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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

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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

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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

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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

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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:

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- 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.

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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

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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, are amended to read:

210 201.15 Distribution of taxes collected.—All taxes
211 collected under this chapter are subject to the service charge
212 imposed in s. 215.20(1). Prior to distribution under this
213 section, the Department of Revenue shall deduct amounts
214 necessary to pay the costs of the collection and enforcement of
215 the tax levied by this chapter. Such costs and the service
216 charge may not be levied against any portion of taxes pledged to
217 debt service on bonds to the extent that the costs and service
218 charge are required to pay any amounts relating to the bonds.
219 After distributions are made pursuant to subsection (1), all of
220 the costs of the collection and enforcement of the tax levied by
221 this chapter and the service charge shall be available and
222 transferred to the extent necessary to pay debt service and any
223 other amounts payable with respect to bonds authorized before
224 January 1, 2010, secured by revenues distributed pursuant to

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225 subsection (1). All taxes remaining after deduction of costs and
226 the service charge shall be distributed as follows:

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

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

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

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

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

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

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

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

262 Section 6. Paragraph (c) of subsection (4) of section
263 420.0003, Florida Statutes, is amended to read:

264 420.0003 State housing strategy.—

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

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

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

286 Section 7. Section 420.0004, Florida Statutes, is amended
287 to read:

288 420.0004 Definitions.—As used in this part, unless the
289 context otherwise indicates:

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

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

304 (3) "Affordable" means that monthly rents or monthly
305 mortgage payments including taxes, insurance, and utilities do
306 not exceed 30 percent of that amount which represents the
307 percentage of the median adjusted gross annual income for the

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308 households as indicated in subsection (9) ~~(8)~~, subsection (11)
309 ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~.

310 (4) "Corporation" means the Florida Housing Finance
311 Corporation.

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

318 (6) "Department" means the Department of Community
319 Affairs.

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

325 (a) Expected to be of long-continued and indefinite
326 duration; and

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

329 ~~(8)(7)~~ "Elderly" describes persons 62 years of age or
330 older.

331 ~~(9)(8)~~ "Extremely-low-income persons" means one or more
332 natural persons or a family whose total annual household income
333 does not exceed 30 percent of the median annual adjusted gross
334 income for households within the state. The Florida Housing
335 Finance Corporation may adjust this amount annually by rule to

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336 provide that in lower income counties, extremely low income may
337 exceed 30 percent of area median income and that in higher
338 income counties, extremely low income may be less than 30
339 percent of area median income.

340 (10)~~(9)~~ "Local public body" means any county,
341 municipality, or other political subdivision, or any housing
342 authority as provided by chapter 421, which is eligible to
343 sponsor or develop housing for farmworkers and very-low-income
344 and low-income persons within its jurisdiction.

345 (11)~~(10)~~ "Low-income persons" means one or more natural
346 persons or a family, the total annual adjusted gross household
347 income of which does not exceed 80 percent of the median annual
348 adjusted gross income for households within the state, or 80
349 percent of the median annual adjusted gross income for
350 households within the metropolitan statistical area (MSA) or, if
351 not within an MSA, within the county in which the person or
352 family resides, whichever is greater.

353 (12)~~(11)~~ "Moderate-income persons" means one or more
354 natural persons or a family, the total annual adjusted gross
355 household income of which is less than 120 percent of the median
356 annual adjusted gross income for households within the state, or
357 120 percent of the median annual adjusted gross income for
358 households within the metropolitan statistical area (MSA) or, if
359 not within an MSA, within the county in which the person or
360 family resides, whichever is greater.

361 (13) "Person with special needs" means an adult person
362 requiring independent living services in order to maintain
363 housing or develop independent living skills and who has a

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

370 (14)~~(12)~~ "Student" means any person not living with his or
 371 her parent or guardian who is eligible to be claimed by his or
 372 her parent or guardian as a dependent under the federal income
 373 tax code and who is enrolled on at least a half-time basis in a
 374 secondary school, career center, community college, college, or
 375 university.

376 (15)~~(13)~~ "Substandard" means:

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

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

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

385 (16)~~(14)~~ "Substantial rehabilitation" means repair or
 386 restoration of a dwelling unit where the value of such repair or
 387 restoration exceeds 40 percent of the value of the dwelling.

388 (17)~~(15)~~ "Very-low-income persons" means one or more
 389 natural persons or a family, not including students, the total
 390 annual adjusted gross household income of which does not exceed
 391 50 percent of the median annual adjusted gross income for

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

397 Section 8. Section 420.0006, Florida Statutes, is amended
398 to read:

399 420.0006 Authority to contract with corporation; contract
400 requirements; nonperformance.—The secretary of the department
401 shall contract, notwithstanding the provisions of part I of
402 chapter 287, with the Florida Housing Finance Corporation on a
403 multiyear basis to stimulate, provide, and foster affordable
404 housing in the state. The contract must incorporate the
405 performance measures required by s. 420.511 and must be
406 consistent with the provisions of the corporation's strategic
407 plan prepared in accordance with s. 420.511 ~~and compatible with~~
408 ~~s. 216.0166~~. The contract must provide that, in the event the
409 corporation fails to comply with any of the performance measures
410 required by s. 420.511, the secretary shall notify the Governor
411 and shall refer the nonperformance to the department's inspector
412 general for review and determination as to whether such failure
413 is due to forces beyond the corporation's control or whether
414 such failure is due to inadequate management of the
415 corporation's resources. Advances shall continue to be made
416 pursuant to s. 420.0005 during the pendency of the review by the
417 department's inspector general. If such failure is due to
418 outside forces, it shall not be deemed a violation of the
419 contract. If such failure is due to inadequate management, the

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

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

439 420.504 Public corporation; creation, membership, terms,
 440 expenses.—

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

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448 senior-level agency employee designated by the secretary, and
449 eight members appointed by the Governor subject to confirmation
450 by the Senate from the following:

451 (a) One citizen actively engaged in the residential home
452 building industry.

453 (b) One citizen actively engaged in the banking or
454 mortgage banking industry.

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

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

459 (e) One citizen actively engaged in the commercial
460 building industry.

461 (f) One citizen who is a former local government elected
462 official.

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

466 Section 10. Section 420.506, Florida Statutes, is amended
467 to read:

468 420.506 Executive director; agents and employees;
469 inspector general.—

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

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

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

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

500 420.507 Powers of the corporation.—The corporation shall
501 have all the powers necessary or convenient to carry out and
502 effectuate the purposes and provisions of this part, including

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

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

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

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

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

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

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

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

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

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

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

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

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

568 420.5087 State Apartment Incentive Loan Program.—There is
569 hereby created the State Apartment Incentive Loan Program for
570 the purpose of providing first, second, or other subordinated
571 mortgage loans or loan guarantees to sponsors, including for-
572 profit, nonprofit, and public entities, to provide housing
573 affordable to very-low-income persons.

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

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

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

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

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

638 1. Tenant income and demographic targeting objectives of
639 the corporation.

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

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

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

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

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

657 5. Provision for tenant counseling.

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

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

665 8. Local government contributions and local government
666 comprehensive planning and activities that promote affordable
667 housing.

668 9. Project feasibility.

669 10. Economic viability of the project.

670 11. Commitment of first mortgage financing.

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

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

675 14. Projects that directly implement or assist welfare-to-
676 work transitioning.

677 15. Projects that reserve units for extremely-low-income
678 persons.

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

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

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

688 163.31771 Accessory dwelling units.—

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

690 (d) "Low-income persons" has the same meaning as in s.
691 420.0004 (11) ~~(10)~~.

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

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

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

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698 Section 14. Paragraph (o) of subsection (5) of section
699 212.08, Florida Statutes, is amended to read:

700 212.08 Sales, rental, use, consumption, distribution, and
701 storage tax; specified exemptions.—The sale at retail, the
702 rental, the use, the consumption, the distribution, and the
703 storage to be used or consumed in this state of the following
704 are hereby specifically exempt from the tax imposed by this
705 chapter.

706 (5) EXEMPTIONS; ACCOUNT OF USE.—

707 (o) Building materials in redevelopment projects.—

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

709 a. "Building materials" means tangible personal property
710 that becomes a component part of a housing project or a mixed-
711 use project.

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

722 c. "Mixed-use project" means the conversion of an existing
723 manufacturing or industrial building to mixed-use units that
724 include artists' studios, art and entertainment services, or
725 other compatible uses. A mixed-use project must be located in an

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726 urban high-crime area, enterprise zone, empowerment zone, Front
727 Porch Community, designated brownfield area, or urban infill
728 area, and the developer must agree to set aside at least 20
729 percent of the square footage of the project for low-income and
730 moderate-income housing.

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

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

741 a. The name and address of the owner.

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

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

745 d. A certification by the local building code inspector
746 that the project is substantially completed.

747 e. A sworn statement, under penalty of perjury, from the
748 general contractor licensed in this state with whom the owner
749 contracted to construct the project, which statement lists the
750 building materials used in the construction of the project and
751 the actual cost thereof, and the amount of sales tax paid on
752 these materials. If a general contractor was not used, the owner
753 shall provide this information in a sworn statement, under

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754 penalty of perjury. Copies of invoices evidencing payment of
755 sales tax must be attached to the sworn statement.

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

764 4. The department shall establish by rule an application
765 form and criteria for establishing eligibility for exemption
766 under this paragraph.

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

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

771 215.5586 My Safe Florida Home Program.—There is
772 established within the Department of Financial Services the My
773 Safe Florida Home Program. The department shall provide fiscal
774 accountability, contract management, and strategic leadership
775 for the program, consistent with this section. This section does
776 not create an entitlement for property owners or obligate the
777 state in any way to fund the inspection or retrofitting of
778 residential property in this state. Implementation of this
779 program is subject to annual legislative appropriations. It is
780 the intent of the Legislature that the My Safe Florida Home
781 Program provide trained and certified inspectors to perform

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782 inspections for owners of site-built, single-family, residential
783 properties and grants to eligible applicants as funding allows.
784 The program shall develop and implement a comprehensive and
785 coordinated approach for hurricane damage mitigation that may
786 include the following:

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

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

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

795 2. The home must be a dwelling with an insured value of
796 \$300,000 or less. Homeowners who are low-income persons, as
797 defined in s. 420.0004 (11) ~~(10)~~, are exempt from this
798 requirement.

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

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

804 5. The building permit application for initial
805 construction of the home must have been made before March 1,
806 2002.

807

808 An application for a grant must contain a signed or
809 electronically verified statement made under penalty of perjury

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810 that the applicant has submitted only a single application and
811 must have attached documents demonstrating the applicant meets
812 the requirements of this paragraph.

813 (g) Low-income homeowners, as defined in s.
814 420.0004(11)~~(10)~~, who otherwise meet the requirements of
815 paragraphs (a), (c), (e), and (f) are eligible for a grant of up
816 to \$5,000 and are not required to provide a matching amount to
817 receive the grant. Additionally, for low-income homeowners,
818 grant funding may be used for repair to existing structures
819 leading to any of the mitigation improvements provided in
820 paragraph (e), limited to 20 percent of the grant value. The
821 program may accept a certification directly from a low-income
822 homeowner that the homeowner meets the requirements of s.
823 420.0004(11)~~(10)~~ if the homeowner provides such certification in
824 a signed or electronically verified statement made under penalty
825 of perjury.

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

828 420.503 Definitions.—As used in this part, the term:

829 (19) "Housing for the elderly" means, for purposes of s.
830 420.5087(3)(e)~~(d)~~, any nonprofit housing community that is
831 financed by a mortgage loan made or insured by the United States
832 Department of Housing and Urban Development under s. 202, s. 202
833 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the
834 National Housing Act, as amended, and that is subject to income
835 limitations established by the United States Department of
836 Housing and Urban Development, or any program funded by the
837 Rural Development Agency of the United States Department of

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

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

864 (2) Notwithstanding ss. 420.507(22)(a) and (23)(a),
865 420.5087(6)(1), 420.5088, 420.5095, and 420.9075(1)(b) and

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866 (5) (b), Florida Statutes, funds from the State Housing Trust
867 Fund or the Local Government Housing Trust Fund that are
868 appropriated for use in the State Apartment Incentive Loan
869 Program, Florida Homeownership Assistance Program, Community
870 Workforce Housing Innovation Pilot Program, or the State Housing
871 Initiatives Partnership Program may not be used to:

872 (a) Finance or otherwise assist the construction or
873 purchase of housing sold to eligible individuals, unless the
874 housing unit being sold had an initial certificate of occupancy
875 prior to December 31, 2010; or

876 (b) Finance or otherwise assist in the construction or
877 purchase of rental housing, unless the development being
878 financed or assisted received its initial certificate of
879 occupancy prior to December 31, 1996.

880
881 Nothing in this section restricts the use of such funds to
882 assist with the purchase of newly constructed homes that were
883 completed prior to December 31, 2010, or the acquisition and
884 rehabilitation of apartments that received their initial
885 certificate of occupancy prior to December 31, 1996. The use of
886 such funds is subject to the restrictions of the program under
887 which the funding is made available.

888 (3) This section expires July 1, 2012.

889 Section 18. This act shall take effect July 1, 2011.