

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 authorize the inclusion of an element for affordable
13 housing for certain seniors; providing for the disposition
14 of real property by a local government for the development
15 of affordable housing; amending s. 201.15, F.S.; revising
16 the allocation of certain proceeds distributed from the
17 excise tax on documents that are paid into the State
18 Treasury to the credit of the State Housing Trust Fund;
19 providing for retroactive repeal of s. 8, ch. 2009-131,
20 Laws of Florida, to eliminate a conflicting version of s.
21 201.15, F.S.; amending s. 420.0003, F.S.; including the
22 needs of persons with special needs in the state housing
23 strategy's periodic review and report; amending s.
24 420.0004, F.S.; defining the terms "disabling condition"
25 and "person with special needs"; conforming cross-
26 references; amending s. 420.0006, F.S.; removing an
27 obsolete reference; deleting provisions requiring the
28 inspector general of the Department of Community Affairs

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

57 Government Housing Trust Fund that are appropriated for
 58 specified programs from being used for certain purposes;
 59 providing for future 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, and group home
 152 facilities and foster care facilities, with supporting
 153 infrastructure and public facilities. The element may include
 154 provisions that specifically address affordable housing for
 155 persons 60 years of age or older. Real property that is conveyed
 156 to a local government for affordable housing under this sub-
 157 subparagraph shall be disposed of by the local government
 158 pursuant to s. 125.379 or s. 166.0451.
 - 159 e. Provision for relocation housing and identification of
 160 historically significant and other housing for purposes of
 161 conservation, rehabilitation, or replacement.
 - 162 f. The formulation of housing implementation programs.
 - 163 g. The creation or preservation of affordable housing to
 164 minimize the need for additional local services and avoid the
 165 concentration of affordable housing units only in specific areas
 166 of the jurisdiction.
 - 167 h. Energy efficiency in the design and construction of new
 168 housing.

- 169 i. Use of renewable energy resources.
- 170 j. Each county in which the gap between the buying power
171 of a family of four and the median county home sale price
172 exceeds \$170,000, as determined by the Florida Housing Finance
173 Corporation, and which is not designated as an area of critical
174 state concern shall adopt a plan for ensuring affordable
175 workforce housing. At a minimum, the plan shall identify
176 adequate sites for such housing. For purposes of this sub-
177 subparagraph, the term "workforce housing" means housing that is
178 affordable to natural persons or families whose total household
179 income does not exceed 140 percent of the area median income,
180 adjusted for household size.
- 181 k. As a precondition to receiving any state affordable
182 housing funding or allocation for any project or program within
183 the jurisdiction of a county that is subject to sub-subparagraph
184 j., a county must, by July 1 of each year, provide certification
185 that the county has complied with the requirements of sub-
186 subparagraph j.
- 187
- 188 The goals, objectives, and policies of the housing element must
189 be based on the data and analysis prepared on housing needs,
190 including the affordable housing needs assessment. State and
191 federal housing plans prepared on behalf of the local government
192 must be consistent with the goals, objectives, and policies of
193 the housing element. Local governments are encouraged to use job
194 training, job creation, and economic solutions to address a
195 portion of their affordable housing concerns.
- 196 2. To assist local governments in housing data collection

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

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

211 201.15 Distribution of taxes collected.—All taxes
212 collected under this chapter are subject to the service charge
213 imposed in s. 215.20(1). Prior to distribution under this
214 section, the Department of Revenue shall deduct amounts
215 necessary to pay the costs of the collection and enforcement of
216 the tax levied by this chapter. Such costs and the service
217 charge may not be levied against any portion of taxes pledged to
218 debt service on bonds to the extent that the costs and service
219 charge are required to pay any amounts relating to the bonds.
220 After distributions are made pursuant to subsection (1), all of
221 the costs of the collection and enforcement of the tax levied by
222 this chapter and the service charge shall be available and
223 transferred to the extent necessary to pay debt service and any
224 other amounts payable with respect to bonds authorized before

225 January 1, 2010, secured by revenues distributed pursuant to
 226 subsection (1). All taxes remaining after deduction of costs and
 227 the service charge shall be distributed as follows:

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

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

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

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

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

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

253 services to assist the homeless.

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

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

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

266 420.0003 State housing strategy.—

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

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

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

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

290 420.0004 Definitions.—As used in this part, unless the
 291 context otherwise indicates:

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

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

306 (3) "Affordable" means that monthly rents or monthly
 307 mortgage payments including taxes, insurance, and utilities do
 308 not exceed 30 percent of that amount which represents the

309 percentage of the median adjusted gross annual income for the
310 households as indicated in subsection (9) ~~(8)~~, subsection (11)
311 ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~.

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

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

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

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

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

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

331 ~~(8)-(7)~~ "Elderly" describes persons 62 years of age or
332 older.

333 ~~(9)-(8)~~ "Extremely-low-income persons" means one or more
334 natural persons or a family whose total annual household income
335 does not exceed 30 percent of the median annual adjusted gross
336 income for households within the state. The Florida Housing

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

342 (10)~~(9)~~ "Local public body" means any county,
 343 municipality, or other political subdivision, or any housing
 344 authority as provided by chapter 421, which is eligible to
 345 sponsor or develop housing for farmworkers and very-low-income
 346 and low-income persons within its jurisdiction.

347 (11)~~(10)~~ "Low-income persons" means one or more natural
 348 persons or a family, the total annual adjusted gross household
 349 income of which does not exceed 80 percent of the median annual
 350 adjusted gross income for households within the state, or 80
 351 percent of the median annual adjusted gross income for
 352 households within the metropolitan statistical area (MSA) or, if
 353 not within an MSA, within the county in which the person or
 354 family resides, whichever is greater.

355 (12)~~(11)~~ "Moderate-income persons" means one or more
 356 natural persons or a family, the total annual adjusted gross
 357 household income of which is less than 120 percent of the median
 358 annual adjusted gross income for households within the state, or
 359 120 percent of the median annual adjusted gross income for
 360 households within the metropolitan statistical area (MSA) or, if
 361 not within an MSA, within the county in which the person or
 362 family resides, whichever is greater.

363 (13) "Person with special needs" means an adult person
 364 requiring independent living services in order to maintain

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

372 (14)~~(12)~~ "Student" means any person not living with his or
 373 her parent or guardian who is eligible to be claimed by his or
 374 her parent or guardian as a dependent under the federal income
 375 tax code and who is enrolled on at least a half-time basis in a
 376 secondary school, career center, community college, college, or
 377 university.

378 (15)~~(13)~~ "Substandard" means:

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

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

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

387 (16)~~(14)~~ "Substantial rehabilitation" means repair or
 388 restoration of a dwelling unit where the value of such repair or
 389 restoration exceeds 40 percent of the value of the dwelling.

390 (17)~~(15)~~ "Very-low-income persons" means one or more
 391 natural persons or a family, not including students, the total
 392 annual adjusted gross household income of which does not exceed

393 50 percent of the median annual adjusted gross income for
 394 households within the state, or 50 percent of the median annual
 395 adjusted gross income for households within the metropolitan
 396 statistical area (MSA) or, if not within an MSA, within the
 397 county in which the person or family resides, whichever is
 398 greater.

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

401 420.0006 Authority to contract with corporation; contract
 402 requirements; nonperformance.—The secretary of the department
 403 shall contract, notwithstanding the provisions of part I of
 404 chapter 287, with the Florida Housing Finance Corporation on a
 405 multiyear basis to stimulate, provide, and foster affordable
 406 housing in the state. The contract must incorporate the
 407 performance measures required by s. 420.511 and must be
 408 consistent with the provisions of the corporation's strategic
 409 plan prepared in accordance with s. 420.511 ~~and compatible with~~
 410 ~~s. 216.0166~~. The contract must provide that, in the event the
 411 corporation fails to comply with any of the performance measures
 412 required by s. 420.511, the secretary shall notify the Governor
 413 and shall refer the nonperformance to the department's inspector
 414 general for review and determination as to whether such failure
 415 is due to forces beyond the corporation's control or whether
 416 such failure is due to inadequate management of the
 417 corporation's resources. Advances shall continue to be made
 418 pursuant to s. 420.0005 during the pendency of the review by the
 419 department's inspector general. If such failure is due to
 420 outside forces, it shall not be deemed a violation of the

421 contract. If such failure is due to inadequate management, the
 422 department's inspector general shall provide recommendations
 423 regarding solutions. The Governor is authorized to resolve any
 424 differences of opinion with respect to performance under the
 425 contract and may request that advances continue in the event of
 426 a failure under the contract due to inadequate management. The
 427 Chief Financial Officer shall approve the request absent a
 428 finding by the Chief Financial Officer that continuing such
 429 advances would adversely impact the state; however, in any event
 430 the Chief Financial Officer shall provide advances sufficient to
 431 meet the debt service requirements of the corporation and
 432 sufficient to fund contracts committing funds from the State
 433 Housing Trust Fund so long as such contracts are in accordance
 434 with the laws of this state. ~~The department inspector general~~
 435 ~~shall perform for the corporation the functions set forth in s.~~
 436 ~~20.055 and report to the secretary of the department. The~~
 437 ~~corporation shall be deemed an agency for the purposes of s.~~
 438 ~~20.055.~~

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

441 420.504 Public corporation; creation, membership, terms,
 442 expenses.—

443 (3) The corporation is a separate budget entity and is not
 444 subject to control, supervision, or direction by the Department
 445 of Community Affairs in any manner, including, but not limited
 446 to, personnel, purchasing, transactions involving real or
 447 personal property, and budgetary matters. The corporation shall
 448 consist of a board of directors composed of the Secretary of

449 Community Affairs as an ex officio and voting member, or a
 450 senior-level agency employee designated by the secretary, and
 451 eight members appointed by the Governor subject to confirmation
 452 by the Senate from the following:

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

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

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

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

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

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

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

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

470 420.506 Executive director; agents and employees;
 471 inspector general.—

472 (1) The appointment and removal of an executive director
 473 shall be by the Secretary of Community Affairs, with the advice
 474 and consent of the corporation's board of directors. The
 475 executive director shall employ legal and technical experts and
 476 such other agents and employees, permanent and temporary, as the

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

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

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

502 420.507 Powers of the corporation.—The corporation shall
503 have all the powers necessary or convenient to carry out and
504 effectuate the purposes and provisions of this part, including

505 the following powers which are in addition to all other powers
506 granted by other provisions of this part:

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

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

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

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

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

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

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

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

557 ~~(a) In evaluating whether a developer or general~~
558 ~~contractor is domiciled in this state, the corporation shall~~
559 ~~consider whether the developer's or general contractor's~~
560 ~~principal office is located in this state and whether a majority~~

561 ~~of the developer's or general contractor's principals and~~
562 ~~financial beneficiaries reside in Florida.~~

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

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

570 420.5087 State Apartment Incentive Loan Program.—There is
571 hereby created the State Apartment Incentive Loan Program for
572 the purpose of providing first, second, or other subordinated
573 mortgage loans or loan guarantees to sponsors, including for-
574 profit, nonprofit, and public entities, to provide housing
575 affordable to very-low-income persons.

576 (3) During the first 6 months of loan or loan guarantee
577 availability, program funds shall be reserved for use by
578 sponsors who provide the housing set-aside required in
579 subsection (2) for the tenant groups designated in this
580 subsection. The reservation of funds to each of these groups
581 shall be determined using the most recent statewide very-low-
582 income rental housing market study available at the time of
583 publication of each notice of fund availability required by
584 paragraph (6) (b). The reservation of funds within each notice of
585 fund availability to the tenant groups in paragraphs (a), (b),
586 and (e) ~~(d)~~ may not be less than 10 percent of the funds
587 available at that time. Any increase in funding required to
588 reach the 10-percent minimum must be taken from the tenant group

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

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

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

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

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

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

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

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

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

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

659 5. Provision for tenant counseling.

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

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

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

670 9. Project feasibility.

671 10. Economic viability of the project.

672 11. Commitment of first mortgage financing.

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

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

677 14. Projects that directly implement or assist welfare-to-
 678 work transitioning.

679 15. Projects that reserve units for extremely-low-income
 680 persons.

681 16. Projects that include green building principles,
 682 storm-resistant construction, or other elements that reduce
 683 long-term costs relating to maintenance, utilities, or
 684 insurance.

685 17. Job-creation rate ~~Domicile~~ of the developer and
 686 general contractor, as provided in s. 420.507(47).

687 18. Projects that reserve units for persons with special
 688 needs, provided services for such persons are available to the
 689 project.

690 Section 13. Paragraphs (d), (e), (f), and (g) of
 691 subsection (2) of section 163.31771, Florida Statutes, are
 692 amended to read:

693 163.31771 Accessory dwelling units.—

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

695 (d) "Low-income persons" has the same meaning as in s.
 696 420.0004 (11) ~~(10)~~.

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

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

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

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

705 212.08 Sales, rental, use, consumption, distribution, and
 706 storage tax; specified exemptions.—The sale at retail, the
 707 rental, the use, the consumption, the distribution, and the
 708 storage to be used or consumed in this state of the following
 709 are hereby specifically exempt from the tax imposed by this
 710 chapter.

711 (5) EXEMPTIONS; ACCOUNT OF USE.—

712 (o) Building materials in redevelopment projects.—

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

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

717 b. "Housing project" means the conversion of an existing
 718 manufacturing or industrial building to housing units in an
 719 urban high-crime area, enterprise zone, empowerment zone, Front
 720 Porch Community, designated brownfield area, or urban infill
 721 area and in which the developer agrees to set aside at least 20
 722 percent of the housing units in the project for low-income and
 723 moderate-income persons or the construction in a designated
 724 brownfield area of affordable housing for persons described in
 725 s. 420.0004 (9) ~~(8)~~, (11) ~~(10)~~, (12) ~~(11)~~, or (17) ~~(15)~~ or in s.
 726 159.603 (7).

727 c. "Mixed-use project" means the conversion of an existing
 728 manufacturing or industrial building to mixed-use units that

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

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

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

746 a. The name and address of the owner.

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

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

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

752 e. A sworn statement, under penalty of perjury, from the
753 general contractor licensed in this state with whom the owner
754 contracted to construct the project, which statement lists the
755 building materials used in the construction of the project and
756 the actual cost thereof, and the amount of sales tax paid on

757 these materials. If a general contractor was not used, the owner
758 shall provide this information in a sworn statement, under
759 penalty of perjury. Copies of invoices evidencing payment of
760 sales tax must be attached to the sworn statement.

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

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

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

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

776 215.5586 My Safe Florida Home Program.—There is
777 established within the Department of Financial Services the My
778 Safe Florida Home Program. The department shall provide fiscal
779 accountability, contract management, and strategic leadership
780 for the program, consistent with this section. This section does
781 not create an entitlement for property owners or obligate the
782 state in any way to fund the inspection or retrofitting of
783 residential property in this state. Implementation of this
784 program is subject to annual legislative appropriations. It is

785 the intent of the Legislature that the My Safe Florida Home
 786 Program provide trained and certified inspectors to perform
 787 inspections for owners of site-built, single-family, residential
 788 properties and grants to eligible applicants as funding allows.
 789 The program shall develop and implement a comprehensive and
 790 coordinated approach for hurricane damage mitigation that may
 791 include the following:

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

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

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

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

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

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

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

812

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

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

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

833 420.503 Definitions.—As used in this part, the term:

834 (19) "Housing for the elderly" means, for purposes of s.
835 420.5087(3)~~(e)~~~~(d)~~, any nonprofit housing community that is
836 financed by a mortgage loan made or insured by the United States
837 Department of Housing and Urban Development under s. 202, s. 202
838 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the
839 National Housing Act, as amended, and that is subject to income
840 limitations established by the United States Department of

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

858 Section 17. (1) The Legislature finds that due to the
 859 current economic conditions in the housing market there is a
 860 critical need to rehabilitate or sell excess inventory of unsold
 861 homes, including foreclosed homes and newly constructed homes,
 862 as well as a critical need for the rehabilitation and
 863 preservation of older, affordable apartments. The Legislature
 864 further finds that there is a critical need to create housing-
 865 related jobs and that these conditions require the targeting of
 866 state and local housing trust fund moneys to assist in the sale
 867 or rehabilitation of existing homes and the preservation and
 868 rehabilitation of older rental apartments.

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

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

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

885
886 Nothing in this section restricts the use of such funds to
887 assist with the purchase of newly constructed homes that were
888 completed prior to December 31, 2009, or the acquisition and
889 rehabilitation of apartments that received their initial
890 certificate of occupancy prior to December 31, 1995. The use of
891 such funds is subject to the restrictions of the program under
892 which the funding is made available.

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

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