

By the Committee on Community Affairs; and Senators Bennett and Altman

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1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 159.608, F.S.; providing a housing finance authority
4 with an additional purpose for which it may exercise
5 its power to borrow; amending s. 163.3177, F.S.;
6 revising provisions relating to the elements of local
7 comprehensive plans to include an element for
8 affordable housing for seniors; providing for the
9 disposition of real property by a local government for
10 the development of affordable housing; amending s.
11 201.15, F.S.; revising the allocation of certain
12 proceeds distributed from the excise tax on documents
13 which are paid into the State Treasury to the credit
14 of the State Housing Trust Fund; amending s. 420.0003,
15 F.S.; providing additional policy guidelines under the
16 state housing strategy for the development of programs
17 for housing production or rehabilitation; including
18 the needs of persons with special needs in the
19 strategy's periodic review and report; amending s.
20 420.0004, F.S.; defining the terms "disabling
21 condition" and "person with special needs"; conforming
22 cross-references; amending s. 420.507, F.S.; requiring
23 certain rates of interest to be made available to
24 sponsors of projects for persons with special needs;
25 providing additional powers of the corporation
26 relating to receipt of federal funds; conforming a
27 cross-reference; amending s. 420.5087, F.S.; limiting
28 the reservation of funds within each notice of fund
29 availability to the persons with special needs tenant

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30 group; including persons with special needs as a
31 tenant group for specified purposes of the State
32 Apartment Incentive Loan Program; requiring a
33 specified review committee to include projects that
34 reserve units for persons with special needs in its
35 evaluation and competitive ranking of applications for
36 such program; conforming a cross-reference; amending
37 ss. 163.31771, 212.08, 215.5586, and 420.503, F.S.;

38 conforming cross-references; providing legislative
39 intent; prohibiting funds from the State Housing Trust
40 Fund or the Local Government Housing Trust Fund which
41 are appropriated for specified programs from being
42 used for certain purposes; providing for future
43 repeal; providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Subsection (11) is added to section 159.608,
48 Florida Statutes, to read:

49 159.608 Powers of housing finance authorities.—A housing
50 finance authority shall constitute a public body corporate and
51 politic, exercising the public and essential governmental
52 functions set forth in this act, and shall exercise its power to
53 borrow only for the purpose as provided herein:

54 (11) To invest and reinvest surplus funds of the housing
55 finance authority in accordance with s. 218.415. However, in
56 addition to the investments expressly authorized in ss.
57 218.415(16) (a)-(g) and (17) (a)-(d), a housing finance authority
58 may invest surplus funds in interest-bearing time deposits or

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59 savings accounts that are fully insured by the Federal Deposit
60 Insurance Corporation regardless of whether the bank or
61 financial institution in which the deposit or investment is made
62 is a qualified public depository as defined in s. 280.02. This
63 subsection is supplementary to and may not be construed as
64 limiting any powers of a housing finance authority or providing
65 or implying a limiting construction of any other statutory
66 provision.

67 Section 2. Paragraph (f) of subsection (6) of section
68 163.3177, Florida Statutes, is amended to read:

69 163.3177 Required and optional elements of comprehensive
70 plan; studies and surveys.—

71 (6) In addition to the requirements of subsections (1)-(5)
72 and (12), the comprehensive plan shall include the following
73 elements:

74 (f)1. A housing element consisting of standards, plans, and
75 principles to be followed in:

76 a. The provision of housing for all current and anticipated
77 future residents of the jurisdiction.

78 b. The elimination of substandard dwelling conditions.

79 c. The structural and aesthetic improvement of existing
80 housing.

81 d. The provision of adequate sites for future housing,
82 including affordable workforce housing as defined in s.
83 380.0651(3)(j), housing for low-income, very low-income, and
84 moderate-income families, mobile homes, affordable housing for
85 seniors, and group home facilities and foster care facilities,
86 with supporting infrastructure and public facilities. Real
87 property that is conveyed to a local government for affordable

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88 housing under this sub-subparagraph shall be disposed of by the
89 local government pursuant to s. 125.379 or s. 166.0451.

90 e. Provision for relocation housing and identification of
91 historically significant and other housing for purposes of
92 conservation, rehabilitation, or replacement.

93 f. The formulation of housing implementation programs.

94 g. The creation or preservation of affordable housing to
95 minimize the need for additional local services and avoid the
96 concentration of affordable housing units only in specific areas
97 of the jurisdiction.

98 h. Energy efficiency in the design and construction of new
99 housing.

100 i. Use of renewable energy resources.

101 j. Each county in which the gap between the buying power of
102 a family of four and the median county home sale price exceeds
103 \$170,000, as determined by the Florida Housing Finance
104 Corporation, and which is not designated as an area of critical
105 state concern shall adopt a plan for ensuring affordable
106 workforce housing. At a minimum, the plan shall identify
107 adequate sites for such housing. For purposes of this sub-
108 subparagraph, the term "workforce housing" means housing that is
109 affordable to natural persons or families whose total household
110 income does not exceed 140 percent of the area median income,
111 adjusted for household size.

112 k. As a precondition to receiving any state affordable
113 housing funding or allocation for any project or program within
114 the jurisdiction of a county that is subject to sub-subparagraph
115 j., a county must, by July 1 of each year, provide certification
116 that the county has complied with the requirements of sub-

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117 subparagraph j.

118

119 The goals, objectives, and policies of the housing element must
120 be based on the data and analysis prepared on housing needs,
121 including the affordable housing needs assessment. State and
122 federal housing plans prepared on behalf of the local government
123 must be consistent with the goals, objectives, and policies of
124 the housing element. Local governments are encouraged to use job
125 training, job creation, and economic solutions to address a
126 portion of their affordable housing concerns.

127 2. To assist local governments in housing data collection
128 and analysis and assure uniform and consistent information
129 regarding the state's housing needs, the state land planning
130 agency shall conduct an affordable housing needs assessment for
131 all local jurisdictions on a schedule that coordinates the
132 implementation of the needs assessment with the evaluation and
133 appraisal reports required by s. 163.3191. Each local government
134 shall utilize the data and analysis from the needs assessment as
135 one basis for the housing element of its local comprehensive
136 plan. The agency shall allow a local government the option to
137 perform its own needs assessment, if it uses the methodology
138 established by the agency by rule.

139 Section 3. Subsections (9), (10), and (13) of section
140 201.15, Florida Statutes, as amended by chapters 2009-17, 2009-
141 21, and 2009-68, Laws of Florida, are amended to read:

142 201.15 Distribution of taxes collected.—All taxes collected
143 under this chapter are subject to the service charge imposed in
144 s. 215.20(1). Prior to distribution under this section, the
145 Department of Revenue shall deduct amounts necessary to pay the

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146 costs of the collection and enforcement of the tax levied by
147 this chapter. Such costs and the service charge may not be
148 levied against any portion of taxes pledged to debt service on
149 bonds to the extent that the costs and service charge are
150 required to pay any amounts relating to the bonds. After
151 distributions are made pursuant to subsection (1), all of the
152 costs of the collection and enforcement of the tax levied by
153 this chapter and the service charge shall be available and
154 transferred to the extent necessary to pay debt service and any
155 other amounts payable with respect to bonds authorized before
156 January 1, 2010, secured by revenues distributed pursuant to
157 subsection (1). All taxes remaining after deduction of costs and
158 the service charge shall be distributed as follows:

159 (9) Seven and fifty-three hundredths ~~The lesser of 7.53~~
160 percent of the remaining taxes ~~or \$107 million~~ in each fiscal
161 year shall be paid into the State Treasury to the credit of the
162 State Housing Trust Fund and used as follows:

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

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

170 (10) Eight and sixty-six hundredths ~~The lesser of 8.66~~
171 percent of the remaining taxes ~~or \$136 million~~ in each fiscal
172 year shall be paid into the State Treasury to the credit of the
173 State Housing Trust Fund and used as follows:

174 (a) Twelve and one-half percent of that amount shall be

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175 deposited into the State Housing Trust Fund and be expended by
176 the Department of Community Affairs and by the Florida Housing
177 Finance Corporation for the purposes for which the State Housing
178 Trust Fund was created and exists by law.

179 (b) Eighty-seven and one-half percent of that amount shall
180 be distributed to the Local Government Housing Trust Fund and
181 used for the purposes for which the Local Government Housing
182 Trust Fund was created and exists by law. Funds from this
183 category may also be used to provide for state and local
184 services to assist the homeless.

185 (13) Beginning July 1, 2008, in each fiscal year that the
186 remaining taxes collected under this chapter exceed collections
187 in the prior fiscal year, the stated maximum dollar amounts
188 provided in subsections (2), (4), (6), and (7), ~~(9)~~, and ~~(10)~~
189 shall each be increased by an amount equal to 10 percent of the
190 increase in the remaining taxes collected under this chapter
191 multiplied by the applicable percentage provided in those
192 subsections.

193 Section 4. Paragraph (e) of subsection (3) and paragraph
194 (c) of subsection (4) of section 420.0003, Florida Statutes, are
195 amended to read:

196 420.0003 State housing strategy.—

197 (3) POLICIES.—

198 (e) *Housing production or rehabilitation programs.*—New
199 programs for housing production or rehabilitation shall be
200 developed in accordance with the following general guidelines as
201 appropriate for the purpose of the specific program:

202 1. State and local governments shall provide incentives to
203 encourage the private sector to be the primary delivery vehicle

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204 for the development of affordable housing.

205 2. State funds should be heavily leveraged to achieve the
206 maximum local and private commitment of funds while achieving
207 the program objectives.

208 3. To the maximum extent possible, state funds should be
209 expended to provide housing units rather than to support program
210 administration.

211 4. State money should be used, when possible, as loans
212 rather than grants.

213 5. State funds should be available only to local
214 governments that provide incentives or financial assistance for
215 housing.

216 6. State funds should be made available only for projects
217 which are consistent with the local government comprehensive
218 plan.

219 7. State funding for housing should not be made available
220 to local governments whose comprehensive plans have been found
221 not in compliance with chapter 163 and who have not entered into
222 a stipulated settlement agreement with the Department of
223 Community Affairs to bring the plan into compliance.

224 8. Mixed income projects should be encouraged, to avoid a
225 concentration of low-income residents in one area or project.

226 9. Distribution of state housing funds should be flexible
227 and consider the regional and local needs, resources, and
228 capabilities of housing producers.

229 10. Distribution of housing funds for multifamily rental
230 housing should be administered to address the housing needs of
231 persons most in need of housing.

232 11.10. Income levels used to determine program eligibility

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233 should be adjusted for family size in determining the
234 eligibility of specific beneficiaries.

235 ~~12.11.~~ To the maximum extent possible, state-owned lands
236 that are appropriate for the development of affordable housing
237 shall be made available for that purpose.

238 (4) IMPLEMENTATION.—The Department of Community Affairs and
239 the Florida Housing Finance Corporation in carrying out the
240 strategy articulated herein shall have the following duties:

241 (c) The Shimberg Center for Affordable Housing, in
242 consultation with the Department of Community Affairs and the
243 Florida Housing Finance Corporation, shall review and evaluate
244 existing housing rehabilitation, production, and finance
245 programs to determine their consistency with relevant policies
246 in this section and identify the needs of specific populations,
247 including, but not limited to, elderly persons, ~~and~~ handicapped
248 persons, and persons with special needs, and shall recommend
249 statutory modifications where appropriate. The Shimberg Center
250 for Affordable Housing, in consultation with the Department of
251 Community Affairs and the corporation, shall also evaluate the
252 degree of coordination between state housing programs, and
253 between state, federal, and local housing activities, and shall
254 recommend improved program linkages. The recommendations
255 required above and a report of any programmatic modifications
256 made as a result of these policies shall be included in the
257 housing report required by s. 420.6075, beginning December 31,
258 1991, and every 5 years thereafter.

259 Section 5. Section 420.0004, Florida Statutes, is amended
260 to read:

261 420.0004 Definitions.—As used in this part, unless the

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262 context otherwise indicates:

263 (1) "Adjusted for family size" means adjusted in a manner
264 which results in an income eligibility level which is lower for
265 households with fewer than four people, or higher for households
266 with more than four people, than the base income eligibility
267 determined as provided in subsection (9) ~~(8)~~, subsection (11)
268 ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~, based upon
269 a formula as established by the United States Department of
270 Housing and Urban Development.

271 (2) "Adjusted gross income" means all wages, assets,
272 regular cash or noncash contributions or gifts from persons
273 outside the household, and such other resources and benefits as
274 may be determined to be income by the United States Department
275 of Housing and Urban Development, adjusted for family size, less
276 deductions allowable under s. 62 of the Internal Revenue Code.

277 (3) "Affordable" means that monthly rents or monthly
278 mortgage payments including taxes, insurance, and utilities do
279 not exceed 30 percent of that amount which represents the
280 percentage of the median adjusted gross annual income for the
281 households as indicated in subsection (9) ~~(8)~~, subsection (11)
282 ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~.

283 (4) "Corporation" means the Florida Housing Finance
284 Corporation.

285 (5) "Community-based organization" or "nonprofit
286 organization" means a private corporation organized under
287 chapter 617 to assist in the provision of housing and related
288 services on a not-for-profit basis and which is acceptable to
289 federal and state agencies and financial institutions as a
290 sponsor of low-income housing.

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291 (6) "Department" means the Department of Community Affairs.

292 (7) "Disabling condition" means a diagnosable substance
293 abuse disorder, serious mental illness, developmental
294 disability, or chronic physical illness or disability, or the
295 co-occurrence of two or more of these conditions, and a
296 determination that the condition is:

297 (a) Expected to be of long-continued and indefinite
298 duration; and

299 (b) Not expected to impair the ability of the person with
300 special needs to live independently with appropriate supports.

301 (8)~~(7)~~ "Elderly" describes persons 62 years of age or
302 older.

303 (9)~~(8)~~ "Extremely-low-income persons" means one or more
304 natural persons or a family whose total annual household income
305 does not exceed 30 percent of the median annual adjusted gross
306 income for households within the state. The Florida Housing
307 Finance Corporation may adjust this amount annually by rule to
308 provide that in lower income counties, extremely low income may
309 exceed 30 percent of area median income and that in higher
310 income counties, extremely low income may be less than 30
311 percent of area median income.

312 (10)~~(9)~~ "Local public body" means any county, municipality,
313 or other political subdivision, or any housing authority as
314 provided by chapter 421, which is eligible to sponsor or develop
315 housing for farmworkers and very-low-income and low-income
316 persons within its jurisdiction.

317 (11)~~(10)~~ "Low-income persons" means one or more natural
318 persons or a family, the total annual adjusted gross household
319 income of which does not exceed 80 percent of the median annual

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320 adjusted gross income for households within the state, or 80
321 percent of the median annual adjusted gross income for
322 households within the metropolitan statistical area (MSA) or, if
323 not within an MSA, within the county in which the person or
324 family resides, whichever is greater.

325 (12)~~(11)~~ "Moderate-income persons" means one or more
326 natural persons or a family, the total annual adjusted gross
327 household income of which is less than 120 percent of the median
328 annual adjusted gross income for households within the state, or
329 120 percent of the median annual adjusted gross income for
330 households within the metropolitan statistical area (MSA) or, if
331 not within an MSA, within the county in which the person or
332 family resides, whichever is greater.

333 (13) "Person with special needs" means an adult person
334 requiring independent living services in order to maintain
335 housing or develop independent living skills and who has a
336 disabling condition; a young adult formerly in foster care who
337 is eligible for services under s. 409.1451(5); a survivor of
338 domestic violence as defined in s. 741.28; or a person receiving
339 benefits under the Social Security Disability Insurance (SSDI)
340 program or the Supplemental Security Income (SSI) program or
341 from veterans' disability benefits.

342 (14)~~(12)~~ "Student" means any person not living with his or
343 her parent or guardian who is eligible to be claimed by his or
344 her parent or guardian as a dependent under the federal income
345 tax code and who is enrolled on at least a half-time basis in a
346 secondary school, career center, community college, college, or
347 university.

348 (15)~~(13)~~ "Substandard" means:

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349 (a) Any unit lacking complete plumbing or sanitary
350 facilities for the exclusive use of the occupants;

351 (b) A unit which is in violation of one or more major
352 sections of an applicable housing code and where such violation
353 poses a serious threat to the health of the occupant; or

354 (c) A unit that has been declared unfit for human
355 habitation but that could be rehabilitated for less than 50
356 percent of the property value.

357 (16)~~(14)~~ "Substantial rehabilitation" means repair or
358 restoration of a dwelling unit where the value of such repair or
359 restoration exceeds 40 percent of the value of the dwelling.

360 (17)~~(15)~~ "Very-low-income persons" means one or more
361 natural persons or a family, not including students, the total
362 annual adjusted gross household income of which does not exceed
363 50 percent of the median annual adjusted gross income for
364 households within the state, or 50 percent of the median annual
365 adjusted gross income for households within the metropolitan
366 statistical area (MSA) or, if not within an MSA, within the
367 county in which the person or family resides, whichever is
368 greater.

369 Section 6. Paragraph (a) of subsection (22) and subsections
370 (33) and (46) of section 420.507, Florida Statutes, are amended
371 to read:

372 420.507 Powers of the corporation.—The corporation shall
373 have all the powers necessary or convenient to carry out and
374 effectuate the purposes and provisions of this part, including
375 the following powers which are in addition to all other powers
376 granted by other provisions of this part:

377 (22) To develop and administer the State Apartment

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378 Incentive Loan Program. In developing and administering that
379 program, the corporation may:

380 (a) Make first, second, and other subordinated mortgage
381 loans including variable or fixed rate loans subject to
382 contingent interest for all State Apartment Incentive Loans
383 provided in this chapter based upon available cash flow of the
384 projects. The corporation shall make loans exceeding 25 percent
385 of project cost only to nonprofit organizations and public
386 bodies that are able to secure grants, donations of land, or
387 contributions from other sources and to projects meeting the
388 criteria of subparagraph 1. Mortgage loans shall be made
389 available at the following rates of interest:

390 1. Zero to 3 percent interest for sponsors of projects that
391 set aside at least 80 percent of their total units for residents
392 qualifying as farmworkers, commercial fishing workers, ~~or~~ the
393 homeless as defined in s. 420.621, or persons with special needs
394 as defined in s. 420.0004(13) over the life of the loan.

395 2. Zero to 3 percent interest based on the pro rata share
396 of units set aside for homeless residents or persons with
397 special needs if the total of such units is less than 80 percent
398 of the units in the borrower's project.

399 3. One to 9 percent interest for sponsors of projects
400 targeted at populations other than farmworkers, commercial
401 fishing workers, ~~or~~ the homeless, or persons with special needs.

402 (33) To receive federal funding in connection with the
403 corporation's programs directly from the Federal Government and
404 to receive federal funds for which no corresponding program has
405 been created in statute and establish selection criteria for
406 such funds by request for proposals or other competitive

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407 solicitation.

408 (46) To require, as a condition of financing a multifamily
409 rental project, that an agreement be recorded in the official
410 records of the county where the real property is located, which
411 requires that the project be used for housing defined as
412 affordable in s. 420.0004(3) by persons defined in s.
413 420.0004(9)~~(8)~~, (11)~~(10)~~, (12)~~(11)~~, and (17)~~(15)~~. Such an
414 agreement is a state land use regulation that limits the highest
415 and best use of the property within the meaning of s.
416 193.011(2).

417 Section 7. Subsection (3) and paragraph (c) of subsection
418 (6) of section 420.5087, Florida Statutes, are amended to read:

419 420.5087 State Apartment Incentive Loan Program.—There is
420 hereby created the State Apartment Incentive Loan Program for
421 the purpose of providing first, second, or other subordinated
422 mortgage loans or loan guarantees to sponsors, including for-
423 profit, nonprofit, and public entities, to provide housing
424 affordable to very-low-income persons.

425 (3) During the first 6 months of loan or loan guarantee
426 availability, program funds shall be reserved for use by
427 sponsors who provide the housing set-aside required in
428 subsection (2) for the tenant groups designated in this
429 subsection. The reservation of funds to each of these groups
430 shall be determined using the most recent statewide very-low-
431 income rental housing market study available at the time of
432 publication of each notice of fund availability required by
433 paragraph (6) (b). The reservation of funds within each notice of
434 fund availability to the tenant groups in paragraphs (a), (b),
435 and (e) ~~(d)~~ may not be less than 10 percent of the funds

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436 available at that time. Any increase in funding required to
437 reach the 10-percent minimum must be taken from the tenant group
438 that has the largest reservation. The reservation of funds
439 within each notice of fund availability to the tenant group in
440 paragraph (c) may not be less than 5 percent of the funds
441 available at that time. The reservation of funds within each
442 notice of fund availability to the tenant group in paragraph (d)
443 may not be more than 10 percent of the funds available at that
444 time. The tenant groups are:

- 445 (a) Commercial fishing workers and farmworkers;
446 (b) Families;
447 (c) Persons who are homeless;
448 (d) Persons with special needs; and
449 (e) ~~(d)~~ Elderly persons. Ten percent of the amount reserved
450 for the elderly shall be reserved to provide loans to sponsors
451 of housing for the elderly for the purpose of making building
452 preservation, health, or sanitation repairs or improvements
453 which are required by federal, state, or local regulation or
454 code, or lifesafety or security-related repairs or improvements
455 to such housing. Such a loan may not exceed \$750,000 per housing
456 community for the elderly. In order to receive the loan, the
457 sponsor of the housing community must make a commitment to match
458 at least 5 percent of the loan amount to pay the cost of such
459 repair or improvement. The corporation shall establish the rate
460 of interest on the loan, which may not exceed 3 percent, and the
461 term of the loan, which may not exceed 15 years; however, if the
462 lien of the corporation's encumbrance is subordinate to the lien
463 of another mortgagee, then the term may be made coterminous with
464 the longest term of the superior lien. The term of the loan

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465 shall be based on a credit analysis of the applicant. The
466 corporation may forgive indebtedness for a share of the loan
467 attributable to the units in a project reserved for extremely-
468 low-income elderly by nonprofit organizations, as defined in s.
469 420.0004(5), where the project has provided affordable housing
470 to the elderly for 15 years or more. The corporation shall
471 establish, by rule, the procedure and criteria for receiving,
472 evaluating, and competitively ranking all applications for loans
473 under this paragraph. A loan application must include evidence
474 of the first mortgagee's having reviewed and approved the
475 sponsor's intent to apply for a loan. A nonprofit organization
476 or sponsor may not use the proceeds of the loan to pay for
477 administrative costs, routine maintenance, or new construction.

478 (6) On all state apartment incentive loans, except loans
479 made to housing communities for the elderly to provide for
480 lifesafety, building preservation, health, sanitation, or
481 security-related repairs or improvements, the following
482 provisions shall apply:

483 (c) The corporation shall provide by rule for the
484 establishment of a review committee composed of the department
485 and corporation staff and shall establish by rule a scoring
486 system for evaluation and competitive ranking of applications
487 submitted in this program, including, but not limited to, the
488 following criteria:

489 1. Tenant income and demographic targeting objectives of
490 the corporation.

491 2. Targeting objectives of the corporation which will
492 ensure an equitable distribution of loans between rural and
493 urban areas.

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

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

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

503 b. Forty percent of the units in the project for persons or
504 families who have incomes that do not exceed 60 percent of the
505 state or local median income, whichever is higher, without
506 requiring a greater amount of the loans as provided in this
507 section.

508 5. Provision for tenant counseling.

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

511 7. Projects requiring the least amount of a state apartment
512 incentive loan compared to overall project cost except that the
513 share of the loan attributable to units serving extremely-low-
514 income persons shall be excluded from this requirement.

515 8. Local government contributions and local government
516 comprehensive planning and activities that promote affordable
517 housing.

518 9. Project feasibility.

519 10. Economic viability of the project.

520 11. Commitment of first mortgage financing.

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

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523 provided in s. 420.507(47).

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

525 14. Projects that directly implement or assist welfare-to-
526 work transitioning.

527 15. Projects that reserve units for extremely-low-income
528 persons.

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

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

534 18. Projects that reserve units for persons with special
535 needs, provided services for such persons are available to the
536 project.

537 Section 8. Paragraphs (d), (e), (f), and (g) of subsection
538 (2) of section 163.31771, Florida Statutes, are amended to read:

539 163.31771 Accessory dwelling units.—

540 (2) As used in this section, the term:

541 (d) "Low-income persons" has the same meaning as in s.

542 420.0004 (11) ~~(10)~~.

543 (e) "Moderate-income persons" has the same meaning as in s.

544 420.0004 (12) ~~(11)~~.

545 (f) "Very-low-income persons" has the same meaning as in s.

546 420.0004 (17) ~~(15)~~.

547 (g) "Extremely-low-income persons" has the same meaning as
548 in s. 420.0004 (9) ~~(8)~~.

549 Section 9. Paragraph (o) of subsection (5) of section
550 212.08, Florida Statutes, is amended to read:

551 212.08 Sales, rental, use, consumption, distribution, and

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552 storage tax; specified exemptions.—The sale at retail, the
553 rental, the use, the consumption, the distribution, and the
554 storage to be used or consumed in this state of the following
555 are hereby specifically exempt from the tax imposed by this
556 chapter.

557 (5) EXEMPTIONS; ACCOUNT OF USE.—

558 (o) *Building materials in redevelopment projects.*—

559 1. As used in this paragraph, the term:

560 a. "Building materials" means tangible personal property
561 that becomes a component part of a housing project or a mixed-
562 use project.

563 b. "Housing project" means the conversion of an existing
564 manufacturing or industrial building to housing units in an
565 urban high-crime area, enterprise zone, empowerment zone, Front
566 Porch Community, designated brownfield area, or urban infill
567 area and in which the developer agrees to set aside at least 20
568 percent of the housing units in the project for low-income and
569 moderate-income persons or the construction in a designated
570 brownfield area of affordable housing for persons described in
571 s. 420.0004 (9) ~~(8)~~, (11) ~~(10)~~, (12) ~~(11)~~, or (17) ~~(15)~~ or in s.
572 159.603 (7).

573 c. "Mixed-use project" means the conversion of an existing
574 manufacturing or industrial building to mixed-use units that
575 include artists' studios, art and entertainment services, or
576 other compatible uses. A mixed-use project must be located in an
577 urban high-crime area, enterprise zone, empowerment zone, Front
578 Porch Community, designated brownfield area, or urban infill
579 area, and the developer must agree to set aside at least 20
580 percent of the square footage of the project for low-income and

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581 moderate-income housing.

582 d. "Substantially completed" has the same meaning as
583 provided in s. 192.042(1).

584 2. Building materials used in the construction of a housing
585 project or mixed-use project are exempt from the tax imposed by
586 this chapter upon an affirmative showing to the satisfaction of
587 the department that the requirements of this paragraph have been
588 met. This exemption inures to the owner through a refund of
589 previously paid taxes. To receive this refund, the owner must
590 file an application under oath with the department which
591 includes:

592 a. The name and address of the owner.

593 b. The address and assessment roll parcel number of the
594 project for which a refund is sought.

595 c. A copy of the building permit issued for the project.

596 d. A certification by the local building code inspector
597 that the project is substantially completed.

598 e. A sworn statement, under penalty of perjury, from the
599 general contractor licensed in this state with whom the owner
600 contracted to construct the project, which statement lists the
601 building materials used in the construction of the project and
602 the actual cost thereof, and the amount of sales tax paid on
603 these materials. If a general contractor was not used, the owner
604 shall provide this information in a sworn statement, under
605 penalty of perjury. Copies of invoices evidencing payment of
606 sales tax must be attached to the sworn statement.

607 3. An application for a refund under this paragraph must be
608 submitted to the department within 6 months after the date the
609 project is deemed to be substantially completed by the local

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610 building code inspector. Within 30 working days after receipt of
611 the application, the department shall determine if it meets the
612 requirements of this paragraph. A refund approved pursuant to
613 this paragraph shall be made within 30 days after formal
614 approval of the application by the department.

615 4. The department shall establish by rule an application
616 form and criteria for establishing eligibility for exemption
617 under this paragraph.

618 5. The exemption shall apply to purchases of materials on
619 or after July 1, 2000.

620 Section 10. Paragraphs (a) and (g) of subsection (2) of
621 section 215.5586, Florida Statutes, are amended to read:

622 215.5586 My Safe Florida Home Program.—There is established
623 within the Department of Financial Services the My Safe Florida
624 Home Program. The department shall provide fiscal
625 accountability, contract management, and strategic leadership
626 for the program, consistent with this section. This section does
627 not create an entitlement for property owners or obligate the
628 state in any way to fund the inspection or retrofitting of
629 residential property in this state. Implementation of this
630 program is subject to annual legislative appropriations. It is
631 the intent of the Legislature that the My Safe Florida Home
632 Program provide trained and certified inspectors to perform
633 inspections for owners of site-built, single-family, residential
634 properties and grants to eligible applicants as funding allows.
635 The program shall develop and implement a comprehensive and
636 coordinated approach for hurricane damage mitigation that may
637 include the following:

638 (2) MITIGATION GRANTS.—Financial grants shall be used to

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639 encourage single-family, site-built, owner-occupied, residential
640 property owners to retrofit their properties to make them less
641 vulnerable to hurricane damage.

642 (a) For a homeowner to be eligible for a grant, the
643 following criteria must be met:

644 1. The homeowner must have been granted a homestead
645 exemption on the home under chapter 196.

646 2. The home must be a dwelling with an insured value of
647 \$300,000 or less. Homeowners who are low-income persons, as
648 defined in s. 420.0004(11)~~(10)~~, are exempt from this
649 requirement.

650 3. The home must have undergone an acceptable hurricane
651 mitigation inspection after May 1, 2007.

652 4. The home must be located in the "wind-borne debris
653 region" as that term is defined in s. 1609.2, International
654 Building Code (2006), or as subsequently amended.

655 5. The building permit application for initial construction
656 of the home must have been made before March 1, 2002.

657
658 An application for a grant must contain a signed or
659 electronically verified statement made under penalty of perjury
660 that the applicant has submitted only a single application and
661 must have attached documents demonstrating the applicant meets
662 the requirements of this paragraph.

663 (g) Low-income homeowners, as defined in s.
664 420.0004(11)~~(10)~~, who otherwise meet the requirements of
665 paragraphs (a), (c), (e), and (f) are eligible for a grant of up
666 to \$5,000 and are not required to provide a matching amount to
667 receive the grant. Additionally, for low-income homeowners,

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668 grant funding may be used for repair to existing structures
669 leading to any of the mitigation improvements provided in
670 paragraph (e), limited to 20 percent of the grant value. The
671 program may accept a certification directly from a low-income
672 homeowner that the homeowner meets the requirements of s.
673 420.0004(11)~~(10)~~ if the homeowner provides such certification in
674 a signed or electronically verified statement made under penalty
675 of perjury.

676 Section 11. Subsection (19) of section 420.503, Florida
677 Statutes, is amended to read:

678 420.503 Definitions.—As used in this part, the term:

679 (19) "Housing for the elderly" means, for purposes of s.
680 420.5087(3)(e)~~(d)~~, any nonprofit housing community that is
681 financed by a mortgage loan made or insured by the United States
682 Department of Housing and Urban Development under s. 202, s. 202
683 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the
684 National Housing Act, as amended, and that is subject to income
685 limitations established by the United States Department of
686 Housing and Urban Development, or any program funded by the
687 Rural Development Agency of the United States Department of
688 Agriculture and subject to income limitations established by the
689 United States Department of Agriculture. A project which
690 qualifies for an exemption under the Fair Housing Act as housing
691 for older persons as defined by s. 760.29(4) shall qualify as
692 housing for the elderly for purposes of s. 420.5087(3)(e)~~(d)~~ and
693 for purposes of any loans made pursuant to s. 420.508. In
694 addition, if the corporation adopts a qualified allocation plan
695 pursuant to s. 42(m)(1)(B) of the Internal Revenue Code or any
696 other rules that prioritize projects targeting the elderly for

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697 purposes of allocating tax credits pursuant to s. 420.5099 or
698 for purposes of the HOME program under s. 420.5089, a project
699 which qualifies for an exemption under the Fair Housing Act as
700 housing for older persons as defined by s. 760.29(4) shall
701 qualify as a project targeted for the elderly, if the project
702 satisfies the other requirements set forth in this part.

703 Section 12. (1) The Legislature finds that due to the
704 current economic conditions in the housing market there is a
705 critical need to rehabilitate or sell excess inventory of unsold
706 homes, including foreclosed homes and newly constructed homes,
707 as well as a critical need for the rehabilitation and
708 preservation of older, affordable apartments. The Legislature
709 further finds that there is a critical need to create housing-
710 related jobs and that these conditions require the targeting of
711 state and local housing trust fund moneys to assist in the sale
712 or rehabilitation of existing homes and the preservation and
713 rehabilitation of older rental apartments.

714 (2) Notwithstanding ss. 420.507(22) (a) and (23) (a),
715 420.5087(6) (1), 420.5088, 420.5095, and 420.9075(1) (b) and
716 (5) (b), Florida Statutes, funds from the State Housing Trust
717 Fund or the Local Government Housing Trust Fund which are
718 appropriated for use in the State Apartment Incentive Loan
719 Program, Florida Homeownership Assistance Program, Community
720 Workforce Housing Innovation Pilot Program, or the State Housing
721 Initiatives Partnership Program may not be used to:

722 (a) Finance or otherwise assist the construction or
723 purchase of housing sold to eligible individuals, unless the
724 housing unit being sold had an initial certificate of occupancy
725 prior to December 31, 2009; or

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726 (b) Finance or otherwise assist in the construction or
727 purchase of rental housing, unless the development being
728 financed or assisted received its initial certificate of
729 occupancy prior to December 31, 1995.

730

731 Nothing in this section restricts the use of such funds to
732 assist with the purchase of newly constructed homes that were
733 completed prior to December 31, 2009, or the acquisition and
734 rehabilitation of apartments that received their initial
735 certificate of occupancy prior to December 31, 1995. The use of
736 such funds is subject to the restrictions of the program under
737 which the funding is made available.

738 (3) This section expires July 1, 2011.

739 Section 13. This act shall take effect July 1, 2010.