

By Senator Bennett

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1                   A bill to be entitled  
2           An act relating to affordable housing; reenacting s.  
3           159.807(4), F.S., relating to the state allocation  
4           pool used to confirm private activity bonds;  
5           reenacting s. 193.018, F.S., relating to lands that  
6           are owned by a community land trust and used to  
7           provide affordable housing; reenacting s. 196.196(5),  
8           F.S., relating to a tax exemption provided to  
9           organizations that provide low-income housing;  
10          reenacting s. 196.1978, F.S., relating to a property  
11          exemption for affordable housing owned by a nonprofit  
12          entity; reenacting s. 212.055(2)(d), F.S., relating to  
13          the use of a local government infrastructure surtax;  
14          reenacting s. 163.3202(2), F.S., relating to  
15          requirements for local land development regulations;  
16          reenacting s. 420.503(25), F.S., relating to a  
17          definition under the Florida Housing Finance  
18          Corporation Act; reenacting s. 420.507(47), F.S.,  
19          relating to powers of the corporation to select  
20          developers and general contractors; reenacting s.  
21          420.5087(6)(c) and (l), F.S., relating to the State  
22          Apartment Incentive Loan Program; reenacting s.  
23          420.622(5), F.S., relating to the State Office on  
24          Homelessness; reenacting s. 420.628, F.S., relating to  
25          affordable housing for children and young adults  
26          leaving foster care; reenacting s. 420.9071(4), (8),  
27          (16), (25), (29), and (30), F.S., relating to  
28          definitions under the State Housing Initiatives  
29          Partnership Act; reenacting s. 420.9072(6) and (7),

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30 F.S., relating to the distribution of funds under the  
31 State Housing Initiatives Partnership Program;  
32 reenacting s. 420.9073(1), (2), (5), (6), and (7),  
33 F.S., relating to distributions of local housing  
34 funds; reenacting s. 420.9075(1), (3), (5), (8),  
35 (10)(a) and (h), (13)(b), and (14), F.S., relating to  
36 local housing assistance plans; reenacting s.  
37 420.9076(2)(h), (5), (6), and (7)(a), F.S., relating  
38 to the adoption of affordable housing incentive  
39 strategies by the governing board of a county or  
40 municipality; repealing s. 420.9078, F.S., relating to  
41 the state administration of funds remaining in the  
42 Local Government Housing Trust Fund; reenacting s.  
43 420.9079, F.S., relating to the Local Government  
44 Housing Trust Fund; reenacting s. 1001.43(12), F.S.,  
45 relating to the use by school districts of certain  
46 lands for affordable housing; providing for  
47 retroactive operation of the act with respect to  
48 provisions of law amended, created, or repealed by  
49 chapter 2009-96, Laws of Florida; providing for an  
50 exception under specified circumstances; providing an  
51 effective date.

52  
53 WHEREAS, the Florida Legislature enacted Senate Bill 360 in  
54 2009 for important public policy purposes, and

55 WHEREAS, litigation has called into question the  
56 constitutional validity of this important piece of legislation,  
57 and

58 WHEREAS, the Legislature wishes to protect those who relied

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59 on the changes made by Senate Bill 360 and to preserve the  
60 Florida Statutes intact and cure any alleged constitutional  
61 violation, NOW, THEREFORE,

62  
63 Be It Enacted by the Legislature of the State of Florida:

64  
65 Section 1. Subsection (4) of section 159.807, Florida  
66 Statutes, is reenacted to read:

67 159.807 State allocation pool.—

68 (4) (a) The state allocation pool shall also be used to  
69 provide written confirmations for private activity bonds that  
70 are to be issued by state agencies, which bonds, notwithstanding  
71 any other provisions of this part, shall receive priority in the  
72 use of the pool available at the time the notice of intent to  
73 issue such bonds is filed with the division.

74 (b) Notwithstanding the provisions of paragraph (a), on or  
75 before November 15 of each year, the Florida Housing Finance  
76 Corporation's access to the state allocation pool is limited to  
77 the amount of the corporation's initial allocation under s.  
78 159.804. Thereafter, the corporation may not receive more than  
79 80 percent of the amount in the state allocation pool on  
80 November 16 of each year, and may not receive more than 80  
81 percent of any additional amounts that become available during  
82 each year. The limitations of this paragraph do not apply to the  
83 distribution of the unused allocation of the state volume  
84 limitation to the Florida Housing Finance Corporation under s.  
85 159.81(2) (b), (c), and (d).

86 Section 2. Section 193.018, Florida Statutes, is reenacted  
87 to read:

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88 193.018 Land owned by a community land trust used to  
89 provide affordable housing; assessment; structural improvements,  
90 condominium parcels, and cooperative parcels.—

91 (1) As used in this section, the term "community land  
92 trust" means a nonprofit entity that is qualified as charitable  
93 under s. 501(c)(3) of the Internal Revenue Code and has as one  
94 of its purposes the acquisition of land to be held in perpetuity  
95 for the primary purpose of providing affordable homeownership.

96 (2) A community land trust may convey structural  
97 improvements, condominium parcels, or cooperative parcels, that  
98 are located on specific parcels of land that are identified by a  
99 legal description contained in and subject to a ground lease  
100 having a term of at least 99 years, for the purpose of providing  
101 affordable housing to natural persons or families who meet the  
102 extremely-low-income, very-low-income, low-income, or moderate-  
103 income limits specified in s. 420.0004, or the income limits for  
104 workforce housing, as defined in s. 420.5095(3). A community  
105 land trust shall retain a preemptive option to purchase any  
106 structural improvements, condominium parcels, or cooperative  
107 parcels on the land at a price determined by a formula specified  
108 in the ground lease which is designed to ensure that the  
109 structural improvements, condominium parcels, or cooperative  
110 parcels remain affordable.

111 (3) In arriving at just valuation under s. 193.011, a  
112 structural improvement, condominium parcel, or cooperative  
113 parcel providing affordable housing on land owned by a community  
114 land trust, and the land owned by a community land trust that is  
115 subject to a 99-year or longer ground lease, shall be assessed  
116 using the following criteria:

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117 (a) The amount a willing purchaser would pay a willing  
118 seller for the land is limited to an amount commensurate with  
119 the terms of the ground lease that restricts the use of the land  
120 to the provision of affordable housing in perpetuity.

121 (b) The amount a willing purchaser would pay a willing  
122 seller for resale-restricted improvements, condominium parcels,  
123 or cooperative parcels is limited to the amount determined by  
124 the formula in the ground lease.

125 (c) If the ground lease and all amendments and supplements  
126 thereto, or a memorandum documenting how such lease and  
127 amendments or supplements restrict the price at which the  
128 improvements, condominium parcels, or cooperative parcels may be  
129 sold, is recorded in the official public records of the county  
130 in which the leased land is located, the recorded lease and any  
131 amendments and supplements, or the recorded memorandum, shall be  
132 deemed a land use regulation during the term of the lease as  
133 amended or supplemented.

134 Section 3. Subsection (5) of section 196.196, Florida  
135 Statutes, is reenacted to read:

136 196.196 Determining whether property is entitled to  
137 charitable, religious, scientific, or literary exemption.-

138 (5) (a) Property owned by an exempt organization qualified  
139 as charitable under s. 501(c) (3) of the Internal Revenue Code is  
140 used for a charitable purpose if the organization has taken  
141 affirmative steps to prepare the property to provide affordable  
142 housing to persons or families that meet the extremely-low-  
143 income, very-low-income, low-income, or moderate-income limits,  
144 as specified in s. 420.0004. The term "affirmative steps" means  
145 environmental or land use permitting activities, creation of

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146 architectural plans or schematic drawings, land clearing or site  
147 preparation, construction or renovation activities, or other  
148 similar activities that demonstrate a commitment of the property  
149 to providing affordable housing.

150 (b)1. If property owned by an organization granted an  
151 exemption under this subsection is transferred for a purpose  
152 other than directly providing affordable homeownership or rental  
153 housing to persons or families who meet the extremely-low-  
154 income, very-low-income, low-income, or moderate-income limits,  
155 as specified in s. 420.0004, or is not in actual use to provide  
156 such affordable housing within 5 years after the date the  
157 organization is granted the exemption, the property appraiser  
158 making such determination shall serve upon the organization that  
159 illegally or improperly received the exemption a notice of  
160 intent to record in the public records of the county a notice of  
161 tax lien against any property owned by that organization in the  
162 county, and such property shall be identified in the notice of  
163 tax lien. The organization owning such property is subject to  
164 the taxes otherwise due and owing as a result of the failure to  
165 use the property to provide affordable housing plus 15 percent  
166 interest per annum and a penalty of 50 percent of the taxes  
167 owed.

168 2. Such lien, when filed, attaches to any property  
169 identified in the notice of tax lien owned by the organization  
170 that illegally or improperly received the exemption. If such  
171 organization no longer owns property in the county but owns  
172 property in any other county in the state, the property  
173 appraiser shall record in each such other county a notice of tax  
174 lien identifying the property owned by such organization in such

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175 county which shall become a lien against the identified  
176 property. Before any such lien may be filed, the organization so  
177 notified must be given 30 days to pay the taxes, penalties, and  
178 interest.

179 3. If an exemption is improperly granted as a result of a  
180 clerical mistake or an omission by the property appraiser, the  
181 organization improperly receiving the exemption shall not be  
182 assessed a penalty or interest.

183 4. The 5-year limitation specified in this subsection may  
184 be extended if the holder of the exemption continues to take  
185 affirmative steps to develop the property for the purposes  
186 specified in this subsection.

187 Section 4. Section 196.1978, Florida Statutes, is reenacted  
188 to read:

189 196.1978 Affordable housing property exemption.—Property  
190 used to provide affordable housing serving eligible persons as  
191 defined by s. 159.603(7) and natural persons or families meeting  
192 the extremely-low-income, very-low-income, low-income, or  
193 moderate-income limits specified in s. 420.0004, which property  
194 is owned entirely by a nonprofit entity that is a corporation  
195 not for profit, qualified as charitable under s. 501(c)(3) of  
196 the Internal Revenue Code and in compliance with Rev. Proc. 96-  
197 32, 1996-1 C.B. 717, or a Florida-based limited partnership, the  
198 sole general partner of which is a corporation not for profit  
199 which is qualified as charitable under s. 501(c)(3) of the  
200 Internal Revenue Code and which complies with Rev. Proc. 96-32,  
201 1996-1 C.B. 717, shall be considered property owned by an exempt  
202 entity and used for a charitable purpose, and those portions of  
203 the affordable housing property which provide housing to natural

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204 persons or families classified as extremely low income, very low  
205 income, low income, or moderate income under s. 420.0004 shall  
206 be exempt from ad valorem taxation to the extent authorized in  
207 s. 196.196. All property identified in this section shall comply  
208 with the criteria for determination of exempt status to be  
209 applied by property appraisers on an annual basis as defined in  
210 s. 196.195. The Legislature intends that any property owned by a  
211 limited liability company or limited partnership which is  
212 disregarded as an entity for federal income tax purposes  
213 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be  
214 treated as owned by its sole member or sole general partner.

215 Section 5. Paragraph (d) of subsection (2) of section  
216 212.055, Florida Statutes, is reenacted to read:

217 212.055 Discretionary sales surtaxes; legislative intent;  
218 authorization and use of proceeds.—It is the legislative intent  
219 that any authorization for imposition of a discretionary sales  
220 surtax shall be published in the Florida Statutes as a  
221 subsection of this section, irrespective of the duration of the  
222 levy. Each enactment shall specify the types of counties  
223 authorized to levy; the rate or rates which may be imposed; the  
224 maximum length of time the surtax may be imposed, if any; the  
225 procedure which must be followed to secure voter approval, if  
226 required; the purpose for which the proceeds may be expended;  
227 and such other requirements as the Legislature may provide.  
228 Taxable transactions and administrative procedures shall be as  
229 provided in s. 212.054.

230 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

231 (d) The proceeds of the surtax authorized by this  
232 subsection and any accrued interest shall be expended by the



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233 school district, within the county and municipalities within the  
234 county, or, in the case of a negotiated joint county agreement,  
235 within another county, to finance, plan, and construct  
236 infrastructure; to acquire land for public recreation,  
237 conservation, or protection of natural resources; or to finance  
238 the closure of county-owned or municipally owned solid waste  
239 landfills that have been closed or are required to be closed by  
240 order of the Department of Environmental Protection. Any use of  
241 the proceeds or interest for purposes of landfill closure before  
242 July 1, 1993, is ratified. The proceeds and any interest may not  
243 be used for the operational expenses of infrastructure, except  
244 that a county that has a population of fewer than 75,000 and  
245 that is required to close a landfill may use the proceeds or  
246 interest for long-term maintenance costs associated with  
247 landfill closure. Counties, as defined in s. 125.011, and  
248 charter counties may, in addition, use the proceeds or interest  
249 to retire or service indebtedness incurred for bonds issued  
250 before July 1, 1987, for infrastructure purposes, and for bonds  
251 subsequently issued to refund such bonds. Any use of the  
252 proceeds or interest for purposes of retiring or servicing  
253 indebtedness incurred for refunding bonds before July 1, 1999,  
254 is ratified.

255 1. For the purposes of this paragraph, the term  
256 "infrastructure" means:

257 a. Any fixed capital expenditure or fixed capital outlay  
258 associated with the construction, reconstruction, or improvement  
259 of public facilities that have a life expectancy of 5 or more  
260 years and any related land acquisition, land improvement,  
261 design, and engineering costs.

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262           b. A fire department vehicle, an emergency medical service  
263 vehicle, a sheriff's office vehicle, a police department  
264 vehicle, or any other vehicle, and the equipment necessary to  
265 outfit the vehicle for its official use or equipment that has a  
266 life expectancy of at least 5 years.

267           c. Any expenditure for the construction, lease, or  
268 maintenance of, or provision of utilities or security for,  
269 facilities, as defined in s. 29.008.

270           d. Any fixed capital expenditure or fixed capital outlay  
271 associated with the improvement of private facilities that have  
272 a life expectancy of 5 or more years and that the owner agrees  
273 to make available for use on a temporary basis as needed by a  
274 local government as a public emergency shelter or a staging area  
275 for emergency response equipment during an emergency officially  
276 declared by the state or by the local government under s.  
277 252.38. Such improvements are limited to those necessary to  
278 comply with current standards for public emergency evacuation  
279 shelters. The owner must enter into a written contract with the  
280 local government providing the improvement funding to make the  
281 private facility available to the public for purposes of  
282 emergency shelter at no cost to the local government for a  
283 minimum of 10 years after completion of the improvement, with  
284 the provision that the obligation will transfer to any  
285 subsequent owner until the end of the minimum period.

286           e. Any land acquisition expenditure for a residential  
287 housing project in which at least 30 percent of the units are  
288 affordable to individuals or families whose total annual  
289 household income does not exceed 120 percent of the area median  
290 income adjusted for household size, if the land is owned by a

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291 local government or by a special district that enters into a  
292 written agreement with the local government to provide such  
293 housing. The local government or special district may enter into  
294 a ground lease with a public or private person or entity for  
295 nominal or other consideration for the construction of the  
296 residential housing project on land acquired pursuant to this  
297 sub-subparagraph.

298 2. Notwithstanding any other provision of this subsection,  
299 a local government infrastructure surtax imposed or extended  
300 after July 1, 1998, may allocate up to 15 percent of the surtax  
301 proceeds for deposit in a trust fund within the county's  
302 accounts created for the purpose of funding economic development  
303 projects having a general public purpose of improving local  
304 economies, including the funding of operational costs and  
305 incentives related to economic development. The ballot statement  
306 must indicate the intention to make an allocation under the  
307 authority of this subparagraph.

308 Section 6. Subsection (2) of section 163.3202, Florida  
309 Statutes, is reenacted to read:

310 163.3202 Land development regulations.—

311 (2) Local land development regulations shall contain  
312 specific and detailed provisions necessary or desirable to  
313 implement the adopted comprehensive plan and shall at a minimum:

314 (a) Regulate the subdivision of land.

315 (b) Regulate the use of land and water for those land use  
316 categories included in the land use element and ensure the  
317 compatibility of adjacent uses and provide for open space.

318 (c) Provide for protection of potable water wellfields.

319 (d) Regulate areas subject to seasonal and periodic

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320 flooding and provide for drainage and stormwater management.

321 (e) Ensure the protection of environmentally sensitive  
322 lands designated in the comprehensive plan.

323 (f) Regulate signage.

324 (g) Provide that public facilities and services meet or  
325 exceed the standards established in the capital improvements  
326 element required by s. 163.3177 and are available when needed  
327 for the development, or that development orders and permits are  
328 conditioned on the availability of these public facilities and  
329 services necessary to serve the proposed development. A local  
330 government may not issue a development order or permit that  
331 results in a reduction in the level of services for the affected  
332 public facilities below the level of services provided in the  
333 local government's comprehensive plan.

334 (h) Ensure safe and convenient onsite traffic flow,  
335 considering needed vehicle parking.

336 (i) Maintain the existing density of residential properties  
337 or recreational vehicle parks if the properties are intended for  
338 residential use and are located in the unincorporated areas that  
339 have sufficient infrastructure, as determined by a local  
340 governing authority, and are not located within a coastal high-  
341 hazard area under s. 163.3178.

342 Section 7. Subsection (25) of section 420.503, Florida  
343 Statutes, is reenacted to read:

344 420.503 Definitions.—As used in this part, the term:

345 (25) "Moderate rehabilitation" means repair or restoration  
346 of a dwelling unit when the value of such repair or restoration  
347 is 40 percent or less of the value of the dwelling unit but not  
348 less than \$10,000.

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349 Section 8. Subsection (47) of section 420.507, Florida  
350 Statutes, is reenacted to read:

351 420.507 Powers of the corporation.—The corporation shall  
352 have all the powers necessary or convenient to carry out and  
353 effectuate the purposes and provisions of this part, including  
354 the following powers which are in addition to all other powers  
355 granted by other provisions of this part:

356 (47) To provide by rule in connection with any corporation  
357 competitive program, criteria establishing a preference for  
358 developers and general contractors domiciled in this state and  
359 for developers and general contractors, regardless of domicile,  
360 who have substantial experience in developing or building  
361 affordable housing through the corporation's programs.

362 (a) In evaluating whether a developer or general contractor  
363 is domiciled in this state, the corporation shall consider  
364 whether the developer's or general contractor's principal office  
365 is located in this state and whether a majority of the  
366 developer's or general contractor's principals and financial  
367 beneficiaries reside in Florida.

368 (b) In evaluating whether a developer or general contractor  
369 has substantial experience, the corporation shall consider  
370 whether the developer or general contractor has completed at  
371 least five developments using funds either provided by or  
372 administered by the corporation.

373 Section 9. Paragraphs (c) and (1) of subsection (6) of  
374 section 420.5087, Florida Statutes, are reenacted to read:

375 420.5087 State Apartment Incentive Loan Program.—There is  
376 hereby created the State Apartment Incentive Loan Program for  
377 the purpose of providing first, second, or other subordinated

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378 mortgage loans or loan guarantees to sponsors, including for-  
379 profit, nonprofit, and public entities, to provide housing  
380 affordable to very-low-income persons.

381 (6) On all state apartment incentive loans, except loans  
382 made to housing communities for the elderly to provide for  
383 lifesafety, building preservation, health, sanitation, or  
384 security-related repairs or improvements, the following  
385 provisions shall apply:

386 (c) The corporation shall provide by rule for the  
387 establishment of a review committee composed of the department  
388 and corporation staff and shall establish by rule a scoring  
389 system for evaluation and competitive ranking of applications  
390 submitted in this program, including, but not limited to, the  
391 following criteria:

392 1. Tenant income and demographic targeting objectives of  
393 the corporation.

394 2. Targeting objectives of the corporation which will  
395 ensure an equitable distribution of loans between rural and  
396 urban areas.

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

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

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

406 b. Forty percent of the units in the project for persons or

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407 families who have incomes that do not exceed 60 percent of the  
408 state or local median income, whichever is higher, without  
409 requiring a greater amount of the loans as provided in this  
410 section.

411 5. Provision for tenant counseling.

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

414 7. Projects requiring the least amount of a state apartment  
415 incentive loan compared to overall project cost except that the  
416 share of the loan attributable to units serving extremely-low-  
417 income persons shall be excluded from this requirement.

418 8. Local government contributions and local government  
419 comprehensive planning and activities that promote affordable  
420 housing.

421 9. Project feasibility.

422 10. Economic viability of the project.

423 11. Commitment of first mortgage financing.

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

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

428 14. Projects that directly implement or assist welfare-to-  
429 work transitioning.

430 15. Projects that reserve units for extremely-low-income  
431 persons.

432 16. Projects that include green building principles, storm-  
433 resistant construction, or other elements that reduce long-term  
434 costs relating to maintenance, utilities, or insurance.

435 17. Domicile of the developer and general contractor, as

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436 provided in s. 420.507(47).

437 (1) The proceeds of all loans shall be used for new  
438 construction, moderate rehabilitation, or substantial  
439 rehabilitation which creates or preserves affordable, safe, and  
440 sanitary housing units.

441 Section 10. Subsection (5) of section 420.622, Florida  
442 Statutes, is reenacted to read:

443 420.622 State Office on Homelessness; Council on  
444 Homelessness.—

445 (5) The State Office on Homelessness, with the concurrence  
446 of the Council on Homelessness, may administer moneys  
447 appropriated to it to provide homeless housing assistance grants  
448 annually to lead agencies for local homeless assistance  
449 continuum of care, as recognized by the State Office on  
450 Homelessness, to acquire, construct, or rehabilitate  
451 transitional or permanent housing units for homeless persons.  
452 These moneys shall consist of any sums that the state may  
453 appropriate, as well as money received from donations, gifts,  
454 bequests, or otherwise from any public or private source, which  
455 are intended to acquire, construct, or rehabilitate transitional  
456 or permanent housing units for homeless persons.

457 (a) Grant applicants shall be ranked competitively.  
458 Preference must be given to applicants who leverage additional  
459 private funds and public funds, particularly federal funds  
460 designated for the acquisition, construction, or rehabilitation  
461 of transitional or permanent housing for homeless persons; who  
462 acquire, build, or rehabilitate the greatest number of units;  
463 and who acquire, build, or rehabilitate in catchment areas  
464 having the greatest need for housing for the homeless relative



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465 to the population of the catchment area.

466 (b) Funding for any particular project may not exceed  
467 \$750,000.

468 (c) Projects must reserve, for a minimum of 10 years, the  
469 number of units acquired, constructed, or rehabilitated through  
470 homeless housing assistance grant funding to serve persons who  
471 are homeless at the time they assume tenancy.

472 (d) No more than two grants may be awarded annually in any  
473 given local homeless assistance continuum of care catchment  
474 area.

475 (e) A project may not be funded which is not included in  
476 the local homeless assistance continuum of care plan, as  
477 recognized by the State Office on Homelessness, for the  
478 catchment area in which the project is located.

479 (f) The maximum percentage of funds that the State Office  
480 on Homelessness and each applicant may spend on administrative  
481 costs is 5 percent.

482 Section 11. Section 420.628, Florida Statutes, is reenacted  
483 to read:

484 420.628 Affordable housing for children and young adults  
485 leaving foster care; legislative findings and intent.—

486 (1) (a) The Legislature finds that there are many young  
487 adults who, through no fault of their own, live in foster  
488 families, group homes, and institutions, and face numerous  
489 barriers to a successful transition to adulthood. Young adults  
490 who are leaving the child welfare system may enter adulthood  
491 lacking the knowledge, skills, attitudes, habits, and  
492 relationships that will enable them to become productive members  
493 of society.

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494 (b) The Legislature further finds that the main barriers to  
495 safe and affordable housing for such young adults are cost, lack  
496 of availability, the unwillingness of landlords to rent to such  
497 youth due to perceived regulatory barriers, and a lack of  
498 knowledge about how to be a good tenant. These barriers cause  
499 young adults to be at risk of becoming homeless.

500 (c) The Legislature also finds that young adults who leave  
501 the child welfare system are disproportionately represented in  
502 the homeless population. Without the stability of safe and  
503 affordable housing, all other services, training, and  
504 opportunities provided to such young adults may not be  
505 effective. Making affordable housing available will decrease the  
506 chance of homelessness and may increase the ability of such  
507 young adults to live independently.

508 (d) The Legislature intends that the Florida Housing  
509 Finance Corporation, agencies within the State Housing  
510 Initiative Partnership Program, local housing finance agencies,  
511 public housing authorities, and their agents, and other  
512 providers of affordable housing coordinate with the Department  
513 of Children and Family Services, their agents, and community-  
514 based care providers who provide services under s. 409.1671 to  
515 develop and implement strategies and procedures designed to make  
516 affordable housing available whenever and wherever possible to  
517 young adults who leave the child welfare system.

518 (2) Young adults who leave the child welfare system meet  
519 the definition of eligible persons under ss. 420.503(17) and  
520 420.9071(10) for affordable housing, and are encouraged to  
521 participate in federal, state, and local affordable housing  
522 programs. Students deemed to be eligible occupants under 26

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523 U.S.C. s. 42(i)(3)(D) shall be considered eligible persons for  
524 purposes of all projects funded under this chapter.

525 Section 12. Subsections (4), (8), (16), (25), (29), and  
526 (30) of section 420.9071, Florida Statutes, are reenacted to  
527 read:

528 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
529 term:

530 (4) "Annual gross income" means annual income as defined  
531 under the Section 8 housing assistance payments programs in 24  
532 C.F.R. part 5; annual income as reported under the census long  
533 form for the recent available decennial census; or adjusted  
534 gross income as defined for purposes of reporting under Internal  
535 Revenue Service Form 1040 for individual federal annual income  
536 tax purposes or as defined by standard practices used in the  
537 lending industry as detailed in the local housing assistance  
538 plan and approved by the corporation. Counties and eligible  
539 municipalities shall calculate income by annualizing verified  
540 sources of income for the household as the amount of income to  
541 be received in a household during the 12 months following the  
542 effective date of the determination.

543 (8) "Eligible housing" means any real and personal property  
544 located within the county or the eligible municipality which is  
545 designed and intended for the primary purpose of providing  
546 decent, safe, and sanitary residential units that are designed  
547 to meet the standards of the Florida Building Code or previous  
548 building codes adopted under chapter 553, or manufactured  
549 housing constructed after June 1994 and installed in accordance  
550 with the installation standards for mobile or manufactured homes  
551 contained in rules of the Department of Highway Safety and Motor

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552 Vehicles, for home ownership or rental for eligible persons as  
553 designated by each county or eligible municipality participating  
554 in the State Housing Initiatives Partnership Program.

555 (16) "Local housing incentive strategies" means local  
556 regulatory reform or incentive programs to encourage or  
557 facilitate affordable housing production, which include at a  
558 minimum, assurance that permits as defined in s. 163.3164(7) and  
559 (8) for affordable housing projects are expedited to a greater  
560 degree than other projects; an ongoing process for review of  
561 local policies, ordinances, regulations, and plan provisions  
562 that increase the cost of housing prior to their adoption; and a  
563 schedule for implementing the incentive strategies. Local  
564 housing incentive strategies may also include other regulatory  
565 reforms, such as those enumerated in s. 420.9076 or those  
566 recommended by the affordable housing advisory committee in its  
567 triennial evaluation of the implementation of affordable housing  
568 incentives, and adopted by the local governing body.

569 (25) "Recaptured funds" means funds that are recouped by a  
570 county or eligible municipality in accordance with the recapture  
571 provisions of its local housing assistance plan pursuant to s.  
572 420.9075(5)(h) from eligible persons or eligible sponsors, which  
573 funds were not used for assistance to an eligible household for  
574 an eligible activity, when there is a default on the terms of a  
575 grant award or loan award.

576 (29) "Assisted housing" or "assisted housing development"  
577 means a rental housing development, including rental housing in  
578 a mixed-use development, that received or currently receives  
579 funding from any federal or state housing program.

580 (30) "Preservation" means actions taken to keep rents in

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581 existing assisted housing affordable for extremely-low-income,  
582 very-low-income, low-income, and moderate-income households  
583 while ensuring that the property stays in good physical and  
584 financial condition for an extended period.

585 Section 13. Subsections (6) and (7) of section 420.9072,  
586 Florida Statutes, are reenacted to read:

587 420.9072 State Housing Initiatives Partnership Program.—The  
588 State Housing Initiatives Partnership Program is created for the  
589 purpose of providing funds to counties and eligible  
590 municipalities as an incentive for the creation of local housing  
591 partnerships, to expand production of and preserve affordable  
592 housing, to further the housing element of the local government  
593 comprehensive plan specific to affordable housing, and to  
594 increase housing-related employment.

595 (6) The moneys that otherwise would be distributed pursuant  
596 to s. 420.9073 to a local government that does not meet the  
597 program's requirements for receipts of such distributions shall  
598 remain in the Local Government Housing Trust Fund to be  
599 administered by the corporation.

600 (7) A county or an eligible municipality must expend its  
601 portion of the local housing distribution only to implement a  
602 local housing assistance plan or as provided in this subsection.

603 (a) A county or an eligible municipality may not expend its  
604 portion of the local housing distribution to provide rent  
605 subsidies; however, this does not prohibit the use of funds for  
606 security and utility deposit assistance.

607 (b) A county or an eligible municipality may expend a  
608 portion of the local housing distribution to provide a one-time  
609 relocation grant to persons who meet the income requirements of

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610 the State Housing Initiatives Partnership Program and who are  
611 subject to eviction from rental property located in the county  
612 or eligible municipality due to the foreclosure of the rental  
613 property. In order to receive a grant under this paragraph, a  
614 person must provide the county or eligible municipality with  
615 proof of meeting the income requirements of a very-low-income  
616 household, a low-income household, or a moderate-income  
617 household; a notice of eviction; and proof that the rent has  
618 been paid for at least 3 months before the date of eviction,  
619 including the month that the notice of eviction was served.  
620 Relocation assistance under this paragraph is limited to a one-  
621 time grant of not more than \$5,000 and is not limited to persons  
622 who are subject to eviction from projects funded under the State  
623 Housing Initiatives Partnership Program. This paragraph expires  
624 July 1, 2010.

625 Section 14. Subsections (1), (2), (5), (6), and (7) of  
626 section 420.9073, Florida Statutes, are reenacted to read:

627 420.9073 Local housing distributions.—

628 (1) Distributions calculated in this section shall be  
629 disbursed on a quarterly or more frequent basis by the  
630 corporation pursuant to s. 420.9072, subject to availability of  
631 funds. Each county's share of the funds to be distributed from  
632 the portion of the funds in the Local Government Housing Trust  
633 Fund received pursuant to s. 201.15(9) shall be calculated by  
634 the corporation for each fiscal year as follows:

635 (a) Each county other than a county that has implemented  
636 the provisions of chapter 83-220, Laws of Florida, as amended by  
637 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall  
638 receive the guaranteed amount for each fiscal year.

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639 (b) Each county other than a county that has implemented  
640 the provisions of chapter 83-220, Laws of Florida, as amended by  
641 chapters 84-270, 86-152, and 89-252, Laws of Florida, may  
642 receive an additional share calculated as follows:

643 1. Multiply each county's percentage of the total state  
644 population excluding the population of any county that has  
645 implemented the provisions of chapter 83-220, Laws of Florida,  
646 as amended by chapters 84-270, 86-152, and 89-252, Laws of  
647 Florida, by the total funds to be distributed.

648 2. If the result in subparagraph 1. is less than the  
649 guaranteed amount as determined in subsection (3), that county's  
650 additional share shall be zero.

651 3. For each county in which the result in subparagraph 1.  
652 is greater than the guaranteed amount as determined in  
653 subsection (3), the amount calculated in subparagraph 1. shall  
654 be reduced by the guaranteed amount. The result for each such  
655 county shall be expressed as a percentage of the amounts so  
656 determined for all counties. Each such county shall receive an  
657 additional share equal to such percentage multiplied by the  
658 total funds received by the Local Government Housing Trust Fund  
659 pursuant to s. 201.15(9) reduced by the guaranteed amount paid  
660 to all counties.

661 (2) Distributions calculated in this section shall be  
662 disbursed on a quarterly or more frequent basis by the  
663 corporation pursuant to s. 420.9072, subject to availability of  
664 funds. Each county's share of the funds to be distributed from  
665 the portion of the funds in the Local Government Housing Trust  
666 Fund received pursuant to s. 201.15(10) shall be calculated by  
667 the corporation for each fiscal year as follows:

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668 (a) Each county shall receive the guaranteed amount for  
669 each fiscal year.

670 (b) Each county may receive an additional share calculated  
671 as follows:

672 1. Multiply each county's percentage of the total state  
673 population, by the total funds to be distributed.

674 2. If the result in subparagraph 1. is less than the  
675 guaranteed amount as determined in subsection (3), that county's  
676 additional share shall be zero.

677 3. For each county in which the result in subparagraph 1.  
678 is greater than the guaranteed amount, the amount calculated in  
679 subparagraph 1. shall be reduced by the guaranteed amount. The  
680 result for each such county shall be expressed as a percentage  
681 of the amounts so determined for all counties. Each such county  
682 shall receive an additional share equal to this percentage  
683 multiplied by the total funds received by the Local Government  
684 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the  
685 guaranteed amount paid to all counties.

686 (5) Notwithstanding subsections (1)-(4), the corporation  
687 may withhold up to \$5 million of the total amount distributed  
688 each fiscal year from the Local Government Housing Trust Fund to  
689 provide additional funding to counties and eligible  
690 municipalities where a state of emergency has been declared by  
691 the Governor pursuant to chapter 252. Any portion of the  
692 withheld funds not distributed by the end of the fiscal year  
693 shall be distributed as provided in subsections (1) and (2).

694 (6) Notwithstanding subsections (1)-(4), the corporation  
695 may withhold up to \$5 million from the total amount distributed  
696 each fiscal year from the Local Government Housing Trust Fund to



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697 provide funding to counties and eligible municipalities to  
698 purchase properties subject to a State Housing Initiative  
699 Partnership Program lien and on which foreclosure proceedings  
700 have been initiated by any mortgagee. Each county and eligible  
701 municipality that receives funds under this subsection shall  
702 repay such funds to the corporation not later than the  
703 expenditure deadline for the fiscal year in which the funds were  
704 awarded. Amounts not repaid shall be withheld from the  
705 subsequent year's distribution. Any portion of such funds not  
706 distributed under this subsection by the end of the fiscal year  
707 shall be distributed as provided in subsections (1) and (2).

708 (7) A county receiving local housing distributions under  
709 this section or an eligible municipality that receives local  
710 housing distributions under an interlocal agreement shall expend  
711 those funds in accordance with the provisions of ss. 420.907-  
712 420.9079, rules of the corporation, and the county's local  
713 housing assistance plan.

714 Section 15. Subsections (1), (3), (5), and (8), paragraphs  
715 (a) and (h) of subsection (10), paragraph (b) of subsection  
716 (13), and subsection (14) of section 420.9075, Florida Statutes,  
717 are reenacted to read:

718 420.9075 Local housing assistance plans; partnerships.—

719 (1) (a) Each county or eligible municipality participating  
720 in the State Housing Initiatives Partnership Program shall  
721 develop and implement a local housing assistance plan created to  
722 make affordable residential units available to persons of very  
723 low income, low income, or moderate income and to persons who  
724 have special housing needs, including, but not limited to,  
725 homeless people, the elderly, migrant farmworkers, and persons

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726 with disabilities. Counties or eligible municipalities may  
727 include strategies to assist persons and households having  
728 annual incomes of not more than 140 percent of area median  
729 income. The plans are intended to increase the availability of  
730 affordable residential units by combining local resources and  
731 cost-saving measures into a local housing partnership and using  
732 private and public funds to reduce the cost of housing.

733 (b) Local housing assistance plans may allocate funds to:

734 1. Implement local housing assistance strategies for the  
735 provision of affordable housing.

736 2. Supplement funds available to the corporation to provide  
737 enhanced funding of state housing programs within the county or  
738 the eligible municipality.

739 3. Provide the local matching share of federal affordable  
740 housing grants or programs.

741 4. Fund emergency repairs, including, but not limited to,  
742 repairs performed by existing service providers under  
743 weatherization assistance programs under ss. 409.509-409.5093.

744 5. Further the housing element of the local government  
745 comprehensive plan adopted pursuant to s. 163.3184, specific to  
746 affordable housing.

747 (3) (a) Each local housing assistance plan shall include a  
748 definition of essential service personnel for the county or  
749 eligible municipality, including, but not limited to, teachers  
750 and educators, other school district, community college, and  
751 university employees, police and fire personnel, health care  
752 personnel, skilled building trades personnel, and other job  
753 categories.

754 (b) Each county and each eligible municipality is

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755 encouraged to develop a strategy within its local housing  
756 assistance plan that emphasizes the recruitment and retention of  
757 essential service personnel. The local government is encouraged  
758 to involve public and private sector employers. Compliance with  
759 the eligibility criteria established under this strategy shall  
760 be verified by the county or eligible municipality.

761 (c) Each county and each eligible municipality is  
762 encouraged to develop a strategy within its local housing  
763 assistance plan that addresses the needs of persons who are  
764 deprived of affordable housing due to the closure of a mobile  
765 home park or the conversion of affordable rental units to  
766 condominiums.

767 (d) Each county and each eligible municipality shall  
768 describe initiatives in the local housing assistance plan to  
769 encourage or require innovative design, green building  
770 principles, storm-resistant construction, or other elements that  
771 reduce long-term costs relating to maintenance, utilities, or  
772 insurance.

773 (e) Each county and each eligible municipality is  
774 encouraged to develop a strategy within its local housing  
775 assistance plan which provides program funds for the  
776 preservation of assisted housing.

777 (5) The following criteria apply to awards made to eligible  
778 sponsors or eligible persons for the purpose of providing  
779 eligible housing:

780 (a) At least 65 percent of the funds made available in each  
781 county and eligible municipality from the local housing  
782 distribution must be reserved for home ownership for eligible  
783 persons.

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784 (b) At least 75 percent of the funds made available in each  
785 county and eligible municipality from the local housing  
786 distribution must be reserved for construction, rehabilitation,  
787 or emergency repair of affordable, eligible housing.

788 (c) Not more than 20 percent of the funds made available in  
789 each county and eligible municipality from the local housing  
790 distribution may be used for manufactured housing.

791 (d) The sales price or value of new or existing eligible  
792 housing may not exceed 90 percent of the average area purchase  
793 price in the statistical area in which the eligible housing is  
794 located. Such average area purchase price may be that calculated  
795 for any 12-month period beginning not earlier than the fourth  
796 calendar year prior to the year in which the award occurs or as  
797 otherwise established by the United States Department of the  
798 Treasury.

799 (e)1. All units constructed, rehabilitated, or otherwise  
800 assisted with the funds provided from the local housing  
801 assistance trust fund must be occupied by very-low-income  
802 persons, low-income persons, and moderate-income persons except  
803 as otherwise provided in this section.

804 2. At least 30 percent of the funds deposited into the  
805 local housing assistance trust fund must be reserved for awards  
806 to very-low-income persons or eligible sponsors who will serve  
807 very-low-income persons and at least an additional 30 percent of  
808 the funds deposited into the local housing assistance trust fund  
809 must be reserved for awards to low-income persons or eligible  
810 sponsors who will serve low-income persons. This subparagraph  
811 does not apply to a county or an eligible municipality that  
812 includes, or has included within the previous 5 years, an area

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813 of critical state concern designated or ratified by the  
814 Legislature for which the Legislature has declared its intent to  
815 provide affordable housing. The exemption created by this act  
816 expires on July 1, 2013, and shall apply retroactively.

817 (f) Loans shall be provided for periods not exceeding 30  
818 years, except for deferred payment loans or loans that extend  
819 beyond 30 years which continue to serve eligible persons.

820 (g) Loans or grants for eligible rental housing  
821 constructed, rehabilitated, or otherwise assisted from the local  
822 housing assistance trust fund must be subject to recapture  
823 requirements as provided by the county or eligible municipality  
824 in its local housing assistance plan unless reserved for  
825 eligible persons for 15 years or the term of the assistance,  
826 whichever period is longer. Eligible sponsors that offer rental  
827 housing for sale before 15 years or that have remaining  
828 mortgages funded under this program must give a first right of  
829 refusal to eligible nonprofit organizations for purchase at the  
830 current market value for continued occupancy by eligible  
831 persons.

832 (h) Loans or grants for eligible owner-occupied housing  
833 constructed, rehabilitated, or otherwise assisted from proceeds  
834 provided from the local housing assistance trust fund shall be  
835 subject to recapture requirements as provided by the county or  
836 eligible municipality in its local housing assistance plan.

837 (i) The total amount of monthly mortgage payments or the  
838 amount of monthly rent charged by the eligible sponsor or her or  
839 his designee must be made affordable.

840 (j) The maximum sales price or value per unit and the  
841 maximum award per unit for eligible housing benefiting from

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842 awards made pursuant to this section must be established in the  
843 local housing assistance plan.

844 (k) The benefit of assistance provided through the State  
845 Housing Initiatives Partnership Program must accrue to eligible  
846 persons occupying eligible housing. This provision shall not be  
847 construed to prohibit use of the local housing distribution  
848 funds for a mixed income rental development.

849 (l) Funds from the local housing distribution not used to  
850 meet the criteria established in paragraph (a) or paragraph (b)  
851 or not used for the administration of a local housing assistance  
852 plan must be used for housing production and finance activities,  
853 including, but not limited to, financing preconstruction  
854 activities or the purchase of existing units, providing rental  
855 housing, and providing home ownership training to prospective  
856 home buyers and owners of homes assisted through the local  
857 housing assistance plan.

858 1. Notwithstanding the provisions of paragraphs (a) and  
859 (b), program income as defined in s. 420.9071(24) may also be  
860 used to fund activities described in this paragraph.

861 2. When preconstruction due-diligence activities conducted  
862 as part of a preservation strategy show that preservation of the  
863 units is not feasible and will not result in the production of  
864 an eligible unit, such costs shall be deemed a program expense  
865 rather than an administrative expense if such program expenses  
866 do not exceed 3 percent of the annual local housing  
867 distribution.

868 3. If both an award under the local housing assistance plan  
869 and federal low-income housing tax credits are used to assist a  
870 project and there is a conflict between the criteria prescribed

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871 in this subsection and the requirements of s. 42 of the Internal  
872 Revenue Code of 1986, as amended, the county or eligible  
873 municipality may resolve the conflict by giving precedence to  
874 the requirements of s. 42 of the Internal Revenue Code of 1986,  
875 as amended, in lieu of following the criteria prescribed in this  
876 subsection with the exception of paragraphs (a) and (e) of this  
877 subsection.

878 4. Each county and each eligible municipality may award  
879 funds as a grant for construction, rehabilitation, or repair as  
880 part of disaster recovery or emergency repairs or to remedy  
881 accessibility or health and safety deficiencies. Any other  
882 grants must be approved as part of the local housing assistance  
883 plan.

884 (8) Pursuant to s. 420.531, the corporation shall provide  
885 training and technical assistance to local governments regarding  
886 the creation of partnerships, the design of local housing  
887 assistance strategies, the implementation of local housing  
888 incentive strategies, and the provision of support services.

889 (10) Each county or eligible municipality shall submit to  
890 the corporation by September 15 of each year a report of its  
891 affordable housing programs and accomplishments through June 30  
892 immediately preceding submittal of the report. The report shall  
893 be certified as accurate and complete by the local government's  
894 chief elected official or his or her designee. Transmittal of  
895 the annual report by a county's or eligible municipality's chief  
896 elected official, or his or her designee, certifies that the  
897 local housing incentive strategies, or, if applicable, the local  
898 housing incentive plan, have been implemented or are in the  
899 process of being implemented pursuant to the adopted schedule

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900 for implementation. The report must include, but is not limited  
901 to:

902 (a) The number of households served by income category,  
903 age, family size, and race, and data regarding any special needs  
904 populations such as farmworkers, homeless persons, persons with  
905 disabilities, and the elderly. Counties shall report this  
906 information separately for households served in the  
907 unincorporated area and each municipality within the county.

908 (h) Such other data or affordable housing accomplishments  
909 considered significant by the reporting county or eligible  
910 municipality or by the corporation.

911 (13)

912 (b) If, as a result of its review of the annual report, the  
913 corporation determines that a county or eligible municipality  
914 has failed to implement a local housing incentive strategy, or,  
915 if applicable, a local housing incentive plan, it shall send a  
916 notice of termination of the local government's share of the  
917 local housing distribution by certified mail to the affected  
918 county or eligible municipality.

919 1. The notice must specify a date of termination of the  
920 funding if the affected county or eligible municipality does not  
921 implement the plan or strategy and provide for a local response.  
922 A county or eligible municipality shall respond to the  
923 corporation within 30 days after receipt of the notice of  
924 termination.

925 2. The corporation shall consider the local response that  
926 extenuating circumstances precluded implementation and grant an  
927 extension to the timeframe for implementation. Such an extension  
928 shall be made in the form of an extension agreement that



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929 provides a timeframe for implementation. The chief elected  
930 official of a county or eligible municipality or his or her  
931 designee shall have the authority to enter into the agreement on  
932 behalf of the local government.

933 3. If the county or the eligible municipality has not  
934 implemented the incentive strategy or entered into an extension  
935 agreement by the termination date specified in the notice, the  
936 local housing distribution share terminates, and any uncommitted  
937 local housing distribution funds held by the affected county or  
938 eligible municipality in its local housing assistance trust fund  
939 shall be transferred to the Local Government Housing Trust Fund  
940 to the credit of the corporation to administer.

941 4.a. If the affected local government fails to meet the  
942 timeframes specified in the agreement, the corporation shall  
943 terminate funds. The corporation shall send a notice of  
944 termination of the local government's share of the local housing  
945 distribution by certified mail to the affected local government.  
946 The notice shall specify the termination date, and any  
947 uncommitted funds held by the affected local government shall be  
948 transferred to the Local Government Housing Trust Fund to the  
949 credit of the corporation to administer.

950 b. If the corporation terminates funds to a county, but an  
951 eligible municipality receiving a local housing distribution  
952 pursuant to an interlocal agreement maintains compliance with  
953 program requirements, the corporation shall thereafter  
954 distribute directly to the participating eligible municipality  
955 its share calculated in the manner provided in s. 420.9072.

956 c. Any county or eligible municipality whose local  
957 distribution share has been terminated may subsequently elect to

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958 receive directly its local distribution share by adopting the  
959 ordinance, resolution, and local housing assistance plan in the  
960 manner and according to the procedures provided in ss. 420.907-  
961 420.9079.

962 (14) If the corporation determines that a county or  
963 eligible municipality has expended program funds for an  
964 ineligible activity, the corporation shall require such funds to  
965 be repaid to the local housing assistance trust fund. Such  
966 repayment may not be made with funds from the State Housing  
967 Initiatives Partnership Program.

968 Section 16. Paragraph (h) of subsection (2), subsections  
969 (5) and (6), and paragraph (a) of subsection (7) of section  
970 420.9076, Florida Statutes, are reenacted to read:

971 420.9076 Adoption of affordable housing incentive  
972 strategies; committees.-

973 (2) The governing board of a county or municipality shall  
974 appoint the members of the affordable housing advisory committee  
975 by resolution. Pursuant to the terms of any interlocal  
976 agreement, a county and municipality may create and jointly  
977 appoint an advisory committee to prepare a joint plan. The  
978 ordinance adopted pursuant to s. 420.9072 which creates the  
979 advisory committee or the resolution appointing the advisory  
980 committee members must provide for 11 committee members and  
981 their terms. The committee must include:

982 (h) One citizen who actively serves on the local planning  
983 agency pursuant to s. 163.3174. If the local planning agency is  
984 comprised of the governing board of the county or municipality,  
985 the governing board may appoint a designee who is knowledgeable  
986 in the local planning process.

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987  
988 If a county or eligible municipality whether due to its small  
989 size, the presence of a conflict of interest by prospective  
990 appointees, or other reasonable factor, is unable to appoint a  
991 citizen actively engaged in these activities in connection with  
992 affordable housing, a citizen engaged in the activity without  
993 regard to affordable housing may be appointed. Local governments  
994 that receive the minimum allocation under the State Housing  
995 Initiatives Partnership Program may elect to appoint an  
996 affordable housing advisory committee with fewer than 11  
997 representatives if they are unable to find representatives who  
998 meet the criteria of paragraphs (a)-(k).

999 (5) The approval by the advisory committee of its local  
1000 housing incentive strategies recommendations and its review of  
1001 local government implementation of previously recommended  
1002 strategies must be made by affirmative vote of a majority of the  
1003 membership of the advisory committee taken at a public hearing.  
1004 Notice of the time, date, and place of the public hearing of the  
1005 advisory committee to adopt its evaluation and final local  
1006 housing incentive strategies recommendations must be published  
1007 in a newspaper of general paid circulation in the county. The  
1008 notice must contain a short and concise summary of the  
1009 evaluation and local housing incentives strategies  
1010 recommendations to be considered by the advisory committee. The  
1011 notice must state the public place where a copy of the  
1012 evaluation and tentative advisory committee recommendations can  
1013 be obtained by interested persons. The final report, evaluation,  
1014 and recommendations shall be submitted to the corporation.

1015 (6) Within 90 days after the date of receipt of the

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1016 evaluation and local housing incentive strategies  
1017 recommendations from the advisory committee, the governing body  
1018 of the appointing local government shall adopt an amendment to  
1019 its local housing assistance plan to incorporate the local  
1020 housing incentive strategies it will implement within its  
1021 jurisdiction. The amendment must include, at a minimum, the  
1022 local housing incentive strategies required under s.  
1023 420.9071(16). The local government must consider the strategies  
1024 specified in paragraphs (4)(a)-(k) as recommended by the  
1025 advisory committee.

1026 (7) The governing board of the county or the eligible  
1027 municipality shall notify the corporation by certified mail of  
1028 its adoption of an amendment of its local housing assistance  
1029 plan to incorporate local housing incentive strategies. The  
1030 notice must include a copy of the approved amended plan.

1031 (a) If the corporation fails to receive timely the approved  
1032 amended local housing assistance plan to incorporate local  
1033 housing incentive strategies, a notice of termination of its  
1034 share of the local housing distribution shall be sent by  
1035 certified mail by the corporation to the affected county or  
1036 eligible municipality. The notice of termination must specify a  
1037 date of termination of the funding if the affected county or  
1038 eligible municipality has not adopted an amended local housing  
1039 assistance plan to incorporate local housing incentive  
1040 strategies. If the county or the eligible municipality has not  
1041 adopted an amended local housing assistance plan to incorporate  
1042 local housing incentive strategies by the termination date  
1043 specified in the notice of termination, the local distribution  
1044 share terminates; and any uncommitted local distribution funds

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1045 held by the affected county or eligible municipality in its  
1046 local housing assistance trust fund shall be transferred to the  
1047 Local Government Housing Trust Fund to the credit of the  
1048 corporation to administer the local government housing program.

1049 Section 17. Section 420.9078, Florida Statutes, is  
1050 repealed.

1051 Section 18. Section 420.9079, Florida Statutes, is  
1052 reenacted to read:

1053 420.9079 Local Government Housing Trust Fund.—

1054 (1) There is created in the State Treasury the Local  
1055 Government Housing Trust Fund, which shall be administered by  
1056 the corporation on behalf of the department according to the  
1057 provisions of ss. 420.907-420.9076 and this section. There shall  
1058 be deposited into the fund a portion of the documentary stamp  
1059 tax revenues as provided in s. 201.15, moneys received from any  
1060 other source for the purposes of ss. 420.907-420.9076 and this  
1061 section, and all proceeds derived from the investment of such  
1062 moneys. Moneys in the fund that are not currently needed for the  
1063 purposes of the programs administered pursuant to ss. 420.907-  
1064 420.9076 and this section shall be deposited to the credit of  
1065 the fund and may be invested as provided by law. The interest  
1066 received on any such investment shall be credited to the fund.

1067 (2) The corporation shall administer the fund exclusively  
1068 for the purpose of implementing the programs described in ss.  
1069 420.907-420.9076 and this section. With the exception of  
1070 monitoring the activities of counties and eligible  
1071 municipalities to determine local compliance with program  
1072 requirements, the corporation shall not receive appropriations  
1073 from the fund for administrative or personnel costs. For the

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1074 purpose of implementing the compliance monitoring provisions of  
1075 s. 420.9075(9), the corporation may request a maximum of one-  
1076 quarter of 1 percent of the annual appropriation per state  
1077 fiscal year. When such funding is appropriated, the corporation  
1078 shall deduct the amount appropriated prior to calculating the  
1079 local housing distribution pursuant to ss. 420.9072 and  
1080 420.9073.

1081 Section 19. Subsection (12) of section 1001.43, Florida  
1082 Statutes, is reenacted to read:

1083 1001.43 Supplemental powers and duties of district school  
1084 board.—The district school board may exercise the following  
1085 supplemental powers and duties as authorized by this code or  
1086 State Board of Education rule.

1087 (12) AFFORDABLE HOUSING.—A district school board may use  
1088 portions of school sites purchased within the guidelines of the  
1089 State Requirements for Educational Facilities, land deemed not  
1090 usable for educational purposes because of location or other  
1091 factors, or land declared as surplus by the board to provide  
1092 sites for affordable housing for teachers and other district  
1093 personnel and, in areas of critical state concern, for other  
1094 essential services personnel as defined by local affordable  
1095 housing eligibility requirements, independently or in  
1096 conjunction with other agencies as described in subsection (5).

1097 Section 20. This act shall take effect upon becoming a law,  
1098 and those portions of this act which were amended, created, or  
1099 repealed by chapter 2009-96, Laws of Florida, shall operate  
1100 retroactively to June 1, 2009. If such retroactive application  
1101 is held by a court of last resort to be unconstitutional, this  
1102 act shall apply prospectively from the date that this act

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becomes a law.