

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.; revising the
6 allocation of certain proceeds distributed from the excise
7 tax on documents that are paid into the State Treasury to
8 the credit of the State Housing Trust Fund; providing for
9 retroactive repeal of s. 8, ch. 2009-131, Laws of Florida,
10 to eliminate a conflicting version of s. 201.15, F.S.;
11 amending s. 420.0003, F.S.; providing additional policy
12 guidelines under the state housing strategy for the
13 development of programs for housing production or
14 rehabilitation; including the needs of persons with
15 special needs in the strategy's periodic review and
16 report; amending s. 420.0004, F.S.; defining the terms
17 "disabling condition" and "person with special needs";
18 conforming cross-references; amending s. 420.507, F.S.;
19 requiring certain rates of interest to be made available
20 to sponsors of projects for persons with special needs;
21 providing additional powers of the corporation relating to
22 receipt of federal funds; conforming a cross-reference;
23 amending s. 420.5087, F.S.; limiting the reservation of
24 funds within each notice of fund availability to the
25 persons with special needs tenant group; including persons
26 with special needs as a tenant group for specified
27 purposes of the State Apartment Incentive Loan Program;
28 requiring a specified review committee to include projects

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

39 |
 40 | Be It Enacted by the Legislature of the State of Florida:
 41 |

42 | Section 1. Subsection (11) is added to section 159.608,
 43 | Florida Statutes, to read:

44 | 159.608 Powers of housing finance authorities.—A housing
 45 | finance authority shall constitute a public body corporate and
 46 | politic, exercising the public and essential governmental
 47 | functions set forth in this act, and shall exercise its power to
 48 | borrow only for the purpose as provided herein:

49 | (11) To invest and reinvest surplus funds of the housing
 50 | finance authority in accordance with s. 218.415. However, in
 51 | addition to the investments expressly authorized in ss.
 52 | 218.415(16) (a)-(g) and (17) (a)-(d), a housing finance authority
 53 | may invest surplus funds in interest-bearing time deposits or
 54 | savings accounts that are fully insured by the Federal Deposit
 55 | Insurance Corporation regardless of whether the bank or
 56 | financial institution in which the deposit or investment is made

57 is a qualified public depository as defined in s. 280.02. This
 58 subsection is supplementary to and may not be construed as
 59 limiting any powers of a housing finance authority or providing
 60 or implying a limiting construction of any other statutory
 61 provision.

62 Section 2. Subsections (9), (10), and (13) of section
 63 201.15, Florida Statutes, as amended by chapters 2009-17, 2009-
 64 21, and 2009-68, Laws of Florida, are amended to read:

65 201.15 Distribution of taxes collected.—All taxes
 66 collected under this chapter are subject to the service charge
 67 imposed in s. 215.20(1). Prior to distribution under this
 68 section, the Department of Revenue shall deduct amounts
 69 necessary to pay the costs of the collection and enforcement of
 70 the tax levied by this chapter. Such costs and the service
 71 charge may not be levied against any portion of taxes pledged to
 72 debt service on bonds to the extent that the costs and service
 73 charge are required to pay any amounts relating to the bonds.
 74 After distributions are made pursuant to subsection (1), all of
 75 the costs of the collection and enforcement of the tax levied by
 76 this chapter and the service charge shall be available and
 77 transferred to the extent necessary to pay debt service and any
 78 other amounts payable with respect to bonds authorized before
 79 January 1, 2010, secured by revenues distributed pursuant to
 80 subsection (1). All taxes remaining after deduction of costs and
 81 the service charge shall be distributed as follows:

82 (9) Seven and fifty-three hundredths ~~The lesser of 7.53~~
 83 ~~percent of the remaining taxes or \$107 million~~ in each fiscal
 84 year shall be paid into the State Treasury to the credit of the

85 State Housing Trust Fund and used as follows:

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

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

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

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

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

108 (13) Beginning July 1, 2008, in each fiscal year that the
109 remaining taxes collected under this chapter exceed collections
110 in the prior fiscal year, the stated maximum dollar amounts
111 provided in subsections (2), (4), (6), and (7), ~~(9), and (10)~~
112 shall each be increased by an amount equal to 10 percent of the

113 | increase in the remaining taxes collected under this chapter
 114 | multiplied by the applicable percentage provided in those
 115 | subsections.

116 | Section 3. Section 8 of chapter 2009-131, Laws of Florida,
 117 | is repealed, retroactive to June 30, 2009.

118 | Section 4. Paragraph (e) of subsection (3) and paragraph
 119 | (c) of subsection (4) of section 420.0003, Florida Statutes, are
 120 | amended to read:

121 | 420.0003 State housing strategy.—

122 | (3) POLICIES.—

123 | (e) Housing production or rehabilitation programs.—New
 124 | programs for housing production or rehabilitation shall be
 125 | developed in accordance with the following general guidelines as
 126 | appropriate for the purpose of the specific program:

127 | 1. State and local governments shall provide incentives to
 128 | encourage the private sector to be the primary delivery vehicle
 129 | for the development of affordable housing.

130 | 2. State funds should be heavily leveraged to achieve the
 131 | maximum local and private commitment of funds while achieving
 132 | the program objectives.

133 | 3. To the maximum extent possible, state funds should be
 134 | expended to provide housing units rather than to support program
 135 | administration.

136 | 4. State money should be used, when possible, as loans
 137 | rather than grants.

138 | 5. State funds should be available only to local
 139 | governments that provide incentives or financial assistance for
 140 | housing.

141 6. State funds should be made available only for projects
 142 which are consistent with the local government comprehensive
 143 plan.

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

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

151 9. Distribution of state housing funds should be flexible
 152 and consider the regional and local needs, resources, and
 153 capabilities of housing producers.

154 10. Distribution of housing funds for multifamily rental
 155 housing should be administered to address the housing needs of
 156 persons most in need of housing.

157 ~~11.10.~~ Income levels used to determine program eligibility
 158 should be adjusted for family size in determining the
 159 eligibility of specific beneficiaries.

160 ~~12.11.~~ To the maximum extent possible, state-owned lands
 161 that are appropriate for the development of affordable housing
 162 shall be made available for that purpose.

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

166 (c) The Shimberg Center for Affordable Housing, in
 167 consultation with the Department of Community Affairs and the
 168 Florida Housing Finance Corporation, shall review and evaluate

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169 existing housing rehabilitation, production, and finance
170 programs to determine their consistency with relevant policies
171 in this section and identify the needs of specific populations,
172 including, but not limited to, elderly persons, ~~and~~ handicapped
173 persons, and persons with special needs, and shall recommend
174 statutory modifications where appropriate. The Shimberg Center
175 for Affordable Housing, in consultation with the Department of
176 Community Affairs and the corporation, shall also evaluate the
177 degree of coordination between state housing programs, and
178 between state, federal, and local housing activities, and shall
179 recommend improved program linkages. The recommendations
180 required above and a report of any programmatic modifications
181 made as a result of these policies shall be included in the
182 housing report required by s. 420.6075, beginning December 31,
183 1991, and every 5 years thereafter.

184 Section 5. Section 420.0004, Florida Statutes, is amended
185 to read:

186 420.0004 Definitions.—As used in this part, unless the
187 context otherwise indicates:

188 (1) "Adjusted for family size" means adjusted in a manner
189 which results in an income eligibility level which is lower for
190 households with fewer than four people, or higher for households
191 with more than four people, than the base income eligibility
192 determined as provided in subsection (9) ~~(8)~~, subsection (11)
193 ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~, based upon
194 a formula as established by the United States Department of
195 Housing and Urban Development.

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

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

208 (4) "Corporation" means the Florida Housing Finance
 209 Corporation.

210 (5) "Community-based organization" or "nonprofit
 211 organization" means a private corporation organized under
 212 chapter 617 to assist in the provision of housing and related
 213 services on a not-for-profit basis and which is acceptable to
 214 federal and state agencies and financial institutions as a
 215 sponsor of low-income housing.

216 (6) "Department" means the Department of Community
 217 Affairs.

218 (7) "Disabling condition" means a diagnosable substance
 219 abuse disorder, serious mental illness, developmental
 220 disability, or chronic physical illness or disability, or the
 221 co-occurrence of two or more of these conditions, and a
 222 determination that the condition is:

223 (a) Expected to be of long-continued and indefinite
 224 duration; and

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

227 ~~(8)(7)~~ "Elderly" describes persons 62 years of age or
 228 older.

229 ~~(9)(8)~~ "Extremely-low-income persons" means one or more
 230 natural persons or a family whose total annual household income
 231 does not exceed 30 percent of the median annual adjusted gross
 232 income for households within the state. The Florida Housing
 233 Finance Corporation may adjust this amount annually by rule to
 234 provide that in lower income counties, extremely low income may
 235 exceed 30 percent of area median income and that in higher
 236 income counties, extremely low income may be less than 30
 237 percent of area median income.

238 ~~(10)(9)~~ "Local public body" means any county,
 239 municipality, or other political subdivision, or any housing
 240 authority as provided by chapter 421, which is eligible to
 241 sponsor or develop housing for farmworkers and very-low-income
 242 and low-income persons within its jurisdiction.

243 ~~(11)(10)~~ "Low-income persons" means one or more natural
 244 persons or a family, the total annual adjusted gross household
 245 income of which does not exceed 80 percent of the median annual
 246 adjusted gross income for households within the state, or 80
 247 percent of the median annual adjusted gross income for
 248 households within the metropolitan statistical area (MSA) or, if
 249 not within an MSA, within the county in which the person or
 250 family resides, whichever is greater.

251 (12)~~(11)~~ "Moderate-income persons" means one or more
 252 natural persons or a family, the total annual adjusted gross
 253 household income of which is less than 120 percent of the median
 254 annual adjusted gross income for households within the state, or
 255 120 percent of the median annual adjusted gross income for
 256 households within the metropolitan statistical area (MSA) or, if
 257 not within an MSA, within the county in which the person or
 258 family resides, whichever is greater.

259 (13) "Person with special needs" means an adult person
 260 requiring independent living services in order to maintain
 261 housing or develop independent living skills and who has a
 262 disabling condition; a young adult formerly in foster care who
 263 is eligible for services under s. 409.1451(5); a survivor of
 264 domestic violence as defined in s. 741.28; or a person receiving
 265 benefits under the Social Security Disability Insurance (SSDI)
 266 program or the Supplemental Security Income (SSI) program or
 267 from veterans' disability benefits.

268 (14)~~(12)~~ "Student" means any person not living with his or
 269 her parent or guardian who is eligible to be claimed by his or
 270 her parent or guardian as a dependent under the federal income
 271 tax code and who is enrolled on at least a half-time basis in a
 272 secondary school, career center, community college, college, or
 273 university.

274 (15)~~(13)~~ "Substandard" means:

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

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

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

283 ~~(16)-(14)~~ "Substantial rehabilitation" means repair or
 284 restoration of a dwelling unit where the value of such repair or
 285 restoration exceeds 40 percent of the value of the dwelling.

286 ~~(17)-(15)~~ "Very-low-income persons" means one or more
 287 natural persons or a family, not including students, the total
 288 annual adjusted gross household income of which does not exceed
 289 50 percent of the median annual adjusted gross income for
 290 households within the state, or 50 percent of the median annual
 291 adjusted gross income for households within the metropolitan
 292 statistical area (MSA) or, if not within an MSA, within the
 293 county in which the person or family resides, whichever is
 294 greater.

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

298 420.507 Powers of the corporation.—The corporation shall
 299 have all the powers necessary or convenient to carry out and
 300 effectuate the purposes and provisions of this part, including
 301 the following powers which are in addition to all other powers
 302 granted by other provisions of this part:

303 (22) To develop and administer the State Apartment
 304 Incentive Loan Program. In developing and administering that
 305 program, the corporation may:

306 (a) Make first, second, and other subordinated mortgage
 307 loans including variable or fixed rate loans subject to
 308 contingent interest for all State Apartment Incentive Loans
 309 provided in this chapter based upon available cash flow of the
 310 projects. The corporation shall make loans exceeding 25 percent
 311 of project cost only to nonprofit organizations and public
 312 bodies that are able to secure grants, donations of land, or
 313 contributions from other sources and to projects meeting the
 314 criteria of subparagraph 1. Mortgage loans shall be made
 315 available at the following rates of interest:

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

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

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

329 (33) To receive federal funding in connection with the
 330 corporation's programs directly from the Federal Government and

331 to receive federal funds for which no corresponding program has
 332 been created in statute and establish selection criteria for
 333 such funds by request for proposals or other competitive
 334 solicitation.

335 (46) To require, as a condition of financing a multifamily
 336 rental project, that an agreement be recorded in the official
 337 records of the county where the real property is located, which
 338 requires that the project be used for housing defined as
 339 affordable in s. 420.0004(3) by persons defined in s.
 340 420.0004(9)~~(8)~~, (11)~~(10)~~, (12)~~(11)~~, and (17)~~(15)~~. Such an
 341 agreement is a state land use regulation that limits the highest
 342 and best use of the property within the meaning of s.
 343 193.011(2).

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

346 420.5087 State Apartment Incentive Loan Program.—There is
 347 hereby created the State Apartment Incentive Loan Program for
 348 the purpose of providing first, second, or other subordinated
 349 mortgage loans or loan guarantees to sponsors, including for-
 350 profit, nonprofit, and public entities, to provide housing
 351 affordable to very-low-income persons.

352 (3) During the first 6 months of loan or loan guarantee
 353 availability, program funds shall be reserved for use by
 354 sponsors who provide the housing set-aside required in
 355 subsection (2) for the tenant groups designated in this
 356 subsection. The reservation of funds to each of these groups
 357 shall be determined using the most recent statewide very-low-
 358 income rental housing market study available at the time of

359 publication of each notice of fund availability required by
 360 paragraph (6)(b). The reservation of funds within each notice of
 361 fund availability to the tenant groups in paragraphs (a), (b),
 362 and (e) ~~(d)~~ may not be less than 10 percent of the funds
 363 available at that time. Any increase in funding required to
 364 reach the 10-percent minimum must be taken from the tenant group
 365 that has the largest reservation. The reservation of funds
 366 within each notice of fund availability to the tenant group in
 367 paragraph (c) may not be less than 5 percent of the funds
 368 available at that time. The reservation of funds within each
 369 notice of fund availability to the tenant group in paragraph (d)
 370 may not be more than 10 percent of the funds available at that
 371 time. The tenant groups are:
 372 (a) Commercial fishing workers and farmworkers;
 373 (b) Families;
 374 (c) Persons who are homeless;
 375 (d) Persons with special needs; and
 376 (e) ~~(d)~~ Elderly persons. Ten percent of the amount reserved
 377 for the elderly shall be reserved to provide loans to sponsors
 378 of housing for the elderly for the purpose of making building
 379 preservation, health, or sanitation repairs or improvements
 380 which are required by federal, state, or local regulation or
 381 code, or lifesafety or security-related repairs or improvements
 382 to such housing. Such a loan may not exceed \$750,000 per housing
 383 community for the elderly. In order to receive the loan, the
 384 sponsor of the housing community must make a commitment to match
 385 at least 5 percent of the loan amount to pay the cost of such
 386 repair or improvement. The corporation shall establish the rate

387 of interest on the loan, which may not exceed 3 percent, and the
388 term of the loan, which may not exceed 15 years; however, if the
389 lien of the corporation's encumbrance is subordinate to the lien
390 of another mortgagee, then the term may be made coterminous with
391 the longest term of the superior lien. The term of the loan
392 shall be based on a credit analysis of the applicant. The
393 corporation may forgive indebtedness for a share of the loan
394 attributable to the units in a project reserved for extremely-
395 low-income elderly by nonprofit organizations, as defined in s.
396 420.0004(5), where the project has provided affordable housing
397 to the elderly for 15 years or more. The corporation shall
398 establish, by rule, the procedure and criteria for receiving,
399 evaluating, and competitively ranking all applications for loans
400 under this paragraph. A loan application must include evidence
401 of the first mortgagee's having reviewed and approved the
402 sponsor's intent to apply for a loan. A nonprofit organization
403 or sponsor may not use the proceeds of the loan to pay for
404 administrative costs, routine maintenance, or new construction.

405 (6) On all state apartment incentive loans, except loans
406 made to housing communities for the elderly to provide for
407 lifesafety, building preservation, health, sanitation, or
408 security-related repairs or improvements, the following
409 provisions shall apply:

410 (c) The corporation shall provide by rule for the
411 establishment of a review committee composed of the department
412 and corporation staff and shall establish by rule a scoring
413 system for evaluation and competitive ranking of applications

414 submitted in this program, including, but not limited to, the
 415 following criteria:

416 1. Tenant income and demographic targeting objectives of
 417 the corporation.

418 2. Targeting objectives of the corporation which will
 419 ensure an equitable distribution of loans between rural and
 420 urban areas.

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

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

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

430 b. Forty percent of the units in the project for persons
 431 or families who have incomes that do not exceed 60 percent of
 432 the state or local median income, whichever is higher, without
 433 requiring a greater amount of the loans as provided in this
 434 section.

435 5. Provision for tenant counseling.

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

438 7. Projects requiring the least amount of a state
 439 apartment incentive loan compared to overall project cost except
 440 that the share of the loan attributable to units serving

441 extremely-low-income persons shall be excluded from this
 442 requirement.

443 8. Local government contributions and local government
 444 comprehensive planning and activities that promote affordable
 445 housing.

446 9. Project feasibility.

447 10. Economic viability of the project.

448 11. Commitment of first mortgage financing.

449 12. Sponsor's prior experience, including whether the
 450 developer and general contractor have substantial experience, as
 451 provided in s. 420.507(47).

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

453 14. Projects that directly implement or assist welfare-to-
 454 work transitioning.

455 15. Projects that reserve units for extremely-low-income
 456 persons.

457 16. Projects that include green building principles,
 458 storm-resistant construction, or other elements that reduce
 459 long-term costs relating to maintenance, utilities, or
 460 insurance.

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

463 18. Projects that reserve units for persons with special
 464 needs, provided services for such persons are available to the
 465 project.

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

468 163.31771 Accessory dwelling units.—

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

470 (d) "Low-income persons" has the same meaning as in s.
471 420.0004 (11) ~~(10)~~.

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

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

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

478 Section 9. Paragraph (o) of subsection (5) of section
479 212.08, Florida Statutes, is amended to read:

480 212.08 Sales, rental, use, consumption, distribution, and
481 storage tax; specified exemptions.—The sale at retail, the
482 rental, the use, the consumption, the distribution, and the
483 storage to be used or consumed in this state of the following
484 are hereby specifically exempt from the tax imposed by this
485 chapter.

486 (5) EXEMPTIONS; ACCOUNT OF USE.—

487 (o) Building materials in redevelopment projects.—

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

489 a. "Building materials" means tangible personal property
490 that becomes a component part of a housing project or a mixed-
491 use project.

492 b. "Housing project" means the conversion of an existing
493 manufacturing or industrial building to housing units in an
494 urban high-crime area, enterprise zone, empowerment zone, Front
495 Porch Community, designated brownfield area, or urban infill
496 area and in which the developer agrees to set aside at least 20

497 | percent of the housing units in the project for low-income and
 498 | moderate-income persons or the construction in a designated
 499 | brownfield area of affordable housing for persons described in
 500 | s. 420.0004 (9)~~(8)~~, (11)~~(10)~~, (12)~~(11)~~, or (17)~~(15)~~ or in s.
 501 | 159.603(7).

502 | c. "Mixed-use project" means the conversion of an existing
 503 | manufacturing or industrial building to mixed-use units that
 504 | include artists' studios, art and entertainment services, or
 505 | other compatible uses. A mixed-use project must be located in an
 506 | urban high-crime area, enterprise zone, empowerment zone, Front
 507 | Porch Community, designated brownfield area, or urban infill
 508 | area, and the developer must agree to set aside at least 20
 509 | percent of the square footage of the project for low-income and
 510 | moderate-income housing.

511 | d. "Substantially completed" has the same meaning as
 512 | provided in s. 192.042(1).

513 | 2. Building materials used in the construction of a
 514 | housing project or mixed-use project are exempt from the tax
 515 | imposed by this chapter upon an affirmative showing to the
 516 | satisfaction of the department that the requirements of this
 517 | paragraph have been met. This exemption inures to the owner
 518 | through a refund of previously paid taxes. To receive this
 519 | refund, the owner must file an application under oath with the
 520 | department which includes:

- 521 | a. The name and address of the owner.
- 522 | b. The address and assessment roll parcel number of the
- 523 | project for which a refund is sought.
- 524 | c. A copy of the building permit issued for the project.

525 d. A certification by the local building code inspector
526 that the project is substantially completed.

527 e. A sworn statement, under penalty of perjury, from the
528 general contractor licensed in this state with whom the owner
529 contracted to construct the project, which statement lists the
530 building materials used in the construction of the project and
531 the actual cost thereof, and the amount of sales tax paid on
532 these materials. If a general contractor was not used, the owner
533 shall provide this information in a sworn statement, under
534 penalty of perjury. Copies of invoices evidencing payment of
535 sales tax must be attached to the sworn statement.

536 3. An application for a refund under this paragraph must
537 be submitted to the department within 6 months after the date
538 the project is deemed to be substantially completed by the local
539 building code inspector. Within 30 working days after receipt of
540 the application, the department shall determine if it meets the
541 requirements of this paragraph. A refund approved pursuant to
542 this paragraph shall be made within 30 days after formal
543 approval of the application by the department.

544 4. The department shall establish by rule an application
545 form and criteria for establishing eligibility for exemption
546 under this paragraph.

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

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

551 215.5586 My Safe Florida Home Program.—There is
552 established within the Department of Financial Services the My

553 Safe Florida Home Program. The department shall provide fiscal
 554 accountability, contract management, and strategic leadership
 555 for the program, consistent with this section. This section does
 556 not create an entitlement for property owners or obligate the
 557 state in any way to fund the inspection or retrofitting of
 558 residential property in this state. Implementation of this
 559 program is subject to annual legislative appropriations. It is
 560 the intent of the Legislature that the My Safe Florida Home
 561 Program provide trained and certified inspectors to perform
 562 inspections for owners of site-built, single-family, residential
 563 properties and grants to eligible applicants as funding allows.
 564 The program shall develop and implement a comprehensive and
 565 coordinated approach for hurricane damage mitigation that may
 566 include the following:

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

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

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

575 2. The home must be a dwelling with an insured value of
 576 \$300,000 or less. Homeowners who are low-income persons, as
 577 defined in s. 420.0004(11)~~(10)~~, are exempt from this
 578 requirement.

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

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

584 5. The building permit application for initial
585 construction of the home must have been made before March 1,
586 2002.

587
588 An application for a grant must contain a signed or
589 electronically verified statement made under penalty of perjury
590 that the applicant has submitted only a single application and
591 must have attached documents demonstrating the applicant meets
592 the requirements of this paragraph.

593 (g) Low-income homeowners, as defined in s.
594 420.0004(11)~~(10)~~, who otherwise meet the requirements of
595 paragraphs (a), (c), (e), and (f) are eligible for a grant of up
596 to \$5,000 and are not required to provide a matching amount to
597 receive the grant. Additionally, for low-income homeowners,
598 grant funding may be used for repair to existing structures
599 leading to any of the mitigation improvements provided in
600 paragraph (e), limited to 20 percent of the grant value. The
601 program may accept a certification directly from a low-income
602 homeowner that the homeowner meets the requirements of s.
603 420.0004(11)~~(10)~~ if the homeowner provides such certification in
604 a signed or electronically verified statement made under penalty
605 of perjury.

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

608 420.503 Definitions.—As used in this part, the term:

609 (19) "Housing for the elderly" means, for purposes of s.
 610 420.5087(3) (e) ~~(d)~~, any nonprofit housing community that is
 611 financed by a mortgage loan made or insured by the United States
 612 Department of Housing and Urban Development under s. 202, s. 202
 613 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the
 614 National Housing Act, as amended, and that is subject to income
 615 limitations established by the United States Department of
 616 Housing and Urban Development, or any program funded by the
 617 Rural Development Agency of the United States Department of
 618 Agriculture and subject to income limitations established by the
 619 United States Department of Agriculture. A project which
 620 qualifies for an exemption under the Fair Housing Act as housing
 621 for older persons as defined by s. 760.29(4) shall qualify as
 622 housing for the elderly for purposes of s. 420.5087(3) (e) ~~(d)~~ and
 623 for purposes of any loans made pursuant to s. 420.508. In
 624 addition, if the corporation adopts a qualified allocation plan
 625 pursuant to s. 42(m)(1)(B) of the Internal Revenue Code or any
 626 other rules that prioritize projects targeting the elderly for
 627 purposes of allocating tax credits pursuant to s. 420.5099 or
 628 for purposes of the HOME program under s. 420.5089, a project
 629 which qualifies for an exemption under the Fair Housing Act as
 630 housing for older persons as defined by s. 760.29(4) shall
 631 qualify as a project targeted for the elderly, if the project
 632 satisfies the other requirements set forth in this part.

633 Section 12. (1) The Legislature finds that due to the
 634 current economic conditions in the housing market there is a
 635 critical need to rehabilitate or sell excess inventory of unsold
 636 homes, including foreclosed homes and newly constructed homes,

637 as well as a critical need for the rehabilitation and
638 preservation of older, affordable apartments. The Legislature
639 further finds that there is a critical need to create housing-
640 related jobs and that these conditions require the targeting of
641 state and local housing trust fund moneys to assist in the sale
642 or rehabilitation of existing homes and the preservation and
643 rehabilitation of older rental apartments.

644 (2) Notwithstanding ss. 420.507(22)(a) and (23)(a),
645 420.5087(6)(1), 420.5088, 420.5095, and 420.9075(1)(b) and
646 (5)(b), Florida Statutes, funds from the State Housing Trust
647 Fund or the Local Government Housing Trust Fund that are
648 appropriated for use in the State Apartment Incentive Loan
649 Program, Florida Homeownership Assistance Program, Community
650 Workforce Housing Innovation Pilot Program, or the State Housing
651 Initiatives Partnership Program may not be used to:

652 (a) Finance or otherwise assist the construction or
653 purchase of housing sold to eligible individuals, unless the
654 housing unit being sold had an initial certificate of occupancy
655 prior to December 31, 2009; or

656 (b) Finance or otherwise assist in the construction or
657 purchase of rental housing, unless the development being
658 financed or assisted received its initial certificate of
659 occupancy prior to December 31, 1995.

660
661 Nothing in this section restricts the use of such funds to
662 assist with the purchase of newly constructed homes that were
663 completed prior to December 31, 2009, or the acquisition and
664 rehabilitation of apartments that received their initial

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

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

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