

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. 201.15, F.S.; removing a limitation on the amount of
37 | proceeds from excise taxes on documents which may be
38 | deposited into the State Housing Trust Fund on or after a
39 | specified date; amending s. 212.055, F.S.; redefining the
40 | term "infrastructure" to allow the proceeds of a local
41 | government infrastructure surtax to be used to purchase
42 | land for certain purposes relating to construction of
43 | affordable housing; amending s. 420.503, F.S.; defining
44 | the term "moderate rehabilitation" for purposes of the
45 | Florida Housing Finance Corporation Act; amending s.
46 | 420.507, F.S.; prohibiting the corporation from limiting
47 | the number of certain applications eligible for
48 | consideration; providing applicability; providing the
49 | corporation with certain powers relating to competitive
50 | programs; providing criteria for the evaluation of
51 | domicile and experience of developers and general
52 | contractors; providing the corporation with certain powers
53 | relating to developing and administering a grant program;
54 | requiring the corporation to adopt rules; amending s.
55 | 420.5087, F.S.; revising purposes for which state
56 | apartment incentive loans may be used; amending s.

57 | 420.615, F.S.; revising provisions relating to
58 | comprehensive plan amendments; authorizing certain persons
59 | to challenge the compliance of an amendment; amending s.
60 | 420.622, F.S.; authorizing the agencies that provide a
61 | local homeless assistance continuum of care to use
62 | homeless housing assistance grants, provided by the State
63 | Office on Homelessness within the Department of Children
64 | and Family Services, to acquire transitional or permanent
65 | housing units for homeless persons; creating s. 420.628,
66 | F.S.; providing legislative findings and intent; requiring
67 | certain governmental entities to develop and implement
68 | strategies and procedures designed to increase affordable
69 | housing opportunities for young adults who are leaving the
70 | child welfare system; amending s. 420.9071, F.S.; revising
71 | and providing definitions; amending s. 420.9072, F.S.;
72 | conforming a cross-reference; authorizing counties and
73 | eligible municipalities to use funds from the State
74 | Housing Initiatives Partnership Program to provide
75 | relocation grants for persons who are evicted from rental
76 | properties that are in foreclosure; providing eligibility
77 | requirements for receiving a grant; providing that
78 | authorization for the relocation grants expires July 1,
79 | 2010; amending s. 420.9073, F.S.; revising the frequency
80 | with which local housing distributions are to be made by
81 | the corporation; authorizing the corporation to withhold
82 | funds from the total distribution annually for specified
83 | purposes; requiring counties and eligible municipalities
84 | that receive local housing distributions to expend those

85 funds in a specified manner; reenacting and amending s.
86 420.9075(5)(d), F.S., to extend the expiration date of an
87 exemption from certain income requirements in specified
88 areas to qualify for awards from local housing assistance
89 trust funds; providing for retroactive operation; amending
90 s. 420.9075, F.S.; requiring that local housing assistance
91 plans address the special housing needs of persons with
92 disabilities; authorizing the corporation to define high-
93 cost counties and eligible municipalities by rule;
94 authorizing high-cost counties and certain municipalities
95 to assist persons and households meeting specific income
96 requirements; revising requirements to be included in the
97 local housing assistance plan; requiring counties and
98 certain municipalities to include certain initiatives and
99 strategies in the local housing assistance plan; revising
100 criteria that apply to awards made for the purpose of
101 providing eligible housing; authorizing and limiting the
102 percentage of funds from the local housing distribution
103 that may be used for manufactured housing; authorizing the
104 use of certain funds for preconstruction activities;
105 providing that certain costs are a program expense;
106 authorizing counties and certain municipalities to award
107 grant funds under certain conditions; providing for the
108 repayment of funds by the local housing assistance trust
109 fund; deleting cross-references to conform to changes made
110 by the act; amending s. 420.9076, F.S.; revising
111 appointments to a local affordable housing advisory
112 committee; revising notice requirements for public

113 | hearings of the advisory committee; requiring the
 114 | committee's final report, evaluation, and recommendations
 115 | to be submitted to the corporation; deleting a cross-
 116 | reference to conform to changes made by the act; repealing
 117 | s. 420.9078, F.S., relating to state administration of
 118 | funds remaining in the Local Government Housing Trust
 119 | Fund; amending s. 420.9079, F.S.; conforming cross-
 120 | references; amending s. 1001.43, F.S.; revising district
 121 | school board powers and duties in relation to use of land
 122 | for affordable housing in certain areas for certain
 123 | personnel; providing effective dates.

124 |

125 | Be It Enacted by the Legislature of the State of Florida:

126 |

127 | Section 1. Subsection (4) of section 159.807, Florida
 128 | Statutes, is amended to read:

129 | 159.807 State allocation pool.--

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

136 | (b) Notwithstanding the provisions of paragraph (a), on or
 137 | before November 15 of each year, the Florida Housing Finance
 138 | Corporation's access to the state allocation pool is limited to
 139 | the amount of the corporation's initial allocation under s.
 140 | 159.804. Thereafter, the corporation may not receive more than

141 80 percent of the amount in the state allocation pool on
 142 November 16 of each year, and may not receive more than 80
 143 percent of any additional amounts that become available during
 144 the remainder of the calendar year, provided the limitations set
 145 forth in this paragraph shall not apply to the allocation of
 146 state volume limitation to the Florida Housing Finance
 147 Corporation pursuant to s. 159.81(2) (b), (c), or (d). This
 148 ~~subsection does not apply to the Florida Housing Finance~~
 149 ~~Corporation:~~

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

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

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

163 163.3202 Land development regulations.--

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

167 (a) Regulate the subdivision of land.+

168 (b) Regulate the use of land and water for those land use

169 categories included in the land use element and ensure the
 170 compatibility of adjacent uses and provide for open space.~~†~~
 171 (c) Provide for protection of potable water wellfields.~~†~~
 172 (d) Regulate areas subject to seasonal and periodic
 173 flooding and provide for drainage and stormwater management.~~†~~
 174 (e) Ensure the protection of environmentally sensitive
 175 lands designated in the comprehensive plan.~~†~~
 176 (f) Regulate signage.~~†~~
 177 (g) Provide that public facilities and services meet or
 178 exceed the standards established in the capital improvements
 179 element required by s. 163.3177 and are available when needed
 180 for the development, or that development orders and permits are
 181 conditioned on the availability of these public facilities and
 182 services necessary to serve the proposed development. Not later
 183 than 1 year after its due date established by the state land
 184 planning agency's rule for submission of local comprehensive
 185 plans pursuant to s. 163.3167(2), a local government shall not
 186 issue a development order or permit which results in a reduction
 187 in the level of services for the affected public facilities
 188 below the level of services provided in the comprehensive plan
 189 of the local government.
 190 (h) Ensure safe and convenient onsite traffic flow,
 191 considering needed vehicle parking.
 192 (i) Maintain the existing density of residential
 193 properties or recreational vehicle parks if the properties or
 194 parks are intended for residential use and are located in the
 195 unincorporated areas that have sufficient infrastructure, as
 196 determined by a local governing authority, and are not located

197 within a coastal high-hazard area under s. 163.3178.

198 Section 3. Section 193.018, Florida Statutes, is created
 199 to read:

200 193.018 Land owned by a community land trust used to
 201 provide affordable housing; assessment; structural improvements,
 202 condominium parcels, and cooperative parcels.--

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

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

223 (3) In arriving at just valuation under s. 193.011, a
 224 structural improvement, condominium parcel, or cooperative

225 parcel providing affordable housing on land owned by a community
 226 land trust, and the land owned by a community land trust that is
 227 subject to a 99-year or longer ground lease, shall be assessed
 228 using the following criteria:

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

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

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

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

248 196.196 Determining whether property is entitled to
 249 charitable, religious, scientific, or literary exemption.--

250 (5) (a) Property owned by an exempt organization qualified
 251 as charitable under s. 501(c) (3) of the Internal Revenue Code is
 252 used for a charitable purpose if the organization has taken

253 affirmative steps to prepare the property to provide affordable
254 housing to persons or families that meet the extremely-low-
255 income, very-low-income, low-income, or moderate-income limits,
256 as specified in s. 420.0004. The term "affirmative steps" means
257 environmental or land use permitting activities, creation of
258 architectural plans or schematic drawings, land clearing or site
259 preparation, construction or renovation activities, or other
260 similar activities that demonstrate a commitment of the property
261 to providing affordable housing.

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

280 2. Such lien, when filed, attaches to any property

281 identified in the notice of tax lien owned by the organization
 282 that illegally or improperly received the exemption. If such
 283 organization no longer owns property in the county but owns
 284 property in any other county in the state, the property
 285 appraiser shall record in each such other county a notice of tax
 286 lien identifying the property owned by such organization in such
 287 county which shall become a lien against the identified
 288 property. Before any such lien may be filed, the organization so
 289 notified must be given 30 days to pay the taxes, penalties, and
 290 interest.

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

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

299 Section 5. Section 196.1978, Florida Statutes, is amended
 300 to read:

301 196.1978 Affordable housing property exemption.--Property
 302 used to provide affordable housing serving eligible persons as
 303 defined by s. 159.603(7) and natural persons or families meeting
 304 the extremely-low-income, very-low-income, low-income, or
 305 moderate-income persons meeting income limits specified in s.
 306 420.0004 s. 420.0004(8), (10), (11), and (15), which property is
 307 owned entirely by a nonprofit entity that is a corporation not
 308 for profit, qualified as charitable under s. 501(c)(3) of the

309 Internal Revenue Code and in compliance with Rev. Proc. 96-32,
 310 1996-1 C.B. 717, or a Florida-based limited partnership, the
 311 sole general partner of which is a corporation not for profit
 312 which is qualified as charitable under s. 501(c)(3) of the
 313 Internal Revenue Code and which complies with Rev. Proc. 96-32,
 314 1996-1 C.B. 717, shall be considered property owned by an exempt
 315 entity and used for a charitable purpose, and those portions of
 316 the affordable housing property which provide housing to natural
 317 persons or families classified as extremely low income, very low
 318 income, low income, or moderate income under s. 420.0004
 319 ~~individuals with incomes as defined in s. 420.0004(10) and (15)~~
 320 shall be exempt from ad valorem taxation to the extent
 321 authorized in s. 196.196. All property identified in this
 322 section shall comply with the criteria for determination of
 323 exempt status to be applied by property appraisers on an annual
 324 basis as defined in s. 196.195. The Legislature intends that any
 325 property owned by a limited liability company or limited
 326 partnership which is disregarded as an entity for federal income
 327 tax purposes pursuant to Treasury Regulation 301.7701-
 328 3(b)(1)(ii) shall be treated as owned by its sole member or sole
 329 general partner.

330 Section 6. Subsections (9), (10), and (13) of section
 331 201.15, Florida Statutes, are amended to read:

332 201.15 Distribution of taxes collected.--All taxes
 333 collected under this chapter are subject to the service charge
 334 imposed in s. 215.20(1). Prior to distribution under this
 335 section, the Department of Revenue shall deduct amounts
 336 necessary to pay the costs of the collection and enforcement of

337 the tax levied by this chapter. Such costs and the service
 338 charge may not be levied against any portion of taxes pledged to
 339 debt service on bonds to the extent that the costs and service
 340 charge are required to pay any amounts relating to the bonds.
 341 All taxes remaining after deduction of costs and the service
 342 charge shall be distributed as follows:

343 (9) Seven and fifty-three hundredths ~~The lesser of 7.53~~
 344 percent of the remaining taxes collected under this chapter ~~or~~
 345 ~~\$107 million~~ in each fiscal year shall be paid into the State
 346 Treasury to the credit of the State Housing Trust Fund and shall
 347 be used as follows:

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

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

355 (10) Eight and sixty-six hundredths ~~The lesser of 8.66~~
 356 percent of the remaining taxes collected under this chapter ~~or~~
 357 ~~\$136 million~~ in each fiscal year shall be paid into the State
 358 Treasury to the credit of the State Housing Trust Fund and shall
 359 be used as follows:

360 (a) Twelve and one-half percent of that amount shall be
 361 deposited into the State Housing Trust Fund and be expended by
 362 the Department of Community Affairs and by the Florida Housing
 363 Finance Corporation for the purposes for which the State Housing
 364 Trust Fund was created and exists by law.

365 (b) Eighty-seven and one-half percent of that amount shall
 366 be distributed to the Local Government Housing Trust Fund and
 367 shall be used for the purposes for which the Local Government
 368 Housing Trust Fund was created and exists by law. Funds from
 369 this category may also be used to provide for state and local
 370 services to assist the homeless.

371 (13) Beginning July 1, 2009 ~~2008~~, in each fiscal year that
 372 the remaining taxes collected under this chapter exceed
 373 collections in the prior fiscal year, the stated maximum dollar
 374 amounts provided in subsections (2), (4), (6), and (7), ~~(9)~~, and
 375 ~~(10)~~ shall each be increased by an amount equal to 10 percent of
 376 the increase in the remaining taxes collected under this chapter
 377 multiplied by the applicable percentage provided in those
 378 subsections.

379 Section 7. Paragraph (d) of subsection (2) of section
 380 212.055, Florida Statutes, is amended to read:

381 212.055 Discretionary sales surtaxes; legislative intent;
 382 authorization and use of proceeds.--It is the legislative intent
 383 that any authorization for imposition of a discretionary sales
 384 surtax shall be published in the Florida Statutes as a
 385 subsection of this section, irrespective of the duration of the
 386 levy. Each enactment shall specify the types of counties
 387 authorized to levy; the rate or rates which may be imposed; the
 388 maximum length of time the surtax may be imposed, if any; the
 389 procedure which must be followed to secure voter approval, if
 390 required; the purpose for which the proceeds may be expended;
 391 and such other requirements as the Legislature may provide.
 392 Taxable transactions and administrative procedures shall be as

393 provided in s. 212.054.

394 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

395 (d)~~1~~. The proceeds of the surtax authorized by this
 396 subsection and any accrued interest ~~accrued thereto~~ shall be
 397 expended by the school district, ~~or~~ within the county and
 398 municipalities within the county, or, in the case of a
 399 negotiated joint county agreement, within another county, to
 400 finance, plan, and construct infrastructure; ~~and~~ to acquire land
 401 for public recreation, ~~or~~ conservation, ~~or~~ protection of natural
 402 resources; ~~or~~ ~~and~~ to finance the closure of county-owned or
 403 municipally owned solid waste landfills that have been ~~are~~
 404 ~~already~~ closed or are required to be closed ~~close~~ by order of
 405 the Department of Environmental Protection. Any use of the ~~such~~
 406 proceeds or interest for purposes of landfill closure before
 407 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~
 408 any interest may not ~~accrued thereto shall~~ be used for the
 409 operational expenses of ~~any~~ infrastructure, except that a ~~any~~
 410 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and
 411 that is required to close a landfill ~~by order of the Department~~
 412 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest
 413 ~~accrued thereto~~ for long-term maintenance costs associated with
 414 landfill closure. Counties, as defined in s. 125.011 ~~s.~~
 415 ~~125.011(1)~~, and charter counties may, in addition, use the
 416 proceeds or ~~and~~ ~~any~~ interest ~~accrued thereto~~ to retire or
 417 service indebtedness incurred for bonds issued before ~~prior to~~
 418 July 1, 1987, for infrastructure purposes, and for bonds
 419 subsequently issued to refund such bonds. Any use of the ~~such~~
 420 proceeds or interest for purposes of retiring or servicing

421 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~
 422 July 1, 1999, is ratified.

423 1.2. For the purposes of this paragraph, the term
 424 "infrastructure" means:

425 a. Any fixed capital expenditure or fixed capital outlay
 426 associated with the construction, reconstruction, or improvement
 427 of public facilities that have a life expectancy of 5 or more
 428 years and any related land acquisition, land improvement,
 429 design, and engineering costs ~~related thereto~~.

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

435 c. Any expenditure for the construction, lease, or
 436 maintenance of, or provision of utilities or security for,
 437 facilities, as defined in s. 29.008.

438 d. Any fixed capital expenditure or fixed capital outlay
 439 associated with the improvement of private facilities that have
 440 a life expectancy of 5 or more years and that the owner agrees
 441 to make available for use on a temporary basis as needed by a
 442 local government as a public emergency shelter or a staging area
 443 for emergency response equipment during an emergency officially
 444 declared by the state or by the local government under s.
 445 252.38. Such improvements ~~under this sub-subparagraph~~ are
 446 limited to those necessary to comply with current standards for
 447 public emergency evacuation shelters. The owner must ~~shall~~ enter
 448 into a written contract with the local government providing the

449 improvement funding to make the ~~such~~ private facility available
450 to the public for purposes of emergency shelter at no cost to
451 the local government for a minimum ~~period~~ of 10 years after
452 completion of the improvement, with the provision that the ~~such~~
453 obligation will transfer to any subsequent owner until the end
454 of the minimum period.

455 e. Any land-acquisition expenditure for a residential
456 housing project in which at least 30 percent of the units are
457 affordable to individuals or families whose total annual
458 household income does not exceed 120 percent of the area median
459 income adjusted for household size, if the land is owned by a
460 local government or by a special district that enters into a
461 written agreement with the local government to provide such
462 housing. The local government or special district may enter into
463 a ground lease with a public or private person or entity for
464 nominal or other consideration for the construction of the
465 residential housing project on land acquired pursuant to this
466 sub-subparagraph.

467 2.3. Notwithstanding any other provision of this
468 subsection, a local government infrastructure discretionary
469 ~~sales~~ surtax imposed or extended after July 1, 1998, ~~the~~
470 ~~effective date of this act~~ may allocate up to ~~provide for an~~
471 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax
472 proceeds ~~to be allocated~~ for deposit in ~~to~~ a trust fund within
473 the county's accounts created for the purpose of funding
474 economic development projects having ~~of~~ a general public purpose
475 of improving ~~targeted to improve~~ local economies, including the
476 funding of operational costs and incentives related to ~~such~~

477 economic development. The ballot statement must indicate the
478 intention to make an allocation under the authority of this
479 subparagraph.

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

484 420.503 Definitions.--As used in this part, the term:

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

489 Section 9. Subsection (35) of section 420.507, Florida
490 Statutes, is amended, and subsections (47) and (48) are added to
491 that section, to read:

492 420.507 Powers of the corporation.--The corporation shall
493 have all the powers necessary or convenient to carry out and
494 effectuate the purposes and provisions of this part, including
495 the following powers which are in addition to all other powers
496 granted by other provisions of this part:

497 (35) To preclude from further participation in any of the
498 corporation's programs, for a period of up to 2 years, any
499 applicant or affiliate of an applicant which has made a material
500 misrepresentation or engaged in fraudulent actions in connection
501 with any application for a corporation program, except that the
502 corporation may not limit the number of applications, whether by
503 overall number or by category, from any applicant or affiliate
504 of an applicant that are otherwise eligible for consideration in

505 any of the corporation's programs. The prohibition on limitation
 506 of applications shall be applicable to any application cycle
 507 commenced after the effective date of this act.

508 (47) To provide by rule, in connection with any
 509 corporation competitive program, criteria establishing a
 510 preference for developers and general contractors domiciled in
 511 this state and for developers and general contractors,
 512 regardless of domicile, who have substantial experience in
 513 developing or building affordable housing through the
 514 corporation's programs.

515 (a) In evaluating whether a developer or general
 516 contractor is domiciled in this state, the corporation shall
 517 consider whether the developer's or general contractor's
 518 principal office is located in this state and whether a majority
 519 of the developer's or general contractor's principals and
 520 financial beneficiaries reside in Florida.

521 (b) In evaluating whether a developer or general
 522 contractor has substantial experience, the corporation shall
 523 consider whether the developer or general contractor has
 524 completed at least five developments using funds either provided
 525 by or administered by the corporation.

526 (48) To develop and administer the Florida Public Housing
 527 Authority Preservation Grant Program. In developing and
 528 administering the program, the corporation may:

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

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

535 Section 10. Paragraphs (c) and (l) of subsection (6) of
 536 section 420.5087, Florida Statutes, are amended to read:

537 420.5087 State Apartment Incentive Loan Program.--There is
 538 hereby created the State Apartment Incentive Loan Program for
 539 the purpose of providing first, second, or other subordinated
 540 mortgage loans or loan guarantees to sponsors, including for-
 541 profit, nonprofit, and public entities, to provide housing
 542 affordable to very-low-income persons.

543 (6) On all state apartment incentive loans, except loans
 544 made to housing communities for the elderly to provide for
 545 lifesafety, building preservation, health, sanitation, or
 546 security-related repairs or improvements, the following
 547 provisions shall apply:

548 (c) The corporation shall provide by rule for the
 549 establishment of a review committee composed of the department
 550 and corporation staff and shall establish by rule a scoring
 551 system for evaluation and competitive ranking of applications
 552 submitted in this program, including, but not limited to, the
 553 following criteria:

554 1. Tenant income and demographic targeting objectives of
 555 the corporation.

556 2. Targeting objectives of the corporation which will
 557 ensure an equitable distribution of loans between rural and
 558 urban areas.

559 3. Sponsor's agreement to reserve the units for persons or
 560 families who have incomes below 50 percent of the state or local

561 median income, whichever is higher, for a time period to exceed
 562 the minimum required by federal law or the provisions of this
 563 part.

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

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

568 b. Forty percent of the units in the project for persons
 569 or families who have incomes that do not exceed 60 percent of
 570 the state or local median income, whichever is higher, without
 571 requiring a greater amount of the loans as provided in this
 572 section.

573 5. Provision for tenant counseling.

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

576 7. Projects requiring the least amount of a state
 577 apartment incentive loan compared to overall project cost except
 578 that the share of the loan attributable to units serving
 579 extremely-low-income persons shall be excluded from this
 580 requirement.

581 8. Local government contributions and local government
 582 comprehensive planning and activities that promote affordable
 583 housing.

584 9. Project feasibility.

585 10. Economic viability of the project.

586 11. Commitment of first mortgage financing.

587 12. Sponsor's prior experience, including whether the
 588 developer and general contractor have substantial experience, as

589 provided in s. 420.507(47).

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

591 14. Projects that directly implement or assist welfare-to-
592 work transitioning.

593 15. Projects that reserve units for extremely-low-income
594 persons.

595 16. Projects that include green building principles,
596 storm-resistant construction, or other elements that reduce
597 long-term costs relating to maintenance, utilities, or
598 insurance.

599 17. Domicile of the developer and general contractor, as
600 provided in s. 420.507(47).

601 (1) The proceeds of all loans shall be used for new
602 construction, moderate rehabilitation, or substantial
603 rehabilitation which creates or preserves affordable, safe, and
604 sanitary housing units.

605 Section 11. Subsection (5) of section 420.615, Florida
606 Statutes, is amended to read:

607 420.615 Affordable housing land donation density bonus
608 incentives.--

609 (5) The local government, as part of the approval process,
610 shall adopt a comprehensive plan amendment, pursuant to part II
611 of chapter 163, for the receiving land that incorporates the
612 density bonus. Such amendment shall be deemed by operation of
613 law a small scale amendment, shall be subject only to the
614 requirements of adopted in the manner as required for small-
615 scale amendments pursuant to s. 163.3187(1)(c)2. and 3., is not
616 subject to the requirements of s. 163.3184 (3)-(11)(3)-(6), and

617 is exempt from s. 163.3187(1)(c)1. and the limitation on the
 618 frequency of plan amendments as provided in s. 163.3187. An
 619 affected person, as defined in s. 163.3184(1), may file a
 620 petition for administrative review pursuant to the requirements
 621 of s. 163.3187(3) to challenge the compliance of an adopted plan
 622 amendment.

623 Section 12. Subsection (5) of section 420.622, Florida
 624 Statutes, is amended to read:

625 420.622 State Office on Homelessness; Council on
 626 Homelessness.--

627 (5) The State Office on Homelessness, with the concurrence
 628 of the Council on Homelessness, may administer moneys
 629 appropriated to it to provide homeless housing assistance grants
 630 annually to lead agencies for local homeless assistance
 631 continuum of care, as recognized by the State Office on
 632 Homelessness, to acquire, construct, or rehabilitate
 633 transitional or permanent housing units for homeless persons.
 634 These moneys shall consist of any sums that the state may
 635 appropriate, as well as money received from donations, gifts,
 636 bequests, or otherwise from any public or private source, which
 637 are ~~money is~~ intended to acquire, construct, or rehabilitate
 638 transitional or permanent housing units for homeless persons.

639 (a) Grant applicants shall be ranked competitively.
 640 Preference must be given to applicants who leverage additional
 641 private funds and public funds, particularly federal funds
 642 designated for the acquisition, construction, or ~~and~~
 643 rehabilitation of transitional or permanent housing for homeless
 644 persons; ~~7~~ who acquire, build, or rehabilitate the greatest

645 number of units; ~~and~~ and who acquire, build, or rehabilitate in
 646 catchment areas having the greatest need for housing for the
 647 homeless relative to the population of the catchment area.

648 (b) Funding for any particular project may not exceed
 649 \$750,000.

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

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

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

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

664 Section 13. Section 420.628, Florida Statutes, is created
 665 to read:

666 420.628 Affordable housing for children and young adults
 667 leaving foster care.--

668 (1) (a) The Legislature finds that many young people who
 669 live in foster families, group homes, and institutions face
 670 numerous barriers to a successful transition to adulthood,
 671 through no fault of their own and that youth in, or
 672 transitioning out of, foster care may enter adulthood lacking

673 the knowledge, skills, attitudes, habits, and relationships that
674 will enable them to become productive members of society.

675 (b) The Legislature further finds that the main barriers
676 to safe and affordable housing for youth aging out of the foster
677 care system are cost, lack of availability, the unwillingness of
678 many landlords to rent to them due to perceived regulatory
679 barriers, and their own lack of knowledge about how to be good
680 tenants.

681 (c) The Legislature also finds that young adults who
682 emancipate from the child welfare system are at risk of becoming
683 homeless and those who were formerly in foster care are
684 disproportionately represented in the homeless population. The
685 Legislature further finds that making available affordable
686 housing for young people who transition from foster care
687 decreases their chance of homelessness and may increase their
688 ability to live independently. Without the stability of safe
689 housing, all other services, training, and opportunities may not
690 be effective.

691 (d) It is therefore the intent of the Legislature that the
692 Florida Housing Finance Corporation, State Housing Initiative
693 Partnership Program agencies, local housing finance agencies,
694 public housing authorities, and other providers of affordable
695 housing coordinate with the Department of Children and Family
696 Services, their agents, and community-based care providers to
697 develop and implement strategies and procedures designed to make
698 affordable housing available to youth transitioning out of
699 foster care whenever and wherever possible.

700 (2) (a) Young adults formerly in foster care who are

701 eligible for services under s. 409.1451(5) are eligible persons,
 702 as defined by ss. 420.503(17) and 420.9071(10), for affordable
 703 housing and shall be encouraged to participate in state,
 704 federal, and local affordable housing programs.

705 (b) Students deemed eligible occupants under 26 CFR s.
 706 42(i)(3)(D) shall be considered eligible persons for purposes of
 707 all projects funded under this chapter.

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

711 420.9071 Definitions.--As used in ss. 420.907-420.9079,
 712 the term:

713 (4) "Annual gross income" means annual income as defined
 714 under the Section 8 housing assistance payments programs in 24
 715 C.F.R. part 5; annual income as reported under the census long
 716 form for the recent available decennial census; or adjusted
 717 gross income as defined for purposes of reporting under Internal
 718 Revenue Service Form 1040 for individual federal annual income
 719 tax purposes or as defined by standard practices used in the
 720 lending industry as detailed in the local housing assistance
 721 plan and approved by the corporation. Counties and eligible
 722 municipalities shall calculate income by annualizing verified
 723 sources of income for the household as the amount of income to
 724 be received in a household during the 12 months following the
 725 effective date of the determination.

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

729 providing decent, safe, and sanitary residential units that are
 730 designed to meet the standards of the Florida Building Code or a
 731 predecessor building code adopted under chapter 553, or
 732 manufactured housing constructed after June 1994 and installed
 733 in accordance with mobile home installation standards of the
 734 Department of Highway Safety and Motor Vehicles, for home
 735 ownership or rental for eligible persons as designated by each
 736 county or eligible municipality participating in the State
 737 Housing Initiatives Partnership Program.

738 (16) "Local housing incentive strategies" means local
 739 regulatory reform or incentive programs to encourage or
 740 facilitate affordable housing production, which include at a
 741 minimum, assurance that permits as defined in s. 163.3164(7) and
 742 (8) for affordable housing projects are expedited to a greater
 743 degree than other projects; an ongoing process for review of
 744 local policies, ordinances, regulations, and plan provisions
 745 that increase the cost of housing prior to their adoption; and a
 746 schedule for implementing the incentive strategies. Local
 747 housing incentive strategies may also include other regulatory
 748 reforms, such as those enumerated in s. 420.9076 or those
 749 recommended by the affordable housing advisory committee in its
 750 triennial evaluation and adopted by the local governing body.

751 (25) "Recaptured funds" means funds that are recouped by a
 752 county or eligible municipality in accordance with the recapture
 753 provisions of its local housing assistance plan pursuant to s.
 754 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,
 755 which funds were not used for assistance to an eligible
 756 household for an eligible activity, when there is a ~~who~~ default

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

758 (29) "Assisted housing" or "assisted housing development"
 759 means a rental housing development, including rental housing in
 760 a mixed-use development, that received or currently receives
 761 funding from any federal or state housing program.

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

767 Section 15. Subsections (6) and (7) of section 420.9072,
 768 Florida Statutes, are amended to read:

769 420.9072 State Housing Initiatives Partnership
 770 Program.--The State Housing Initiatives Partnership Program is
 771 created for the purpose of providing funds to counties and
 772 eligible municipalities as an incentive for the creation of
 773 local housing partnerships, to expand production of and preserve
 774 affordable housing, to further the housing element of the local
 775 government comprehensive plan specific to affordable housing,
 776 and to increase housing-related employment.

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

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

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

789 (b) A county or an eligible municipality may expend a
 790 portion of the local housing distribution to provide a one-time
 791 relocation grant to persons who meet the income requirements of
 792 the State Housing Initiatives Partnership Program and who are
 793 subject to eviction from rental property located in the county
 794 or eligible municipality due to the foreclosure of the rental
 795 property. In order to receive a grant under this paragraph, a
 796 person must provide the county or eligible municipality with
 797 proof of meeting the income requirements of a very-low-income
 798 household, a low-income household, or a moderate-income
 799 household; a notice of eviction; and proof that the rent has
 800 been paid for at least 3 months before the date of eviction,
 801 including the month that the notice of eviction was served.
 802 Relocation assistance under this paragraph is limited to a one-
 803 time grant of not more than \$5,000 and is not limited to persons
 804 who are subject to eviction from projects funded under the State
 805 Housing Initiatives Partnership Program. This paragraph expires
 806 July 1, 2010.

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

810 420.9073 Local housing distributions.--

811 (1) Distributions calculated in this section shall be
 812 disbursed on a quarterly or more frequent ~~monthly~~ basis by the

813 | ~~corporation beginning the first day of the month after program~~
814 | ~~approval~~ pursuant to s. 420.9072, subject to availability of
815 | funds. Each county's share of the funds to be distributed from
816 | the portion of the funds in the Local Government Housing Trust
817 | Fund received pursuant to s. 201.15(9) shall be calculated by
818 | the corporation for each fiscal year as follows:

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

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

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

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

835 | 3. For each county in which the result in subparagraph 1.
836 | is greater than the guaranteed amount as determined in
837 | subsection (3), the amount calculated in subparagraph 1. shall
838 | be reduced by the guaranteed amount. The result for each such
839 | county shall be expressed as a percentage of the amounts so
840 | determined for all counties. Each such county shall receive an

841 additional share equal to such percentage multiplied by the
842 total funds received by the Local Government Housing Trust Fund
843 pursuant to s. 201.15(9) reduced by the guaranteed amount paid
844 to all counties.

845 (2) ~~Effective July 1, 1995,~~ Distributions calculated in
846 this section shall be disbursed on a quarterly or more frequent
847 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~
848 ~~month after program approval~~ pursuant to s. 420.9072, subject to
849 availability of funds. Each county's share of the funds to be
850 distributed from the portion of the funds in the Local
851 Government Housing Trust Fund received pursuant to s. 201.15(10)
852 shall be calculated by the corporation for each fiscal year as
853 follows:

854 (a) Each county shall receive the guaranteed amount for
855 each fiscal year.

856 (b) Each county may receive an additional share calculated
857 as follows:

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

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

863 3. For each county in which the result in subparagraph 1.
864 is greater than the guaranteed amount, the amount calculated in
865 subparagraph 1. shall be reduced by the guaranteed amount. The
866 result for each such county shall be expressed as a percentage
867 of the amounts so determined for all counties. Each such county
868 shall receive an additional share equal to this percentage

869 multiplied by the total funds received by the Local Government
870 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
871 guaranteed amount paid to all counties.

872 (5) Notwithstanding subsections (1)-(4), the corporation
873 is authorized to withhold up to \$5 million from the total
874 distribution each fiscal year to provide additional funding to
875 counties and eligible municipalities in which a state of
876 emergency has been declared by the Governor pursuant to chapter
877 252. Any portion of such funds not distributed under this
878 subsection by the end of the fiscal year shall be distributed as
879 provided in this section.

880 (6) Notwithstanding subsections (1)-(4), the corporation
881 is authorized to withhold up to \$5 million from the total
882 distribution each fiscal year to provide funding to counties and
883 eligible municipalities to purchase properties subject to a
884 State Housing Initiative Partnership Program lien and on which
885 foreclosure proceedings have been initiated by any mortgagee.
886 Each county and eligible municipality that receives funds under
887 this subsection shall repay such funds to the corporation not
888 later than the expenditure deadline for the fiscal year in which
889 the funds were awarded. Amounts not repaid shall be withheld
890 from the subsequent year's distribution. Any portion of such
891 funds not distributed under this subsection by the end of the
892 fiscal year shall be distributed as provided in this section.

893 (7) A county or eligible municipality that receives local
894 housing distributions pursuant to this section shall expend
895 those funds in accordance with the provisions of ss. 420.907-
896 420.9079, corporation rule, and its local housing assistance

897 plan.

898 Section 17. Effective upon this act becoming a law and
 899 operating retroactively to July 1, 2008, paragraph (d) of
 900 subsection (5) of section 420.9075, Florida Statutes, is
 901 reenacted and amended to read:

902 420.9075 Local housing assistance plans; partnerships.--

903 (5) The following criteria apply to awards made to
 904 eligible sponsors or eligible persons for the purpose of
 905 providing eligible housing:

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

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

923

924 If both an award under the local housing assistance plan and

925 federal low-income housing tax credits are used to assist a
 926 project and there is a conflict between the criteria prescribed
 927 in this subsection and the requirements of s. 42 of the Internal
 928 Revenue Code of 1986, as amended, the county or eligible
 929 municipality may resolve the conflict by giving precedence to
 930 the requirements of s. 42 of the Internal Revenue Code of 1986,
 931 as amended, in lieu of following the criteria prescribed in this
 932 subsection with the exception of paragraphs (a) and (d) of this
 933 subsection.

934 Section 18. Subsections (1), (3), (5), and (8), paragraphs
 935 (a) and (h) of subsection (10), and paragraph (b) of subsection
 936 (13) of section 420.9075, Florida Statutes, as amended by this
 937 act, are amended, and subsection (14) is added to that section,
 938 to read:

939 420.9075 Local housing assistance plans; partnerships.--

940 (1) (a) Each county or eligible municipality participating
 941 in the State Housing Initiatives Partnership Program shall
 942 develop and implement a local housing assistance plan created to
 943 make affordable residential units available to persons of very
 944 low income, low income, or moderate income and to persons who
 945 have special housing needs, including, but not limited to,
 946 homeless people, the elderly, ~~and migrant farmworkers,~~ and
 947 persons with disabilities. High-cost counties or eligible
 948 municipalities as defined by rule of the corporation may include
 949 strategies to assist persons and households having annual
 950 incomes of not more than 140 percent of area median income. The
 951 plans are intended to increase the availability of affordable
 952 residential units by combining local resources and cost-saving

953 | measures into a local housing partnership and using private and
 954 | public funds to reduce the cost of housing.

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

956 | 1. Implement local housing assistance strategies for the
 957 | provision of affordable housing.

958 | 2. Supplement funds available to the corporation to
 959 | provide enhanced funding of state housing programs within the
 960 | county or the eligible municipality.

961 | 3. Provide the local matching share of federal affordable
 962 | housing grants or programs.

963 | 4. Fund emergency repairs, including, but not limited to,
 964 | repairs performed by existing service providers under
 965 | weatherization assistance programs under ss. 409.509-409.5093.

966 | 5. Further the housing element of the local government
 967 | comprehensive plan adopted pursuant to s. 163.3184, specific to
 968 | affordable housing.

969 | (3) (a) Each local housing assistance plan shall include a
 970 | definition of essential service personnel for the county or
 971 | eligible municipality, including, but not limited to, teachers
 972 | and educators, other school district, community college, and
 973 | university employees, police and fire personnel, health care
 974 | personnel, skilled building trades personnel, and other job
 975 | categories.

976 | (b) Each county and each eligible municipality is
 977 | encouraged to develop a strategy within its local housing
 978 | assistance plan that emphasizes the recruitment and retention of
 979 | essential service personnel. The local government is encouraged
 980 | to involve public and private sector employers. Compliance with

981 the eligibility criteria established under this strategy shall
982 be verified by the county or eligible municipality.

983 (c) Each county and each eligible municipality is
984 encouraged to develop a strategy within its local housing
985 assistance plan that addresses the needs of persons who are
986 deprived of affordable housing due to the closure of a mobile
987 home park or the conversion of affordable rental units to
988 condominiums.

989 (d) Each county and each eligible municipality shall
990 describe initiatives in the local housing assistance plan to
991 encourage or require innovative design, green building
992 principles, storm-resistant construction, or other elements that
993 reduce long-term costs relating to maintenance, utilities, or
994 insurance.

995 (e) Each county and each eligible municipality is
996 encouraged to develop a strategy within its local housing
997 assistance plan that provides program funds for the preservation
998 of assisted housing.

999 (5) The following criteria apply to awards made to
1000 eligible sponsors or eligible persons for the purpose of
1001 providing eligible housing:

1002 (a) At least 65 percent of the funds made available in
1003 each county and eligible municipality from the local housing
1004 distribution must be reserved for home ownership for eligible
1005 persons.

1006 (b) At least 75 percent of the funds made available in
1007 each county and eligible municipality from the local housing
1008 distribution must be reserved for construction, rehabilitation,

1009 or emergency repair of affordable, eligible housing.

1010 (c) Not more than 20 percent of the funds made available
 1011 in each county and eligible municipality from the local housing
 1012 distribution may be used for manufactured housing.

1013 (d)-(e) The sales price or value of new or existing
 1014 eligible housing may not exceed 90 percent of the average area
 1015 purchase price in the statistical area in which the eligible
 1016 housing is located. Such average area purchase price may be that
 1017 calculated for any 12-month period beginning not earlier than
 1018 the fourth calendar year prior to the year in which the award
 1019 occurs or as otherwise established by the United States
 1020 Department of the Treasury.

1021 (e)-(d)1. All units constructed, rehabilitated, or
 1022 otherwise assisted with the funds provided from the local
 1023 housing assistance trust fund must be occupied by very-low-
 1024 income persons, low-income persons, and moderate-income persons
 1025 except as otherwise provided in this section.

1026 2. At least 30 percent of the funds deposited into the
 1027 local housing assistance trust fund must be reserved for awards
 1028 to very-low-income persons or eligible sponsors who will serve
 1029 very-low-income persons and at least an additional 30 percent of
 1030 the funds deposited into the local housing assistance trust fund
 1031 must be reserved for awards to low-income persons or eligible
 1032 sponsors who will serve low-income persons. This subparagraph
 1033 does not apply to a county or an eligible municipality that
 1034 includes, or has included within the previous 5 years, an area
 1035 of critical state concern designated or ratified by the
 1036 Legislature for which the Legislature has declared its intent to

1037 provide affordable housing. The exemption created by this act
 1038 expires on July 1, 2013.

1039 (f)~~(e)~~ Loans shall be provided for periods not exceeding
 1040 30 years, except for deferred payment loans or loans that extend
 1041 beyond 30 years which continue to serve eligible persons.

1042 (g)~~(f)~~ Loans or grants for eligible rental housing
 1043 constructed, rehabilitated, or otherwise assisted from the local
 1044 housing assistance trust fund must be subject to recapture
 1045 requirements as provided by the county or eligible municipality
 1046 in its local housing assistance plan unless reserved for
 1047 eligible persons for 15 years or the term of the assistance,
 1048 whichever period is longer. Eligible sponsors that offer rental
 1049 housing for sale before 15 years or that have remaining
 1050 mortgages funded under this program must give a first right of
 1051 refusal to eligible nonprofit organizations for purchase at the
 1052 current market value for continued occupancy by eligible
 1053 persons.

1054 (h)~~(g)~~ Loans or grants for eligible owner-occupied housing
 1055 constructed, rehabilitated, or otherwise assisted from proceeds
 1056 provided from the local housing assistance trust fund shall be
 1057 subject to recapture requirements as provided by the county or
 1058 eligible municipality in its local housing assistance plan.

1059 (i)~~(h)~~ The total amount of monthly mortgage payments or
 1060 the amount of monthly rent charged by the eligible sponsor or
 1061 her or his designee must be made affordable.

1062 (j)~~(i)~~ The maximum sales price or value per unit and the
 1063 maximum award per unit for eligible housing benefiting from
 1064 awards made pursuant to this section must be established in the

1065 local housing assistance plan.

1066 (k)~~(j)~~ The benefit of assistance provided through the
 1067 State Housing Initiatives Partnership Program must accrue to
 1068 eligible persons occupying eligible housing. This provision
 1069 shall not be construed to prohibit use of the local housing
 1070 distribution funds for a mixed income rental development.

1071 (l)~~(k)~~ Funds from the local housing distribution not used
 1072 to meet the criteria established in paragraph (a) or paragraph
 1073 (b) or not used for the administration of a local housing
 1074 assistance plan must be used for housing production and finance
 1075 activities, including, but not limited to, financing
 1076 preconstruction activities or the purchase of existing units,
 1077 providing rental housing, and providing home ownership training
 1078 to prospective home buyers and owners of homes assisted through
 1079 the local housing assistance plan.

1080 1. Notwithstanding the provisions of paragraphs (a) and
 1081 (b), program income as defined in s. 420.9071(24) may also be
 1082 used to fund activities described in this paragraph.

1083 2. When preconstruction due diligence activities conducted
 1084 as part of a preservation strategy show that preservation of the
 1085 units is not feasible and will not result in the production of
 1086 an eligible unit, such costs shall be deemed a program expense
 1087 rather than an administrative expense if such program expenses
 1088 do not exceed 3 percent of the annual local housing
 1089 distribution.

1090 3. If both an award under the local housing assistance
 1091 plan and federal low-income housing tax credits are used to
 1092 assist a project and there is a conflict between the criteria

1093 prescribed in this subsection and the requirements of s. 42 of
 1094 the Internal Revenue Code of 1986, as amended, the county or
 1095 eligible municipality may resolve the conflict by giving
 1096 precedence to the requirements of s. 42 of the Internal Revenue
 1097 Code of 1986, as amended, in lieu of following the criteria
 1098 prescribed in this subsection with the exception of paragraphs
 1099 (a) and (e) ~~(d)~~ of this subsection.

1100 4. Each county and each eligible municipality may award
 1101 funds as a grant for construction, rehabilitation, or repair as
 1102 part of disaster recovery or emergency repairs or to remedy
 1103 accessibility or health and safety deficiencies. Any other
 1104 grants must be approved as part of the local housing assistance
 1105 plan.

1106 (8) Pursuant to s. 420.531, the corporation shall provide
 1107 training and technical assistance to local governments regarding
 1108 the creation of partnerships, the design of local housing
 1109 assistance strategies, the implementation of local housing
 1110 incentive strategies, and the provision of support services.

1111 (10) Each county or eligible municipality shall submit to
 1112 the corporation by September 15 of each year a report of its
 1113 affordable housing programs and accomplishments through June 30
 1114 immediately preceding submittal of the report. The report shall
 1115 be certified as accurate and complete by the local government's
 1116 chief elected official or his or her designee. Transmittal of
 1117 the annual report by a county's or eligible municipality's chief
 1118 elected official, or his or her designee, certifies that the
 1119 local housing incentive strategies, or, if applicable, the local
 1120 housing incentive plan, have been implemented or are in the

1121 process of being implemented pursuant to the adopted schedule
 1122 for implementation. The report must include, but is not limited
 1123 to:

1124 (a) The number of households served by income category,
 1125 age, family size, and race, and data regarding any special needs
 1126 populations such as farmworkers, homeless persons, persons with
 1127 disabilities, and the elderly. Counties shall report this
 1128 information separately for households served in the
 1129 unincorporated area and each municipality within the county.

1130 (h) Such other data or affordable housing accomplishments
 1131 considered significant by the reporting county or eligible
 1132 municipality or by the corporation.

1133 (13)

1134 (b) If, as a result of its review of the annual report,
 1135 the corporation determines that a county or eligible
 1136 municipality has failed to implement a local housing incentive
 1137 strategy, or, if applicable, a local housing incentive plan, it
 1138 shall send a notice of termination of the local government's
 1139 share of the local housing distribution by certified mail to the
 1140 affected county or eligible municipality.

1141 1. The notice must specify a date of termination of the
 1142 funding if the affected county or eligible municipality does not
 1143 implement the plan or strategy and provide for a local response.
 1144 A county or eligible municipality shall respond to the
 1145 corporation within 30 days after receipt of the notice of
 1146 termination.

1147 2. The corporation shall consider the local response that
 1148 extenuating circumstances precluded implementation and grant an

1149 extension to the timeframe for implementation. Such an extension
 1150 shall be made in the form of an extension agreement that
 1151 provides a timeframe for implementation. The chief elected
 1152 official of a county or eligible municipality or his or her
 1153 designee shall have the authority to enter into the agreement on
 1154 behalf of the local government.

1155 3. If the county or the eligible municipality has not
 1156 implemented the incentive strategy or entered into an extension
 1157 agreement by the termination date specified in the notice, the
 1158 local housing distribution share terminates, and any uncommitted
 1159 local housing distribution funds held by the affected county or
 1160 eligible municipality in its local housing assistance trust fund
 1161 shall be transferred to the Local Government Housing Trust Fund
 1162 to the credit of the corporation to administer ~~pursuant to s.~~
 1163 ~~420.9078.~~

1164 4.a. If the affected local government fails to meet the
 1165 timeframes specified in the agreement, the corporation shall
 1166 terminate funds. The corporation shall send a notice of
 1167 termination of the local government's share of the local housing
 1168 distribution by certified mail to the affected local government.
 1169 The notice shall specify the termination date, and any
 1170 uncommitted funds held by the affected local government shall be
 1171 transferred to the Local Government Housing Trust Fund to the
 1172 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

1173 b. If the corporation terminates funds to a county, but an
 1174 eligible municipality receiving a local housing distribution
 1175 pursuant to an interlocal agreement maintains compliance with
 1176 program requirements, the corporation shall thereafter

1177 distribute directly to the participating eligible municipality
 1178 its share calculated in the manner provided in s. 420.9072.

1179 c. Any county or eligible municipality whose local
 1180 distribution share has been terminated may subsequently elect to
 1181 receive directly its local distribution share by adopting the
 1182 ordinance, resolution, and local housing assistance plan in the
 1183 manner and according to the procedures provided in ss. 420.907-
 1184 420.9079.

1185 (14) If the corporation determines that a county or
 1186 eligible municipality has expended program funds for an
 1187 ineligible activity, the corporation shall require such funds to
 1188 be repaid to the local housing assistance trust fund. Such
 1189 repayment may not be made with funds from the State Housing
 1190 Initiatives Partnership Program.

1191 Section 19. Paragraph (h) of subsection (2), subsections
 1192 (5) and (6), and paragraph (a) of subsection (7) of section
 1193 420.9076, Florida Statutes, are amended to read:

1194 420.9076 Adoption of affordable housing incentive
 1195 strategies; committees.--

1196 (2) The governing board of a county or municipality shall
 1197 appoint the members of the affordable housing advisory committee
 1198 by resolution. Pursuant to the terms of any interlocal
 1199 agreement, a county and municipality may create and jointly
 1200 appoint an advisory committee to prepare a joint plan. The
 1201 ordinance adopted pursuant to s. 420.9072 which creates the
 1202 advisory committee or the resolution appointing the advisory
 1203 committee members must provide for 11 committee members and
 1204 their terms. The committee must include:

1205 (h) One citizen who actively serves on the local planning
 1206 agency pursuant to s. 163.3174. If the local planning agency is
 1207 comprised of the governing board of the county or municipality,
 1208 the governing board may appoint a designee who is knowledgeable
 1209 in the local planning process.

1210
 1211 If a county or eligible municipality whether due to its small
 1212 size, the presence of a conflict of interest by prospective
 1213 appointees, or other reasonable factor, is unable to appoint a
 1214 citizen actively engaged in these activities in connection with
 1215 affordable housing, a citizen engaged in the activity without
 1216 regard to affordable housing may be appointed. Local governments
 1217 that receive the minimum allocation under the State Housing
 1218 Initiatives Partnership Program may elect to appoint an
 1219 affordable housing advisory committee with fewer than 11
 1220 representatives if they are unable to find representatives who
 1221 meet the criteria of paragraphs (a)-(k).

1222 (5) The approval by the advisory committee of its local
 1223 housing incentive strategies recommendations and its review of
 1224 local government implementation of previously recommended
 1225 strategies must be made by affirmative vote of a majority of the
 1226 membership of the advisory committee taken at a public hearing.
 1227 Notice of the time, date, and place of the public hearing of the
 1228 advisory committee to adopt its evaluation and final local
 1229 housing incentive strategies recommendations must be published
 1230 in a newspaper of general paid circulation in the county. The
 1231 notice must contain a short and concise summary of the
 1232 evaluation and local housing incentives strategies

1233 recommendations to be considered by the advisory committee. The
1234 notice must state the public place where a copy of the
1235 evaluation and tentative advisory committee recommendations can
1236 be obtained by interested persons. The final report, evaluation,
1237 and recommendations shall be submitted to the corporation.

1238 (6) Within 90 days after the date of receipt of the
1239 evaluation and local housing incentive strategies
1240 recommendations from the advisory committee, the governing body
1241 of the appointing local government shall adopt an amendment to
1242 its local housing assistance plan to incorporate the local
1243 housing incentive strategies it will implement within its
1244 jurisdiction. The amendment must include, at a minimum, the
1245 local housing incentive strategies required under s.
1246 420.9071(16). The local government must consider the strategies
1247 specified in paragraphs (4)(a)-(k) as recommended by the
1248 advisory committee.

1249 (7) The governing board of the county or the eligible
1250 municipality shall notify the corporation by certified mail of
1251 its adoption of an amendment of its local housing assistance
1252 plan to incorporate local housing incentive strategies. The
1253 notice must include a copy of the approved amended plan.

1254 (a) If the corporation fails to receive timely the
1255 approved amended local housing assistance plan to incorporate
1256 local housing incentive strategies, a notice of termination of
1257 its share of the local housing distribution shall be sent by
1258 certified mail by the corporation to the affected county or
1259 eligible municipality. The notice of termination must specify a
1260 date of termination of the funding if the affected county or

1261 eligible municipality has not adopted an amended local housing
 1262 assistance plan to incorporate local housing incentive
 1263 strategies. If the county or the eligible municipality has not
 1264 adopted an amended local housing assistance plan to incorporate
 1265 local housing incentive strategies by the termination date
 1266 specified in the notice of termination, the local distribution
 1267 share terminates; and any uncommitted local distribution funds
 1268 held by the affected county or eligible municipality in its
 1269 local housing assistance trust fund shall be transferred to the
 1270 Local Government Housing Trust Fund to the credit of the
 1271 corporation to administer the local government housing program
 1272 pursuant to ~~s. 420.9078~~.

1273 Section 20. Section 420.9078, Florida Statutes, is
 1274 repealed.

1275 Section 21. Section 420.9079, Florida Statutes, as amended
 1276 by chapter 2009-2, Laws of Florida, is amended to read:

1277 420.9079 Local Government Housing Trust Fund.--

1278 (1) There is created in the State Treasury the Local
 1279 Government Housing Trust Fund, which shall be administered by
 1280 the corporation on behalf of the department according to the
 1281 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this
 1282 section. There shall be deposited into the fund a portion of the
 1283 documentary stamp tax revenues as provided in s. 201.15, moneys
 1284 received from any other source for the purposes of ss. 420.907-
 1285 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds
 1286 derived from the investment of such moneys. Moneys in the fund
 1287 that are not currently needed for the purposes of the programs
 1288 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~

1289 and this section shall be deposited to the credit of the fund
 1290 and may be invested as provided by law. The interest received on
 1291 any such investment shall be credited to the fund.

1292 (2) The corporation shall administer the fund exclusively
 1293 for the purpose of implementing the programs described in ss.
 1294 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the
 1295 exception of monitoring the activities of counties and eligible
 1296 municipalities to determine local compliance with program
 1297 requirements, the corporation shall not receive appropriations
 1298 from the fund for administrative or personnel costs. For the
 1299 purpose of implementing the compliance monitoring provisions of
 1300 s. 420.9075(9), the corporation may request a maximum of one-
 1301 quarter of 1 percent of the annual appropriation per state
 1302 fiscal year. When such funding is appropriated, the corporation
 1303 shall deduct the amount appropriated prior to calculating the
 1304 local housing distribution pursuant to ss. 420.9072 and
 1305 420.9073.

1306 ~~(3) Notwithstanding any provision of this section to the~~
 1307 ~~contrary and for the 2008-2009 fiscal year only, the corporation~~
 1308 ~~shall return unexpended funds held by the corporation pursuant~~
 1309 ~~to this section and part V of this chapter to the State Treasury~~
 1310 ~~as directed by law. This subsection expires June 30, 2009.~~

1311 Section 22. Subsection (12) of section 1001.43, Florida
 1312 Statutes, is amended to read:

1313 1001.43 Supplemental powers and duties of district school
 1314 board.--The district school board may exercise the following
 1315 supplemental powers and duties as authorized by this code or
 1316 State Board of Education rule.

1317 (12) AFFORDABLE HOUSING.--A district school board may use
1318 portions of school sites purchased within the guidelines of the
1319 State Requirements for Educational Facilities, land deemed not
1320 usable for educational purposes because of location or other
1321 factors, or land declared as surplus by the board to provide
1322 sites for affordable housing for teachers and other district
1323 personnel and, in areas of critical state concern, for other
1324 essential services personnel as defined by local affordable
1325 housing eligibility requirements, independently or in
1326 conjunction with other agencies as described in subsection (5).

1327 Section 23. Except as otherwise expressly provided in this
1328 act, this act shall take effect July 1, 2009.