

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 933 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Rouson offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (5) of section 83.56, Florida
7 Statutes, is amended to read:

8 83.56 Termination of rental agreement.—

9 (5) If the landlord accepts rent with actual knowledge of
10 a noncompliance by the tenant or accepts performance by the
11 tenant of any other provision of the rental agreement that is at
12 variance with its provisions, or if the tenant pays rent with
13 actual knowledge of a noncompliance by the landlord or accepts
14 performance by the landlord of any other provision of the rental
15 agreement that is at variance with its provisions, the landlord
16 or tenant waives his or her right to terminate the rental
17 agreement or to bring a civil action for that noncompliance, but
18 not for any subsequent or continuing noncompliance. Any tenant
19 who wishes to defend against an action by the landlord for

Amendment No. 1

20 possession of the unit for noncompliance of the rental agreement
21 or of relevant statutes shall comply with the provisions in s.
22 83.60(2). The court may not set a date for mediation or trial
23 unless the provisions of s. 83.60(2) have been met, but shall
24 enter a default judgment for removal of the tenant with a writ
25 of possession to issue immediately if the tenant fails to comply
26 with s. 83.60(2). This subsection does not apply to that portion
27 of rent subsidies received from a local, state, or national
28 government or an agency of local, state, or national government;
29 however, waiver will occur if an action has not been instituted
30 within 45 days after the landlord has actual knowledge of the
31 noncompliance.

32 Section 2. Subsection (48) is added to section 420.507,
33 Florida Statutes, to read:

34 420.507 Powers of the corporation.—The corporation shall
35 have all the powers necessary or convenient to carry out and
36 effectuate the purposes and provisions of this part, including
37 the following powers which are in addition to all other powers
38 granted by other provisions of this part:

39 (48) To utilize up to 10 percent of its annual allocation
40 of low-income housing tax credits, allocation of nontaxable
41 revenue bonds, and State Apartment Incentive Loan Program funds
42 appropriated by the Legislature and available to allocate by
43 request for proposals or other competitive solicitation funding
44 for high-priority affordable housing projects, such as housing
45 to support economic development and job creation initiatives,
46 housing for veterans and their families, and other special needs

Amendment No. 1

47 populations in communities throughout the state as determined by
48 the corporation on an annual basis.

49 Section 2. Section 421.02, Florida Statutes, is amended to
50 read:

51 421.02 Finding and declaration of necessity.—It is hereby
52 declared that:

53 (1) There exist in the state insanitary or unsafe dwelling
54 accommodations and that persons of low income are forced to
55 reside in such insanitary or unsafe accommodations; that within
56 the state there is a shortage of safe or sanitary dwelling
57 accommodations available at rents which persons of low income
58 can afford and that such persons are forced to occupy
59 overcrowded and congested dwelling accommodations; that such the
60 ~~aforsaid~~ conditions cause an increase in and spread of disease
61 and crime and constitute a menace to the health, safety, morals,
62 and welfare of the residents of the state and impair economic
63 values; and that these conditions necessitate excessive and
64 disproportionate expenditures of public funds for crime
65 prevention and punishment, public health, welfare and safety,
66 fire and accident protection, and other public services and
67 facilities.

68 (2) Blighted areas in the state cannot be revitalized, nor
69 can the shortage of safe and sanitary dwellings for persons of
70 low income be relieved, solely through the operation of private
71 enterprise.

72 (3) The clearance, replanning, and reconstruction of the
73 areas in which insanitary or unsafe housing conditions exist,
74 ~~and~~ the providing of safe and sanitary dwelling accommodations,

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

Amendment No. 1

75 and the access to essential commercial goods and services
76 necessary for daily living for persons of low income, including
77 the acquisition by a housing authority of property to be used
78 for or in connection with housing projects or appurtenant
79 thereto, are exclusively public uses and purposes for which
80 public money may be spent and private property acquired and are
81 governmental functions of public concern.

82 (4) An important public purpose is served by providing
83 access to essential commercial goods and services necessary for
84 daily living for persons served by public housing authorities as
85 those persons often have limited transportation capacity and
86 significant family demands. Issues such as limited
87 transportation capacity and significant family demands
88 complicate daily living and make access to essential commercial
89 goods and services difficult.

90 (5)-(4) The necessity in the public interest for the
91 provisions hereinafter enacted, is hereby declared ~~as~~ a matter
92 of legislative determination.

93 Section 3. Section 421.03, Florida Statutes, is amended to
94 read:

95 421.03 Definitions. ~~As used~~ The following terms, wherever
96 ~~used or referred to~~ in this part, except where the context
97 clearly indicates otherwise, the term shall have the following
98 ~~respective meanings for the purposes of this part, unless a~~
99 ~~different meaning clearly appears from the context:~~

100 (1)-(6) "Area of operation":

101 (a) In the case of a housing authority of a city having a
102 population of less than 25,000, includes ~~shall include~~ such city

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

Amendment No. 1

103 and the area within 5 miles of its ~~the~~ territorial boundaries
104 ~~thereof.~~; and

105 (b) In the case of a housing authority of a city having a
106 population of 25,000 or more includes ~~shall include~~ such city
107 and the area within 10 miles from its ~~the~~ territorial
108 boundaries. ~~thereof; provided~~ However, ~~that~~ the area of
109 operation of a housing authority of a ~~any~~ city may ~~shall~~ not
110 include any area that ~~which~~ lies within the territorial
111 boundaries of another ~~some other~~ city ~~as herein defined;~~ and may
112 ~~further provided that the area of operation shall~~ not extend
113 outside ~~of~~ the boundaries of the county in which the city is
114 located, and a ~~no~~ housing authority has no ~~shall have any~~ power
115 or jurisdiction outside ~~of~~ the county in which the city is
116 located.

117 (2) ~~(1)~~ "Authority" or "housing authority" means ~~shall~~
118 ~~mean any of the public corporation corporations~~ created pursuant
119 to ~~by~~ s. 421.04.

120 (3) ~~(2)~~ "City" means ~~shall mean~~ any city or town of the
121 state having a population of more than 2,500, according to the
122 last preceding federal or state census. The term means ~~"The~~
123 ~~city" shall mean~~ the particular city for which a particular
124 housing authority is created.

125 (4) ~~(5)~~ "Clerk" means ~~shall mean~~ the clerk of the city or
126 the officer of the city charged with the duties customarily
127 imposed on the clerk ~~thereof~~.

128 (5) ~~(11)~~ "Debentures" means ~~shall mean~~ any notes, interim
129 certificates, debentures, revenue certificates, or other
130 obligations issued by an authority pursuant to this chapter.

Amendment No. 1

131 (6) "Essential commercial goods and services" means goods,
132 such as groceries and clothing, and services, such as child
133 care, K-12 education, financial services, job training and
134 placement, and laundry facilities, that are collocated with
135 dwelling accommodations of a housing authority, that are
136 necessary for daily living, and that may be difficult for
137 persons of low income to access unless collocated with the
138 housing project where they live and substantially serving
139 persons of low income.

140 (7) "Federal Government" means ~~shall include~~ the United
141 States Government, ~~the Federal Emergency Administration of~~
142 ~~Public Works~~ or any department, commission, other agency, or
143 other instrumentality thereof, corporate or otherwise, of the
144 ~~United States.~~

145 (8)-(3) "Governing body" means ~~shall mean~~ the city council,
146 the commission, or other legislative body charged with governing
147 the city, as the case may be.

148 (9) "Housing project" means ~~shall mean~~ any work or
149 undertaking:

150 (a) To demolish, clear, or remove buildings from any slum
151 area, which; ~~such work or undertaking~~ may embrace the adaption
152 of such area to public purposes, including parks or other
153 recreational or community purposes; ~~or~~

154 (b) To provide decent, safe, and sanitary urban or rural
155 dwellings, apartments, or other living accommodations for
156 persons of low income, which; ~~such work or undertaking~~ may
157 include buildings, land, equipment, facilities, and other real
158 or personal property for necessary, convenient, or desirable

Amendment No. 1

159 appurtenances, streets, sewers, water service, parks, site
160 preparation, gardening, administrative, community, health,
161 recreational, educational, welfare, or other purposes; ~~or~~

162 (c) To provide access to essential commercial goods and
163 services; or

164 (d) ~~(e)~~ To accomplish a combination of the foregoing.

165
166 The term "~~housing project~~" also applies ~~may be applied~~ to the
167 planning of the buildings and improvements, the acquisition of
168 property, the demolition of existing structures, the
169 construction, reconstruction, alteration, and repair of the
170 improvements, and all other work in connection therewith.

171 (10) ~~(4)~~ "Mayor" means ~~shall mean~~ the mayor of the city or
172 the officer thereof charged with the duties customarily imposed
173 on the mayor or executive head of the city.

174 (11) ~~(13)~~ "Obligee of the authority" or "obligee" includes
175 ~~shall include~~ any holder of debentures, trustee or trustees for
176 any such holders, or lessor demising to the authority property
177 used in connection with a housing project, or any assignee or
178 assignees of such lessor's interest or any part thereof, and the
179 Federal Government when it is a party to any contract with the
180 authority.

181 (12) ~~(10)~~ "Persons of low income" means ~~shall mean~~ persons
182 or families who lack the amount of income which is necessary, as
183 determined by the authority undertaking the housing project, to
184 enable them, without financial assistance, to live in decent,
185 safe and sanitary dwellings, without overcrowding.

Amendment No. 1

186 ~~(13)-(12)~~ "Real property" includes ~~shall include~~ all lands,
187 including improvements and fixtures thereon, and property of any
188 nature appurtenant thereto, or used in connection therewith, and
189 every estate, interest and right, legal or equitable, therein,
190 including terms for years and liens by way of judgment, mortgage
191 or otherwise and the indebtedness secured by such liens.

192 ~~(14)-(8)~~ "Slum" means ~~shall mean~~ any area where dwellings
193 predominate which, by reason of dilapidation, overcrowding,
194 faulty arrangement or design, lack of ventilation, light or
195 sanitary facilities, or any combination of these factors, are
196 detrimental to safety, health and morals.

197 Section 4. Section 421.06, Florida Statutes, is amended to
198 read:

199 421.06 Commissioners or employees prohibited from
200 acquiring interests in housing projects and required to disclose
201 interests in specified properties; exception.—Except for the
202 leasehold interest held by a tenant-commissioner in the housing
203 project in which he or she is a tenant, no commissioner or
204 employee of an authority shall acquire any interest, direct or
205 indirect, in any housing project or in any property included or
206 planned to be included in any project, nor shall he or she have
207 any interest, direct or indirect, in any contract or proposed
208 contract for materials or services to be furnished or used in
209 connection with any housing project. If a commissioner or
210 employee of an authority owns or controls an interest, direct or
211 indirect, in any property included or planned to be included in
212 any housing project, he or she shall immediately disclose the
213 same in writing to the authority. Such disclosure shall be

Amendment No. 1

214 entered upon the minutes of the authority. Failure so to
215 disclose such interest constitutes misconduct in office.
216 Provisions of this section shall also apply to any commercial
217 projects authorized in this chapter.

218 Section 5. Section 421.08, Florida Statutes, is amended to
219 read:

220 421.08 Powers of authority.-

221 (1) An authority shall constitute a public body corporate
222 and politic, exercising the public and essential governmental
223 functions set forth in this chapter, and having all the powers
224 necessary or convenient to carry out and effectuate the purpose
225 and provisions of this chapter, including the following powers
226 in addition to others ~~herein~~ granted in this chapter:

227 (a) ~~(1)~~ To sue and be sued; to have a seal and to alter it
228 ~~the same~~ at pleasure; to have perpetual succession; to make and
229 execute contracts and other instruments necessary or convenient
230 to the exercise of the powers of the authority; to appear in
231 court through any of its officers, agents, or employees, for the
232 exclusive purpose of filing eviction papers; and to make and
233 from time to time amend and repeal bylaws, rules and
234 regulations, not inconsistent with this chapter, to carry into
235 effect the powers and purposes of the authority.

236 (b) ~~(2)~~ Within its area of operation, to prepare, carry
237 out, acquire, lease, and operate housing projects and ~~to~~
238 provide for the construction, reconstruction, improvement,
239 alteration, or repair of any housing project or any part
240 thereof.

Amendment No. 1

241 ~~(c) (3)~~ To arrange or contract for the furnishing by any
242 person or agency, public or private, of services, privileges,
243 works, or facilities for, or in connection with, a housing
244 project or the occupants thereof. ~~; provided, however, that~~

245 1. Notwithstanding any other power or provision in this
246 chapter, the authority may ~~shall~~ not construct, lease, control,
247 purchase, or otherwise establish, in connection with or as a
248 part of any housing project or any other real or any other
249 property under its control, any system, work, facilities,
250 plants, or other equipment for the purpose of furnishing utility
251 service of any kind to such projects or to any tenant or
252 occupant thereof if ~~in the event that~~ a system, work, facility,
253 plant, or other equipment for the furnishing of the same utility
254 service is being ~~actually~~ operated by a municipality or private
255 concern in the area of operation or the city or the territory
256 immediately adjacent thereto; ~~provided, further,~~ but this does
257 not that nothing herein shall be construed to prohibit the
258 construction or acquisition by the authority of any system,
259 work, facilities, or other equipment for the sole and only
260 purpose of receiving utility services from any such municipality
261 or such private concern and then distributing such utility
262 services to the project and to the tenants and occupants
263 thereof. ~~; and,~~

264 2. Notwithstanding ~~anything to the contrary contained in~~
265 ~~this chapter or in~~ any other provision of law, the authority may
266 ~~to~~ include, in any contract let in connection with a project,
267 stipulations requiring that the contractor and any
268 subcontractors comply with requirements as to minimum wages and

Amendment No. 1

269 maximum hours of labor, ~~and comply~~ with any conditions which the
270 Federal Government may have attached to its financial aid of the
271 project.

272 (d)~~(4)~~ To lease or rent any dwellings, houses,
273 accommodations, lands, buildings, structures, or facilities
274 embraced in any housing project and, subject to the limitations
275 contained in this chapter, to establish and revise the rents or
276 charges therefor; to own, hold, and improve real or personal
277 property; to purchase, lease, obtain options upon, acquire by
278 gift, grant, bequest, devise, or otherwise any real or personal
279 property or any interest therein; to acquire by the exercise of
280 the power of eminent domain any real property, except real
281 property to be used to provide access to essential commercial
282 goods and services; to sell, lease, exchange, transfer, assign,
283 pledge, or dispose of any real or personal property or any
284 interest therein; to insure or provide for the insurance of any
285 real or personal property or operations of the authority against
286 any risks or hazards; and to procure or agree to the procurement
287 of insurance or guarantees from the Federal Government of the
288 payment of any such debts or parts thereof, whether or not
289 incurred by the ~~said~~ authority, including the power to pay
290 premiums on any such insurance.

291 (e)~~(5)~~ To invest any funds held in reserves or sinking
292 funds, or any funds not required for immediate disbursement, in
293 property or securities in which savings banks may legally invest
294 funds subject to their control and, ~~to purchase its debentures~~
295 at a price not exceeding ~~more than~~ the principal amount thereof

Amendment No. 1

296 and accrued interest, with all debentures so purchased to be
297 canceled.

298 ~~(f)-(6)~~ Within its area of operation: to investigate into
299 living, dwelling, and housing conditions and into the means and
300 methods of improving such conditions; to determine where slum
301 areas exist or where there is a shortage of decent, safe, and
302 sanitary dwelling accommodations for persons of low income; to
303 make studies and recommendations relating to the problem of
304 clearing, replanning, and reconstruction of slum areas and the
305 problem of providing dwelling accommodations for persons of low
306 income; to administer fair housing ordinances and other
307 ordinances as adopted by cities, counties, or other authorities
308 who wish to contract for administrative services and to
309 cooperate with the city, the county, or the state or any
310 political subdivision thereof in action taken in connection with
311 such problems; and to engage in research, studies, and
312 experimentation on the subject of housing.

313 ~~(g)-(7)~~ Acting through one or more commissioners or other
314 person or persons designated by the authority:~~;~~ to conduct
315 examinations and investigations and to hear testimony and take
316 proof under oath at public or private hearings on any matter
317 material for its information; to administer oaths, issue
318 subpoenas requiring the attendance of witnesses or the
319 production of books and papers, and ~~to~~ issue commissions for the
320 examination of witnesses who are outside ~~of~~ the state, or ~~are~~ unable
321 to attend before the authority, or excused from attendance; and
322 to make available to appropriate agencies, including those
323 charged with the duty of abating or requiring the correction of

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

Amendment No. 1

324 nuisances or like conditions, or of demolishing unsafe or
325 insanitary structures within its area of operation, its findings
326 and recommendations with regard to any building or property
327 where conditions exist which are dangerous to the public health,
328 morals, safety, or welfare.

329 ~~(h)(8)(a)~~ To organize for the purpose of creating a for-
330 profit or not-for-profit corporation, limited liability company,
331 or other similar business entity pursuant to all applicable laws
332 of this state in which the housing authority may hold an
333 ownership interest or participate in its governance in order to
334 develop, acquire, lease, construct, rehabilitate, manage, or
335 operate multifamily or single-family residential projects and
336 commercial projects that allow access to essential goods and
337 services for persons of low income residing in such residential
338 projects.

339 1. These projects may include nonresidential uses and may
340 use public and private funds to serve individuals or families
341 who meet the applicable income requirements of the state or
342 federal program involved; whose income does not exceed 150
343 percent of the applicable median income for the area, as
344 established by the United States Department of Housing and Urban
345 Development; and who, in the determination of the housing
346 authority, lack sufficient income or assets to enable them to
347 purchase or rent a decent, safe, and sanitary dwelling. These
348 corporations, limited liability companies, or other business
349 entities may join partnerships, joint ventures, or limited
350 liability companies pursuant to applicable laws or may otherwise
351 engage with business entities in developing, acquiring, leasing,

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

Amendment No. 1

352 constructing, rehabilitating, managing, or operating such
353 projects.

354 ~~2.(b)~~ The creation by a housing authority of such a
355 corporation, limited liability company, or other business entity
356 that is properly registered pursuant to all applicable laws
357 before the effective date of this act is ratified and validated
358 if the creation of such corporation, limited liability company,
359 or other business entity would have been valid had this act been
360 in effect at the time such corporation, limited liability
361 company, or other business entity was created and registered.

362 ~~3.(e)~~ Proceedings or acts performed by a housing authority
363 or a corporation, limited liability company, or other business
364 entity authorized pursuant to subparagraph 2. ~~paragraph (b)~~ are
365 ratified and validated if such proceedings or acts were in
366 furtherance of the purposes set forth in this chapter and would
367 have been valid had this act been in effect at the time such
368 proceedings or acts were performed.

369 ~~(i)(9)~~ Notwithstanding s. 112.061, to ~~the governing board~~
370 ~~of an authority may~~ approve and implement policies for per diem,
371 travel, and other expenses of its officials, officers, board
372 members, employees, and authorized persons in a manner
373 consistent with federal guidelines.

374 ~~(j)(10)~~ To exercise all or any part or combination of
375 powers ~~herein~~ granted in this section. ~~No~~ Provisions of law
376 relating with respect to acquisition, operation, or disposition
377 of property by other public bodies do not apply ~~shall be~~
378 ~~applicable~~ to an authority unless the Legislature ~~shall~~
379 specifically states so ~~state~~.

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

Amendment No. 1

380 (2) Any revenue received by a housing authority from
381 commercial projects that provide access to essential goods and
382 services necessary for daily living of persons residing in
383 housing projects must be used exclusively to upgrade and improve
384 living conditions in the housing project or to preserve and
385 rehabilitate public or affordable housing managed by the housing
386 authority.

387 Section 6. Subsection (2) of section 421.09, Florida
388 Statutes, is amended to read:

389 421.09 Operation not for profit.—

390 (2) This section does not prohibit or restrict the
391 activities or operations of a business entity created under s.
392 421.08(1)(h) ~~421.08(8)~~.

393 Section 7. Section 421.21, Florida Statutes, is reenacted
394 and amended to read:

395 421.21 Aid from Federal Government; tax exemptions.—

396 (1) In addition to the powers conferred upon an authority
397 by other provisions of this chapter, an authority is empowered
398 to borrow money or accept grants or other financial assistance
399 from the Federal Government for or in aid of any housing project
400 within its area of operation, to take over or lease or manage
401 any housing project or undertaking constructed or owned by the
402 Federal Government, and to these ends, to comply with such
403 conditions and enter into such trust indentures, leases or
404 agreements as may be necessary, convenient or desirable. It is
405 the purpose and intent of this chapter to authorize every
406 authority to do any and all things necessary or desirable to
407 secure the financial aid or cooperation of the Federal

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

Amendment No. 1

408 Government in the undertaking, construction, maintenance, or
409 operation of any housing project by such authority.

410 (2) In addition to the powers conferred upon an authority
411 by subsection (1) and other provisions of this chapter, an
412 authority is empowered to borrow money or accept grants or other
413 financial assistance from the Federal Government under s. 202 of
414 the Housing Act of 1959 (Pub. L. No. 86-372) or any law or
415 program of the United States Department of Housing and Urban
416 Development, which provides for direct federal loans in the
417 maximum amount, as defined therein, for the purpose of assisting
418 certain nonprofit corporations to provide housing and related
419 facilities for elderly families and elderly persons.

420 (a) Housing authorities created under this section are
421 authorized to execute mortgages, notes, bills, or other forms of
422 indebtedness together with any agreements, contracts, or other
423 instruments required by the United States Department of Housing
424 and Urban Development in connection with loans made for the
425 purposes set forth in this subsection.

426 (b) This provision relating to housing facilities for the
427 elderly is cumulative and in addition to the powers given to
428 housing authorities under this chapter. All powers granted
429 generally by law to housing authorities in Florida relating to
430 issuance of trust indentures, debentures, and other methods of
431 raising capital ~~shall~~ apply also to housing authorities in
432 connection with their participation in programs of the United
433 States Department of Housing and Urban Development.

434 (3) It is the legislative intent that the tax exemption of
435 housing authorities provided by chapter 423, ~~shall~~ specifically

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

Amendment No. 1

436 applies ~~apply~~ to any housing authority created under this
437 section.

438 Section 8. Section 421.32, Florida Statutes, is amended to
439 read:

440 421.32 Rural housing projects.—County housing authorities
441 and regional housing authorities are specifically empowered and
442 authorized to borrow money, accept grants, and exercise their
443 other powers to provide housing for farmers of low income and
444 domestic farm labor as defined in s. 514 of the Federal Housing
445 Act of 1949. In connection with such projects, any such housing
446 authority may enter into such leases or purchase agreements,
447 accept such conveyances and rent or sell dwellings forming part
448 of such projects to or for farmers of low income, as such
449 housing authority deems necessary in order to ensure ~~assure~~ the
450 achievement of the objectives of this law. Such leases,
451 agreements, or conveyances may include such covenants as the
452 housing authority deems appropriate regarding such dwellings and
453 the tracts of land described in any such instrument, which
454 covenants shall be deemed to run with the land where the housing
455 authority deems it necessary and the parties to such instrument
456 so stipulate. In providing housing for farmers of low income,
457 county housing authorities and regional housing authorities are
458 ~~shall not be~~ subject to the limitations provided in ss.
459 421.08(1)(c) ~~421.08(3)~~ and 421.10(3). ~~Nothing contained in This~~
460 section may not ~~shall~~ be construed as limiting any other powers
461 of any housing authority.

462 Section 9. Section 422.02, Florida Statutes, is amended to
463 read:

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

Amendment No. 1

464 422.02 Finding and declaration of necessity.—It has been
465 found and declared in the Housing Authorities Law that there
466 exist in the state unsafe and insanitary housing conditions and
467 a shortage of safe and sanitary dwelling accommodations and
468 access to essential commercial goods and services necessary for
469 daily living for persons of low income; that these conditions
470 necessitate excessive and disproportionate expenditures of
471 public funds for crime prevention and punishment, public health,
472 welfare and safety, fire and accident protection, and other
473 public services and facilities; and that the public interest
474 requires the remedying of these conditions. It is found and
475 declared that the assistance herein provided for the remedying
476 of the conditions set forth in the Housing Authorities Law
477 constitutes a public use and purpose and an essential
478 governmental function for which public moneys may be spent and
479 other aid given; that it is a proper public purpose for any
480 state public body to aid any housing authority operating within
481 its boundaries or jurisdiction or any housing project located
482 therein, as the state public body derives immediate benefits and
483 advantages from such an authority or project; and that the
484 provisions hereinafter enacted are necessary in the public
485 interest.

486 Section 10. Section 422.04, Florida Statutes, is amended
487 to read:

488 422.04 Cooperation in undertaking housing projects.—

489 (1) For the purpose of aiding and cooperating in the
490 planning, undertaking, construction, or operation of housing
491 projects located within the area in which it is authorized to

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

Amendment No. 1

492 act, any state public body may, upon such terms, with or without
493 consideration, as it may determine:

494 (a) Dedicate, sell, convey, or lease any of its property
495 to a housing authority or the Federal Government.

496 (b) Cause parks; playgrounds; recreational, community,
497 educational, water, sewer, or drainage facilities; commercial
498 projects that allow access to essential goods and services for
499 persons of low income residing in housing projects; or any other
500 works, ~~which~~ it is otherwise empowered to undertake, to be
501 furnished adjacent to or in connection with housing projects.

502 (c) Furnish, dedicate, close, pave, install, grade,
503 regrade, plan, or replan streets, roads, roadways, alleys,
504 sidewalks, or other places ~~which~~ it is otherwise empowered to
505 undertake.

506 (d) Plan or replan, zone or rezone any part of such state
507 public body; make exceptions from building regulations and
508 ordinances; and, with respect to any city or town, also may
509 change its map.

510 (e) Enter into agreements, which may extend over any
511 period, notwithstanding any provision or rule of law to the
512 contrary, with a housing authority or the Federal Government
513 respecting action to be taken by such state public body pursuant
514 to any of the powers granted by this chapter.

515 (f) Do any and all things, necessary, or convenient to aid
516 and cooperate in the planning, undertaking, construction, or
517 operation of such housing projects.

Amendment No. 1

518 (g) Purchase or legally invest in any of the debentures of
519 a housing authority and exercise all of the rights of any holder
520 of such debentures.†

521 (h) Not require any changes to be made in a housing
522 project or the manner of its construction or take any other
523 action relating to such construction with respect to any housing
524 project which a housing authority has acquired or taken over
525 from the Federal Government and which the housing authority by
526 resolution has found and declared to have been constructed in a
527 manner that will promote the public interest and afford
528 necessary safety, sanitation, and other protection.† ~~no state~~
529 ~~public body shall require any changes to be made in the housing~~
530 ~~project or the manner of its construction or take any other~~
531 ~~action relating to such construction;~~

532 (i) Incur the entire expense of ~~In connection with~~ any
533 public improvements made by the a state public body in
534 exercising the powers herein granted, ~~such state public body may~~
535 ~~incur the entire expense thereof.~~

536 (2) Any law or statute to the contrary notwithstanding,
537 any sale, conveyance, lease, or agreement provided for in this
538 section may be made by a state public body without appraisal,
539 public notice, advertisement, or public bidding.

540 Section 11. Section 423.01, Florida Statutes, is amended
541 to read:

542 423.01 Finding and declaration of property of tax
543 exemption for housing authorities.—It has been found and
544 declared in the Housing Authorities Law and the Housing
545 Cooperation Law that:

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

Amendment No. 1

546 (1) There exist in the state housing conditions that ~~which~~
547 constitute a menace to the health, safety, morals, and welfare
548 of the residents of the state;

549 (2) These conditions necessitate excessive and
550 disproportionate expenditures of public funds for crime
551 prevention and punishment, public health, welfare and safety,
552 fire and accident prevention, and other public services and
553 facilities;

554 (3) The public interest requires the remedying of these
555 conditions by the creation of housing authorities to undertake
556 projects for slum clearance and for providing safe and sanitary
557 dwelling accommodations and access to essential commercial goods
558 and services necessary for daily living for persons who lack
559 sufficient income to enable them to live in decent, safe, and
560 sanitary dwellings without overcrowding; ~~and~~

561 (4) Facilities made available by housing authorities to
562 provide access to essential goods and services necessary for
563 daily living for persons residing in housing projects are a
564 critical component of those housing projects and constitute a
565 public use and a governmental function; and

566 (5) ~~(4)~~ Such housing projects, including all property of a
567 housing authority used for or in connection therewith or
568 appurtenant thereto and all property used to provide access to
569 essential goods and services necessary for daily living for
570 persons residing in such housing projects, are exclusively for
571 public uses and municipal purposes and not for profit, and are
572 governmental functions of state concern. As a matter of
573 legislative determination, it is found and declared that the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 933 (2012)

Amendment No. 1

574 property and debentures of a housing authority are of such
575 character as may be exempt from taxation.

576 Section 12. Section 423.02, Florida Statutes, is amended
577 to read:

578 423.02 Housing projects exempted from taxes and
579 assessments; payments in lieu thereof.—The housing projects,
580 including all property of housing authorities used for or in
581 connection therewith or appurtenant thereto, of housing
582 authorities are ~~shall be~~ exempt from all taxes and special
583 assessments of the state or any city, town, county, or political
584 subdivision of the state. ~~provided, However, that~~ in lieu of
585 such taxes or special assessments, a housing authority may agree
586 to make payments to any city, town, county, or political
587 subdivision of the state for services, improvements, or
588 facilities furnished by such city, town, county, or political
589 subdivision for the benefit of a housing project owned by the
590 housing authority, but ~~in no event shall~~ such payments may not
591 exceed the estimated cost ~~to such city, town, county, or~~
592 ~~political subdivision~~ of the services, improvements, or
593 facilities to be ~~se~~ furnished by the city, town, county, or
594 political subdivision of the state. This section does not
595 exempt the activities or property of a person that provides
596 essential commercial goods and services; however, the real
597 property of a housing authority which is used to provide access
598 to essential commercial goods and services is exempt from ad
599 valorem taxes and special assessments.

600 Section 13. Paragraph (a) of subsection (1) of section
601 624.46226, Florida Statutes, is amended to read:

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

Amendment No. 1

602 624.46226 Public housing authorities self-insurance funds;
603 exemption for taxation and assessments.—

604 (1) Notwithstanding any other provision of law, any two or
605 more public housing authorities in the state as defined in
606 chapter 421 may form a self-insurance fund for the purpose of
607 pooling and spreading liabilities of its members as to any one
608 or combination of casualty risk or real or personal property
609 risk of every kind and every interest in such property against
610 loss or damage from any hazard or cause and against any loss
611 consequential to such loss or damage, provided the self-
612 insurance fund that is created:

613 (a) Has annual normal premiums in excess of \$4 ~~\$5~~ million.
614 Section 14. This act shall take effect July 1, 2012.

615

616

617

618

619

T I T L E A M E N D M E N T

620

Remove lines 3-42 and insert:

621

83.56, F.S.; revising provisions for terminating a

622

rental agreement that involves rent subsidies received

623

from a local, state, or national government; amending

624

s. 420.507, F.S.; authorizing the Florida Housing

625

Finance Corporation to set aside a portion of its

626

federal and state funding to fund housing for economic

627

development initiatives, veterans' housing, and

628

housing for other special needs populations;

629

authorizing the use of competitive requests for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 933 (2012)

Amendment No. 1

630 proposal to fund projects; amending s. 421.02, F.S.;

631 revising a declaration of necessity; providing that

632 access to essential commercial goods and services for

633 persons of low income served by housing authorities is

634 a public use; amending s. 421.03, F.S.; reordering and

635 revising definitions applicable to the Housing

636 Authorities Law; revising the definition of the term

637 "housing project"; defining the term "essential

638 commercial goods and services"; amending s. 421.06,

639 F.S., prohibiting commissioner interests in commercial

640 properties and requiring disclosures; amending s.

641 421.08, F.S.; prohibiting the use of eminent domain

642 for certain purposes; expanding certain powers of

643 housing authorities to include certain commercial

644 projects providing essential goods and services;

645 providing for the use of revenues received from such

646 projects; amending s. 421.09, F.S.; conforming a

647 cross-reference; reenacting and amending s. 421.21,

648 F.S., relating to tax exemptions applicable to housing

649 authorities created pursuant to certain federal

650 programs; amending s. 421.32, F.S.; conforming a

651 cross-reference; amending s. 422.02, F.S.; revising a

652 declaration of necessity; providing that there exists

653 a shortage of access to essential commercial goods and

654 services necessary for daily living for persons of low

655 income; amending s. 422.04, F.S.; expanding certain

656 powers of state public bodies to include certain

657 commercial projects providing essential goods and

465305 - h0933-strike.docx

Published On: 2/23/2012 8:30:13 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 933 (2012)

Amendment No. 1

658 services; amending s. 423.01, F.S.; revising and
659 providing findings and declarations of property of tax
660 exemption for housing authorities relating to access
661 to essential commercial goods and services necessary
662 for daily living for persons of low income; amending
663 s. 423.02, F.S.; clarifying that activities or
664 property of certain persons is not exempt from taxes
665 and special assessments; providing that real property
666 of a housing authority which is used to provide access
667 to essential commercial goods and services is exempt
668 from ad valorem taxes and special assessments;
669 amending s. 624.46226, F.S.; revising requirements for
670 public housing authorities to form self-insurance
671 funds;
672