

1                   A bill to be entitled  
2           An act relating to affordable housing; amending s. 20.055,  
3           F.S.; revising the definition of "state agency" to include  
4           the Florida Housing Finance Corporation; revising the  
5           definition of "agency head" to include the board of  
6           directors of the corporation; requiring the inspector  
7           general to prepare an annual report; amending s. 159.608,  
8           F.S.; providing a housing finance authority with an  
9           additional purpose for which it may exercise its power to  
10          borrow; amending s. 163.3177, F.S.; revising provisions  
11          relating to the elements of local comprehensive plans to  
12          include an element for affordable housing for certain  
13          seniors; providing for the disposition of real property by  
14          a local government for the development of affordable  
15          housing; amending s. 201.15, F.S.; revising the allocation  
16          of certain proceeds distributed from the excise tax on  
17          documents that are paid into the State Treasury to the  
18          credit of the State Housing Trust Fund; providing for  
19          retroactive repeal of s. 8, ch. 2009-131, Laws of Florida,  
20          to eliminate a conflicting version of s. 201.15, F.S.;  
21          amending s. 420.0003, F.S.; including the needs of persons  
22          with special needs in the state housing strategy's  
23          periodic review and report; amending s. 420.0004, F.S.;  
24          defining the terms "disabling condition" and "person with  
25          special needs"; conforming cross-references; amending s.  
26          420.0006, F.S.; removing an obsolete reference; deleting  
27          provisions requiring the inspector general of the  
28          Department of Community Affairs to perform functions for

29 | the corporation to conform to changes made by the act;  
30 | amending s. 420.504, F.S.; authorizing the Secretary of  
31 | Community Affairs to designate a senior-level agency  
32 | employee to serve on the board of directors of the Florida  
33 | Housing Finance Corporation; amending s. 420.506, F.S.;  
34 | providing for the appointment of an inspector general of  
35 | the Florida Housing Finance Corporation; providing  
36 | appointing authority thereof; providing duties and  
37 | responsibilities of the inspector general; amending s.  
38 | 420.507, F.S.; requiring certain rates of interest to be  
39 | made available to sponsors of projects for persons with  
40 | special needs; providing additional powers of the  
41 | corporation relating to receipt of federal funds; revising  
42 | powers of the corporation relating to criteria  
43 | establishing a preference for eligible developers and  
44 | general contractors; conforming a cross-reference;  
45 | amending s. 420.5087, F.S.; limiting the reservation of  
46 | funds within each notice of fund availability to the  
47 | persons with special needs tenant group; including persons  
48 | with special needs as a tenant group for specified  
49 | purposes of the State Apartment Incentive Loan Program;  
50 | revising and providing criteria to be used by a specified  
51 | review committee for the competitive ranking of  
52 | applications for such program; conforming a cross-  
53 | reference; amending ss. 163.31771, 212.08, 215.5586, and  
54 | 420.503, F.S.; conforming cross-references; providing  
55 | legislative intent; prohibiting funds from the State  
56 | Housing Trust Fund or the Local Government Housing Trust

57 Fund that are appropriated for specified programs from  
58 being used for certain purposes; providing for future  
59 repeal; providing an effective date.

60

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

62

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

66 20.055 Agency inspectors general.—

67 (1) For the purposes of this section:

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

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

85 Court.

86 (7) (a) Except as provided in paragraph (b), each inspector  
87 general shall, not later than September 30 of each year, prepare  
88 an annual report summarizing the activities of the office during  
89 the immediately preceding state fiscal year.

90 (b) The inspector general of the Florida Housing Finance  
91 Corporation shall, not later than 90 days after the end of each  
92 fiscal year, prepare an annual report summarizing the activities  
93 of the office of inspector general during the immediately  
94 preceding fiscal year.

95 (c) The final reports prepared pursuant to paragraphs (a)  
96 and (b) report shall be furnished to the heads of the respective  
97 agencies ~~agency head~~. Such report shall include, but need not be  
98 limited to:

99 1.(a) A description of activities relating to the  
100 development, assessment, and validation of performance measures.

101 2.(b) A description of significant abuses and deficiencies  
102 relating to the administration of programs and operations of the  
103 agency disclosed by investigations, audits, reviews, or other  
104 activities during the reporting period.

105 3.(c) A description of the recommendations for corrective  
106 action made by the inspector general during the reporting period  
107 with respect to significant problems, abuses, or deficiencies  
108 identified.

109 4.(d) The identification of each significant  
110 recommendation described in previous annual reports on which  
111 corrective action has not been completed.

112 5.(e) A summary of each audit and investigation completed

113 during the reporting period.

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

116 159.608 Powers of housing finance authorities.—A housing  
 117 finance authority shall constitute a public body corporate and  
 118 politic, exercising the public and essential governmental  
 119 functions set forth in this act, and shall exercise its power to  
 120 borrow only for the purpose as provided herein:

121 (11) To invest and reinvest surplus funds of the housing  
 122 finance authority in accordance with s. 218.415. However, in  
 123 addition to the investments expressly authorized in ss.  
 124 218.415(16) (a)-(g) and (17) (a)-(d), a housing finance authority  
 125 may invest surplus funds in interest-bearing time deposits or  
 126 savings accounts that are fully insured by the Federal Deposit  
 127 Insurance Corporation regardless of whether the bank or  
 128 financial institution in which the deposit or investment is made  
 129 is a qualified public depository as defined in s. 280.02. This  
 130 subsection is supplementary to and may not be construed as  
 131 limiting any powers of a housing finance authority or providing  
 132 or implying a limiting construction of any other statutory  
 133 provision.

134 Section 3. Paragraph (f) of subsection (6) of section  
 135 163.3177, Florida Statutes, is amended to read:

136 163.3177 Required and optional elements of comprehensive  
 137 plan; studies and surveys.—

138 (6) In addition to the requirements of subsections (1)-(5)  
 139 and (12), the comprehensive plan shall include the following  
 140 elements:

- 141 (f)1. A housing element consisting of standards, plans,  
 142 and principles to be followed in:
- 143 a. The provision of housing for all current and  
 144 anticipated future residents of the jurisdiction.
  - 145 b. The elimination of substandard dwelling conditions.
  - 146 c. The structural and aesthetic improvement of existing  
 147 housing.
  - 148 d. The provision of adequate sites for future housing,  
 149 including affordable workforce housing as defined in s.  
 150 380.0651(3)(j), housing for low-income, very low-income, and  
 151 moderate-income families, mobile homes, affordable housing for  
 152 seniors in counties with a population of more than 20 percent of  
 153 persons 60 years of age or older and with a total population of  
 154 over 100,000 persons, and group home facilities and foster care  
 155 facilities, with supporting infrastructure and public  
 156 facilities. Real property that is conveyed to a local government  
 157 for affordable housing under this sub-subparagraph shall be  
 158 disposed of by the local government pursuant to s. 125.379 or s.  
 159 166.0451.
  - 160 e. Provision for relocation housing and identification of  
 161 historically significant and other housing for purposes of  
 162 conservation, rehabilitation, or replacement.
  - 163 f. The formulation of housing implementation programs.
  - 164 g. The creation or preservation of affordable housing to  
 165 minimize the need for additional local services and avoid the  
 166 concentration of affordable housing units only in specific areas  
 167 of the jurisdiction.
  - 168 h. Energy efficiency in the design and construction of new

169 housing.

170 i. Use of renewable energy resources.

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

182 k. As a precondition to receiving any state affordable  
183 housing funding or allocation for any project or program within  
184 the jurisdiction of a county that is subject to sub-subparagraph  
185 j., a county must, by July 1 of each year, provide certification  
186 that the county has complied with the requirements of sub-  
187 subparagraph j.

188

189 The goals, objectives, and policies of the housing element must  
190 be based on the data and analysis prepared on housing needs,  
191 including the affordable housing needs assessment. State and  
192 federal housing plans prepared on behalf of the local government  
193 must be consistent with the goals, objectives, and policies of  
194 the housing element. Local governments are encouraged to use job  
195 training, job creation, and economic solutions to address a  
196 portion of their affordable housing concerns.

197           2. To assist local governments in housing data collection  
198 and analysis and assure uniform and consistent information  
199 regarding the state's housing needs, the state land planning  
200 agency shall conduct an affordable housing needs assessment for  
201 all local jurisdictions on a schedule that coordinates the  
202 implementation of the needs assessment with the evaluation and  
203 appraisal reports required by s. 163.3191. Each local government  
204 shall utilize the data and analysis from the needs assessment as  
205 one basis for the housing element of its local comprehensive  
206 plan. The agency shall allow a local government the option to  
207 perform its own needs assessment, if it uses the methodology  
208 established by the agency by rule.

209           Section 4. Subsections (9), (10), and (13) of section  
210 201.15, Florida Statutes, as amended by chapters 2009-17, 2009-  
211 21, and 2009-68, Laws of Florida, are amended to read:

212           201.15 Distribution of taxes collected.—All taxes  
213 collected under this chapter are subject to the service charge  
214 imposed in s. 215.20(1). Prior to distribution under this  
215 section, the Department of Revenue shall deduct amounts  
216 necessary to pay the costs of the collection and enforcement of  
217 the tax levied by this chapter. Such costs and the service  
218 charge may not be levied against any portion of taxes pledged to  
219 debt service on bonds to the extent that the costs and service  
220 charge are required to pay any amounts relating to the bonds.  
221 After distributions are made pursuant to subsection (1), all of  
222 the costs of the collection and enforcement of the tax levied by  
223 this chapter and the service charge shall be available and  
224 transferred to the extent necessary to pay debt service and any



225 other amounts payable with respect to bonds authorized before  
 226 January 1, 2010, secured by revenues distributed pursuant to  
 227 subsection (1). All taxes remaining after deduction of costs and  
 228 the service charge shall be distributed as follows:

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

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

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

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

244 (a) Twelve and one-half percent of that amount shall be  
 245 deposited into the State Housing Trust Fund and be expended by  
 246 the Department of Community Affairs and by the Florida Housing  
 247 Finance Corporation for the purposes for which the State Housing  
 248 Trust Fund was created and exists by law.

249 (b) Eighty-seven and one-half percent of that amount shall  
 250 be distributed to the Local Government Housing Trust Fund and  
 251 used for the purposes for which the Local Government Housing  
 252 Trust Fund was created and exists by law. Funds from this

253 category may also be used to provide for state and local  
 254 services to assist the homeless.

255 (13) Beginning July 1, 2008, in each fiscal year that the  
 256 remaining taxes collected under this chapter exceed collections  
 257 in the prior fiscal year, the stated maximum dollar amounts  
 258 provided in subsections (2), (4), (6), and (7), ~~(9), and (10)~~  
 259 shall each be increased by an amount equal to 10 percent of the  
 260 increase in the remaining taxes collected under this chapter  
 261 multiplied by the applicable percentage provided in those  
 262 subsections.

263 Section 5. Section 8 of chapter 2009-131, Laws of Florida,  
 264 is repealed, retroactive to June 30, 2009.

265 Section 6. Paragraph (c) of subsection (4) of section  
 266 420.0003, Florida Statutes, is amended to read:

267 420.0003 State housing strategy.—

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

271 (c) The Shimberg Center for Affordable Housing, in  
 272 consultation with the Department of Community Affairs and the  
 273 Florida Housing Finance Corporation, shall review and evaluate  
 274 existing housing rehabilitation, production, and finance  
 275 programs to determine their consistency with relevant policies  
 276 in this section and identify the needs of specific populations,  
 277 including, but not limited to, elderly persons, ~~and~~ handicapped  
 278 persons, and persons with special needs, and shall recommend  
 279 statutory modifications where appropriate. The Shimberg Center  
 280 for Affordable Housing, in consultation with the Department of

281 Community Affairs and the corporation, shall also evaluate the  
 282 degree of coordination between state housing programs, and  
 283 between state, federal, and local housing activities, and shall  
 284 recommend improved program linkages. The recommendations  
 285 required above and a report of any programmatic modifications  
 286 made as a result of these policies shall be included in the  
 287 housing report required by s. 420.6075, beginning December 31,  
 288 1991, and every 5 years thereafter.

289 Section 7. Section 420.0004, Florida Statutes, is amended  
 290 to read:

291 420.0004 Definitions.—As used in this part, unless the  
 292 context otherwise indicates:

293 (1) "Adjusted for family size" means adjusted in a manner  
 294 which results in an income eligibility level which is lower for  
 295 households with fewer than four people, or higher for households  
 296 with more than four people, than the base income eligibility  
 297 determined as provided in subsection (9) ~~(8)~~, subsection (11)  
 298 ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~, based upon  
 299 a formula as established by the United States Department of  
 300 Housing and Urban Development.

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

307 (3) "Affordable" means that monthly rents or monthly  
 308 mortgage payments including taxes, insurance, and utilities do

309 | not exceed 30 percent of that amount which represents the  
 310 | percentage of the median adjusted gross annual income for the  
 311 | households as indicated in subsection (9) ~~(8)~~, subsection (11)  
 312 | ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~.

313 | (4) "Corporation" means the Florida Housing Finance  
 314 | Corporation.

315 | (5) "Community-based organization" or "nonprofit  
 316 | organization" means a private corporation organized under  
 317 | chapter 617 to assist in the provision of housing and related  
 318 | services on a not-for-profit basis and which is acceptable to  
 319 | federal and state agencies and financial institutions as a  
 320 | sponsor of low-income housing.

321 | (6) "Department" means the Department of Community  
 322 | Affairs.

323 | (7) "Disabling condition" means a diagnosable substance  
 324 | abuse disorder, serious mental illness, developmental  
 325 | disability, or chronic physical illness or disability, or the  
 326 | co-occurrence of two or more of these conditions, and a  
 327 | determination that the condition is:

328 | (a) Expected to be of long-continued and indefinite  
 329 | duration; and

330 | (b) Not expected to impair the ability of the person with  
 331 | special needs to live independently with appropriate supports.

332 | (8) ~~(7)~~ "Elderly" describes persons 62 years of age or  
 333 | older.

334 | (9) ~~(8)~~ "Extremely-low-income persons" means one or more  
 335 | natural persons or a family whose total annual household income  
 336 | does not exceed 30 percent of the median annual adjusted gross

337 income for households within the state. The Florida Housing  
338 Finance Corporation may adjust this amount annually by rule to  
339 provide that in lower income counties, extremely low income may  
340 exceed 30 percent of area median income and that in higher  
341 income counties, extremely low income may be less than 30  
342 percent of area median income.

343 (10)~~(9)~~ "Local public body" means any county,  
344 municipality, or other political subdivision, or any housing  
345 authority as provided by chapter 421, which is eligible to  
346 sponsor or develop housing for farmworkers and very-low-income  
347 and low-income persons within its jurisdiction.

348 (11)~~(10)~~ "Low-income persons" means one or more natural  
349 persons or a family, the total annual adjusted gross household  
350 income of which does not exceed 80 percent of the median annual  
351 adjusted gross income for households within the state, or 80  
352 percent of the median annual adjusted gross income for  
353 households within the metropolitan statistical area (MSA) or, if  
354 not within an MSA, within the county in which the person or  
355 family resides, whichever is greater.

356 (12)~~(11)~~ "Moderate-income persons" means one or more  
357 natural persons or a family, the total annual adjusted gross  
358 household income of which is less than 120 percent of the median  
359 annual adjusted gross income for households within the state, or  
360 120 percent of the median annual adjusted gross income for  
361 households within the metropolitan statistical area (MSA) or, if  
362 not within an MSA, within the county in which the person or  
363 family resides, whichever is greater.

364           (13) "Person with special needs" means an adult person  
 365 requiring independent living services in order to maintain  
 366 housing or develop independent living skills and who has a  
 367 disabling condition; a young adult formerly in foster care who  
 368 is eligible for services under s. 409.1451(5); a survivor of  
 369 domestic violence as defined in s. 741.28; or a person receiving  
 370 benefits under the Social Security Disability Insurance (SSDI)  
 371 program or the Supplemental Security Income (SSI) program or  
 372 from veterans' disability benefits.

373           ~~(14)-(12)~~ "Student" means any person not living with his or  
 374 her parent or guardian who is eligible to be claimed by his or  
 375 her parent or guardian as a dependent under the federal income  
 376 tax code and who is enrolled on at least a half-time basis in a  
 377 secondary school, career center, community college, college, or  
 378 university.

379           ~~(15)-(13)~~ "Substandard" means:

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

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

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

388           ~~(16)-(14)~~ "Substantial rehabilitation" means repair or  
 389 restoration of a dwelling unit where the value of such repair or  
 390 restoration exceeds 40 percent of the value of the dwelling.

391            (17)~~(15)~~ "Very-low-income persons" means one or more  
 392 natural persons or a family, not including students, the total  
 393 annual adjusted gross household income of which does not exceed  
 394 50 percent of the median annual adjusted gross income for  
 395 households within the state, or 50 percent of the median annual  
 396 adjusted gross income for households within the metropolitan  
 397 statistical area (MSA) or, if not within an MSA, within the  
 398 county in which the person or family resides, whichever is  
 399 greater.

400            Section 8. Section 420.0006, Florida Statutes, is amended  
 401 to read:

402            420.0006 Authority to contract with corporation; contract  
 403 requirements; nonperformance.—The secretary of the department  
 404 shall contract, notwithstanding the provisions of part I of  
 405 chapter 287, with the Florida Housing Finance Corporation on a  
 406 multiyear basis to stimulate, provide, and foster affordable  
 407 housing in the state. The contract must incorporate the  
 408 performance measures required by s. 420.511 and must be  
 409 consistent with the provisions of the corporation's strategic  
 410 plan prepared in accordance with s. 420.511 ~~and compatible with~~  
 411 ~~s. 216.0166~~. The contract must provide that, in the event the  
 412 corporation fails to comply with any of the performance measures  
 413 required by s. 420.511, the secretary shall notify the Governor  
 414 and shall refer the nonperformance to the department's inspector  
 415 general for review and determination as to whether such failure  
 416 is due to forces beyond the corporation's control or whether  
 417 such failure is due to inadequate management of the  
 418 corporation's resources. Advances shall continue to be made

419 | pursuant to s. 420.0005 during the pendency of the review by the  
 420 | department's inspector general. If such failure is due to  
 421 | outside forces, it shall not be deemed a violation of the  
 422 | contract. If such failure is due to inadequate management, the  
 423 | department's inspector general shall provide recommendations  
 424 | regarding solutions. The Governor is authorized to resolve any  
 425 | differences of opinion with respect to performance under the  
 426 | contract and may request that advances continue in the event of  
 427 | a failure under the contract due to inadequate management. The  
 428 | Chief Financial Officer shall approve the request absent a  
 429 | finding by the Chief Financial Officer that continuing such  
 430 | advances would adversely impact the state; however, in any event  
 431 | the Chief Financial Officer shall provide advances sufficient to  
 432 | meet the debt service requirements of the corporation and  
 433 | sufficient to fund contracts committing funds from the State  
 434 | Housing Trust Fund so long as such contracts are in accordance  
 435 | with the laws of this state. ~~The department inspector general~~  
 436 | ~~shall perform for the corporation the functions set forth in s.~~  
 437 | ~~20.055 and report to the secretary of the department. The~~  
 438 | ~~corporation shall be deemed an agency for the purposes of s.~~  
 439 | ~~20.055.~~

440 | Section 9. Subsection (3) of section 420.504, Florida  
 441 | Statutes, is amended to read:

442 | 420.504 Public corporation; creation, membership, terms,  
 443 | expenses.—

444 | (3) The corporation is a separate budget entity and is not  
 445 | subject to control, supervision, or direction by the Department  
 446 | of Community Affairs in any manner, including, but not limited



447 to, personnel, purchasing, transactions involving real or  
 448 personal property, and budgetary matters. The corporation shall  
 449 consist of a board of directors composed of the Secretary of  
 450 Community Affairs as an ex officio and voting member, or a  
 451 senior-level agency employee designated by the secretary, and  
 452 eight members appointed by the Governor subject to confirmation  
 453 by the Senate from the following:

454 (a) One citizen actively engaged in the residential home  
 455 building industry.

456 (b) One citizen actively engaged in the banking or  
 457 mortgage banking industry.

458 (c) One citizen who is a representative of those areas of  
 459 labor engaged in home building.

460 (d) One citizen with experience in housing development who  
 461 is an advocate for low-income persons.

462 (e) One citizen actively engaged in the commercial  
 463 building industry.

464 (f) One citizen who is a former local government elected  
 465 official.

466 (g) Two citizens of the state who are not principally  
 467 employed as members or representatives of any of the groups  
 468 specified in paragraphs (a)-(f).

469 Section 10. Section 420.506, Florida Statutes, is amended  
 470 to read:

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

473 (1) The appointment and removal of an executive director  
 474 shall be by the Secretary of Community Affairs, with the advice

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

488 (2) The appointment and removal of an inspector general  
489 shall be by the executive director, with the advice and consent  
490 of the corporation's board of directors. The corporation's  
491 inspector general shall perform for the corporation the  
492 functions set forth in s. 20.055. The inspector general shall  
493 administratively report to the executive director. The inspector  
494 general shall meet the minimum qualifications as set forth s.  
495 20.055(4). The corporation may establish additional  
496 qualifications deemed necessary by the board of directors to  
497 meet the unique needs of the corporation. The inspector general  
498 shall be responsible for coordinating the responsibilities set  
499 forth in s. 420.0006.

500 Section 11. Paragraph (a) of subsection (22) and  
501 subsections (33), (46), and (47) of section 420.507, Florida  
502 Statutes, are amended to read:

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

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

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

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

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

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

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

540           (46) To require, as a condition of financing a multifamily  
541 rental project, that an agreement be recorded in the official  
542 records of the county where the real property is located, which  
543 requires that the project be used for housing defined as  
544 affordable in s. 420.0004(3) by persons defined in s.  
545 420.0004(9)~~(8)~~, (11)~~(10)~~, (12)~~(11)~~, and (17)~~(15)~~. Such an  
546 agreement is a state land use regulation that limits the highest  
547 and best use of the property within the meaning of s.  
548 193.011(2).

549           (47) To provide by rule, in connection with any  
550 corporation competitive program, criteria establishing, where  
551 all other competitive elements are equal, a preference for  
552 developers and general contractors who demonstrate the highest  
553 rate of Florida job creation in the development and construction  
554 of affordable housing domiciled in this state and for developers  
555 and general contractors, regardless of domicile, who have  
556 substantial experience in developing or building affordable  
557 housing through the corporation's programs.

558           ~~(a) In evaluating whether a developer or general~~

559 ~~contractor is domiciled in this state, the corporation shall~~  
560 ~~consider whether the developer's or general contractor's~~  
561 ~~principal office is located in this state and whether a majority~~  
562 ~~of the developer's or general contractor's principals and~~  
563 ~~financial beneficiaries reside in Florida.~~

564 ~~(b) In evaluating whether a developer or general~~  
565 ~~contractor has substantial experience, the corporation shall~~  
566 ~~consider whether the developer or general contractor has~~  
567 ~~completed at least five developments using funds either provided~~  
568 ~~by or administered by the corporation.~~

569 Section 12. Subsection (3) and paragraph (c) of subsection  
570 (6) of section 420.5087, Florida Statutes, are amended to read:

571 420.5087 State Apartment Incentive Loan Program.—There is  
572 hereby created the State Apartment Incentive Loan Program for  
573 the purpose of providing first, second, or other subordinated  
574 mortgage loans or loan guarantees to sponsors, including for-  
575 profit, nonprofit, and public entities, to provide housing  
576 affordable to very-low-income persons.

577 (3) During the first 6 months of loan or loan guarantee  
578 availability, program funds shall be reserved for use by  
579 sponsors who provide the housing set-aside required in  
580 subsection (2) for the tenant groups designated in this  
581 subsection. The reservation of funds to each of these groups  
582 shall be determined using the most recent statewide very-low-  
583 income rental housing market study available at the time of  
584 publication of each notice of fund availability required by  
585 paragraph (6)(b). The reservation of funds within each notice of  
586 fund availability to the tenant groups in paragraphs (a), (b),

587 and (e) ~~(d)~~ may not be less than 10 percent of the funds  
588 available at that time. Any increase in funding required to  
589 reach the 10-percent minimum must be taken from the tenant group  
590 that has the largest reservation. The reservation of funds  
591 within each notice of fund availability to the tenant group in  
592 paragraph (c) may not be less than 5 percent of the funds  
593 available at that time. The reservation of funds within each  
594 notice of fund availability to the tenant group in paragraph (d)  
595 may not be more than 10 percent of the funds available at that  
596 time. The tenant groups are:  
597 (a) Commercial fishing workers and farmworkers;  
598 (b) Families;  
599 (c) Persons who are homeless;  
600 (d) Persons with special needs; and  
601 (e)~~(d)~~ Elderly persons. Ten percent of the amount reserved  
602 for the elderly shall be reserved to provide loans to sponsors  
603 of housing for the elderly for the purpose of making building  
604 preservation, health, or sanitation repairs or improvements  
605 which are required by federal, state, or local regulation or  
606 code, or lifesafety or security-related repairs or improvements  
607 to such housing. Such a loan may not exceed \$750,000 per housing  
608 community for the elderly. In order to receive the loan, the  
609 sponsor of the housing community must make a commitment to match  
610 at least 5 percent of the loan amount to pay the cost of such  
611 repair or improvement. The corporation shall establish the rate  
612 of interest on the loan, which may not exceed 3 percent, and the  
613 term of the loan, which may not exceed 15 years; however, if the  
614 lien of the corporation's encumbrance is subordinate to the lien

615 of another mortgagee, then the term may be made coterminous with  
616 the longest term of the superior lien. The term of the loan  
617 shall be based on a credit analysis of the applicant. The  
618 corporation may forgive indebtedness for a share of the loan  
619 attributable to the units in a project reserved for extremely-  
620 low-income elderly by nonprofit organizations, as defined in s.  
621 420.0004(5), where the project has provided affordable housing  
622 to the elderly for 15 years or more. The corporation shall  
623 establish, by rule, the procedure and criteria for receiving,  
624 evaluating, and competitively ranking all applications for loans  
625 under this paragraph. A loan application must include evidence  
626 of the first mortgagee's having reviewed and approved the  
627 sponsor's intent to apply for a loan. A nonprofit organization  
628 or sponsor may not use the proceeds of the loan to pay for  
629 administrative costs, routine maintenance, or new construction.

630 (6) On all state apartment incentive loans, except loans  
631 made to housing communities for the elderly to provide for  
632 lifesafety, building preservation, health, sanitation, or  
633 security-related repairs or improvements, the following  
634 provisions shall apply:

635 (c) The corporation shall provide by rule for the  
636 establishment of a review committee composed of the department  
637 and corporation staff and shall establish by rule a scoring  
638 system for evaluation and competitive ranking of applications  
639 submitted in this program, including, but not limited to, the  
640 following criteria:

641 1. Tenant income and demographic targeting objectives of  
642 the corporation.

643           2. Targeting objectives of the corporation which will  
644 ensure an equitable distribution of loans between rural and  
645 urban areas.

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

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

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

655           b. Forty percent of the units in the project for persons  
656 or families who have incomes that do not exceed 60 percent of  
657 the state or local median income, whichever is higher, without  
658 requiring a greater amount of the loans as provided in this  
659 section.

660           5. Provision for tenant counseling.

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

663           7. Projects requiring the least amount of a state  
664 apartment incentive loan compared to overall project cost except  
665 that the share of the loan attributable to units serving  
666 extremely-low-income persons shall be excluded from this  
667 requirement.

668           8. Local government contributions and local government  
669 comprehensive planning and activities that promote affordable  
670 housing.



- 671 9. Project feasibility.
- 672 10. Economic viability of the project.
- 673 11. Commitment of first mortgage financing.
- 674 12. Sponsor's prior experience, ~~including whether the~~  
 675 ~~developer and general contractor have substantial experience, as~~  
 676 ~~provided in s. 420.507(47).~~
- 677 13. Sponsor's ability to proceed with construction.
- 678 14. Projects that directly implement or assist welfare-to-  
 679 work transitioning.
- 680 15. Projects that reserve units for extremely-low-income  
 681 persons.
- 682 16. Projects that include green building principles,  
 683 storm-resistant construction, or other elements that reduce  
 684 long-term costs relating to maintenance, utilities, or  
 685 insurance.
- 686 17. Job-creation rate ~~Domicile~~ of the developer and  
 687 general contractor, as provided in s. 420.507(47).
- 688 18. Projects that reserve units for persons with special  
 689 needs, provided services for such persons are available to the  
 690 project.
- 691 Section 13. Paragraphs (d), (e), (f), and (g) of  
 692 subsection (2) of section 163.31771, Florida Statutes, are  
 693 amended to read:
- 694 163.31771 Accessory dwelling units.—
- 695 (2) As used in this section, the term:
- 696 (d) "Low-income persons" has the same meaning as in s.  
 697 420.0004 (11) ~~(10)~~.

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

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

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

704 Section 14. Paragraph (o) of subsection (5) of section  
 705 212.08, Florida Statutes, is amended to read:

706 212.08 Sales, rental, use, consumption, distribution, and  
 707 storage tax; specified exemptions.—The sale at retail, the  
 708 rental, the use, the consumption, the distribution, and the  
 709 storage to be used or consumed in this state of the following  
 710 are hereby specifically exempt from the tax imposed by this  
 711 chapter.

712 (5) EXEMPTIONS; ACCOUNT OF USE.—

713 (o) Building materials in redevelopment projects.—

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

715 a. "Building materials" means tangible personal property  
 716 that becomes a component part of a housing project or a mixed-  
 717 use project.

718 b. "Housing project" means the conversion of an existing  
 719 manufacturing or industrial building to housing units in an  
 720 urban high-crime area, enterprise zone, empowerment zone, Front  
 721 Porch Community, designated brownfield area, or urban infill  
 722 area and in which the developer agrees to set aside at least 20  
 723 percent of the housing units in the project for low-income and  
 724 moderate-income persons or the construction in a designated  
 725 brownfield area of affordable housing for persons described in

726 s. 420.0004 (9) ~~(8)~~, (11) ~~(10)~~, (12) ~~(11)~~, or (17) ~~(15)~~ or in s.  
 727 159.603 (7).

728 c. "Mixed-use project" means the conversion of an existing  
 729 manufacturing or industrial building to mixed-use units that  
 730 include artists' studios, art and entertainment services, or  
 731 other compatible uses. A mixed-use project must be located in an  
 732 urban high-crime area, enterprise zone, empowerment zone, Front  
 733 Porch Community, designated brownfield area, or urban infill  
 734 area, and the developer must agree to set aside at least 20  
 735 percent of the square footage of the project for low-income and  
 736 moderate-income housing.

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

739 2. Building materials used in the construction of a  
 740 housing project or mixed-use project are exempt from the tax  
 741 imposed by this chapter upon an affirmative showing to the  
 742 satisfaction of the department that the requirements of this  
 743 paragraph have been met. This exemption inures to the owner  
 744 through a refund of previously paid taxes. To receive this  
 745 refund, the owner must file an application under oath with the  
 746 department which includes:

747 a. The name and address of the owner.

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

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

751 d. A certification by the local building code inspector  
 752 that the project is substantially completed.

753 e. A sworn statement, under penalty of perjury, from the  
754 general contractor licensed in this state with whom the owner  
755 contracted to construct the project, which statement lists the  
756 building materials used in the construction of the project and  
757 the actual cost thereof, and the amount of sales tax paid on  
758 these materials. If a general contractor was not used, the owner  
759 shall provide this information in a sworn statement, under  
760 penalty of perjury. Copies of invoices evidencing payment of  
761 sales tax must be attached to the sworn statement.

762 3. An application for a refund under this paragraph must  
763 be submitted to the department within 6 months after the date  
764 the project is deemed to be substantially completed by the local  
765 building code inspector. Within 30 working days after receipt of  
766 the application, the department shall determine if it meets the  
767 requirements of this paragraph. A refund approved pursuant to  
768 this paragraph shall be made within 30 days after formal  
769 approval of the application by the department.

770 4. The department shall establish by rule an application  
771 form and criteria for establishing eligibility for exemption  
772 under this paragraph.

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

775 Section 15. Paragraphs (a) and (g) of subsection (2) of  
776 section 215.5586, Florida Statutes, are amended to read:

777 215.5586 My Safe Florida Home Program.—There is  
778 established within the Department of Financial Services the My  
779 Safe Florida Home Program. The department shall provide fiscal  
780 accountability, contract management, and strategic leadership

781 for the program, consistent with this section. This section does  
 782 not create an entitlement for property owners or obligate the  
 783 state in any way to fund the inspection or retrofitting of  
 784 residential property in this state. Implementation of this  
 785 program is subject to annual legislative appropriations. It is  
 786 the intent of the Legislature that the My Safe Florida Home  
 787 Program provide trained and certified inspectors to perform  
 788 inspections for owners of site-built, single-family, residential  
 789 properties and grants to eligible applicants as funding allows.  
 790 The program shall develop and implement a comprehensive and  
 791 coordinated approach for hurricane damage mitigation that may  
 792 include the following:

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

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

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

801 2. The home must be a dwelling with an insured value of  
 802 \$300,000 or less. Homeowners who are low-income persons, as  
 803 defined in s. 420.0004 (11) ~~(10)~~, are exempt from this  
 804 requirement.

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

807 4. The home must be located in the "wind-borne debris  
 808 region" as that term is defined in s. 1609.2, International

809 Building Code (2006), or as subsequently amended.

810 5. The building permit application for initial  
811 construction of the home must have been made before March 1,  
812 2002.

813  
814 An application for a grant must contain a signed or  
815 electronically verified statement made under penalty of perjury  
816 that the applicant has submitted only a single application and  
817 must have attached documents demonstrating the applicant meets  
818 the requirements of this paragraph.

819 (g) Low-income homeowners, as defined in s.  
820 420.0004(11)~~(10)~~, who otherwise meet the requirements of  
821 paragraphs (a), (c), (e), and (f) are eligible for a grant of up  
822 to \$5,000 and are not required to provide a matching amount to  
823 receive the grant. Additionally, for low-income homeowners,  
824 grant funding may be used for repair to existing structures  
825 leading to any of the mitigation improvements provided in  
826 paragraph (e), limited to 20 percent of the grant value. The  
827 program may accept a certification directly from a low-income  
828 homeowner that the homeowner meets the requirements of s.  
829 420.0004(11)~~(10)~~ if the homeowner provides such certification in  
830 a signed or electronically verified statement made under penalty  
831 of perjury.

832 Section 16. Subsection (19) of section 420.503, Florida  
833 Statutes, is amended to read:

834 420.503 Definitions.—As used in this part, the term:

835 (19) "Housing for the elderly" means, for purposes of s.  
836 420.5087(3) (e)~~(d)~~, any nonprofit housing community that is

837 | financed by a mortgage loan made or insured by the United States  
 838 | Department of Housing and Urban Development under s. 202, s. 202  
 839 | with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the  
 840 | National Housing Act, as amended, and that is subject to income  
 841 | limitations established by the United States Department of  
 842 | Housing and Urban Development, or any program funded by the  
 843 | Rural Development Agency of the United States Department of  
 844 | Agriculture and subject to income limitations established by the  
 845 | United States Department of Agriculture. A project which  
 846 | qualifies for an exemption under the Fair Housing Act as housing  
 847 | for older persons as defined by s. 760.29(4) shall qualify as  
 848 | housing for the elderly for purposes of s. 420.5087(3) (e) ~~(d)~~ and  
 849 | for purposes of any loans made pursuant to s. 420.508. In  
 850 | addition, if the corporation adopts a qualified allocation plan  
 851 | pursuant to s. 42(m)(1)(B) of the Internal Revenue Code or any  
 852 | other rules that prioritize projects targeting the elderly for  
 853 | purposes of allocating tax credits pursuant to s. 420.5099 or  
 854 | for purposes of the HOME program under s. 420.5089, a project  
 855 | which qualifies for an exemption under the Fair Housing Act as  
 856 | housing for older persons as defined by s. 760.29(4) shall  
 857 | qualify as a project targeted for the elderly, if the project  
 858 | satisfies the other requirements set forth in this part.

859 |       Section 17. (1) The Legislature finds that due to the  
 860 | current economic conditions in the housing market there is a  
 861 | critical need to rehabilitate or sell excess inventory of unsold  
 862 | homes, including foreclosed homes and newly constructed homes,  
 863 | as well as a critical need for the rehabilitation and  
 864 | preservation of older, affordable apartments. The Legislature

865 further finds that there is a critical need to create housing-  
 866 related jobs and that these conditions require the targeting of  
 867 state and local housing trust fund moneys to assist in the sale  
 868 or rehabilitation of existing homes and the preservation and  
 869 rehabilitation of older rental apartments.

870 (2) Notwithstanding ss. 420.507(22)(a) and (23)(a),  
 871 420.5087(6)(1), 420.5088, 420.5095, and 420.9075(1)(b) and  
 872 (5)(b), Florida Statutes, funds from the State Housing Trust  
 873 Fund or the Local Government Housing Trust Fund that are  
 874 appropriated for use in the State Apartment Incentive Loan  
 875 Program, Florida Homeownership Assistance Program, Community  
 876 Workforce Housing Innovation Pilot Program, or the State Housing  
 877 Initiatives Partnership Program may not be used to:

878 (a) Finance or otherwise assist the construction or  
 879 purchase of housing sold to eligible individuals, unless the  
 880 housing unit being sold had an initial certificate of occupancy  
 881 prior to December 31, 2009; or

882 (b) Finance or otherwise assist in the construction or  
 883 purchase of rental housing, unless the development being  
 884 financed or assisted received its initial certificate of  
 885 occupancy prior to December 31, 1995.

886  
 887 Nothing in this section restricts the use of such funds to  
 888 assist with the purchase of newly constructed homes that were  
 889 completed prior to December 31, 2009, or the acquisition and  
 890 rehabilitation of apartments that received their initial  
 891 certificate of occupancy prior to December 31, 1995. The use of



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892 such funds is subject to the restrictions of the program under  
893 which the funding is made available.

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

895 Section 18. This act shall take effect July 1, 2010.