

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. 163.3177, F.S.; revising provisions  
6           relating to the elements of local comprehensive plans to  
7           include an element for affordable housing for seniors;  
8           providing for the disposition of real property by a local  
9           government for the development of affordable housing;  
10          amending s. 201.15, F.S.; revising the allocation of  
11          certain proceeds distributed from the excise tax on  
12          documents that are paid into the State Treasury to the  
13          credit of the State Housing Trust Fund; providing for  
14          retroactive repeal of s. 8, ch. 2009-131, Laws of Florida,  
15          to eliminate a conflicting version of s. 201.15, F.S.;  
16          amending s. 420.0003, F.S.; providing additional policy  
17          guidelines under the state housing strategy for the  
18          development of programs for housing production or  
19          rehabilitation; including the needs of persons with  
20          special needs in the strategy's periodic review and  
21          report; amending s. 420.0004, F.S.; defining the terms  
22          "disabling condition" and "person with special needs";  
23          conforming cross-references; amending s. 420.507, F.S.;  
24          requiring certain rates of interest to be made available  
25          to sponsors of projects for persons with special needs;  
26          providing additional powers of the corporation relating to  
27          receipt of federal funds; revising powers of the  
28          corporation relating to criteria establishing a preference

29 for eligible developers and general contractors;  
 30 conforming a cross-reference; amending s. 420.5087, F.S.;  
 31 limiting the reservation of funds within each notice of  
 32 fund availability to the persons with special needs tenant  
 33 group; including persons with special needs as a tenant  
 34 group for specified purposes of the State Apartment  
 35 Incentive Loan Program; revising and providing criteria to  
 36 be used by a specified review committee for the  
 37 competitive ranking of applications for such program;  
 38 conforming a cross-reference; amending ss. 163.31771,  
 39 212.08, 215.5586, and 420.503, F.S.; conforming cross-  
 40 references; providing legislative intent; prohibiting  
 41 funds from the State Housing Trust Fund or the Local  
 42 Government Housing Trust Fund that are appropriated for  
 43 specified programs from being used for certain purposes;  
 44 providing for future repeal; providing an effective date.

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

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

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

55 (11) To invest and reinvest surplus funds of the housing  
 56 finance authority in accordance with s. 218.415. However, in

57 | addition to the investments expressly authorized in ss.  
 58 | 218.415(16) (a)-(g) and (17) (a)-(d), a housing finance authority  
 59 | may invest surplus funds in interest-bearing time deposits or  
 60 | savings accounts that are fully insured by the Federal Deposit  
 61 | Insurance Corporation regardless of whether the bank or  
 62 | financial institution in which the deposit or investment is made  
 63 | is a qualified public depository as defined in s. 280.02. This  
 64 | subsection is supplementary to and may not be construed as  
 65 | limiting any powers of a housing finance authority or providing  
 66 | or implying a limiting construction of any other statutory  
 67 | provision.

68 | Section 2. Paragraph (f) of subsection (6) of section  
 69 | 163.3177, Florida Statutes, is amended to read:

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

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

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

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

79 | b. The elimination of substandard dwelling conditions.

80 | c. The structural and aesthetic improvement of existing  
 81 | housing.

82 | d. The provision of adequate sites for future housing,  
 83 | including affordable workforce housing as defined in s.

84 | 380.0651(3) (j), housing for low-income, very low-income, and

85 moderate-income families, mobile homes, affordable housing for  
86 seniors, and group home facilities and foster care facilities,  
87 with supporting infrastructure and public facilities. Real  
88 property that is conveyed to a local government for affordable  
89 housing under this sub-subparagraph shall be disposed of by the  
90 local government pursuant to s. 125.379 or s. 166.0451.

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

94 f. The formulation of housing implementation programs.

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

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

101 i. Use of renewable energy resources.

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

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

119

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

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

140 Section 3. Subsections (9), (10), and (13) of section  
 141 201.15, Florida Statutes, as amended by chapters 2009-17, 2009-  
 142 21, and 2009-68, Laws of Florida, are amended to read:

143 201.15 Distribution of taxes collected.—All taxes  
 144 collected under this chapter are subject to the service charge  
 145 imposed in s. 215.20(1). Prior to distribution under this  
 146 section, the Department of Revenue shall deduct amounts  
 147 necessary to pay the costs of the collection and enforcement of  
 148 the tax levied by this chapter. Such costs and the service  
 149 charge may not be levied against any portion of taxes pledged to  
 150 debt service on bonds to the extent that the costs and service  
 151 charge are required to pay any amounts relating to the bonds.  
 152 After distributions are made pursuant to subsection (1), all of  
 153 the costs of the collection and enforcement of the tax levied by  
 154 this chapter and the service charge shall be available and  
 155 transferred to the extent necessary to pay debt service and any  
 156 other amounts payable with respect to bonds authorized before  
 157 January 1, 2010, secured by revenues distributed pursuant to  
 158 subsection (1). All taxes remaining after deduction of costs and  
 159 the service charge shall be distributed as follows:

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

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

167 (b) Half of that amount shall be paid into the State

168 Treasury to the credit of the Local Government Housing Trust  
 169 Fund and used for the purposes for which the Local Government  
 170 Housing Trust Fund was created and exists by law.

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

175 (a) Twelve and one-half percent of that amount shall be  
 176 deposited into the State Housing Trust Fund and be expended by  
 177 the Department of Community Affairs and by the Florida Housing  
 178 Finance Corporation for the purposes for which the State Housing  
 179 Trust Fund was created and exists by law.

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

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

194 Section 4. Section 8 of chapter 2009-131, Laws of Florida,  
 195 is repealed, retroactive to June 30, 2009.

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

199 420.0003 State housing strategy.—

200 (3) POLICIES.—

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

205 1. State and local governments shall provide incentives to  
 206 encourage the private sector to be the primary delivery vehicle  
 207 for the development of affordable housing.

208 2. State funds should be heavily leveraged to achieve the  
 209 maximum local and private commitment of funds while achieving  
 210 the program objectives.

211 3. To the maximum extent possible, state funds should be  
 212 expended to provide housing units rather than to support program  
 213 administration.

214 4. State money should be used, when possible, as loans  
 215 rather than grants.

216 5. State funds should be available only to local  
 217 governments that provide incentives or financial assistance for  
 218 housing.

219 6. State funds should be made available only for projects  
 220 which are consistent with the local government comprehensive  
 221 plan.

222 7. State funding for housing should not be made available  
 223 to local governments whose comprehensive plans have been found

224 not in compliance with chapter 163 and who have not entered into  
 225 a stipulated settlement agreement with the Department of  
 226 Community Affairs to bring the plan into compliance.

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

229 9. Distribution of state housing funds should be flexible  
 230 and consider the regional and local needs, resources, and  
 231 capabilities of housing producers.

232 10. Distribution of housing funds for multifamily rental  
 233 housing should be administered to address the housing needs of  
 234 persons most in need of housing.

235 ~~11.10.~~ Income levels used to determine program eligibility  
 236 should be adjusted for family size in determining the  
 237 eligibility of specific beneficiaries.

238 ~~12.11.~~ To the maximum extent possible, state-owned lands  
 239 that are appropriate for the development of affordable housing  
 240 shall be made available for that purpose.

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

244 (c) The Shimberg Center for Affordable Housing, in  
 245 consultation with the Department of Community Affairs and the  
 246 Florida Housing Finance Corporation, shall review and evaluate  
 247 existing housing rehabilitation, production, and finance  
 248 programs to determine their consistency with relevant policies  
 249 in this section and identify the needs of specific populations,  
 250 including, but not limited to, elderly persons, ~~and~~ handicapped  
 251 persons, and persons with special needs, and shall recommend

252 statutory modifications where appropriate. The Shimberg Center  
253 for Affordable Housing, in consultation with the Department of  
254 Community Affairs and the corporation, shall also evaluate the  
255 degree of coordination between state housing programs, and  
256 between state, federal, and local housing activities, and shall  
257 recommend improved program linkages. The recommendations  
258 required above and a report of any programmatic modifications  
259 made as a result of these policies shall be included in the  
260 housing report required by s. 420.6075, beginning December 31,  
261 1991, and every 5 years thereafter.

262 Section 6. Section 420.0004, Florida Statutes, is amended  
263 to read:

264 420.0004 Definitions.—As used in this part, unless the  
265 context otherwise indicates:

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

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

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

286 (4) "Corporation" means the Florida Housing Finance  
 287 Corporation.

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

294 (6) "Department" means the Department of Community  
 295 Affairs.

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

301 (a) Expected to be of long-continued and indefinite  
 302 duration; and

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

305 ~~(8)~~ ~~(7)~~ "Elderly" describes persons 62 years of age or  
 306 older.

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

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

321        (11)~~(10)~~ "Low-income persons" means one or more natural  
322 persons or a family, the total annual adjusted gross household  
323 income of which does not exceed 80 percent of the median annual  
324 adjusted gross income for households within the state, or 80  
325 percent of the median annual adjusted gross income for  
326 households within the metropolitan statistical area (MSA) or, if  
327 not within an MSA, within the county in which the person or  
328 family resides, whichever is greater.

329        (12)~~(11)~~ "Moderate-income persons" means one or more  
330 natural persons or a family, the total annual adjusted gross  
331 household income of which is less than 120 percent of the median  
332 annual adjusted gross income for households within the state, or  
333 120 percent of the median annual adjusted gross income for  
334 households within the metropolitan statistical area (MSA) or, if

335 not within an MSA, within the county in which the person or  
 336 family resides, whichever is greater.

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

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

352 (15)~~(13)~~ "Substandard" means:

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

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

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

361            (16)~~(14)~~ "Substantial rehabilitation" means repair or  
 362 restoration of a dwelling unit where the value of such repair or  
 363 restoration exceeds 40 percent of the value of the dwelling.

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

373            Section 7. Paragraph (a) of subsection (22) and  
 374 subsections (33), (46), and (47) of section 420.507, Florida  
 375 Statutes, are amended to read:

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

381            (22) To develop and administer the State Apartment  
 382 Incentive Loan Program. In developing and administering that  
 383 program, the corporation may:

384            (a) Make first, second, and other subordinated mortgage  
 385 loans including variable or fixed rate loans subject to  
 386 contingent interest for all State Apartment Incentive Loans  
 387 provided in this chapter based upon available cash flow of the  
 388 projects. The corporation shall make loans exceeding 25 percent

389 of project cost only to nonprofit organizations and public  
 390 bodies that are able to secure grants, donations of land, or  
 391 contributions from other sources and to projects meeting the  
 392 criteria of subparagraph 1. Mortgage loans shall be made  
 393 available at the following rates of interest:

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

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

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

407 (33) To receive federal funding in connection with the  
 408 corporation's programs directly from the Federal Government and  
 409 to receive federal funds for which no corresponding program has  
 410 been created in statute and establish selection criteria for  
 411 such funds by request for proposals or other competitive  
 412 solicitation.

413 (46) To require, as a condition of financing a multifamily  
 414 rental project, that an agreement be recorded in the official  
 415 records of the county where the real property is located, which  
 416 requires that the project be used for housing defined as

417 affordable in s. 420.0004(3) by persons defined in s.  
418 420.0004(9)~~(8)~~, (11)~~(10)~~, (12)~~(11)~~, and (17)~~(15)~~. Such an  
419 agreement is a state land use regulation that limits the highest  
420 and best use of the property within the meaning of s.  
421 193.011(2).

422 (47) To provide by rule, in connection with any  
423 corporation competitive program, criteria establishing a  
424 preference for developers and general contractors who are either  
425 domiciled in this state or who ~~and for developers and general~~  
426 ~~contractors~~, regardless of domicile, ~~who~~ have substantial  
427 experience in developing ~~or building~~ affordable housing through  
428 the corporation's programs in the case of developers or in  
429 building multifamily housing in the case of general contractors.

430 (a) In evaluating whether developers and ~~a developer or~~  
431 general contractors are ~~contractor is~~ domiciled in this state,  
432 the corporation shall consider whether the developer's or  
433 general contractor's principal office is located in this state  
434 and whether ~~a majority of~~ the developer's and ~~or~~ general  
435 contractor's principals and financial beneficiaries with a 50-  
436 percent or more financial interest in a project reside in this  
437 state Florida. If a developer entity is an affiliate of a parent  
438 entity, the parent entity and its guarantors must reside in this  
439 state.

440 (b) In evaluating whether the developer has ~~a developer or~~  
441 ~~general contractor has~~ substantial experience, the corporation  
442 shall consider whether the developer ~~or general contractor~~ has  
443 completed at least five developments since 2003 using funds or  
444 allocations either provided by or administered by the

445 corporation. As used in this paragraph, the term "completed"  
 446 means the date of the IRS Form 8609 for buildings containing a  
 447 majority of the units in developments involving federal low-  
 448 income housing tax credits. In evaluating whether a general  
 449 contractor has substantial experience, the corporation shall  
 450 consider whether the general contractor has received a final  
 451 certificate of occupancy in connection with at least five  
 452 multifamily housing developments since 2003.

453 (c) The corporation shall adopt rules applying the  
 454 criteria of this subsection to its competitive programs before  
 455 the opening of the next universal application cycle after the  
 456 effective date of this act. However, such rules shall not apply  
 457 to projects that have received an allocation of HOPE VI funding  
 458 from the United States Department of Housing and Urban  
 459 Development if such projects were the subject of a contract  
 460 between a local housing authority and a development partner  
 461 before the effective date of this act and such projects are  
 462 subject to the time limits for use of the HOPE VI funds.

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

465 420.5087 State Apartment Incentive Loan Program.—There is  
 466 hereby created the State Apartment Incentive Loan Program for  
 467 the purpose of providing first, second, or other subordinated  
 468 mortgage loans or loan guarantees to sponsors, including for-  
 469 profit, nonprofit, and public entities, to provide housing  
 470 affordable to very-low-income persons.

471 (3) During the first 6 months of loan or loan guarantee  
 472 availability, program funds shall be reserved for use by

473 sponsors who provide the housing set-aside required in  
474 subsection (2) for the tenant groups designated in this  
475 subsection. The reservation of funds to each of these groups  
476 shall be determined using the most recent statewide very-low-  
477 income rental housing market study available at the time of  
478 publication of each notice of fund availability required by  
479 paragraph (6)(b). The reservation of funds within each notice of  
480 fund availability to the tenant groups in paragraphs (a), (b),  
481 and (e) ~~(d)~~ may not be less than 10 percent of the funds  
482 available at that time. Any increase in funding required to  
483 reach the 10-percent minimum must be taken from the tenant group  
484 that has the largest reservation. The reservation of funds  
485 within each notice of fund availability to the tenant group in  
486 paragraph (c) may not be less than 5 percent of the funds  
487 available at that time. The reservation of funds within each  
488 notice of fund availability to the tenant group in paragraph (d)  
489 may not be more than 10 percent of the funds available at that  
490 time. The tenant groups are:  
491 (a) Commercial fishing workers and farmworkers;  
492 (b) Families;  
493 (c) Persons who are homeless;  
494 (d) Persons with special needs; and  
495 (e) ~~(d)~~ Elderly persons. Ten percent of the amount reserved  
496 for the elderly shall be reserved to provide loans to sponsors  
497 of housing for the elderly for the purpose of making building  
498 preservation, health, or sanitation repairs or improvements  
499 which are required by federal, state, or local regulation or  
500 code, or lifesafety or security-related repairs or improvements

501 to such housing. Such a loan may not exceed \$750,000 per housing  
502 community for the elderly. In order to receive the loan, the  
503 sponsor of the housing community must make a commitment to match  
504 at least 5 percent of the loan amount to pay the cost of such  
505 repair or improvement. The corporation shall establish the rate  
506 of interest on the loan, which may not exceed 3 percent, and the  
507 term of the loan, which may not exceed 15 years; however, if the  
508 lien of the corporation's encumbrance is subordinate to the lien  
509 of another mortgagee, then the term may be made coterminous with  
510 the longest term of the superior lien. The term of the loan  
511 shall be based on a credit analysis of the applicant. The  
512 corporation may forgive indebtedness for a share of the loan  
513 attributable to the units in a project reserved for extremely-  
514 low-income elderly by nonprofit organizations, as defined in s.  
515 420.0004(5), where the project has provided affordable housing  
516 to the elderly for 15 years or more. The corporation shall  
517 establish, by rule, the procedure and criteria for receiving,  
518 evaluating, and competitively ranking all applications for loans  
519 under this paragraph. A loan application must include evidence  
520 of the first mortgagee's having reviewed and approved the  
521 sponsor's intent to apply for a loan. A nonprofit organization  
522 or sponsor may not use the proceeds of the loan to pay for  
523 administrative costs, routine maintenance, or new construction.

524 (6) On all state apartment incentive loans, except loans  
525 made to housing communities for the elderly to provide for  
526 lifesafety, building preservation, health, sanitation, or  
527 security-related repairs or improvements, the following  
528 provisions shall apply:

529 (c) The corporation shall provide by rule for the  
530 establishment of a review committee composed of the department  
531 and corporation staff and shall establish by rule a scoring  
532 system for evaluation and competitive ranking of applications  
533 submitted in this program, including, but not limited to, the  
534 following criteria:

535 1. Tenant income and demographic targeting objectives of  
536 the corporation.

537 2. Targeting objectives of the corporation which will  
538 ensure an equitable distribution of loans between rural and  
539 urban areas.

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

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

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

549 b. Forty percent of the units in the project for persons  
550 or families who have incomes that do not exceed 60 percent of  
551 the state or local median income, whichever is higher, without  
552 requiring a greater amount of the loans as provided in this  
553 section.

554 5. Provision for tenant counseling.

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

557 7. Projects requiring the least amount of a state  
558 apartment incentive loan compared to overall project cost except  
559 that the share of the loan attributable to units serving  
560 extremely-low-income persons shall be excluded from this  
561 requirement.

562 8. Local government contributions and local government  
563 comprehensive planning and activities that promote affordable  
564 housing.

565 9. Project feasibility.

566 10. Economic viability of the project.

567 11. Commitment of first mortgage financing.

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

571 12.13. Sponsor's ability to proceed with construction.

572 13.14. Projects that directly implement or assist welfare-  
573 to-work transitioning.

574 14.15. Projects that reserve units for extremely-low-  
575 income persons.

576 15.16. Projects that include green building principles,  
577 storm-resistant construction, or other elements that reduce  
578 long-term costs relating to maintenance, utilities, or  
579 insurance.

580 16.17. Domicile or substantial experience of the developer  
581 and general contractor, as provided in s. 420.507(47).

582 17. Projects that reserve units for persons with special  
583 needs, provided services for such persons are available to the  
584 project.

585 Section 9. Paragraphs (d), (e), (f), and (g) of subsection  
 586 (2) of section 163.31771, Florida Statutes, are amended to read:

587 163.31771 Accessory dwelling units.—

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

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

590 420.0004 (11) ~~(10)~~.

591 (e) "Moderate-income persons" has the same meaning as in

592 s. 420.0004 (12) ~~(11)~~.

593 (f) "Very-low-income persons" has the same meaning as in

594 s. 420.0004 (17) ~~(15)~~.

595 (g) "Extremely-low-income persons" has the same meaning as

596 in s. 420.0004 (9) ~~(8)~~.

597 Section 10. Paragraph (o) of subsection (5) of section  
 598 212.08, Florida Statutes, is amended to read:

599 212.08 Sales, rental, use, consumption, distribution, and  
 600 storage tax; specified exemptions.—The sale at retail, the  
 601 rental, the use, the consumption, the distribution, and the  
 602 storage to be used or consumed in this state of the following  
 603 are hereby specifically exempt from the tax imposed by this  
 604 chapter.

605 (5) EXEMPTIONS; ACCOUNT OF USE.—

606 (o) Building materials in redevelopment projects.—

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

608 a. "Building materials" means tangible personal property  
 609 that becomes a component part of a housing project or a mixed-  
 610 use project.

611 b. "Housing project" means the conversion of an existing  
 612 manufacturing or industrial building to housing units in an

613 urban high-crime area, enterprise zone, empowerment zone, Front  
614 Porch Community, designated brownfield area, or urban infill  
615 area and in which the developer agrees to set aside at least 20  
616 percent of the housing units in the project for low-income and  
617 moderate-income persons or the construction in a designated  
618 brownfield area of affordable housing for persons described in  
619 s. 420.0004 (9)~~(8)~~, (11)~~(10)~~, (12)~~(11)~~, or (17)~~(15)~~ or in s.  
620 159.603 (7).

621 c. "Mixed-use project" means the conversion of an existing  
622 manufacturing or industrial building to mixed-use units that  
623 include artists' studios, art and entertainment services, or  
624 other compatible uses. A mixed-use project must be located in an  
625 urban high-crime area, enterprise zone, empowerment zone, Front  
626 Porch Community, designated brownfield area, or urban infill  
627 area, and the developer must agree to set aside at least 20  
628 percent of the square footage of the project for low-income and  
629 moderate-income housing.

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

632 2. Building materials used in the construction of a  
633 housing project or mixed-use project are exempt from the tax  
634 imposed by this chapter upon an affirmative showing to the  
635 satisfaction of the department that the requirements of this  
636 paragraph have been met. This exemption inures to the owner  
637 through a refund of previously paid taxes. To receive this  
638 refund, the owner must file an application under oath with the  
639 department which includes:

640 a. The name and address of the owner.

- 641           b. The address and assessment roll parcel number of the  
642 project for which a refund is sought.
- 643           c. A copy of the building permit issued for the project.
- 644           d. A certification by the local building code inspector  
645 that the project is substantially completed.
- 646           e. A sworn statement, under penalty of perjury, from the  
647 general contractor licensed in this state with whom the owner  
648 contracted to construct the project, which statement lists the  
649 building materials used in the construction of the project and  
650 the actual cost thereof, and the amount of sales tax paid on  
651 these materials. If a general contractor was not used, the owner  
652 shall provide this information in a sworn statement, under  
653 penalty of perjury. Copies of invoices evidencing payment of  
654 sales tax must be attached to the sworn statement.
- 655           3. An application for a refund under this paragraph must  
656 be submitted to the department within 6 months after the date  
657 the project is deemed to be substantially completed by the local  
658 building code inspector. Within 30 working days after receipt of  
659 the application, the department shall determine if it meets the  
660 requirements of this paragraph. A refund approved pursuant to  
661 this paragraph shall be made within 30 days after formal  
662 approval of the application by the department.
- 663           4. The department shall establish by rule an application  
664 form and criteria for establishing eligibility for exemption  
665 under this paragraph.
- 666           5. The exemption shall apply to purchases of materials on  
667 or after July 1, 2000.

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

670 215.5586 My Safe Florida Home Program.—There is  
 671 established within the Department of Financial Services the My  
 672 Safe Florida Home Program. The department shall provide fiscal  
 673 accountability, contract management, and strategic leadership  
 674 for the program, consistent with this section. This section does  
 675 not create an entitlement for property owners or obligate the  
 676 state in any way to fund the inspection or retrofitting of  
 677 residential property in this state. Implementation of this  
 678 program is subject to annual legislative appropriations. It is  
 679 the intent of the Legislature that the My Safe Florida Home  
 680 Program provide trained and certified inspectors to perform  
 681 inspections for owners of site-built, single-family, residential  
 682 properties and grants to eligible applicants as funding allows.  
 683 The program shall develop and implement a comprehensive and  
 684 coordinated approach for hurricane damage mitigation that may  
 685 include the following:

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

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

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

694 2. The home must be a dwelling with an insured value of  
 695 \$300,000 or less. Homeowners who are low-income persons, as

696 defined in s. 420.0004(11)~~(10)~~, are exempt from this  
 697 requirement.

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

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

703 5. The building permit application for initial  
 704 construction of the home must have been made before March 1,  
 705 2002.

706  
 707 An application for a grant must contain a signed or  
 708 electronically verified statement made under penalty of perjury  
 709 that the applicant has submitted only a single application and  
 710 must have attached documents demonstrating the applicant meets  
 711 the requirements of this paragraph.

712 (g) Low-income homeowners, as defined in s.  
 713 420.0004(11)~~(10)~~, who otherwise meet the requirements of  
 714 paragraphs (a), (c), (e), and (f) are eligible for a grant of up  
 715 to \$5,000 and are not required to provide a matching amount to  
 716 receive the grant. Additionally, for low-income homeowners,  
 717 grant funding may be used for repair to existing structures  
 718 leading to any of the mitigation improvements provided in  
 719 paragraph (e), limited to 20 percent of the grant value. The  
 720 program may accept a certification directly from a low-income  
 721 homeowner that the homeowner meets the requirements of s.  
 722 420.0004(11)~~(10)~~ if the homeowner provides such certification in

723 a signed or electronically verified statement made under penalty  
 724 of perjury.

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

727 420.503 Definitions.—As used in this part, the term:

728 (19) "Housing for the elderly" means, for purposes of s.  
 729 420.5087(3) (e) ~~(d)~~, any nonprofit housing community that is  
 730 financed by a mortgage loan made or insured by the United States  
 731 Department of Housing and Urban Development under s. 202, s. 202  
 732 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the  
 733 National Housing Act, as amended, and that is subject to income  
 734 limitations established by the United States Department of  
 735 Housing and Urban Development, or any program funded by the  
 736 Rural Development Agency of the United States Department of  
 737 Agriculture and subject to income limitations established by the  
 738 United States Department of Agriculture. A project which  
 739 qualifies for an exemption under the Fair Housing Act as housing  
 740 for older persons as defined by s. 760.29(4) shall qualify as  
 741 housing for the elderly for purposes of s. 420.5087(3) (e) ~~(d)~~ and  
 742 for purposes of any loans made pursuant to s. 420.508. In  
 743 addition, if the corporation adopts a qualified allocation plan  
 744 pursuant to s. 42(m)(1)(B) of the Internal Revenue Code or any  
 745 other rules that prioritize projects targeting the elderly for  
 746 purposes of allocating tax credits pursuant to s. 420.5099 or  
 747 for purposes of the HOME program under s. 420.5089, a project  
 748 which qualifies for an exemption under the Fair Housing Act as  
 749 housing for older persons as defined by s. 760.29(4) shall

750 qualify as a project targeted for the elderly, if the project  
751 satisfies the other requirements set forth in this part.

752 Section 13. (1) The Legislature finds that due to the  
753 current economic conditions in the housing market there is a  
754 critical need to rehabilitate or sell excess inventory of unsold  
755 homes, including foreclosed homes and newly constructed homes,  
756 as well as a critical need for the rehabilitation and  
757 preservation of older, affordable apartments. The Legislature  
758 further finds that there is a critical need to create housing-  
759 related jobs and that these conditions require the targeting of  
760 state and local housing trust fund moneys to assist in the sale  
761 or rehabilitation of existing homes and the preservation and  
762 rehabilitation of older rental apartments.

763 (2) Notwithstanding ss. 420.507(22)(a) and (23)(a),  
764 420.5087(6)(1), 420.5088, 420.5095, and 420.9075(1)(b) and  
765 (5)(b), Florida Statutes, funds from the State Housing Trust  
766 Fund or the Local Government Housing Trust Fund that are  
767 appropriated for use in the State Apartment Incentive Loan  
768 Program, Florida Homeownership Assistance Program, Community  
769 Workforce Housing Innovation Pilot Program, or the State Housing  
770 Initiatives Partnership Program may not be used to:

771 (a) Finance or otherwise assist the construction or  
772 purchase of housing sold to eligible individuals, unless the  
773 housing unit being sold had an initial certificate of occupancy  
774 prior to December 31, 2009; or

775 (b) Finance or otherwise assist in the construction or  
776 purchase of rental housing, unless the development being

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777 financed or assisted received its initial certificate of  
778 occupancy prior to December 31, 1995.

779  
780 Nothing in this section restricts the use of such funds to  
781 assist with the purchase of newly constructed homes that were  
782 completed prior to December 31, 2009, or the acquisition and  
783 rehabilitation of apartments that received their initial  
784 certificate of occupancy prior to December 31, 1995. The use of  
785 such funds is subject to the restrictions of the program under  
786 which the funding is made available.

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

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