

By the Committees on Finance and Tax; and 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           20.055, F.S.; revising definitions relating to agency  
4           inspectors general to include the Florida Housing  
5           Finance Corporation; amending s. 159.608, F.S.;  
6           providing a housing finance authority with an  
7           additional purpose for which it may exercise its power  
8           to borrow; amending s. 163.3177, F.S.; revising  
9           provisions relating to the elements of local  
10          comprehensive plans to include an element for  
11          affordable housing for seniors; providing for the  
12          disposition of real property by a local government for  
13          the development of affordable housing; amending s.  
14          201.15, F.S.; revising the allocation of certain  
15          proceeds distributed from the excise tax on documents  
16          which are paid into the State Treasury to the credit  
17          of the State Housing Trust Fund; amending s. 420.0003,  
18          F.S.; providing additional policy guidelines under the  
19          state housing strategy for the development of programs  
20          for housing production or rehabilitation; including  
21          the needs of persons with special needs in the  
22          strategy's periodic review and report; amending s.  
23          420.0004, F.S.; defining the terms "disabling  
24          condition" and "person with special needs"; conforming  
25          cross-references; amending s. 420.0006, F.S.; deleting  
26          provisions that require the inspector general of the  
27          Department of Community Affairs to perform functions  
28          for the corporation to conform to changes made by the  
29          act; amending s. 420.506, F.S.; providing for the

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30 appointment and removal of an inspector general for  
31 the Florida Housing Finance Corporation; amending s.  
32 420.507, F.S.; requiring certain rates of interest to  
33 be made available to sponsors of projects for persons  
34 with special needs; providing additional powers of the  
35 corporation relating to receipt of federal funds;  
36 conforming a cross-reference; revising the  
37 corporation's powers relating to criteria for  
38 establishing a preference for developers and general  
39 contractors who are domiciled in the state or have  
40 substantial experience in developing affordable  
41 housing; requiring that the corporation adopt rules  
42 applying the criteria to any competitive program;  
43 amending s. 420.5087, F.S.; limiting the reservation  
44 of funds within each notice of fund availability to  
45 the persons with special needs tenant group; including  
46 persons with special needs as a tenant group for  
47 specified purposes of the State Apartment Incentive  
48 Loan Program; requiring a specified review committee  
49 to include projects that reserve units for persons  
50 with special needs in its evaluation and competitive  
51 ranking of applications for such program; conforming a  
52 cross-reference; amending ss. 163.31771, 212.08,  
53 215.5586, and 420.503, F.S.; conforming cross-  
54 references; providing legislative intent; prohibiting  
55 funds from the State Housing Trust Fund or the Local  
56 Government Housing Trust Fund which are appropriated  
57 for specified programs from being used for certain  
58 purposes; providing for future repeal; providing an

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59 effective date.

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. Paragraphs (a) and (b) of subsection (1) and  
64 subsection (7) of section 20.055, Florida Statutes, are amended  
65 to read:

66 20.055 Agency inspectors general.—

67 (1) For the purposes of this section:

68 (a) "State agency" means each department created pursuant  
69 to this chapter, and also includes the Executive Office of the  
70 Governor, the Department of Military Affairs, the Fish and  
71 Wildlife Conservation Commission, the Office of Insurance  
72 Regulation of the Financial Services Commission, the Office of  
73 Financial Regulation of the Financial Services Commission, the  
74 Public Service Commission, the Board of Governors of the State  
75 University System, the Florida Housing Finance Corporation, and  
76 the state courts system.

77 (b) "Agency head" means the Governor, a Cabinet officer, a  
78 secretary as defined in s. 20.03(5), or an executive director as  
79 defined in s. 20.03(6). It also includes the chair of the Public  
80 Service Commission, the Director of the Office of Insurance  
81 Regulation of the Financial Services Commission, the Director of  
82 the Office of Financial Regulation of the Financial Services  
83 Commission, the board of directors of the Florida Housing  
84 Finance Corporation, and the Chief Justice of the State Supreme  
85 Court.

86 (7) Each inspector general shall, not later than September  
87 30 of each year, prepare an annual report summarizing the

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88 activities of the office during the immediately preceding agency  
89 ~~state~~ fiscal year. The final report shall be furnished to the  
90 agency head. Such report shall include, but need not be limited  
91 to:

92 (a) A description of activities relating to the  
93 development, assessment, and validation of performance measures.

94 (b) A description of significant abuses and deficiencies  
95 relating to the administration of programs and operations of the  
96 agency disclosed by investigations, audits, reviews, or other  
97 activities during the reporting period.

98 (c) A description of the recommendations for corrective  
99 action made by the inspector general during the reporting period  
100 with respect to significant problems, abuses, or deficiencies  
101 identified.

102 (d) The identification of each significant recommendation  
103 described in previous annual reports on which corrective action  
104 has not been completed.

105 (e) A summary of each audit and investigation completed  
106 during the reporting period.

107 Section 2. Subsection (11) is added to section 159.608,  
108 Florida Statutes, to read:

109 159.608 Powers of housing finance authorities.—A housing  
110 finance authority shall constitute a public body corporate and  
111 politic, exercising the public and essential governmental  
112 functions set forth in this act, and shall exercise its power to  
113 borrow only for the purpose as provided herein:

114 (11) To invest and reinvest surplus funds of the housing  
115 finance authority in accordance with s. 218.415. However, in  
116 addition to the investments expressly authorized in ss.

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117 218.415(16) (a)-(g) and (17) (a)-(d), a housing finance authority  
118 may invest surplus funds in interest-bearing time deposits or  
119 savings accounts that are fully insured by the Federal Deposit  
120 Insurance Corporation regardless of whether the bank or  
121 financial institution in which the deposit or investment is made  
122 is a qualified public depository as defined in s. 280.02. This  
123 subsection is supplementary to and may not be construed as  
124 limiting any powers of a housing finance authority or providing  
125 or implying a limiting construction of any other statutory  
126 provision.

127 Section 3. Paragraph (f) of subsection (6) of section  
128 163.3177, Florida Statutes, is amended to read:

129 163.3177 Required and optional elements of comprehensive  
130 plan; studies and surveys.-

131 (6) In addition to the requirements of subsections (1)-(5)  
132 and (12), the comprehensive plan shall include the following  
133 elements:

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

136 a. The provision of housing for all current and anticipated  
137 future residents of the jurisdiction.

138 b. The elimination of substandard dwelling conditions.

139 c. The structural and aesthetic improvement of existing  
140 housing.

141 d. The provision of adequate sites for future housing,  
142 including affordable workforce housing as defined in s.  
143 380.0651(3) (j), housing for low-income, very low-income, and  
144 moderate-income families, affordable housing for  
145 seniors, and group home facilities and foster care facilities,

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146 with supporting infrastructure and public facilities. Real  
147 property that is conveyed to a local government for affordable  
148 housing under this sub-subparagraph shall be disposed of by the  
149 local government pursuant to s. 125.379 or s. 166.0451.

150 e. Provision for relocation housing and identification of  
151 historically significant and other housing for purposes of  
152 conservation, rehabilitation, or replacement.

153 f. The formulation of housing implementation programs.

154 g. The creation or preservation of affordable housing to  
155 minimize the need for additional local services and avoid the  
156 concentration of affordable housing units only in specific areas  
157 of the jurisdiction.

158 h. Energy efficiency in the design and construction of new  
159 housing.

160 i. Use of renewable energy resources.

161 j. Each county in which the gap between the buying power of  
162 a family of four and the median county home sale price exceeds  
163 \$170,000, as determined by the Florida Housing Finance  
164 Corporation, and which is not designated as an area of critical  
165 state concern shall adopt a plan for ensuring affordable  
166 workforce housing. At a minimum, the plan shall identify  
167 adequate sites for such housing. For purposes of this sub-  
168 subparagraph, the term "workforce housing" means housing that is  
169 affordable to natural persons or families whose total household  
170 income does not exceed 140 percent of the area median income,  
171 adjusted for household size.

172 k. As a precondition to receiving any state affordable  
173 housing funding or allocation for any project or program within  
174 the jurisdiction of a county that is subject to sub-subparagraph

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175 j., a county must, by July 1 of each year, provide certification  
176 that the county has complied with the requirements of sub-  
177 subparagraph j.

178

179 The goals, objectives, and policies of the housing element must  
180 be based on the data and analysis prepared on housing needs,  
181 including the affordable housing needs assessment. State and  
182 federal housing plans prepared on behalf of the local government  
183 must be consistent with the goals, objectives, and policies of  
184 the housing element. Local governments are encouraged to use job  
185 training, job creation, and economic solutions to address a  
186 portion of their affordable housing concerns.

187 2. To assist local governments in housing data collection  
188 and analysis and assure uniform and consistent information  
189 regarding the state's housing needs, the state land planning  
190 agency shall conduct an affordable housing needs assessment for  
191 all local jurisdictions on a schedule that coordinates the  
192 implementation of the needs assessment with the evaluation and  
193 appraisal reports required by s. 163.3191. Each local government  
194 shall utilize the data and analysis from the needs assessment as  
195 one basis for the housing element of its local comprehensive  
196 plan. The agency shall allow a local government the option to  
197 perform its own needs assessment, if it uses the methodology  
198 established by the agency by rule.

199 Section 4. Subsections (9), (10), and (13) of section  
200 201.15, Florida Statutes, as amended by chapters 2009-17, 2009-  
201 21, and 2009-68, Laws of Florida, are amended to read:

202 201.15 Distribution of taxes collected.—All taxes collected  
203 under this chapter are subject to the service charge imposed in

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204 s. 215.20(1). Prior to distribution under this section, the  
205 Department of Revenue shall deduct amounts necessary to pay the  
206 costs of the collection and enforcement of the tax levied by  
207 this chapter. Such costs and the service charge may not be  
208 levied against any portion of taxes pledged to debt service on  
209 bonds to the extent that the costs and service charge are  
210 required to pay any amounts relating to the bonds. After  
211 distributions are made pursuant to subsection (1), all of the  
212 costs of the collection and enforcement of the tax levied by  
213 this chapter and the service charge shall be available and  
214 transferred to the extent necessary to pay debt service and any  
215 other amounts payable with respect to bonds authorized before  
216 January 1, 2010, secured by revenues distributed pursuant to  
217 subsection (1). All taxes remaining after deduction of costs and  
218 the service charge shall be distributed as follows:

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

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

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

230       (10) Eight and sixty-six hundredths ~~The lesser of 8.66~~  
231 percent of the remaining taxes ~~or \$136 million~~ in each fiscal  
232 year shall be paid into the State Treasury to the credit of the



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233 State Housing Trust Fund and used as follows:

234 (a) Twelve and one-half percent of that amount shall be  
235 deposited into the State Housing Trust Fund and be expended by  
236 the Department of Community Affairs and by the Florida Housing  
237 Finance Corporation for the purposes for which the State Housing  
238 Trust Fund was created and exists by law.

239 (b) Eighty-seven and one-half percent of that amount shall  
240 be distributed to the Local Government Housing Trust Fund and  
241 used for the purposes for which the Local Government Housing  
242 Trust Fund was created and exists by law. Funds from this  
243 category may also be used to provide for state and local  
244 services to assist the homeless.

245 (13) Beginning July 1, 2008, in each fiscal year that the  
246 remaining taxes collected under this chapter exceed collections  
247 in the prior fiscal year, the stated maximum dollar amounts  
248 provided in subsections (2), (4), (6), and (7), ~~(9), and (10)~~  
249 shall each be increased by an amount equal to 10 percent of the  
250 increase in the remaining taxes collected under this chapter  
251 multiplied by the applicable percentage provided in those  
252 subsections.

253 Section 5. Paragraph (e) of subsection (3) and paragraph  
254 (c) of subsection (4) of section 420.0003, Florida Statutes, are  
255 amended to read:

256 420.0003 State housing strategy.—

257 (3) POLICIES.—

258 (e) *Housing production or rehabilitation programs.*—New  
259 programs for housing production or rehabilitation shall be  
260 developed in accordance with the following general guidelines as  
261 appropriate for the purpose of the specific program:

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262 1. State and local governments shall provide incentives to  
263 encourage the private sector to be the primary delivery vehicle  
264 for the development of affordable housing.

265 2. State funds should be heavily leveraged to achieve the  
266 maximum local and private commitment of funds while achieving  
267 the program objectives.

268 3. To the maximum extent possible, state funds should be  
269 expended to provide housing units rather than to support program  
270 administration.

271 4. State money should be used, when possible, as loans  
272 rather than grants.

273 5. State funds should be available only to local  
274 governments that provide incentives or financial assistance for  
275 housing.

276 6. State funds should be made available only for projects  
277 which are consistent with the local government comprehensive  
278 plan.

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

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

286 9. Distribution of state housing funds should be flexible  
287 and consider the regional and local needs, resources, and  
288 capabilities of housing producers.

289 10. Distribution of housing funds for multifamily rental  
290 housing should be administered to address the housing needs of

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291 persons most in need of housing.

292 ~~11.40.~~ Income levels used to determine program eligibility  
293 should be adjusted for family size in determining the  
294 eligibility of specific beneficiaries.

295 ~~12.11.~~ To the maximum extent possible, state-owned lands  
296 that are appropriate for the development of affordable housing  
297 shall be made available for that purpose.

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

301 (c) The Shimberg Center for Affordable Housing, in  
302 consultation with the Department of Community Affairs and the  
303 Florida Housing Finance Corporation, shall review and evaluate  
304 existing housing rehabilitation, production, and finance  
305 programs to determine their consistency with relevant policies  
306 in this section and identify the needs of specific populations,  
307 including, but not limited to, elderly persons, ~~and~~ handicapped  
308 persons, and persons with special needs, and shall recommend  
309 statutory modifications where appropriate. The Shimberg Center  
310 for Affordable Housing, in consultation with the Department of  
311 Community Affairs and the corporation, shall also evaluate the  
312 degree of coordination between state housing programs, and  
313 between state, federal, and local housing activities, and shall  
314 recommend improved program linkages. The recommendations  
315 required above and a report of any programmatic modifications  
316 made as a result of these policies shall be included in the  
317 housing report required by s. 420.6075, beginning December 31,  
318 1991, and every 5 years thereafter.

319 Section 6. Section 420.0004, Florida Statutes, is amended

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320 to read:

321 420.0004 Definitions.—As used in this part, unless the  
322 context otherwise indicates:

323 (1) "Adjusted for family size" means adjusted in a manner  
324 which results in an income eligibility level which is lower for  
325 households with fewer than four people, or higher for households  
326 with more than four people, than the base income eligibility  
327 determined as provided in subsection (9) ~~(8)~~, subsection (11)  
328 ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~, based upon  
329 a formula as established by the United States Department of  
330 Housing and Urban Development.

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

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

343 (4) "Corporation" means the Florida Housing Finance  
344 Corporation.

345 (5) "Community-based organization" or "nonprofit  
346 organization" means a private corporation organized under  
347 chapter 617 to assist in the provision of housing and related  
348 services on a not-for-profit basis and which is acceptable to

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349 federal and state agencies and financial institutions as a  
350 sponsor of low-income housing.

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

352 (7) "Disabling condition" means a diagnosable substance  
353 abuse disorder, serious mental illness, developmental  
354 disability, or chronic physical illness or disability, or the  
355 co-occurrence of two or more of these conditions, and a  
356 determination that the condition is:

357 (a) Expected to be of long-continued and indefinite  
358 duration; and

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

361 (8)-(7) "Elderly" describes persons 62 years of age or  
362 older.

363 (9)-(8) "Extremely-low-income persons" means one or more  
364 natural persons or a family whose total annual household income  
365 does not exceed 30 percent of the median annual adjusted gross  
366 income for households within the state. The Florida Housing  
367 Finance Corporation may adjust this amount annually by rule to  
368 provide that in lower income counties, extremely low income may  
369 exceed 30 percent of area median income and that in higher  
370 income counties, extremely low income may be less than 30  
371 percent of area median income.

372 (10)-(9) "Local public body" means any county, municipality,  
373 or other political subdivision, or any housing authority as  
374 provided by chapter 421, which is eligible to sponsor or develop  
375 housing for farmworkers and very-low-income and low-income  
376 persons within its jurisdiction.

377 (11)-(10) "Low-income persons" means one or more natural

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378 persons or a family, the total annual adjusted gross household  
379 income of which does not exceed 80 percent of the median annual  
380 adjusted gross income for households within the state, or 80  
381 percent of the median annual adjusted gross income for  
382 households within the metropolitan statistical area (MSA) or, if  
383 not within an MSA, within the county in which the person or  
384 family resides, whichever is greater.

385 (12)~~(11)~~ "Moderate-income persons" means one or more  
386 natural persons or a family, the total annual adjusted gross  
387 household income of which is less than 120 percent of the median  
388 annual adjusted gross income for households within the state, or  
389 120 percent of the median annual adjusted gross income for  
390 households within the metropolitan statistical area (MSA) or, if  
391 not within an MSA, within the county in which the person or  
392 family resides, whichever is greater.

393 (13) "Person with special needs" means an adult person  
394 requiring independent living services in order to maintain  
395 housing or develop independent living skills and who has a  
396 disabling condition; a young adult formerly in foster care who  
397 is eligible for services under s. 409.1451(5); a survivor of  
398 domestic violence as defined in s. 741.28; or a person receiving  
399 benefits under the Social Security Disability Insurance (SSDI)  
400 program or the Supplemental Security Income (SSI) program or  
401 from veterans' disability benefits.

402 (14)~~(12)~~ "Student" means any person not living with his or  
403 her parent or guardian who is eligible to be claimed by his or  
404 her parent or guardian as a dependent under the federal income  
405 tax code and who is enrolled on at least a half-time basis in a  
406 secondary school, career center, community college, college, or

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407 university.

408 (15)~~(13)~~ "Substandard" means:

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

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

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

417 (16)~~(14)~~ "Substantial rehabilitation" means repair or  
418 restoration of a dwelling unit where the value of such repair or  
419 restoration exceeds 40 percent of the value of the dwelling.

420 (17)~~(15)~~ "Very-low-income persons" means one or more  
421 natural persons or a family, not including students, the total  
422 annual adjusted gross household income of which does not exceed  
423 50 percent of the median annual adjusted gross income for  
424 households within the state, or 50 percent of the median annual  
425 adjusted gross income for households within the metropolitan  
426 statistical area (MSA) or, if not within an MSA, within the  
427 county in which the person or family resides, whichever is  
428 greater.

429 Section 7. Section 420.0006, Florida Statutes, is amended  
430 to read:

431 420.0006 Authority to contract with corporation; contract  
432 requirements; nonperformance.—The secretary of the department  
433 shall contract, notwithstanding the provisions of part I of  
434 chapter 287, with the Florida Housing Finance Corporation on a  
435 multiyear basis to stimulate, provide, and foster affordable

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436 housing in the state. The contract must incorporate the  
437 performance measures required by s. 420.511 and must be  
438 consistent with the provisions of the corporation's strategic  
439 plan prepared in accordance with s. 420.511 ~~and compatible with~~  
440 ~~s. 216.0166~~. The contract must provide that, in the event the  
441 corporation fails to comply with any of the performance measures  
442 required by s. 420.511, the secretary shall notify the Governor  
443 and shall refer the nonperformance to the department's inspector  
444 general for review and determination as to whether such failure  
445 is due to forces beyond the corporation's control or whether  
446 such failure is due to inadequate management of the  
447 corporation's resources. Advances shall continue to be made  
448 pursuant to s. 420.0005 during the pendency of the review by the  
449 department's inspector general. If such failure is due to  
450 outside forces, it shall not be deemed a violation of the  
451 contract. If such failure is due to inadequate management, the  
452 department's inspector general shall provide recommendations  
453 regarding solutions. The Governor is authorized to resolve any  
454 differences of opinion with respect to performance under the  
455 contract and may request that advances continue in the event of  
456 a failure under the contract due to inadequate management. The  
457 Chief Financial Officer shall approve the request absent a  
458 finding by the Chief Financial Officer that continuing such  
459 advances would adversely impact the state; however, in any event  
460 the Chief Financial Officer shall provide advances sufficient to  
461 meet the debt service requirements of the corporation and  
462 sufficient to fund contracts committing funds from the State  
463 Housing Trust Fund so long as such contracts are in accordance  
464 with the laws of this state. ~~The department inspector general~~



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465 ~~shall perform for the corporation the functions set forth in s.~~  
466 ~~20.055 and report to the secretary of the department. The~~  
467 ~~corporation shall be deemed an agency for the purposes of s.~~  
468 ~~20.055.~~

469 Section 8. Section 420.506, Florida Statutes, is amended to  
470 read:

471 420.506 Executive director; agents and employees; inspector  
472 general.-

473 (1) The appointment and removal of an executive director  
474 shall be by the Secretary of Community Affairs, with the advice  
475 and consent of the corporation's board of directors. The  
476 executive director shall employ legal and technical experts and  
477 such other agents and employees, permanent and temporary, as the  
478 corporation may require, and shall communicate with and provide  
479 information to the Legislature with respect to the corporation's  
480 activities. The board is authorized, notwithstanding the  
481 provisions of s. 216.262, to develop and implement rules  
482 regarding the employment of employees of the corporation and  
483 service providers, including legal counsel. The board of  
484 directors of the corporation is entitled to establish travel  
485 procedures and guidelines for employees of the corporation. The  
486 executive director's office and the corporation's files and  
487 records must be located in Leon County.

488 (2) The appointment and removal of an inspector general  
489 shall be by the executive director, with the advice and consent  
490 of the corporation's board of directors. The corporation's  
491 inspector general shall perform for the corporation the  
492 functions set forth in s. 20.055. The inspector general shall  
493 administratively report to the executive director. The inspector

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494 general shall meet the minimum qualifications as set forth s.  
495 20.055(4). The corporation may establish additional  
496 qualifications deemed necessary by the board of directors to  
497 meet the unique needs of the corporation. The inspector general  
498 shall be responsible for coordinating the responsibilities set  
499 forth in s. 420.0006.

500 Section 9. Paragraph (a) of subsection (22) and subsections  
501 (33), (46), and (47) of section 420.507, Florida Statutes, are  
502 amended to read:

503 420.507 Powers of the corporation.—The corporation shall  
504 have all the powers necessary or convenient to carry out and  
505 effectuate the purposes and provisions of this part, including  
506 the following powers which are in addition to all other powers  
507 granted by other provisions of this part:

508 (22) To develop and administer the State Apartment  
509 Incentive Loan Program. In developing and administering that  
510 program, the corporation may:

511 (a) Make first, second, and other subordinated mortgage  
512 loans including variable or fixed rate loans subject to  
513 contingent interest for all State Apartment Incentive Loans  
514 provided in this chapter based upon available cash flow of the  
515 projects. The corporation shall make loans exceeding 25 percent  
516 of project cost only to nonprofit organizations and public  
517 bodies that are able to secure grants, donations of land, or  
518 contributions from other sources and to projects meeting the  
519 criteria of subparagraph 1. Mortgage loans shall be made  
520 available at the following rates of interest:

521 1. Zero to 3 percent interest for sponsors of projects that  
522 set aside at least 80 percent of their total units for residents

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523 qualifying as farmworkers, commercial fishing workers, ~~or~~ the  
524 homeless as defined in s. 420.621, or persons with special needs  
525 as defined in s. 420.0004(13) over the life of the loan.

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

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

533 (33) To receive federal funding in connection with the  
534 corporation's programs directly from the Federal Government and  
535 to receive federal funds for which no corresponding program has  
536 been created in statute and establish selection criteria for  
537 such funds by request for proposals or other competitive  
538 solicitation.

539 (46) To require, as a condition of financing a multifamily  
540 rental project, that an agreement be recorded in the official  
541 records of the county where the real property is located, which  
542 requires that the project be used for housing defined as  
543 affordable in s. 420.0004(3) by persons defined in s.  
544 420.0004(9)-(8), (11)-(10), (12)-(11), and (17)-(15). Such an  
545 agreement is a state land use regulation that limits the highest  
546 and best use of the property within the meaning of s.  
547 193.011(2).

548 (47) To provide by rule in connection with any corporation  
549 competitive program, criteria establishing a preference for  
550 developers and general contractors who are either domiciled in  
551 this state or who, ~~and for developers and general contractors,~~

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552 regardless of domicile, ~~who~~ have substantial experience in  
553 developing ~~or building~~ affordable housing through the  
554 corporation's programs, in the case of developers, or in  
555 building multifamily housing, in the case of general  
556 contractors.

557 (a) In evaluating whether developers and general  
558 contractors are ~~a developer or general contractor is~~ domiciled  
559 in this state, the corporation shall consider whether the  
560 developer's and ~~or~~ general contractor's principal office is  
561 located in this state and whether ~~a majority of~~ the developer's  
562 and ~~or~~ general contractor's principals and financial  
563 beneficiaries having a 50 percent or more financial interest in  
564 a project reside in Florida.

565 (b) In evaluating whether developers have ~~a developer or~~  
566 ~~general contractor has~~ substantial experience, the corporation  
567 shall consider whether the developer ~~or general contractor~~ has  
568 completed at least five developments since 2003 using funds  
569 either provided by or administered by the corporation. For  
570 purposes of this subsection, the term "completed" means the date  
571 of the IRS Form 8609 for buildings containing a majority of the  
572 units in developments involving federal low-income housing tax  
573 credits. In evaluating whether a general contractor has  
574 substantial experience, the corporation shall consider whether  
575 the general contractor has received a final certificate of  
576 occupancy in connection with at least five multifamily housing  
577 developments since 2003.

578 (c) The corporation shall adopt rules applying the criteria  
579 to its competitive programs before the opening of the next  
580 Universal Application Cycle following July 1, 2010. However, the

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581 rules do not apply to projects that have received an allocation  
582 of HOPE VI Program funding from the United States Department of  
583 Housing and Urban Development, if such projects were the subject  
584 of a contract between a local housing authority and a  
585 development partner prior to July 1, 2010, and such projects are  
586 subject to time limits for use of the HOPE VI Program funds.

587 Section 10. Subsection (3) and paragraph (c) of subsection  
588 (6) of section 420.5087, Florida Statutes, are amended to read:

589 420.5087 State Apartment Incentive Loan Program.—There is  
590 hereby created the State Apartment Incentive Loan Program for  
591 the purpose of providing first, second, or other subordinated  
592 mortgage loans or loan guarantees to sponsors, including for-  
593 profit, nonprofit, and public entities, to provide housing  
594 affordable to very-low-income persons.

595 (3) During the first 6 months of loan or loan guarantee  
596 availability, program funds shall be reserved for use by  
597 sponsors who provide the housing set-aside required in  
598 subsection (2) for the tenant groups designated in this  
599 subsection. The reservation of funds to each of these groups  
600 shall be determined using the most recent statewide very-low-  
601 income rental housing market study available at the time of  
602 publication of each notice of fund availability required by  
603 paragraph (6) (b). The reservation of funds within each notice of  
604 fund availability to the tenant groups in paragraphs (a), (b),  
605 and (e) ~~(d)~~ may not be less than 10 percent of the funds  
606 available at that time. Any increase in funding required to  
607 reach the 10-percent minimum must be taken from the tenant group  
608 that has the largest reservation. The reservation of funds  
609 within each notice of fund availability to the tenant group in

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610 paragraph (c) may not be less than 5 percent of the funds  
611 available at that time. The reservation of funds within each  
612 notice of fund availability to the tenant group in paragraph (d)  
613 may not be more than 10 percent of the funds available at that  
614 time. The tenant groups are:

615 (a) Commercial fishing workers and farmworkers;

616 (b) Families;

617 (c) Persons who are homeless;

618 (d) Persons with special needs; and

619 (e)~~(d)~~ Elderly persons. Ten percent of the amount reserved  
620 for the elderly shall be reserved to provide loans to sponsors  
621 of housing for the elderly for the purpose of making building  
622 preservation, health, or sanitation repairs or improvements  
623 which are required by federal, state, or local regulation or  
624 code, or lifesafety or security-related repairs or improvements  
625 to such housing. Such a loan may not exceed \$750,000 per housing  
626 community for the elderly. In order to receive the loan, the  
627 sponsor of the housing community must make a commitment to match  
628 at least 5 percent of the loan amount to pay the cost of such  
629 repair or improvement. The corporation shall establish the rate  
630 of interest on the loan, which may not exceed 3 percent, and the  
631 term of the loan, which may not exceed 15 years; however, if the  
632 lien of the corporation's encumbrance is subordinate to the lien  
633 of another mortgagee, then the term may be made coterminous with  
634 the longest term of the superior lien. The term of the loan  
635 shall be based on a credit analysis of the applicant. The  
636 corporation may forgive indebtedness for a share of the loan  
637 attributable to the units in a project reserved for extremely-  
638 low-income elderly by nonprofit organizations, as defined in s.

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639 420.0004(5), where the project has provided affordable housing  
640 to the elderly for 15 years or more. The corporation shall  
641 establish, by rule, the procedure and criteria for receiving,  
642 evaluating, and competitively ranking all applications for loans  
643 under this paragraph. A loan application must include evidence  
644 of the first mortgagee's having reviewed and approved the  
645 sponsor's intent to apply for a loan. A nonprofit organization  
646 or sponsor may not use the proceeds of the loan to pay for  
647 administrative costs, routine maintenance, or new construction.

648 (6) On all state apartment incentive loans, except loans  
649 made to housing communities for the elderly to provide for  
650 lifesafety, building preservation, health, sanitation, or  
651 security-related repairs or improvements, the following  
652 provisions shall apply:

653 (c) The corporation shall provide by rule for the  
654 establishment of a review committee composed of the department  
655 and corporation staff and shall establish by rule a scoring  
656 system for evaluation and competitive ranking of applications  
657 submitted in this program, including, but not limited to, the  
658 following criteria:

659 1. Tenant income and demographic targeting objectives of  
660 the corporation.

661 2. Targeting objectives of the corporation which will  
662 ensure an equitable distribution of loans between rural and  
663 urban areas.

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

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668 part.

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

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

673 b. Forty percent of the units in the project for persons or  
674 families who have incomes that do not exceed 60 percent of the  
675 state or local median income, whichever is higher, without  
676 requiring a greater amount of the loans as provided in this  
677 section.

678 5. Provision for tenant counseling.

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

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

685 8. Local government contributions and local government  
686 comprehensive planning and activities that promote affordable  
687 housing.

688 9. Project feasibility.

689 10. Economic viability of the project.

690 11. Commitment of first mortgage financing.

691 ~~12. Sponsor's prior experience, including whether the~~  
692 ~~developer and general contractor have substantial experience, as~~  
693 ~~provided in s. 420.507(47).~~

694 12.13. Sponsor's ability to proceed with construction.

695 13.14. Projects that directly implement or assist welfare-  
696 to-work transitioning.



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697 ~~14.15.~~ Projects that reserve units for extremely-low-income  
698 persons.

699 ~~15.16.~~ Projects that include green building principles,  
700 storm-resistant construction, or other elements that reduce  
701 long-term costs relating to maintenance, utilities, or  
702 insurance.

703 ~~16.17.~~ Domicile or substantial experience of the developer  
704 and general contractor, as provided in s. 420.507(47).

705 17. Projects that reserve units for persons with special  
706 needs, provided services for such persons are available to the  
707 project.

708 Section 11. Paragraphs (d), (e), (f), and (g) of subsection  
709 (2) of section 163.31771, Florida Statutes, are amended to read:

710 163.31771 Accessory dwelling units.—

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

712 (d) "Low-income persons" has the same meaning as in s.  
713 420.0004 (11) ~~(10)~~.

714 (e) "Moderate-income persons" has the same meaning as in s.  
715 420.0004 (12) ~~(11)~~.

716 (f) "Very-low-income persons" has the same meaning as in s.  
717 420.0004 (17) ~~(15)~~.

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

720 Section 12. Paragraph (o) of subsection (5) of section  
721 212.08, Florida Statutes, is amended to read:

722 212.08 Sales, rental, use, consumption, distribution, and  
723 storage tax; specified exemptions.—The sale at retail, the  
724 rental, the use, the consumption, the distribution, and the  
725 storage to be used or consumed in this state of the following

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726 are hereby specifically exempt from the tax imposed by this  
727 chapter.

728 (5) EXEMPTIONS; ACCOUNT OF USE.—

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

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

731 a. "Building materials" means tangible personal property  
732 that becomes a component part of a housing project or a mixed-  
733 use project.

734 b. "Housing project" means the conversion of an existing  
735 manufacturing or industrial building to housing units in an  
736 urban high-crime area, enterprise zone, empowerment zone, Front  
737 Porch Community, designated brownfield area, or urban infill  
738 area and in which the developer agrees to set aside at least 20  
739 percent of the housing units in the project for low-income and  
740 moderate-income persons or the construction in a designated  
741 brownfield area of affordable housing for persons described in  
742 s. 420.0004 (9)~~(8)~~, (11)~~(10)~~, (12)~~(11)~~, or (17)~~(15)~~ or in s.  
743 159.603(7).

744 c. "Mixed-use project" means the conversion of an existing  
745 manufacturing or industrial building to mixed-use units that  
746 include artists' studios, art and entertainment services, or  
747 other compatible uses. A mixed-use project must be located in an  
748 urban high-crime area, enterprise zone, empowerment zone, Front  
749 Porch Community, designated brownfield area, or urban infill  
750 area, and the developer must agree to set aside at least 20  
751 percent of the square footage of the project for low-income and  
752 moderate-income housing.

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

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755           2. Building materials used in the construction of a housing  
756 project or mixed-use project are exempt from the tax imposed by  
757 this chapter upon an affirmative showing to the satisfaction of  
758 the department that the requirements of this paragraph have been  
759 met. This exemption inures to the owner through a refund of  
760 previously paid taxes. To receive this refund, the owner must  
761 file an application under oath with the department which  
762 includes:

763           a. The name and address of the owner.

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

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

767           d. A certification by the local building code inspector  
768 that the project is substantially completed.

769           e. A sworn statement, under penalty of perjury, from the  
770 general contractor licensed in this state with whom the owner  
771 contracted to construct the project, which statement lists the  
772 building materials used in the construction of the project and  
773 the actual cost thereof, and the amount of sales tax paid on  
774 these materials. If a general contractor was not used, the owner  
775 shall provide this information in a sworn statement, under  
776 penalty of perjury. Copies of invoices evidencing payment of  
777 sales tax must be attached to the sworn statement.

778           3. An application for a refund under this paragraph must be  
779 submitted to the department within 6 months after the date the  
780 project is deemed to be substantially completed by the local  
781 building code inspector. Within 30 working days after receipt of  
782 the application, the department shall determine if it meets the  
783 requirements of this paragraph. A refund approved pursuant to

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784 this paragraph shall be made within 30 days after formal  
785 approval of the application by the department.

786 4. The department shall establish by rule an application  
787 form and criteria for establishing eligibility for exemption  
788 under this paragraph.

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

791 Section 13. Paragraphs (a) and (g) of subsection (2) of  
792 section 215.5586, Florida Statutes, are amended to read:

793 215.5586 My Safe Florida Home Program.—There is established  
794 within the Department of Financial Services the My Safe Florida  
795 Home Program. The department shall provide fiscal  
796 accountability, contract management, and strategic leadership  
797 for the program, consistent with this section. This section does  
798 not create an entitlement for property owners or obligate the  
799 state in any way to fund the inspection or retrofitting of  
800 residential property in this state. Implementation of this  
801 program is subject to annual legislative appropriations. It is  
802 the intent of the Legislature that the My Safe Florida Home  
803 Program provide trained and certified inspectors to perform  
804 inspections for owners of site-built, single-family, residential  
805 properties and grants to eligible applicants as funding allows.  
806 The program shall develop and implement a comprehensive and  
807 coordinated approach for hurricane damage mitigation that may  
808 include the following:

809 (2) MITIGATION GRANTS.—Financial grants shall be used to  
810 encourage single-family, site-built, owner-occupied, residential  
811 property owners to retrofit their properties to make them less  
812 vulnerable to hurricane damage.

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

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

817 2. The home must be a dwelling with an insured value of  
818 \$300,000 or less. Homeowners who are low-income persons, as  
819 defined in s. 420.0004(11)~~(10)~~, are exempt from this  
820 requirement.

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

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

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

828  
829 An application for a grant must contain a signed or  
830 electronically verified statement made under penalty of perjury  
831 that the applicant has submitted only a single application and  
832 must have attached documents demonstrating the applicant meets  
833 the requirements of this paragraph.

834 (g) Low-income homeowners, as defined in s.  
835 420.0004(11)~~(10)~~, who otherwise meet the requirements of  
836 paragraphs (a), (c), (e), and (f) are eligible for a grant of up  
837 to \$5,000 and are not required to provide a matching amount to  
838 receive the grant. Additionally, for low-income homeowners,  
839 grant funding may be used for repair to existing structures  
840 leading to any of the mitigation improvements provided in  
841 paragraph (e), limited to 20 percent of the grant value. The

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842 program may accept a certification directly from a low-income  
843 homeowner that the homeowner meets the requirements of s.  
844 420.0004(11)~~(10)~~ if the homeowner provides such certification in  
845 a signed or electronically verified statement made under penalty  
846 of perjury.

847 Section 14. Subsection (19) of section 420.503, Florida  
848 Statutes, is amended to read:

849 420.503 Definitions.—As used in this part, the term:

850 (19) "Housing for the elderly" means, for purposes of s.  
851 420.5087(3) (e)~~(d)~~, any nonprofit housing community that is  
852 financed by a mortgage loan made or insured by the United States  
853 Department of Housing and Urban Development under s. 202, s. 202  
854 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the  
855 National Housing Act, as amended, and that is subject to income  
856 limitations established by the United States Department of  
857 Housing and Urban Development, or any program funded by the  
858 Rural Development Agency of the United States Department of  
859 Agriculture and subject to income limitations established by the  
860 United States Department of Agriculture. A project which  
861 qualifies for an exemption under the Fair Housing Act as housing  
862 for older persons as defined by s. 760.29(4) shall qualify as  
863 housing for the elderly for purposes of s. 420.5087(3) (e)~~(d)~~ and  
864 for purposes of any loans made pursuant to s. 420.508. In  
865 addition, if the corporation adopts a qualified allocation plan  
866 pursuant to s. 42(m)(1)(B) of the Internal Revenue Code or any  
867 other rules that prioritize projects targeting the elderly for  
868 purposes of allocating tax credits pursuant to s. 420.5099 or  
869 for purposes of the HOME program under s. 420.5089, a project  
870 which qualifies for an exemption under the Fair Housing Act as

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871 housing for older persons as defined by s. 760.29(4) shall  
872 qualify as a project targeted for the elderly, if the project  
873 satisfies the other requirements set forth in this part.

874 Section 15. (1) The Legislature finds that due to the  
875 current economic conditions in the housing market there is a  
876 critical need to rehabilitate or sell excess inventory of unsold  
877 homes, including foreclosed homes and newly constructed homes,  
878 as well as a critical need for the rehabilitation and  
879 preservation of older, affordable apartments. The Legislature  
880 further finds that there is a critical need to create housing-  
881 related jobs and that these conditions require the targeting of  
882 state and local housing trust fund moneys to assist in the sale  
883 or rehabilitation of existing homes and the preservation and  
884 rehabilitation of older rental apartments.

885 (2) Notwithstanding ss. 420.507(22) (a) and (23) (a),  
886 420.5087(6) (1), 420.5088, 420.5095, and 420.9075(1) (b) and  
887 (5) (b), Florida Statutes, funds from the State Housing Trust  
888 Fund or the Local Government Housing Trust Fund which are  
889 appropriated for use in the State Apartment Incentive Loan  
890 Program, Florida Homeownership Assistance Program, Community  
891 Workforce Housing Innovation Pilot Program, or the State Housing  
892 Initiatives Partnership Program may not be used to:

893 (a) Finance or otherwise assist the construction or  
894 purchase of housing sold to eligible individuals, unless the  
895 housing unit being sold had an initial certificate of occupancy  
896 prior to December 31, 2009; or

897 (b) Finance or otherwise assist in the construction or  
898 purchase of rental housing, unless the development being  
899 financed or assisted received its initial certificate of

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900 occupancy prior to December 31, 1995.

901

902 Nothing in this section restricts the use of such funds to  
903 assist with the purchase of newly constructed homes that were  
904 completed prior to December 31, 2009, or the acquisition and  
905 rehabilitation of apartments that received their initial  
906 certificate of occupancy prior to December 31, 1995. The use of  
907 such funds is subject to the restrictions of the program under  
908 which the funding is made available.

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

910 Section 16. This act shall take effect July 1, 2010.