

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 with
4 an additional purpose for which it may exercise its power
5 to borrow; amending s. 201.15, F.S.; removing a limitation
6 on the amount of proceeds from excise taxes on documents
7 to be deposited into the State Housing Trust Fund each
8 fiscal year; providing for retroactive repeal of s. 8, ch.
9 2009-131, Laws of Florida, to eliminate a conflicting
10 version of s. 201.15, F.S.; amending s. 420.0003, F.S.;
11 providing additional policy guidelines under the state
12 housing strategy for the development of programs for
13 housing production or rehabilitation; including the needs
14 of persons with special needs in the strategy's periodic
15 review and report; amending s. 420.0004, F.S.; defining
16 the terms "disabling condition" and "person with special
17 needs"; conforming cross-references; amending s. 420.5061,
18 F.S.; removing a provision requiring the Florida Housing
19 Finance Corporation to transfer certain funds to the
20 General Revenue Fund; amending s. 420.507, F.S.; requiring
21 certain rates of interest to be made available to sponsors
22 of projects for persons with special needs; providing
23 additional powers of the corporation relating to receipt
24 of federal funds; conforming a cross-reference; amending
25 s. 420.5087, F.S.; limiting the reservation of funds
26 within each notice of fund availability to the persons
27 with special needs tenant group; including persons with
28 special needs as a tenant group for specified purposes of

29 the State Apartment Incentive Loan Program; requiring a
 30 specified review committee to include projects that
 31 reserve units for persons with special needs in its
 32 evaluation and competitive ranking of applications for
 33 such program; conforming a cross-reference; amending ss.
 34 163.31771, 212.08, 215.5586, and 420.503, F.S.; conforming
 35 cross-references; providing legislative intent;
 36 prohibiting funds from the State Housing Trust Fund or the
 37 Local Government Housing Trust Fund that are appropriated
 38 for specified programs from being used for certain
 39 purposes; providing for future repeal; providing an
 40 effective date.

41

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

43

44 Section 1. Subsection (11) is added to section 159.608,
 45 Florida Statutes, to read:

46 159.608 Powers of housing finance authorities.—A housing
 47 finance authority shall constitute a public body corporate and
 48 politic, exercising the public and essential governmental
 49 functions set forth in this act, and shall exercise its power to
 50 borrow only for the purpose as provided herein:

51 (11) To invest and reinvest surplus funds of the housing
 52 finance authority in accordance with s. 218.415. However, in
 53 addition to the investments expressly authorized in ss.
 54 218.415(16) (a)-(g) and (17) (a)-(d), a housing finance authority
 55 may invest surplus funds in interest-bearing time deposits or
 56 savings accounts that are fully insured by the Federal Deposit

HB 665

2010

57 Insurance Corporation regardless of whether the bank or
58 financial institution in which the deposit or investment is made
59 is a qualified public depository as defined in s. 280.02. This
60 subsection is supplementary to and may not be construed as
61 limiting any powers of a housing finance authority or providing
62 or implying a limiting construction of any other statutory
63 provision.

64 Section 2. Subsections (9), (10), (13), (15), (16), and
65 (17) of section 201.15, Florida Statutes, as amended by chapters
66 2009-17, 2009-21, and 2009-68, Laws of Florida, are amended to
67 read:

68 201.15 Distribution of taxes collected.—All taxes
69 collected under this chapter are subject to the service charge
70 imposed in s. 215.20(1). Prior to distribution under this
71 section, the Department of Revenue shall deduct amounts
72 necessary to pay the costs of the collection and enforcement of
73 the tax levied by this chapter. Such costs and the service
74 charge may not be levied against any portion of taxes pledged to
75 debt service on bonds to the extent that the costs and service
76 charge are required to pay any amounts relating to the bonds.
77 After distributions are made pursuant to subsection (1), all of
78 the costs of the collection and enforcement of the tax levied by
79 this chapter and the service charge shall be available and
80 transferred to the extent necessary to pay debt service and any
81 other amounts payable with respect to bonds authorized before
82 January 1, 2010, secured by revenues distributed pursuant to
83 subsection (1). All taxes remaining after deduction of costs and
84 the service charge shall be distributed as follows:

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

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

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

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

100 (a) Twelve and one-half percent of that amount shall be
 101 deposited into the State Housing Trust Fund and be expended by
 102 the Department of Community Affairs and by the Florida Housing
 103 Finance Corporation for the purposes for which the State Housing
 104 Trust Fund was created and exists by law.

105 (b) Eighty-seven and one-half percent of that amount shall
 106 be distributed to the Local Government Housing Trust Fund and
 107 used for the purposes for which the Local Government Housing
 108 Trust Fund was created and exists by law. Funds from this
 109 category may also be used to provide for state and local
 110 services to assist the homeless.

111 (13) Beginning July 1, 2008, in each fiscal year that the
 112 remaining taxes collected under this chapter exceed collections

HB 665

2010

113 in the prior fiscal year, the stated maximum dollar amounts
114 provided in subsections (2), (4), (6), and (7), ~~(9), and (10)~~
115 shall each be increased by an amount equal to 10 percent of the
116 increase in the remaining taxes collected under this chapter
117 multiplied by the applicable percentage provided in those
118 subsections.

119 ~~(15) Distributions to the State Housing Trust Fund~~
120 ~~pursuant to subsections (9) and (10) shall be sufficient to~~
121 ~~cover amounts required to be transferred to the Florida~~
122 ~~Affordable Housing Guarantee Program's annual debt service~~
123 ~~reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b)~~
124 ~~up to but not exceeding the amount required to be transferred to~~
125 ~~such reserve and fund based on the percentage distribution of~~
126 ~~documentary stamp tax revenues to the State Housing Trust Fund~~
127 ~~which is in effect in the 2004-2005 fiscal year.~~

128 (15) ~~(16)~~ If amounts necessary to pay debt service or any
129 other amounts payable with respect to Preservation 2000 bonds,
130 Florida Forever bonds, or Everglades Restoration bonds
131 authorized before July 1, 2009, exceed the amounts distributable
132 pursuant to subsection (1), all moneys distributable pursuant to
133 this section are available for such obligations and transferred
134 in the amounts necessary to pay such obligations when due.
135 However, amounts distributable pursuant to subsection (2),
136 subsection (3), subsection (4), subsection (5), paragraph
137 (9) (a), or paragraph (10) (a) are not available to pay such
138 obligations to the extent that such moneys are necessary to pay
139 debt service on bonds secured by revenues pursuant to those
140 provisions.

141 (16)~~(17)~~ The remaining taxes collected under this chapter,
 142 after the distributions provided in the preceding subsections,
 143 shall be paid into the State Treasury to the credit of the
 144 General Revenue Fund.

145 Section 3. Section 8 of chapter 2009-131, Laws of Florida,
 146 is repealed, retroactive to June 30, 2009.

147 Section 4. Paragraph (e) of subsection (3) and paragraph
 148 (c) of subsection (4) of section 420.0003, Florida Statutes, are
 149 amended to read:

150 420.0003 State housing strategy.—

151 (3) POLICIES.—

152 (e) Housing production or rehabilitation programs.—New
 153 programs for housing production or rehabilitation shall be
 154 developed in accordance with the following general guidelines as
 155 appropriate for the purpose of the specific program:

156 1. State and local governments shall provide incentives to
 157 encourage the private sector to be the primary delivery vehicle
 158 for the development of affordable housing.

159 2. State funds should be heavily leveraged to achieve the
 160 maximum local and private commitment of funds while achieving
 161 the program objectives.

162 3. To the maximum extent possible, state funds should be
 163 expended to provide housing units rather than to support program
 164 administration.

165 4. State money should be used, when possible, as loans
 166 rather than grants.

167 5. State funds should be available only to local
 168 governments that provide incentives or financial assistance for
 169 housing.

170 6. State funds should be made available only for projects
 171 which are consistent with the local government comprehensive
 172 plan.

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

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

180 9. Distribution of state housing funds should be flexible
 181 and consider the regional and local needs, resources, and
 182 capabilities of housing producers.

183 10. Distribution of housing funds for multifamily rental
 184 housing should be administered to address the housing needs of
 185 persons most in need of housing.

186 ~~11.10.~~ Income levels used to determine program eligibility
 187 should be adjusted for family size in determining the
 188 eligibility of specific beneficiaries.

189 ~~12.11.~~ To the maximum extent possible, state-owned lands
 190 that are appropriate for the development of affordable housing
 191 shall be made available for that purpose.

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

195 (c) The Shimberg Center for Affordable Housing, in
 196 consultation with the Department of Community Affairs and the
 197 Florida Housing Finance Corporation, shall review and evaluate
 198 existing housing rehabilitation, production, and finance
 199 programs to determine their consistency with relevant policies
 200 in this section and identify the needs of specific populations,
 201 including, but not limited to, elderly persons, ~~and~~ handicapped
 202 persons, and persons with special needs, and shall recommend
 203 statutory modifications where appropriate. The Shimberg Center
 204 for Affordable Housing, in consultation with the Department of
 205 Community Affairs and the corporation, shall also evaluate the
 206 degree of coordination between state housing programs, and
 207 between state, federal, and local housing activities, and shall
 208 recommend improved program linkages. The recommendations
 209 required above and a report of any programmatic modifications
 210 made as a result of these policies shall be included in the
 211 housing report required by s. 420.6075, beginning December 31,
 212 1991, and every 5 years thereafter.

213 Section 5. Section 420.0004, Florida Statutes, is amended
 214 to read:

215 420.0004 Definitions.—As used in this part, unless the
 216 context otherwise indicates:

217 (1) "Adjusted for family size" means adjusted in a manner
 218 which results in an income eligibility level which is lower for
 219 households with fewer than four people, or higher for households
 220 with more than four people, than the base income eligibility
 221 determined as provided in subsection (9) ~~(8)~~, subsection (11)
 222 ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~, based upon

223 a formula as established by the United States Department of
 224 Housing and Urban Development.

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

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

237 (4) "Corporation" means the Florida Housing Finance
 238 Corporation.

239 (5) "Community-based organization" or "nonprofit
 240 organization" means a private corporation organized under
 241 chapter 617 to assist in the provision of housing and related
 242 services on a not-for-profit basis and which is acceptable to
 243 federal and state agencies and financial institutions as a
 244 sponsor of low-income housing.

245 (6) "Department" means the Department of Community
 246 Affairs.

247 (7) "Disabling condition" means a diagnosable substance
 248 abuse disorder, serious mental illness, developmental
 249 disability, or chronic physical illness or disability, or the

250 co-occurrence of two or more of these conditions, and a
 251 determination that the condition is:

252 (a) Expected to be of long-continued and indefinite
 253 duration; and

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

256 (8)-(7) "Elderly" describes persons 62 years of age or
 257 older.

258 (9)-(8) "Extremely-low-income persons" means one or more
 259 natural persons or a family whose total annual household income
 260 does not exceed 30 percent of the median annual adjusted gross
 261 income for households within the state. The Florida Housing
 262 Finance Corporation may adjust this amount annually by rule to
 263 provide that in lower income counties, extremely low income may
 264 exceed 30 percent of area median income and that in higher
 265 income counties, extremely low income may be less than 30
 266 percent of area median income.

267 (10)-(9) "Local public body" means any county,
 268 municipality, or other political subdivision, or any housing
 269 authority as provided by chapter 421, which is eligible to
 270 sponsor or develop housing for farmworkers and very-low-income
 271 and low-income persons within its jurisdiction.

272 (11)-(10) "Low-income persons" means one or more natural
 273 persons or a family, the total annual adjusted gross household
 274 income of which does not exceed 80 percent of the median annual
 275 adjusted gross income for households within the state, or 80
 276 percent of the median annual adjusted gross income for
 277 households within the metropolitan statistical area (MSA) or, if

278 | not within an MSA, within the county in which the person or
 279 | family resides, whichever is greater.

280 | ~~(12)-(11)~~ "Moderate-income persons" means one or more
 281 | natural persons or a family, the total annual adjusted gross
 282 | household income of which is less than 120 percent of the median
 283 | annual adjusted gross income for households within the state, or
 284 | 120 percent of the median annual adjusted gross income for
 285 | households within the metropolitan statistical area (MSA) or, if
 286 | not within an MSA, within the county in which the person or
 287 | family resides, whichever is greater.

288 | (13) "Person with special needs" means an adult person
 289 | requiring independent living services in order to maintain
 290 | housing or develop independent living skills and who has a
 291 | disabling condition; a young adult formerly in foster care who
 292 | is eligible for services under s. 409.1451(5); a survivor of
 293 | domestic violence as defined in s. 741.28; or a person receiving
 294 | benefits under the Social Security Disability Insurance (SSDI)
 295 | program or the Supplemental Security Income (SSI) program or
 296 | from veterans' disability benefits.

297 | ~~(14)-(12)~~ "Student" means any person not living with his or
 298 | her parent or guardian who is eligible to be claimed by his or
 299 | her parent or guardian as a dependent under the federal income
 300 | tax code and who is enrolled on at least a half-time basis in a
 301 | secondary school, career center, community college, college, or
 302 | university.

303 | ~~(15)-(13)~~ "Substandard" means:

304 | (a) Any unit lacking complete plumbing or sanitary
 305 | facilities for the exclusive use of the occupants;

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

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

312 (16)~~(14)~~ "Substantial rehabilitation" means repair or
 313 restoration of a dwelling unit where the value of such repair or
 314 restoration exceeds 40 percent of the value of the dwelling.

315 (17)~~(15)~~ "Very-low-income persons" means one or more
 316 natural persons or a family, not including students, the total
 317 annual adjusted gross household income of which does not exceed
 318 50 percent of the median annual adjusted gross income for
 319 households within the state, or 50 percent of the median annual
 320 adjusted gross income for households within the metropolitan
 321 statistical area (MSA) or, if not within an MSA, within the
 322 county in which the person or family resides, whichever is
 323 greater.

324 Section 6. Section 420.5061, Florida Statutes, is amended
 325 to read:

326 420.5061 Transfer of agency assets and liabilities.—The
 327 corporation is the legal successor in all respects to the
 328 agency, is obligated to the same extent as the agency under any
 329 agreements existing on December 31, 1997, and is entitled to any
 330 rights and remedies previously afforded the agency by law or
 331 contract, including specifically the rights of the agency under
 332 chapter 201 and part VI of chapter 159. Effective January 1,
 333 1998, all references under Florida law to the agency are deemed

HB 665

2010

334 to mean the corporation. ~~The corporation shall transfer to the~~
335 ~~General Revenue Fund an amount which otherwise would have been~~
336 ~~deducted as a service charge pursuant to s. 215.20(1) if the~~
337 ~~Florida Housing Finance Corporation Fund established by s.~~
338 ~~420.508(5), the State Apartment Incentive Loan Fund established~~
339 ~~by s. 420.5087(7), the Florida Homeownership Assistance Fund~~
340 ~~established by s. 420.5088(4), the HOME Investment Partnership~~
341 ~~Fund established by s. 420.5089(1), and the Housing~~
342 ~~Predevelopment Loan Fund established by s. 420.525(1) were each~~
343 ~~trust funds.~~ For purposes of s. 112.313, the corporation is
344 deemed to be a continuation of the agency, and the provisions
345 thereof are deemed to apply as if the same entity remained in
346 place. Any employees of the agency and agency board members
347 covered by s. 112.313(9)(a)6. shall continue to be entitled to
348 the exemption in that subparagraph, notwithstanding being hired
349 by the corporation or appointed as board members of the
350 corporation.

351 Section 7. Paragraph (a) of subsection (22) and
352 subsections (33) and (46) of section 420.507, Florida Statutes,
353 are amended to read:

354 420.507 Powers of the corporation.—The corporation shall
355 have all the powers necessary or convenient to carry out and
356 effectuate the purposes and provisions of this part, including
357 the following powers which are in addition to all other powers
358 granted by other provisions of this part:

359 (22) To develop and administer the State Apartment
360 Incentive Loan Program. In developing and administering that
361 program, the corporation may:

HB 665

2010

362 (a) Make first, second, and other subordinated mortgage
363 loans including variable or fixed rate loans subject to
364 contingent interest for all State Apartment Incentive Loans
365 provided in this chapter based upon available cash flow of the
366 projects. The corporation shall make loans exceeding 25 percent
367 of project cost only to nonprofit organizations and public
368 bodies that are able to secure grants, donations of land, or
369 contributions from other sources and to projects meeting the
370 criteria of subparagraph 1. Mortgage loans shall be made
371 available at the following rates of interest:

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

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

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

385 (33) To receive federal funding in connection with the
386 corporation's programs directly from the Federal Government and
387 to receive federal funds for which no corresponding program has
388 been created in statute and establish selection criteria for

389 such funds by request for proposals or other competitive
 390 solicitation.

391 (46) To require, as a condition of financing a multifamily
 392 rental project, that an agreement be recorded in the official
 393 records of the county where the real property is located, which
 394 requires that the project be used for housing defined as
 395 affordable in s. 420.0004(3) by persons defined in s.
 396 420.0004(9)~~(8)~~, (11)~~(10)~~, (12)~~(11)~~, and (17)~~(15)~~. Such an
 397 agreement is a state land use regulation that limits the highest
 398 and best use of the property within the meaning of s.
 399 193.011(2).

400 Section 8. Subsection (3) and paragraph (c) of subsection
 401 (6) of section 420.5087, Florida Statutes, are amended to read:

402 420.5087 State Apartment Incentive Loan Program.—There is
 403 hereby created the State Apartment Incentive Loan Program for
 404 the purpose of providing first, second, or other subordinated
 405 mortgage loans or loan guarantees to sponsors, including for-
 406 profit, nonprofit, and public entities, to provide housing
 407 affordable to very-low-income persons.

408 (3) During the first 6 months of loan or loan guarantee
 409 availability, program funds shall be reserved for use by
 410 sponsors who provide the housing set-aside required in
 411 subsection (2) for the tenant groups designated in this
 412 subsection. The reservation of funds to each of these groups
 413 shall be determined using the most recent statewide very-low-
 414 income rental housing market study available at the time of
 415 publication of each notice of fund availability required by
 416 paragraph (6) (b). The reservation of funds within each notice of

417 fund availability to the tenant groups in paragraphs (a), (b),
418 and (e) ~~(d)~~ may not be less than 10 percent of the funds
419 available at that time. Any increase in funding required to
420 reach the 10-percent minimum must be taken from the tenant group
421 that has the largest reservation. The reservation of funds
422 within each notice of fund availability to the tenant group in
423 paragraph (c) may not be less than 5 percent of the funds
424 available at that time. The reservation of funds within each
425 notice of fund availability to the tenant group in paragraph (d)
426 may not be more than 10 percent of the funds available at that
427 time. The tenant groups are:

428 (a) Commercial fishing workers and farmworkers;
429 (b) Families;
430 (c) Persons who are homeless;
431 (d) Persons with special needs; and
432 (e) ~~(d)~~ Elderly persons. Ten percent of the amount reserved
433 for the elderly shall be reserved to provide loans to sponsors
434 of housing for the elderly for the purpose of making building
435 preservation, health, or sanitation repairs or improvements
436 which are required by federal, state, or local regulation or
437 code, or lifesafety or security-related repairs or improvements
438 to such housing. Such a loan may not exceed \$750,000 per housing
439 community for the elderly. In order to receive the loan, the
440 sponsor of the housing community must make a commitment to match
441 at least 5 percent of the loan amount to pay the cost of such
442 repair or improvement. The corporation shall establish the rate
443 of interest on the loan, which may not exceed 3 percent, and the
444 term of the loan, which may not exceed 15 years; however, if the

445 | lien of the corporation's encumbrance is subordinate to the lien
446 | of another mortgagee, then the term may be made coterminous with
447 | the longest term of the superior lien. The term of the loan
448 | shall be based on a credit analysis of the applicant. The
449 | corporation may forgive indebtedness for a share of the loan
450 | attributable to the units in a project reserved for extremely-
451 | low-income elderly by nonprofit organizations, as defined in s.
452 | 420.0004(5), where the project has provided affordable housing
453 | to the elderly for 15 years or more. The corporation shall
454 | establish, by rule, the procedure and criteria for receiving,
455 | evaluating, and competitively ranking all applications for loans
456 | under this paragraph. A loan application must include evidence
457 | of the first mortgagee's having reviewed and approved the
458 | sponsor's intent to apply for a loan. A nonprofit organization
459 | or sponsor may not use the proceeds of the loan to pay for
460 | administrative costs, routine maintenance, or new construction.

461 | (6) On all state apartment incentive loans, except loans
462 | made to housing communities for the elderly to provide for
463 | lifesafety, building preservation, health, sanitation, or
464 | security-related repairs or improvements, the following
465 | provisions shall apply:

466 | (c) The corporation shall provide by rule for the
467 | establishment of a review committee composed of the department
468 | and corporation staff and shall establish by rule a scoring
469 | system for evaluation and competitive ranking of applications
470 | submitted in this program, including, but not limited to, the
471 | following criteria:

HB 665

2010

472 1. Tenant income and demographic targeting objectives of
473 the corporation.

474 2. Targeting objectives of the corporation which will
475 ensure an equitable distribution of loans between rural and
476 urban areas.

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

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

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

486 b. Forty percent of the units in the project for persons
487 or families who have incomes that do not exceed 60 percent of
488 the state or local median income, whichever is higher, without
489 requiring a greater amount of the loans as provided in this
490 section.

491 5. Provision for tenant counseling.

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

494 7. Projects requiring the least amount of a state
495 apartment incentive loan compared to overall project cost except
496 that the share of the loan attributable to units serving
497 extremely-low-income persons shall be excluded from this
498 requirement.

- 499 8. Local government contributions and local government
 500 comprehensive planning and activities that promote affordable
 501 housing.
- 502 9. Project feasibility.
- 503 10. Economic viability of the project.
- 504 11. Commitment of first mortgage financing.
- 505 12. Sponsor's prior experience, including whether the
 506 developer and general contractor have substantial experience, as
 507 provided in s. 420.507(47).
- 508 13. Sponsor's ability to proceed with construction.
- 509 14. Projects that directly implement or assist welfare-to-
 510 work transitioning.
- 511 15. Projects that reserve units for extremely-low-income
 512 persons.
- 513 16. Projects that include green building principles,
 514 storm-resistant construction, or other elements that reduce
 515 long-term costs relating to maintenance, utilities, or
 516 insurance.
- 517 17. Domicile of the developer and general contractor, as
 518 provided in s. 420.507(47).
- 519 18. Projects that reserve units for persons with special
 520 needs, provided services for such persons are available to the
 521 project.
- 522 Section 9. Paragraphs (d), (e), (f), and (g) of subsection
 523 (2) of section 163.31771, Florida Statutes, are amended to read:
 524 163.31771 Accessory dwelling units.-
 525 (2) As used in this section, the term:

526 (d) "Low-income persons" has the same meaning as in s.
 527 420.0004 (11) ~~(10)~~.

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

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

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

534 Section 10. Paragraph (o) of subsection (5) of section
 535 212.08, Florida Statutes, is amended to read:

536 212.08 Sales, rental, use, consumption, distribution, and
 537 storage tax; specified exemptions.—The sale at retail, the
 538 rental, the use, the consumption, the distribution, and the
 539 storage to be used or consumed in this state of the following
 540 are hereby specifically exempt from the tax imposed by this
 541 chapter.

542 (5) EXEMPTIONS; ACCOUNT OF USE.—

543 (o) Building materials in redevelopment projects.—

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

545 a. "Building materials" means tangible personal property
 546 that becomes a component part of a housing project or a mixed-
 547 use project.

548 b. "Housing project" means the conversion of an existing
 549 manufacturing or industrial building to housing units in an
 550 urban high-crime area, enterprise zone, empowerment zone, Front
 551 Porch Community, designated brownfield area, or urban infill
 552 area and in which the developer agrees to set aside at least 20
 553 percent of the housing units in the project for low-income and

554 moderate-income persons or the construction in a designated
 555 brownfield area of affordable housing for persons described in
 556 s. 420.0004 (9) ~~(8)~~, (11) ~~(10)~~, (12) ~~(11)~~, or (17) ~~(15)~~ or in s.
 557 159.603(7).

558 c. "Mixed-use project" means the conversion of an existing
 559 manufacturing or industrial building to mixed-use units that
 560 include artists' studios, art and entertainment services, or
 561 other compatible uses. A mixed-use project must be located in an
 562 urban high-crime area, enterprise zone, empowerment zone, Front
 563 Porch Community, designated brownfield area, or urban infill
 564 area, and the developer must agree to set aside at least 20
 565 percent of the square footage of the project for low-income and
 566 moderate-income housing.

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

569 2. Building materials used in the construction of a
 570 housing project or mixed-use project are exempt from the tax
 571 imposed by this chapter upon an affirmative showing to the
 572 satisfaction of the department that the requirements of this
 573 paragraph have been met. This exemption inures to the owner
 574 through a refund of previously paid taxes. To receive this
 575 refund, the owner must file an application under oath with the
 576 department which includes:

- 577 a. The name and address of the owner.
- 578 b. The address and assessment roll parcel number of the
 579 project for which a refund is sought.
- 580 c. A copy of the building permit issued for the project.

581 d. A certification by the local building code inspector
582 that the project is substantially completed.

583 e. A sworn statement, under penalty of perjury, from the
584 general contractor licensed in this state with whom the owner
585 contracted to construct the project, which statement lists the
586 building materials used in the construction of the project and
587 the actual cost thereof, and the amount of sales tax paid on
588 these materials. If a general contractor was not used, the owner
589 shall provide this information in a sworn statement, under
590 penalty of perjury. Copies of invoices evidencing payment of
591 sales tax must be attached to the sworn statement.

592 3. An application for a refund under this paragraph must
593 be submitted to the department within 6 months after the date
594 the project is deemed to be substantially completed by the local
595 building code inspector. Within 30 working days after receipt of
596 the application, the department shall determine if it meets the
597 requirements of this paragraph. A refund approved pursuant to
598 this paragraph shall be made within 30 days after formal
599 approval of the application by the department.

600 4. The department shall establish by rule an application
601 form and criteria for establishing eligibility for exemption
602 under this paragraph.

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

605 Section 11. Paragraphs (a) and (g) of subsection (2) of
606 section 215.5586, Florida Statutes, are amended to read:

607 215.5586 My Safe Florida Home Program.—There is
608 established within the Department of Financial Services the My

609 Safe Florida Home Program. The department shall provide fiscal
610 accountability, contract management, and strategic leadership
611 for the program, consistent with this section. This section does
612 not create an entitlement for property owners or obligate the
613 state in any way to fund the inspection or retrofitting of
614 residential property in this state. Implementation of this
615 program is subject to annual legislative appropriations. It is
616 the intent of the Legislature that the My Safe Florida Home
617 Program provide trained and certified inspectors to perform
618 inspections for owners of site-built, single-family, residential
619 properties and grants to eligible applicants as funding allows.
620 The program shall develop and implement a comprehensive and
621 coordinated approach for hurricane damage mitigation that may
622 include the following:

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

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

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

631 2. The home must be a dwelling with an insured value of
632 \$300,000 or less. Homeowners who are low-income persons, as
633 defined in s. 420.0004(11)~~(10)~~, are exempt from this
634 requirement.

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

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

640 5. The building permit application for initial
641 construction of the home must have been made before March 1,
642 2002.

643
644 An application for a grant must contain a signed or
645 electronically verified statement made under penalty of perjury
646 that the applicant has submitted only a single application and
647 must have attached documents demonstrating the applicant meets
648 the requirements of this paragraph.

649 (g) Low-income homeowners, as defined in s.
650 420.0004(11)~~(10)~~, who otherwise meet the requirements of
651 paragraphs (a), (c), (e), and (f) are eligible for a grant of up
652 to \$5,000 and are not required to provide a matching amount to
653 receive the grant. Additionally, for low-income homeowners,
654 grant funding may be used for repair to existing structures
655 leading to any of the mitigation improvements provided in
656 paragraph (e), limited to 20 percent of the grant value. The
657 program may accept a certification directly from a low-income
658 homeowner that the homeowner meets the requirements of s.
659 420.0004(11)~~(10)~~ if the homeowner provides such certification in
660 a signed or electronically verified statement made under penalty
661 of perjury.

662 Section 12. Subsection (19) of section 420.503, Florida
663 Statutes, is amended to read:

664 420.503 Definitions.—As used in this part, the term:

665 (19) "Housing for the elderly" means, for purposes of s.
 666 420.5087(3) (e) ~~(d)~~, any nonprofit housing community that is
 667 financed by a mortgage loan made or insured by the United States
 668 Department of Housing and Urban Development under s. 202, s. 202
 669 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the
 670 National Housing Act, as amended, and that is subject to income
 671 limitations established by the United States Department of
 672 Housing and Urban Development, or any program funded by the
 673 Rural Development Agency of the United States Department of
 674 Agriculture and subject to income limitations established by the
 675 United States Department of Agriculture. A project which
 676 qualifies for an exemption under the Fair Housing Act as housing
 677 for older persons as defined by s. 760.29(4) shall qualify as
 678 housing for the elderly for purposes of s. 420.5087(3) (e) ~~(d)~~ and
 679 for purposes of any loans made pursuant to s. 420.508. In
 680 addition, if the corporation adopts a qualified allocation plan
 681 pursuant to s. 42(m)(1)(B) of the Internal Revenue Code or any
 682 other rules that prioritize projects targeting the elderly for
 683 purposes of allocating tax credits pursuant to s. 420.5099 or
 684 for purposes of the HOME program under s. 420.5089, a project
 685 which qualifies for an exemption under the Fair Housing Act as
 686 housing for older persons as defined by s. 760.29(4) shall
 687 qualify as a project targeted for the elderly, if the project
 688 satisfies the other requirements set forth in this part.

689 Section 13. (1) The Legislature finds that due to the
 690 current economic conditions in the housing market there is a
 691 critical need to rehabilitate or sell excess inventory of unsold
 692 homes, including foreclosed homes and newly constructed homes,

HB 665

2010

693 as well as a critical need for the rehabilitation and
694 preservation of older, affordable apartments. The Legislature
695 further finds that there is a critical need to create housing-
696 related jobs and that these conditions require the targeting of
697 state and local housing trust fund moneys to assist in the sale
698 or rehabilitation of existing homes and the preservation and
699 rehabilitation of older rental apartments.

700 (2) Notwithstanding ss. 420.507(22)(a) and (23)(a),
701 420.5087(6)(1), 420.5088, 420.5095, and 420.9075(1)(b) and
702 (5)(b), Florida Statutes, funds from the State Housing Trust
703 Fund or the Local Government Housing Trust Fund that are
704 appropriated for use in the State Apartment Incentive Loan
705 Program, Florida Homeownership Assistance Program, Community
706 Workforce Housing Innovation Pilot Program, or the State Housing
707 Initiatives Partnership Program may not be used to:

708 (a) Finance or otherwise assist the construction or
709 purchase of housing sold to eligible individuals, unless the
710 housing unit being sold had an initial certificate of occupancy
711 prior to December 31, 2009; or

712 (b) Finance or otherwise assist in the construction or
713 purchase of rental housing, unless the development being
714 financed or assisted received its initial certificate of
715 occupancy prior to December 31, 1995.

716
717 Nothing in this section restricts the use of such funds to
718 assist with the purchase of newly constructed homes that were
719 completed prior to December 31, 2009, or the acquisition and
720 rehabilitation of apartments that received their initial

HB 665

2010

721 certificate of occupancy prior to December 31, 1995. The use of
 722 such funds is subject to the restrictions of the program under
 723 which the funding is made available.

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

725 Section 14. This act shall take effect July 1, 2010.