwithstanding subsections (1)-(4), the corporation  
 829 is authorized to withhold up to \$5 million from the total  
 830 distribution each fiscal year to provide funding to counties and  
 831 eligible municipalities to purchase properties subject to a  
 832 State Housing Initiative Partnership Program lien and on which  
 833 foreclosure proceedings have been initiated by any mortgagee.  
 834 Each county and eligible municipality that receives funds under  
 835 this subsection shall repay such funds to the corporation not  
 836 later than the expenditure deadline for the fiscal year in which  
 837 the funds were awarded. Amounts not repaid shall be withheld  
 838 from the subsequent year's distribution. Any portion of such  
 839 funds not distributed under this subsection by the end of the  
 840 fiscal year shall be distributed as provided in this section.

841 (7) A county or eligible municipality that receives local  
842 housing distributions pursuant to this section shall expend  
843 those funds in accordance with the provisions of ss. 420.907-  
844 420.9079, corporation rule, and its local housing assistance  
845 plan.

846 Section 16. Effective upon this act becoming a law and  
847 operating retroactively to July 1, 2008, paragraph (d) of  
848 subsection (5) of section 420.9075, Florida Statutes, is  
849 reenacted and amended to read:

850 420.9075 Local housing assistance plans; partnerships.--

851 (5) The following criteria apply to awards made to  
852 eligible sponsors or eligible persons for the purpose of  
853 providing eligible housing:

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

858 2. At least 30 percent of the funds deposited into the  
859 local housing assistance trust fund must be reserved for awards  
860 to very-low-income persons or eligible sponsors who will serve  
861 very-low-income persons and at least an additional 30 percent of  
862 the funds deposited into the local housing assistance trust fund  
863 must be reserved for awards to low-income persons or eligible  
864 sponsors who will serve low-income persons. This subparagraph  
865 does not apply to a county or an eligible municipality that  
866 includes, or has included within the previous 5 years, an area  
867 of critical state concern designated or ratified by the  
868 Legislature for which the Legislature has declared its intent to

869 provide affordable housing. The exemption created by this act  
 870 expires on July 1, 2013 ~~2008~~.

871  
 872 If both an award under the local housing assistance plan and  
 873 federal low-income housing tax credits are used to assist a  
 874 project and there is a conflict between the criteria prescribed  
 875 in this subsection and the requirements of s. 42 of the Internal  
 876 Revenue Code of 1986, as amended, the county or eligible  
 877 municipality may resolve the conflict by giving precedence to  
 878 the requirements of s. 42 of the Internal Revenue Code of 1986,  
 879 as amended, in lieu of following the criteria prescribed in this  
 880 subsection with the exception of paragraphs (a) and (d) of this  
 881 subsection.

882 Section 17. Subsections (1), (3), (5), and (8), paragraphs  
 883 (a) and (h) of subsection (10), and paragraph (b) of subsection  
 884 (13) of section 420.9075, Florida Statutes, as amended by this  
 885 act, are amended, and subsection (14) is added to that section,  
 886 to read:

887 420.9075 Local housing assistance plans; partnerships.--

888 (1) (a) Each county or eligible municipality participating  
 889 in the State Housing Initiatives Partnership Program shall  
 890 develop and implement a local housing assistance plan created to  
 891 make affordable residential units available to persons of very  
 892 low income, low income, or moderate income and to persons who  
 893 have special housing needs, including, but not limited to,  
 894 homeless people, the elderly, ~~and~~ migrant farmworkers, and  
 895 persons with disabilities. High-cost counties or eligible  
 896 municipalities as defined by rule of the corporation may include



897 strategies to assist persons and households having annual  
898 incomes of not more than 140 percent of area median income. The  
899 plans are intended to increase the availability of affordable  
900 residential units by combining local resources and cost-saving  
901 measures into a local housing partnership and using private and  
902 public funds to reduce the cost of housing.

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

904 1. Implement local housing assistance strategies for the  
905 provision of affordable housing.

906 2. Supplement funds available to the corporation to  
907 provide enhanced funding of state housing programs within the  
908 county or the eligible municipality.

909 3. Provide the local matching share of federal affordable  
910 housing grants or programs.

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

914 5. Further the housing element of the local government  
915 comprehensive plan adopted pursuant to s. 163.3184, specific to  
916 affordable housing.

917 (3) (a) Each local housing assistance plan shall include a  
918 definition of essential service personnel for the county or  
919 eligible municipality, including, but not limited to, teachers  
920 and educators, other school district, community college, and  
921 university employees, police and fire personnel, health care  
922 personnel, skilled building trades personnel, and other job  
923 categories.

924 (b) Each county and each eligible municipality is

925 encouraged to develop a strategy within its local housing  
926 assistance plan that emphasizes the recruitment and retention of  
927 essential service personnel. The local government is encouraged  
928 to involve public and private sector employers. Compliance with  
929 the eligibility criteria established under this strategy shall  
930 be verified by the county or eligible municipality.

931 (c) Each county and each eligible municipality is  
932 encouraged to develop a strategy within its local housing  
933 assistance plan that addresses the needs of persons who are  
934 deprived of affordable housing due to the closure of a mobile  
935 home park or the conversion of affordable rental units to  
936 condominiums.

937 (d) Each county and each eligible municipality shall  
938 describe initiatives in the local housing assistance plan to  
939 encourage or require innovative design, green building  
940 principles, storm-resistant construction, or other elements that  
941 reduce long-term costs relating to maintenance, utilities, or  
942 insurance.

943 (e) Each county and each eligible municipality is  
944 encouraged to develop a strategy within its local housing  
945 assistance plan that provides program funds for the preservation  
946 of assisted housing.

947 (5) The following criteria apply to awards made to  
948 eligible sponsors or eligible persons for the purpose of  
949 providing eligible housing:

950 (a) At least 65 percent of the funds made available in  
951 each county and eligible municipality from the local housing  
952 distribution must be reserved for home ownership for eligible

953 persons.

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

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

961 (d)~~(e)~~ The sales price or value of new or existing  
 962 eligible housing may not exceed 90 percent of the average area  
 963 purchase price in the statistical area in which the eligible  
 964 housing is located. Such average area purchase price may be that  
 965 calculated for any 12-month period beginning not earlier than  
 966 the fourth calendar year prior to the year in which the award  
 967 occurs or as otherwise established by the United States  
 968 Department of the Treasury.

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

974 2. At least 30 percent of the funds deposited into the  
 975 local housing assistance trust fund must be reserved for awards  
 976 to very-low-income persons or eligible sponsors who will serve  
 977 very-low-income persons and at least an additional 30 percent of  
 978 the funds deposited into the local housing assistance trust fund  
 979 must be reserved for awards to low-income persons or eligible  
 980 sponsors who will serve low-income persons. This subparagraph

981 does not apply to a county or an eligible municipality that  
 982 includes, or has included within the previous 5 years, an area  
 983 of critical state concern designated or ratified by the  
 984 Legislature for which the Legislature has declared its intent to  
 985 provide affordable housing. The exemption created by this act  
 986 expires on July 1, 2013.

987 (f)~~(e)~~ Loans shall be provided for periods not exceeding  
 988 30 years, except for deferred payment loans or loans that extend  
 989 beyond 30 years which continue to serve eligible persons.

990 (g)~~(f)~~ Loans or grants for eligible rental housing  
 991 constructed, rehabilitated, or otherwise assisted from the local  
 992 housing assistance trust fund must be subject to recapture  
 993 requirements as provided by the county or eligible municipality  
 994 in its local housing assistance plan unless reserved for  
 995 eligible persons for 15 years or the term of the assistance,  
 996 whichever period is longer. Eligible sponsors that offer rental  
 997 housing for sale before 15 years or that have remaining  
 998 mortgages funded under this program must give a first right of  
 999 refusal to eligible nonprofit organizations for purchase at the  
 1000 current market value for continued occupancy by eligible  
 1001 persons.

1002 (h)~~(g)~~ Loans or grants for eligible owner-occupied housing  
 1003 constructed, rehabilitated, or otherwise assisted from proceeds  
 1004 provided from the local housing assistance trust fund shall be  
 1005 subject to recapture requirements as provided by the county or  
 1006 eligible municipality in its local housing assistance plan.

1007 (i)~~(h)~~ The total amount of monthly mortgage payments or  
 1008 the amount of monthly rent charged by the eligible sponsor or

1009 her or his designee must be made affordable.

1010 ~~(j)(i)~~ The maximum sales price or value per unit and the  
 1011 maximum award per unit for eligible housing benefiting from  
 1012 awards made pursuant to this section must be established in the  
 1013 local housing assistance plan.

1014 ~~(k)(j)~~ The benefit of assistance provided through the  
 1015 State Housing Initiatives Partnership Program must accrue to  
 1016 eligible persons occupying eligible housing. This provision  
 1017 shall not be construed to prohibit use of the local housing  
 1018 distribution funds for a mixed income rental development.

1019 ~~(l)(k)~~ Funds from the local housing distribution not used  
 1020 to meet the criteria established in paragraph (a) or paragraph  
 1021 (b) or not used for the administration of a local housing  
 1022 assistance plan must be used for housing production and finance  
 1023 activities, including, but not limited to, financing  
 1024 preconstruction activities or the purchase of existing units,  
 1025 providing rental housing, and providing home ownership training  
 1026 to prospective home buyers and owners of homes assisted through  
 1027 the local housing assistance plan.

1028 1. Notwithstanding the provisions of paragraphs (a) and  
 1029 (b), program income as defined in s. 420.9071(24) may also be  
 1030 used to fund activities described in this paragraph.

1031 2. When preconstruction due diligence activities conducted  
 1032 as part of a preservation strategy show that preservation of the  
 1033 units is not feasible and will not result in the production of  
 1034 an eligible unit, such costs shall be deemed a program expense  
 1035 rather than an administrative expense if such program expenses  
 1036 do not exceed 3 percent of the annual local housing

1037 distribution.

1038 3. If both an award under the local housing assistance  
 1039 plan and federal low-income housing tax credits are used to  
 1040 assist a project and there is a conflict between the criteria  
 1041 prescribed in this subsection and the requirements of s. 42 of  
 1042 the Internal Revenue Code of 1986, as amended, the county or  
 1043 eligible municipality may resolve the conflict by giving  
 1044 precedence to the requirements of s. 42 of the Internal Revenue  
 1045 Code of 1986, as amended, in lieu of following the criteria  
 1046 prescribed in this subsection with the exception of paragraphs  
 1047 (a) and (e) ~~(d) of this subsection.~~

1048 4. Each county and each eligible municipality may award  
 1049 funds as a grant for construction, rehabilitation, or repair as  
 1050 part of disaster recovery or emergency repairs or to remedy  
 1051 accessibility or health and safety deficiencies. Any other  
 1052 grants must be approved as part of the local housing assistance  
 1053 plan.

1054 (8) Pursuant to s. 420.531, the corporation shall provide  
 1055 training and technical assistance to local governments regarding  
 1056 the creation of partnerships, the design of local housing  
 1057 assistance strategies, the implementation of local housing  
 1058 incentive strategies, and the provision of support services.

1059 (10) Each county or eligible municipality shall submit to  
 1060 the corporation by September 15 of each year a report of its  
 1061 affordable housing programs and accomplishments through June 30  
 1062 immediately preceding submittal of the report. The report shall  
 1063 be certified as accurate and complete by the local government's  
 1064 chief elected official or his or her designee. Transmittal of

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1065 the annual report by a county's or eligible municipality's chief  
1066 elected official, or his or her designee, certifies that the  
1067 local housing incentive strategies, or, if applicable, the local  
1068 housing incentive plan, have been implemented or are in the  
1069 process of being implemented pursuant to the adopted schedule  
1070 for implementation. The report must include, but is not limited  
1071 to:

1072 (a) The number of households served by income category,  
1073 age, family size, and race, and data regarding any special needs  
1074 populations such as farmworkers, homeless persons, persons with  
1075 disabilities, and the elderly. Counties shall report this  
1076 information separately for households served in the  
1077 unincorporated area and each municipality within the county.

1078 (h) Such other data or affordable housing accomplishments  
1079 considered significant by the reporting county or eligible  
1080 municipality or by the corporation.

1081 (13)

1082 (b) If, as a result of its review of the annual report,  
1083 the corporation determines that a county or eligible  
1084 municipality has failed to implement a local housing incentive  
1085 strategy, or, if applicable, a local housing incentive plan, it  
1086 shall send a notice of termination of the local government's  
1087 share of the local housing distribution by certified mail to the  
1088 affected county or eligible municipality.

1089 1. The notice must specify a date of termination of the  
1090 funding if the affected county or eligible municipality does not  
1091 implement the plan or strategy and provide for a local response.  
1092 A county or eligible municipality shall respond to the

1093 corporation within 30 days after receipt of the notice of  
 1094 termination.

1095 2. The corporation shall consider the local response that  
 1096 extenuating circumstances precluded implementation and grant an  
 1097 extension to the timeframe for implementation. Such an extension  
 1098 shall be made in the form of an extension agreement that  
 1099 provides a timeframe for implementation. The chief elected  
 1100 official of a county or eligible municipality or his or her  
 1101 designee shall have the authority to enter into the agreement on  
 1102 behalf of the local government.

1103 3. If the county or the eligible municipality has not  
 1104 implemented the incentive strategy or entered into an extension  
 1105 agreement by the termination date specified in the notice, the  
 1106 local housing distribution share terminates, and any uncommitted  
 1107 local housing distribution funds held by the affected county or  
 1108 eligible municipality in its local housing assistance trust fund  
 1109 shall be transferred to the Local Government Housing Trust Fund  
 1110 to the credit of the corporation to administer ~~pursuant to s.~~  
 1111 ~~420.9078.~~

1112 4.a. If the affected local government fails to meet the  
 1113 timeframes specified in the agreement, the corporation shall  
 1114 terminate funds. The corporation shall send a notice of  
 1115 termination of the local government's share of the local housing  
 1116 distribution by certified mail to the affected local government.  
 1117 The notice shall specify the termination date, and any  
 1118 uncommitted funds held by the affected local government shall be  
 1119 transferred to the Local Government Housing Trust Fund to the  
 1120 credit of the corporation to administer ~~pursuant to s. 420.9078.~~



1121           b. If the corporation terminates funds to a county, but an  
 1122 eligible municipality receiving a local housing distribution  
 1123 pursuant to an interlocal agreement maintains compliance with  
 1124 program requirements, the corporation shall thereafter  
 1125 distribute directly to the participating eligible municipality  
 1126 its share calculated in the manner provided in s. 420.9072.

1127           c. Any county or eligible municipality whose local  
 1128 distribution share has been terminated may subsequently elect to  
 1129 receive directly its local distribution share by adopting the  
 1130 ordinance, resolution, and local housing assistance plan in the  
 1131 manner and according to the procedures provided in ss. 420.907-  
 1132 420.9079.

1133           (14) If the corporation determines that a county or  
 1134 eligible municipality has expended program funds for an  
 1135 ineligible activity, the corporation shall require such funds to  
 1136 be repaid to the local housing assistance trust fund. Such  
 1137 repayment may not be made with funds from the State Housing  
 1138 Initiatives Partnership Program.

1139           Section 18. Paragraph (h) of subsection (2), subsections  
 1140 (5) and (6), and paragraph (a) of subsection (7) of section  
 1141 420.9076, Florida Statutes, are amended to read:

1142           420.9076 Adoption of affordable housing incentive  
 1143 strategies; committees.--

1144           (2) The governing board of a county or municipality shall  
 1145 appoint the members of the affordable housing advisory committee  
 1146 by resolution. Pursuant to the terms of any interlocal  
 1147 agreement, a county and municipality may create and jointly  
 1148 appoint an advisory committee to prepare a joint plan. The

1149 ordinance adopted pursuant to s. 420.9072 which creates the  
 1150 advisory committee or the resolution appointing the advisory  
 1151 committee members must provide for 11 committee members and  
 1152 their terms. The committee must include:

1153 (h) One citizen who actively serves on the local planning  
 1154 agency pursuant to s. 163.3174. If the local planning agency is  
 1155 comprised of the governing board of the county or municipality,  
 1156 the governing board may appoint a designee who is knowledgeable  
 1157 in the local planning process.

1158  
 1159 If a county or eligible municipality whether due to its small  
 1160 size, the presence of a conflict of interest by prospective  
 1161 appointees, or other reasonable factor, is unable to appoint a  
 1162 citizen actively engaged in these activities in connection with  
 1163 affordable housing, a citizen engaged in the activity without  
 1164 regard to affordable housing may be appointed. Local governments  
 1165 that receive the minimum allocation under the State Housing  
 1166 Initiatives Partnership Program may elect to appoint an  
 1167 affordable housing advisory committee with fewer than 11  
 1168 representatives if they are unable to find representatives who  
 1169 meet the criteria of paragraphs (a)-(k).

1170 (5) The approval by the advisory committee of its local  
 1171 housing incentive strategies recommendations and its review of  
 1172 local government implementation of previously recommended  
 1173 strategies must be made by affirmative vote of a majority of the  
 1174 membership of the advisory committee taken at a public hearing.  
 1175 Notice of the time, date, and place of the public hearing of the  
 1176 advisory committee to adopt its evaluation and final local

1177 housing incentive strategies recommendations must be published  
 1178 in a newspaper of general paid circulation in the county. The  
 1179 notice must contain a short and concise summary of the  
 1180 evaluation and local housing incentives strategies  
 1181 recommendations to be considered by the advisory committee. The  
 1182 notice must state the public place where a copy of the  
 1183 evaluation and tentative advisory committee recommendations can  
 1184 be obtained by interested persons. The final report, evaluation,  
 1185 and recommendations shall be submitted to the corporation.

1186 (6) Within 90 days after the date of receipt of the  
 1187 evaluation and local housing incentive strategies  
 1188 recommendations from the advisory committee, the governing body  
 1189 of the appointing local government shall adopt an amendment to  
 1190 its local housing assistance plan to incorporate the local  
 1191 housing incentive strategies it will implement within its  
 1192 jurisdiction. The amendment must include, at a minimum, the  
 1193 local housing incentive strategies required under s.  
 1194 420.9071(16). The local government must consider the strategies  
 1195 specified in paragraphs (4) (a)-(k) as recommended by the  
 1196 advisory committee.

1197 (7) The governing board of the county or the eligible  
 1198 municipality shall notify the corporation by certified mail of  
 1199 its adoption of an amendment of its local housing assistance  
 1200 plan to incorporate local housing incentive strategies. The  
 1201 notice must include a copy of the approved amended plan.

1202 (a) If the corporation fails to receive timely the  
 1203 approved amended local housing assistance plan to incorporate  
 1204 local housing incentive strategies, a notice of termination of

1205 its share of the local housing distribution shall be sent by  
 1206 certified mail by the corporation to the affected county or  
 1207 eligible municipality. The notice of termination must specify a  
 1208 date of termination of the funding if the affected county or  
 1209 eligible municipality has not adopted an amended local housing  
 1210 assistance plan to incorporate local housing incentive  
 1211 strategies. If the county or the eligible municipality has not  
 1212 adopted an amended local housing assistance plan to incorporate  
 1213 local housing incentive strategies by the termination date  
 1214 specified in the notice of termination, the local distribution  
 1215 share terminates; and any uncommitted local distribution funds  
 1216 held by the affected county or eligible municipality in its  
 1217 local housing assistance trust fund shall be transferred to the  
 1218 Local Government Housing Trust Fund to the credit of the  
 1219 corporation to administer the local government housing program  
 1220 ~~pursuant to s. 420.9078.~~

1221 Section 19. Section 420.9078, Florida Statutes, is  
 1222 repealed.

1223 Section 20. Section 420.9079, Florida Statutes, as amended  
 1224 by chapter 2009-2, Laws of Florida, is amended to read:

1225 420.9079 Local Government Housing Trust Fund.--

1226 (1) There is created in the State Treasury the Local  
 1227 Government Housing Trust Fund, which shall be administered by  
 1228 the corporation on behalf of the department according to the  
 1229 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this  
 1230 section. There shall be deposited into the fund a portion of the  
 1231 documentary stamp tax revenues as provided in s. 201.15, moneys  
 1232 received from any other source for the purposes of ss. 420.907-

1233 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds  
 1234 derived from the investment of such moneys. Moneys in the fund  
 1235 that are not currently needed for the purposes of the programs  
 1236 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~  
 1237 and this section shall be deposited to the credit of the fund  
 1238 and may be invested as provided by law. The interest received on  
 1239 any such investment shall be credited to the fund.

1240 (2) The corporation shall administer the fund exclusively  
 1241 for the purpose of implementing the programs described in ss.  
 1242 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the  
 1243 exception of monitoring the activities of counties and eligible  
 1244 municipalities to determine local compliance with program  
 1245 requirements, the corporation shall not receive appropriations  
 1246 from the fund for administrative or personnel costs. For the  
 1247 purpose of implementing the compliance monitoring provisions of  
 1248 s. 420.9075(9), the corporation may request a maximum of one-  
 1249 quarter of 1 percent of the annual appropriation per state  
 1250 fiscal year. When such funding is appropriated, the corporation  
 1251 shall deduct the amount appropriated prior to calculating the  
 1252 local housing distribution pursuant to ss. 420.9072 and  
 1253 420.9073.

1254 ~~(3) Notwithstanding any provision of this section to the~~  
 1255 ~~contrary and for the 2008-2009 fiscal year only, the corporation~~  
 1256 ~~shall return unexpended funds held by the corporation pursuant~~  
 1257 ~~to this section and part V of this chapter to the State Treasury~~  
 1258 ~~as directed by law. This subsection expires June 30, 2009.~~

1259 Section 21. Subsection (12) of section 1001.43, Florida  
 1260 Statutes, is amended to read:

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1261           1001.43 Supplemental powers and duties of district school  
 1262 board.--The district school board may exercise the following  
 1263 supplemental powers and duties as authorized by this code or  
 1264 State Board of Education rule.

1265           (12) AFFORDABLE HOUSING.--A district school board may use  
 1266 portions of school sites purchased within the guidelines of the  
 1267 State Requirements for Educational Facilities, land deemed not  
 1268 usable for educational purposes because of location or other  
 1269 factors, or land declared as surplus by the board to provide  
 1270 sites for affordable housing for teachers and other district  
 1271 personnel and, in areas of critical state concern, for other  
 1272 essential services personnel as defined by local affordable  
 1273 housing eligibility requirements, independently or in  
 1274 conjunction with other agencies as described in subsection (5).

1275           Section 22. Except as otherwise expressly provided in this  
 1276 act, this act shall take effect July 1, 2009.