

By Senator Bennett

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

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

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59 legislative intent; prohibiting funds from the State
60 Housing Trust Fund or the Local Government Housing
61 Trust Fund that are appropriated for specified
62 programs from being used for certain purposes;
63 providing for future repeal; providing an effective
64 date.

65

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

67

68 Section 1. Paragraphs (a) and (b) of subsection (1) and
69 subsection (7) of section 20.055, Florida Statutes, are amended
70 to read:

71 20.055 Agency inspectors general.—

72 (1) For the purposes of this section:

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

82 (b) "Agency head" means the Governor, a Cabinet officer, a
83 secretary as defined in s. 20.03(5), or an executive director as
84 defined in s. 20.03(6). It also includes the chair of the Public
85 Service Commission, the Director of the Office of Insurance
86 Regulation of the Financial Services Commission, the Director of
87 the Office of Financial Regulation of the Financial Services

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88 Commission, the board of directors of the Florida Housing
89 Finance Corporation, and the Chief Justice of the State Supreme
90 Court.

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

95 (b) The inspector general of the Florida Housing Finance
96 Corporation shall, not later than 90 days after the end of each
97 fiscal year, prepare an annual report summarizing the activities
98 of the office of inspector general during the immediately
99 preceding fiscal year.

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

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

106 2. (b) A description of significant abuses and deficiencies
107 relating to the administration of programs and operations of the
108 agency disclosed by investigations, audits, reviews, or other
109 activities during the reporting period.

110 3. (c) A description of the recommendations for corrective
111 action made by the inspector general during the reporting period
112 with respect to significant problems, abuses, or deficiencies
113 identified.

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

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117 5.~~(e)~~ A summary of each audit and investigation completed
118 during the reporting period.

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

121 159.608 Powers of housing finance authorities.—A housing
122 finance authority shall constitute a public body corporate and
123 politic, exercising the public and essential governmental
124 functions set forth in this act, and shall exercise its power to
125 borrow only for the purpose as provided herein:

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

139 Section 3. Paragraph (f) of subsection (6) of section
140 163.3177, Florida Statutes, is amended to read:

141 163.3177 Required and optional elements of comprehensive
142 plan; studies and surveys.—

143 (6) In addition to the requirements of subsections (1)-(5)
144 and (12), the comprehensive plan shall include the following
145 elements:

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

148 a. The provision of housing for all current and anticipated
149 future residents of the jurisdiction.

150 b. The elimination of substandard dwelling conditions.

151 c. The structural and aesthetic improvement of existing
152 housing.

153 d. The provision of adequate sites for future housing,
154 including affordable workforce housing as defined in s.
155 380.0651(3)(j), housing for low-income, very low-income, and
156 moderate-income families, mobile homes, and group home
157 facilities and foster care facilities, with supporting
158 infrastructure and public facilities. The element may include
159 provisions that specifically address affordable housing for
160 persons 60 years of age or older. Real property that is conveyed
161 to a local government for affordable housing under this sub-
162 subparagraph shall be disposed of by the local government
163 pursuant to s. 125.379 or s. 166.0451.

164 e. Provision for relocation housing and identification of
165 historically significant and other housing for purposes of
166 conservation, rehabilitation, or replacement.

167 f. The formulation of housing implementation programs.

168 g. The creation or preservation of affordable housing to
169 minimize the need for additional local services and avoid the
170 concentration of affordable housing units only in specific areas
171 of the jurisdiction.

172 h. Energy efficiency in the design and construction of new
173 housing.

174 i. Use of renewable energy resources.

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

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

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

201 2. To assist local governments in housing data collection
202 and analysis and assure uniform and consistent information
203 regarding the state's housing needs, the state land planning

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204 agency shall conduct an affordable housing needs assessment for
205 all local jurisdictions on a schedule that coordinates the
206 implementation of the needs assessment with the evaluation and
207 appraisal reports required by s. 163.3191. Each local government
208 shall utilize the data and analysis from the needs assessment as
209 one basis for the housing element of its local comprehensive
210 plan. The agency shall allow a local government the option to
211 perform its own needs assessment, if it uses the methodology
212 established by the agency by rule.

213 Section 4. Subsections (9), (10), and (13) of section
214 201.15, Florida Statutes, are amended to read:

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

232 (9) Seven and fifty-three hundredths ~~The lesser of 7.53~~

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233 percent of the remaining taxes ~~or \$107 million~~ in each fiscal
234 year shall be paid into the State Treasury to the credit of the
235 State Housing Trust Fund and used as follows:

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

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

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

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

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

258 (13) In each fiscal year that the remaining taxes exceed
259 collections in the prior fiscal year, the stated maximum dollar
260 amounts provided in subsections (2), (4), (6), and (7), ~~(9), and~~
261 ~~(10)~~ shall each be increased by an amount equal to 10 percent of

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262 the increase in the remaining taxes collected under this chapter
263 multiplied by the applicable percentage provided in those
264 subsections.

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

267 Section 6. Paragraph (c) of subsection (4) of section
268 420.0003, Florida Statutes, is amended to read:

269 420.0003 State housing strategy.-

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

273 (c) The Shimberg Center for Affordable Housing, in
274 consultation with the Department of Community Affairs and the
275 Florida Housing Finance Corporation, shall review and evaluate
276 existing housing rehabilitation, production, and finance
277 programs to determine their consistency with relevant policies
278 in this section and identify the needs of specific populations,
279 including, but not limited to, elderly persons, ~~and~~ handicapped
280 persons, and persons with special needs, and shall recommend
281 statutory modifications where appropriate. The Shimberg Center
282 for Affordable Housing, in consultation with the Department of
283 Community Affairs and the corporation, shall also evaluate the
284 degree of coordination between state housing programs, and
285 between state, federal, and local housing activities, and shall
286 recommend improved program linkages. The recommendations
287 required above and a report of any programmatic modifications
288 made as a result of these policies shall be included in the
289 housing report required by s. 420.6075, beginning December 31,
290 1991, and every 5 years thereafter.

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291 Section 7. Section 420.0004, Florida Statutes, is amended
292 to read:

293 420.0004 Definitions.—As used in this part, unless the
294 context otherwise indicates:

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

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

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

315 (4) "Corporation" means the Florida Housing Finance
316 Corporation.

317 (5) "Community-based organization" or "nonprofit
318 organization" means a private corporation organized under
319 chapter 617 to assist in the provision of housing and related

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320 services on a not-for-profit basis and which is acceptable to
321 federal and state agencies and financial institutions as a
322 sponsor of low-income housing.

323 (6) "Department" means the Department of Community Affairs.

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

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

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

333 (8)-(7) "Elderly" describes persons 62 years of age or
334 older.

335 (9)-(8) "Extremely-low-income persons" means one or more
336 natural persons or a family whose total annual household income
337 does not exceed 30 percent of the median annual adjusted gross
338 income for households within the state. The Florida Housing
339 Finance Corporation may adjust this amount annually by rule to
340 provide that in lower income counties, extremely low income may
341 exceed 30 percent of area median income and that in higher
342 income counties, extremely low income may be less than 30
343 percent of area median income.

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

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

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

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

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

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378 secondary school, career center, community college, college, or
379 university.

380 (15)~~(13)~~ "Substandard" means:

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

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

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

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

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

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

403 420.0006 Authority to contract with corporation; contract
404 requirements; nonperformance.—The secretary of the department
405 shall contract, notwithstanding the provisions of part I of
406 chapter 287, with the Florida Housing Finance Corporation on a

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407 multiyear basis to stimulate, provide, and foster affordable
408 housing in the state. The contract must incorporate the
409 performance measures required by s. 420.511 and must be
410 consistent with the provisions of the corporation's strategic
411 plan prepared in accordance with s. 420.511 ~~and compatible with~~
412 ~~s. 216.0166~~. The contract must provide that, in the event the
413 corporation fails to comply with any of the performance measures
414 required by s. 420.511, the secretary shall notify the Governor
415 and shall refer the nonperformance to the department's inspector
416 general for review and determination as to whether such failure
417 is due to forces beyond the corporation's control or whether
418 such failure is due to inadequate management of the
419 corporation's resources. Advances shall continue to be made
420 pursuant to s. 420.0005 during the pendency of the review by the
421 department's inspector general. If such failure is due to
422 outside forces, it shall not be deemed a violation of the
423 contract. If such failure is due to inadequate management, the
424 department's inspector general shall provide recommendations
425 regarding solutions. The Governor is authorized to resolve any
426 differences of opinion with respect to performance under the
427 contract and may request that advances continue in the event of
428 a failure under the contract due to inadequate management. The
429 Chief Financial Officer shall approve the request absent a
430 finding by the Chief Financial Officer that continuing such
431 advances would adversely impact the state; however, in any event
432 the Chief Financial Officer shall provide advances sufficient to
433 meet the debt service requirements of the corporation and
434 sufficient to fund contracts committing funds from the State
435 Housing Trust Fund so long as such contracts are in accordance

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436 with the laws of this state. ~~The department inspector general~~
437 ~~shall perform for the corporation the functions set forth in s.~~
438 ~~20.055 and report to the secretary of the department. The~~
439 ~~corporation shall be deemed an agency for the purposes of s.~~
440 ~~20.055.~~

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

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

445 (3) The corporation is a separate budget entity and is not
446 subject to control, supervision, or direction by the Department
447 of Community Affairs in any manner, including, but not limited
448 to, personnel, purchasing, transactions involving real or
449 personal property, and budgetary matters. The corporation shall
450 consist of a board of directors composed of the Secretary of
451 Community Affairs as an ex officio and voting member, or a
452 senior-level agency employee designated by the secretary, and
453 eight members appointed by the Governor subject to confirmation
454 by the Senate from the following:

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

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

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

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

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

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

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

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

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

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

489 (2) The appointment and removal of an inspector general
490 shall be by the executive director, with the advice and consent
491 of the corporation's board of directors. The corporation's
492 inspector general shall perform for the corporation the
493 functions set forth in s. 20.055. The inspector general shall

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494 administratively report to the executive director. The inspector
495 general shall meet the minimum qualifications as set forth in s.
496 20.055(4). The corporation may establish additional
497 qualifications deemed necessary by the board of directors to
498 meet the unique needs of the corporation. The inspector general
499 shall be responsible for coordinating the responsibilities set
500 forth in s. 420.0006.

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

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

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

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

522 1. Zero to 3 percent interest for sponsors of projects that

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

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

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

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

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

549 (47) To provide by rule, in connection with any corporation
 550 competitive program, criteria establishing, where all other
 551 competitive elements are equal, a preference for developers and

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552 general contractors who demonstrate the highest rate of Florida
553 job creation in the development and construction of affordable
554 housing domiciled in this state and for developers and general
555 contractors, regardless of domicile, who have substantial
556 experience in developing or building affordable housing through
557 the corporation's programs.

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

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

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

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

577 (3) During the first 6 months of loan or loan guarantee
578 availability, program funds shall be reserved for use by
579 sponsors who provide the housing set-aside required in
580 subsection (2) for the tenant groups designated in this

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581 subsection. The reservation of funds to each of these groups
582 shall be determined using the most recent statewide very-low-
583 income rental housing market study available at the time of
584 publication of each notice of fund availability required by
585 paragraph (6) (b). The reservation of funds within each notice of
586 fund availability to the tenant groups in paragraphs (a), (b),
587 and (e) ~~(d)~~ may not be less than 10 percent of the funds
588 available at that time. Any increase in funding required to
589 reach the 10-percent minimum must be taken from the tenant group
590 that has the largest reservation. The reservation of funds
591 within each notice of fund availability to the tenant group in
592 paragraph (c) may not be less than 5 percent of the funds
593 available at that time. The reservation of funds within each
594 notice of fund availability to the tenant group in paragraph (d)
595 may not be more than 10 percent of the funds available at that
596 time. The tenant groups are:

- 597 (a) Commercial fishing workers and farmworkers;
598 (b) Families;
599 (c) Persons who are homeless;
600 (d) Persons with special needs; and
601 (e) ~~(d)~~ Elderly persons. Ten percent of the amount reserved
602 for the elderly shall be reserved to provide loans to sponsors
603 of housing for the elderly for the purpose of making building
604 preservation, health, or sanitation repairs or improvements
605 which are required by federal, state, or local regulation or
606 code, or lifesafety or security-related repairs or improvements
607 to such housing. Such a loan may not exceed \$750,000 per housing
608 community for the elderly. In order to receive the loan, the
609 sponsor of the housing community must make a commitment to match

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610 at least 5 percent of the loan amount to pay the cost of such
611 repair or improvement. The corporation shall establish the rate
612 of interest on the loan, which may not exceed 3 percent, and the
613 term of the loan, which may not exceed 15 years; however, if the
614 lien of the corporation's encumbrance is subordinate to the lien
615 of another mortgagee, then the term may be made coterminous with
616 the longest term of the superior lien. The term of the loan
617 shall be based on a credit analysis of the applicant. The
618 corporation may forgive indebtedness for a share of the loan
619 attributable to the units in a project reserved for extremely-
620 low-income elderly by nonprofit organizations, as defined in s.
621 420.0004(5), where the project has provided affordable housing
622 to the elderly for 15 years or more. The corporation shall
623 establish, by rule, the procedure and criteria for receiving,
624 evaluating, and competitively ranking all applications for loans
625 under this paragraph. A loan application must include evidence
626 of the first mortgagee's having reviewed and approved the
627 sponsor's intent to apply for a loan. A nonprofit organization
628 or sponsor may not use the proceeds of the loan to pay for
629 administrative costs, routine maintenance, or new construction.

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

635 (c) The corporation shall provide by rule for the
636 establishment of a review committee composed of the department
637 and corporation staff and shall establish by rule a scoring
638 system for evaluation and competitive ranking of applications

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639 submitted in this program, including, but not limited to, the
640 following criteria:

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

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

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

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

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

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

660 5. Provision for tenant counseling.

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

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

667 8. Local government contributions and local government

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668 comprehensive planning and activities that promote affordable
669 housing.

670 9. Project feasibility.

671 10. Economic viability of the project.

672 11. Commitment of first mortgage financing.

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

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

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

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

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

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

686 Section 13. Paragraphs (d), (e), (f), and (g) of subsection
687 (2) of section 163.31771, Florida Statutes, are 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 s.
693 420.0004 (12) ~~(11)~~.

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

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

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

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 housing
734 project or mixed-use project are exempt from the tax imposed by
735 this chapter upon an affirmative showing to the satisfaction of
736 the department that the requirements of this paragraph have been
737 met. This exemption inures to the owner through a refund of
738 previously paid taxes. To receive this refund, the owner must
739 file an application under oath with the department which
740 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
754 penalty of perjury. Copies of invoices evidencing payment of

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755 sales tax must be attached to the sworn statement.

756 3. An application for a refund under this paragraph must be
757 submitted to the department within 6 months after the date the
758 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 established
772 within the Department of Financial Services the My Safe Florida
773 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
782 inspections for owners of site-built, single-family, residential
783 properties and grants to eligible applicants as funding allows.

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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 construction
805 of the home must have been made before March 1, 2002.

806

807 An application for a grant must contain a signed or
808 electronically verified statement made under penalty of perjury
809 that the applicant has submitted only a single application and
810 must have attached documents demonstrating the applicant meets
811 the requirements of this paragraph.

812 (g) Low-income homeowners, as defined in s.

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

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

827 420.503 Definitions.—As used in this part, the term:

828 (19) "Housing for the elderly" means, for purposes of s.
829 420.5087(3)(e)~~(d)~~, any nonprofit housing community that is
830 financed by a mortgage loan made or insured by the United States
831 Department of Housing and Urban Development under s. 202, s. 202
832 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the
833 National Housing Act, as amended, and that is subject to income
834 limitations established by the United States Department of
835 Housing and Urban Development, or any program funded by the
836 Rural Development Agency of the United States Department of
837 Agriculture and subject to income limitations established by the
838 United States Department of Agriculture. A project which
839 qualifies for an exemption under the Fair Housing Act as housing
840 for older persons as defined by s. 760.29(4) shall qualify as
841 housing for the elderly for purposes of s. 420.5087(3)(e)~~(d)~~ and

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

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

863 (2) Notwithstanding ss. 420.507(22)(a) and (23)(a),
864 420.5087(6)(1), 420.5088, 420.5095, and 420.9075(1)(b) and
865 (5)(b), Florida Statutes, funds from the State Housing Trust
866 Fund or the Local Government Housing Trust Fund that are
867 appropriated for use in the State Apartment Incentive Loan
868 Program, Florida Homeownership Assistance Program, Community
869 Workforce Housing Innovation Pilot Program, or the State Housing
870 Initiatives Partnership Program may not be used to:

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

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

879
880 Nothing in this section restricts the use of such funds to
881 assist with the purchase of newly constructed homes that were
882 completed prior to December 31, 2010, or the acquisition and
883 rehabilitation of apartments that received their initial
884 certificate of occupancy prior to December 31, 1996. The use of
885 such funds is subject to the restrictions of the program under
886 which the funding is made available.

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

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