

By Senator Thompson

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1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 83.56, F.S.; revising provisions for terminating a
4 rental agreement that involves rent subsidies received
5 from a local, state, or national government; amending
6 s. 421.02, F.S.; revising a declaration of necessity;
7 providing that access to essential commercial goods
8 and services for persons of low income served by
9 housing authorities is a public use; amending s.
10 421.03, F.S.; revising definitions applicable to the
11 Housing Authorities Law; defining the term "essential
12 commercial goods and services"; amending s. 421.06,
13 F.S., relating to a prohibition on commissioners or
14 employees from acquiring interests in housing projects
15 and to required disclosure of interests in specified
16 properties; providing application to commercial
17 projects; amending s. 421.08, F.S.; prohibiting the
18 use of eminent domain for certain purposes; expanding
19 certain powers of housing authorities to include
20 certain commercial projects providing essential goods
21 and services; providing for the use of revenues
22 received from such projects; amending s. 421.09, F.S.;
23 conforming a cross-reference; reenacting and amending
24 s. 421.21, F.S., relating to tax exemptions applicable
25 to housing authorities created pursuant to certain
26 federal programs; amending s. 421.32, F.S.; conforming
27 a cross-reference; amending s. 422.02, F.S.; revising
28 a declaration of necessity; providing that there
29 exists a shortage of access to essential commercial

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30 goods and services necessary for daily living for
31 persons of low income; amending s. 422.04, F.S.;
32 expanding certain powers of state public bodies to
33 include certain commercial projects providing
34 essential goods and services; amending s. 423.01,
35 F.S.; revising and providing findings and declarations
36 of property of tax exemption for housing authorities
37 relating to access to essential commercial goods and
38 services necessary for daily living for persons of low
39 income; amending s. 423.02, F.S.; clarifying that
40 activities and property of certain persons are not
41 exempt from taxes and special assessments; providing
42 that real property of a housing authority that is used
43 to provide access to essential commercial goods and
44 services is exempt from ad valorem taxes and special
45 assessments; amending s. 624.46226, F.S.; revising
46 requirements for public housing authorities to form
47 self-insurance funds; amending s. 893.13, F.S.;
48 conforming a cross-reference; providing an effective
49 date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Subsection (5) of section 83.56, Florida
54 Statutes, is amended to read:

55 83.56 Termination of rental agreement.—

56 (5) If the landlord accepts rent with actual knowledge of a
57 noncompliance by the tenant or accepts performance by the tenant
58 of any other provision of the rental agreement that is at

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59 variance with its provisions, or if the tenant pays rent with
60 actual knowledge of a noncompliance by the landlord or accepts
61 performance by the landlord of any other provision of the rental
62 agreement that is at variance with its provisions, the landlord
63 or tenant waives his or her right to terminate the rental
64 agreement or to bring a civil action for that noncompliance, but
65 not for any subsequent or continuing noncompliance. Any tenant
66 who wishes to defend against an action by the landlord for
67 possession of the unit for noncompliance of the rental agreement
68 or of relevant statutes shall comply with the provisions in s.
69 83.60(2). The court may not set a date for mediation or trial
70 unless the provisions of s. 83.60(2) have been met, but shall
71 enter a default judgment for removal of the tenant with a writ
72 of possession to issue immediately if the tenant fails to comply
73 with s. 83.60(2). This subsection does not apply to that portion
74 of rent subsidies received from a local, state, or national
75 government or an agency of local, state, or national government;
76 however, waiver will occur if an action has not been instituted
77 within 45 days after the landlord has actual knowledge of the
78 noncompliance.

79 Section 2. Section 421.02, Florida Statutes, is amended to
80 read:

81 421.02 Finding and declaration of necessity.—It is hereby
82 declared that:

83 (1) There exist in the state insanitary or unsafe dwelling
84 accommodations and that persons of low income are forced to
85 reside in such insanitary or unsafe accommodations; that within
86 the state there is a shortage of safe or sanitary dwelling
87 accommodations available at rents which persons of low income

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88 can afford and that such persons are forced to occupy
89 overcrowded and congested dwelling accommodations; that such the
90 ~~aforsaid~~ conditions cause an increase in and spread of disease
91 and crime and constitute a menace to the health, safety, morals,
92 and welfare of the residents of the state and impair economic
93 values; and that these conditions necessitate excessive and
94 disproportionate expenditures of public funds for crime
95 prevention and punishment, public health, welfare and safety,
96 fire and accident protection, and other public services and
97 facilities.

98 (2) Blighted areas in the state cannot be revitalized, nor
99 can the shortage of safe and sanitary dwellings for persons of
100 low income be relieved, solely through the operation of private
101 enterprise.

102 (3) The clearance, replanning, and reconstruction of the
103 areas in which insanitary or unsafe housing conditions exist,
104 ~~and~~ the providing of safe and sanitary dwelling accommodations,
105 and the access to essential commercial goods and services
106 necessary for daily living for persons of low income, including
107 the acquisition by a housing authority of property to be used
108 for or in connection with housing projects or appurtenant
109 thereto, are exclusively public uses and purposes for which
110 public money may be spent and private property acquired and are
111 governmental functions of public concern.

112 (4) An important public purpose is served by providing
113 access to essential commercial goods and services necessary for
114 daily living for persons served by public housing authorities as
115 those persons often have limited transportation capacity and
116 significant family demands. Issues such as limited

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117 transportation capacity and significant family demands
 118 complicate daily living and make access to essential commercial
 119 goods and services difficult.

120 (5)~~(4)~~ The necessity in the public interest for the
 121 provisions hereinafter enacted, is hereby declared as a matter
 122 of legislative determination.

123 Section 3. Section 421.03, Florida Statutes, is reordered
 124 and amended to read:

125 421.03 Definitions.—As used ~~The following terms, wherever~~
 126 ~~used or referred to~~ in this part, except where the context
 127 clearly indicates otherwise, the term shall have the following
 128 ~~respective meanings for the purposes of this part, unless a~~
 129 ~~different meaning clearly appears from the context:~~

130 (2)~~(1)~~ "Authority" or "housing authority" means ~~shall~~
 131 ~~mean any of the public corporation corporations~~ created pursuant
 132 to by s. 421.04.

133 (3)~~(2)~~ "City" means ~~shall mean~~ any city or town of the
 134 state having a population of more than 2,500, according to the
 135 last preceding federal or state census. The term means ~~The~~
 136 ~~city~~ shall mean the particular city for which a particular
 137 housing authority is created.

138 (8)~~(3)~~ "Governing body" means ~~shall mean~~ the city council,
 139 the commission, or other legislative body charged with governing
 140 the city, as the case may be.

141 (10)~~(4)~~ "Mayor" means ~~shall mean~~ the mayor of the city or
 142 the officer thereof charged with the duties customarily imposed
 143 on the mayor or executive head of the city.

144 (4)~~(5)~~ "Clerk" means ~~shall mean~~ the clerk of the city or
 145 the officer of the city charged with the duties customarily

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146 imposed on the clerk ~~thereof~~.

147 (1)~~(6)~~ "Area of operation":

148 (a) In the case of a housing authority of a city having a
149 population of less than 25,000, includes ~~shall include~~ such city
150 and the area within 5 miles of its ~~the~~ territorial boundaries.
151 ~~thereof; and~~

152 (b) In the case of a housing authority of a city having a
153 population of 25,000 or more includes ~~shall include~~ such city
154 and the area within 10 miles from its ~~the~~ territorial
155 boundaries. ~~thereof; provided~~ However, ~~that~~ the area of
156 operation of a housing authority of a ~~any~~ city may ~~shall~~ not
157 include any area that ~~which~~ lies within the territorial
158 boundaries of another ~~some other~~ city ~~as herein defined; and may~~
159 ~~further provided that the area of operation shall~~ not extend
160 outside ~~of~~ the boundaries of the county in which the city is
161 located, and a ~~no~~ housing authority has no ~~shall have any~~ power
162 or jurisdiction outside ~~of~~ the county in which the city is
163 located.

164 (6) "Essential commercial goods and services" means goods,
165 such as groceries and clothing, and services, such as child
166 care, K-12 education, financial services, job training and
167 placement, and laundry facilities, that are collocated with
168 dwelling accommodations of a housing authority, that are
169 necessary for daily living, and that may be difficult for
170 persons of low income to access unless collocated with the
171 housing project where they live and substantially serving
172 persons of low income.

173 (7) "Federal Government" means ~~shall include~~ the United
174 States Government, ~~the Federal Emergency Administration of~~

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175 ~~Public Works~~ or any department, commission, ~~other~~ agency, or
 176 other instrumentality thereof, ~~corporate or otherwise,~~ of the
 177 ~~United States.~~

178 ~~(14)-(8)~~ "Slum" means ~~shall mean~~ any area where dwellings
 179 predominate which, by reason of dilapidation, overcrowding,
 180 faulty arrangement or design, lack of ventilation, light or
 181 sanitary facilities, or any combination of these factors, are
 182 detrimental to safety, health, and morals.

183 (9) "Housing project" means ~~shall mean~~ any work or
 184 undertaking:

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

189 (b) To provide decent, safe, and sanitary urban or rural
 190 dwellings, apartments, or other living accommodations for
 191 persons of low income, which; ~~such work or undertaking~~ may
 192 include buildings, land, equipment, facilities, and other real
 193 or personal property for necessary, convenient, or desirable
 194 appurtenances, streets, sewers, water service, parks, site
 195 preparation, gardening, administrative, community, health,
 196 recreational, educational, welfare, or other purposes; ~~or~~

197 (c) To provide access to essential commercial goods and
 198 services; or

199 (d)-(e) To accomplish a combination of the foregoing.

200 The term ~~"housing project"~~ also applies ~~may be applied~~ to the
 201 planning of the buildings and improvements; ~~the acquisition of~~
 202 property; ~~the demolition of existing structures;~~ the
 203 construction, reconstruction, alteration, and repair of the

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204 improvements; and all other work in connection therewith.

205 (12)~~(10)~~ "Persons of low income" means ~~shall mean~~ persons
206 or families who lack the amount of income which is necessary, as
207 determined by the authority undertaking the housing project, to
208 enable them, without financial assistance, to live in decent,
209 safe and sanitary dwellings, without overcrowding.

210 (5)~~(11)~~ "Debentures" means ~~shall mean~~ any notes, interim
211 certificates, debentures, revenue certificates, or other
212 obligations issued by an authority pursuant to this chapter.

213 (13)~~(12)~~ "Real property" includes ~~shall include~~ all lands,
214 including improvements and fixtures thereon, and property of any
215 nature appurtenant thereto, or used in connection therewith, and
216 every estate, interest and right, legal or equitable, therein,
217 including terms for years and liens by way of judgment, mortgage
218 or otherwise and the indebtedness secured by such liens.

219 (11)~~(13)~~ "Obligee of the authority" or "obligee" includes
220 ~~shall include~~ any holder of debentures, trustee or trustees for
221 any such holders, or lessor demising to the authority property
222 used in connection with a housing project, or any assignee or
223 assignees of such lessor's interest or any part thereof, and the
224 Federal Government when it is a party to any contract with the
225 authority.

226 Section 4. Section 421.06, Florida Statutes, is amended to
227 read:

228 421.06 Commissioners or employees prohibited from acquiring
229 interests in housing projects and required to disclose interests
230 in specified properties; exception.—Except for the leasehold
231 interest held by a tenant-commissioner in the housing project in
232 which he or she is a tenant, a ~~no~~ commissioner or employee of an

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233 authority may not ~~shall~~ acquire any interest, direct or
234 indirect, in any housing project or in any property included or
235 planned to be included in any project, or ~~nor shall he or she~~
236 have any interest, direct or indirect, in any contract or
237 proposed contract for materials or services to be furnished or
238 used in connection with any housing project. If a commissioner
239 or employee of an authority owns or controls an interest, direct
240 or indirect, in any property included or planned to be included
241 in any housing project, he or she shall immediately disclose the
242 same in writing to the authority. Such disclosure shall be
243 entered upon the minutes of the authority. Failure so to
244 disclose such interest constitutes misconduct in office. This
245 section applies to any commercial project authorized in this
246 chapter.

247 Section 5. Section 421.08, Florida Statutes, is amended to
248 read:

249 421.08 Powers of authority.—

250 (1) An authority shall constitute a public body corporate
251 and politic, exercising the public and essential governmental
252 functions set forth in this chapter, and having all the powers
253 necessary or convenient to carry out and effectuate the purpose
254 and provisions of this chapter, including the following powers
255 in addition to others ~~herein~~ granted in this chapter:

256 (a) ~~(1)~~ To sue and be sued; to have a seal and to alter it
257 ~~the same~~ at pleasure; to have perpetual succession; to make and
258 execute contracts and other instruments necessary or convenient
259 to the exercise of the powers of the authority; to appear in
260 court through any of its officers, agents, or employees, for the
261 exclusive purpose of filing eviction papers; and to make and

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262 from time to time amend and repeal bylaws, rules and
263 regulations, not inconsistent with this chapter, to carry into
264 effect the powers and purposes of the authority.

265 (b)~~(2)~~ Within its area of operation, to prepare, carry out,
266 acquire, lease, and operate housing projects and~~,~~ to provide for
267 the construction, reconstruction, improvement, alteration, or
268 repair of any housing project or any part thereof.

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

273 1. Notwithstanding any other power or provision in this
274 chapter, the authority may ~~shall~~ not construct, lease, control,
275 purchase, or otherwise establish, in connection with or as a
276 part of any housing project or any other real or any other
277 property under its control, any system, work, facilities,
278 plants, or other equipment for the purpose of furnishing utility
279 service of any kind to such projects or to any tenant or
280 occupant thereof if ~~in the event that~~ a system, work, facility,
281 plant, or other equipment for the furnishing of the same utility
282 service is being ~~actually~~ operated by a municipality or private
283 concern in the area of operation or the city or the territory
284 immediately adjacent thereto; ~~provided, further, but this does~~
285 not ~~that nothing herein shall be construed to~~ prohibit the
286 construction or acquisition by the authority of any system,
287 work, facilities, or other equipment for the sole and only
288 purpose of receiving utility services from any such municipality
289 or such private concern and then distributing such utility
290 services to the project and to the tenants and occupants

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291 thereof, ~~and,~~

292 2. Notwithstanding ~~anything to the contrary contained in~~
293 ~~this chapter or in~~ any other provision of law, the authority may
294 ~~to~~ include, in any contract let in connection with a project,
295 stipulations requiring that the contractor and any
296 subcontractors comply with requirements as to minimum wages and
297 maximum hours of labor, ~~and comply~~ with any conditions which the
298 Federal Government may have attached to its financial aid of the
299 project.

300 (d) ~~(4)~~ To lease or rent any dwellings, houses,
301 accommodations, lands, buildings, structures, or facilities
302 embraced in any housing project and, subject to the limitations
303 contained in this chapter, to establish and revise the rents or
304 charges therefor; to own, hold, and improve real or personal
305 property; to purchase, lease, obtain options upon, acquire by
306 gift, grant, bequest, devise, or otherwise any real or personal
307 property or any interest therein; to acquire by the exercise of
308 the power of eminent domain any real property, except real
309 property to be used to provide access to essential commercial
310 goods and services; to sell, lease, exchange, transfer, assign,
311 pledge, or dispose of any real or personal property or any
312 interest therein; to insure or provide for the insurance of any
313 real or personal property or operations of the authority against
314 any risks or hazards; and to procure or agree to the procurement
315 of insurance or guarantees from the Federal Government of the
316 payment of any such debts or parts thereof, whether or not
317 incurred by the said authority, including the power to pay
318 premiums on any such insurance.

319 (e) ~~(5)~~ To invest any funds held in reserves or sinking

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320 funds, or any funds not required for immediate disbursement, in
321 property or securities in which savings banks may legally invest
322 funds subject to their control and; to purchase its debentures
323 at a price not exceeding ~~more than~~ the principal amount thereof
324 and accrued interest, with all debentures so purchased to be
325 canceled.

326 (f) ~~(6)~~ Within its area of operation: to investigate into
327 living, dwelling, and housing conditions and into the means and
328 methods of improving such conditions; to determine where slum
329 areas exist or where there is a shortage of decent, safe, and
330 sanitary dwelling accommodations for persons of low income; to
331 make studies and recommendations relating to the problem of
332 clearing, replanning, and reconstruction of slum areas and the
333 problem of providing dwelling accommodations for persons of low
334 income; to administer fair housing ordinances and other
335 ordinances as adopted by cities, counties, or other authorities
336 who wish to contract for administrative services and to
337 cooperate with the city, the county, or the state or any
338 political subdivision thereof in action taken in connection with
339 such problems; and to engage in research, studies, and
340 experimentation on the subject of housing.

341 (g) ~~(7)~~ Acting through one or more commissioners or other
342 person or persons designated by the authority; to conduct
343 examinations and investigations and to hear testimony and take
344 proof under oath at public or private hearings on any matter
345 material for its information; to administer oaths, issue
346 subpoenas requiring the attendance of witnesses or the
347 production of books and papers, and ~~to~~ issue commissions for the
348 examination of witnesses who are outside ~~of~~ the state, or ~~or~~ unable

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349 to attend before the authority, or excused from attendance; and
350 to make available to appropriate agencies, including those
351 charged with the duty of abating or requiring the correction of
352 nuisances or like conditions, or of demolishing unsafe or
353 insanitary structures within its area of operation, its findings
354 and recommendations with regard to any building or property
355 where conditions exist which are dangerous to the public health,
356 morals, safety, or welfare.

357 (h) ~~(8) (a)~~ To organize for the purpose of creating a for-
358 profit or not-for-profit corporation, limited liability company,
359 or other similar business entity pursuant to all applicable laws
360 of this state in which the housing authority may hold an
361 ownership interest or participate in its governance in order to
362 develop, acquire, lease, construct, rehabilitate, manage, or
363 operate multifamily or single-family residential projects and
364 commercial projects that allow access to essential goods and
365 services for persons of low income residing in such residential
366 projects.

367 1. These projects may include nonresidential uses and may
368 use public and private funds to serve individuals or families
369 who meet the applicable income requirements of the state or
370 federal program involved; whose income does not exceed 150
371 percent of the applicable median income for the area, as
372 established by the United States Department of Housing and Urban
373 Development; and who, in the determination of the housing
374 authority, lack sufficient income or assets to enable them to
375 purchase or rent a decent, safe, and sanitary dwelling. These
376 corporations, limited liability companies, or other business
377 entities may join partnerships, joint ventures, or limited

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378 liability companies pursuant to applicable laws or may otherwise
379 engage with business entities in developing, acquiring, leasing,
380 constructing, rehabilitating, managing, or operating such
381 projects.

382 2.~~(b)~~ The creation by a housing authority of such a
383 corporation, limited liability company, or other business entity
384 that is properly registered pursuant to all applicable laws
385 before the effective date of this act is ratified and validated
386 if the creation of such corporation, limited liability company,
387 or other business entity would have been valid had this act been
388 in effect at the time such corporation, limited liability
389 company, or other business entity was created and registered.

390 3.~~(e)~~ Proceedings or acts performed by a housing authority
391 or a corporation, limited liability company, or other business
392 entity authorized pursuant to subparagraph 2. ~~paragraph (b)~~ are
393 ratified and validated if such proceedings or acts were in
394 furtherance of the purposes set forth in this chapter and would
395 have been valid had this act been in effect at the time such
396 proceedings or acts were performed.

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

402 (j)~~(10)~~ To exercise all or any part or combination of
403 powers ~~herein~~ granted in this section. ~~No~~ Provisions of law
404 relating with respect to acquisition, operation, or disposition
405 of property by other public bodies do not apply ~~shall be~~
406 ~~applicable~~ to an authority unless the Legislature ~~shall~~

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407 specifically states so ~~state~~.

408 (2) Any revenue received by a housing authority from
409 commercial projects that provide access to essential goods and
410 services necessary for daily living of persons residing in
411 housing projects must be used exclusively to upgrade and improve
412 living conditions in the housing project or to preserve and
413 rehabilitate public or affordable housing managed by the housing
414 authority.

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

417 421.09 Operation not for profit.—

418 (2) This section does not prohibit or restrict the
419 activities or operations of a business entity created under s.
420 421.08(1)(h) ~~421.08(8)~~.

421 Section 7. Section 421.21, Florida Statutes, is reenacted
422 and amended to read:

423 421.21 Aid from Federal Government; tax exemptions.—

424 (1) In addition to the powers conferred upon an authority
425 by other provisions of this chapter, an authority is empowered
426 to borrow money or accept grants or other financial assistance
427 from the Federal Government for or in aid of any housing project
428 within its area of operation, to take over or lease or manage
429 any housing project or undertaking constructed or owned by the
430 Federal Government, and to these ends, to comply with such
431 conditions and enter into such trust indentures, leases or
432 agreements as may be necessary, convenient or desirable. It is
433 the purpose and intent of this chapter to authorize every
434 authority to do any and all things necessary or desirable to
435 secure the financial aid or cooperation of the Federal

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

438 (2) In addition to the powers conferred upon an authority
439 by subsection (1) and other provisions of this chapter, an
440 authority is empowered to borrow money or accept grants or other
441 financial assistance from the Federal Government under s. 202 of
442 the Housing Act of 1959 (Pub. L. No. 86-372) or any law or
443 program of the United States Department of Housing and Urban
444 Development, which provides for direct federal loans in the
445 maximum amount, as defined therein, for the purpose of assisting
446 certain nonprofit corporations to provide housing and related
447 facilities for elderly families and elderly persons.

448 (a) Housing authorities created under this section are
449 authorized to execute mortgages, notes, bills, or other forms of
450 indebtedness together with any agreements, contracts, or other
451 instruments required by the United States Department of Housing
452 and Urban Development in connection with loans made for the
453 purposes set forth in this subsection.

454 (b) This provision relating to housing facilities for the
455 elderly is cumulative and in addition to the powers given to
456 housing authorities under this chapter. All powers granted
457 generally by law to housing authorities in Florida relating to
458 issuance of trust indentures, debentures, and other methods of
459 raising capital ~~shall~~ apply also to housing authorities in
460 connection with their participation in programs of the United
461 States Department of Housing and Urban Development.

462 (3) It is the legislative intent that the tax exemption of
463 housing authorities provided by chapter 423, ~~shall~~ specifically
464 applies ~~apply~~ to any housing authority created under this

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465 section.

466 Section 8. Section 421.32, Florida Statutes, is amended to
467 read:

468 421.32 Rural housing projects.—County housing authorities
469 and regional housing authorities are specifically empowered and
470 authorized to borrow money, accept grants, and exercise their
471 other powers to provide housing for farmers of low income and
472 domestic farm labor as defined in s. 514 of the Federal Housing
473 Act of 1949. In connection with such projects, any such housing
474 authority may enter into such leases or purchase agreements,
475 accept such conveyances and rent or sell dwellings forming part
476 of such projects to or for farmers of low income, as such
477 housing authority deems necessary in order to ensure ~~assure~~ the
478 achievement of the objectives of this law. Such leases,
479 agreements, or conveyances may include such covenants as the
480 housing authority deems appropriate regarding such dwellings and
481 the tracts of land described in any such instrument, which
482 covenants shall be deemed to run with the land where the housing
483 authority deems it necessary and the parties to such instrument
484 so stipulate. In providing housing for farmers of low income,
485 county housing authorities and regional housing authorities are
486 ~~shall not be~~ subject to the limitations provided in ss.
487 421.08(1)(c) ~~421.08(3)~~ and 421.10(3). ~~Nothing contained in~~ This
488 section may not ~~shall~~ be construed as limiting any other powers
489 of any housing authority.

490 Section 9. Section 422.02, Florida Statutes, is amended to
491 read:

492 422.02 Finding and declaration of necessity.—It has been
493 found and declared in the Housing Authorities Law that there

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494 exist in the state unsafe and insanitary housing conditions and
495 a shortage of safe and sanitary dwelling accommodations and
496 access to essential commercial goods and services necessary for
497 daily living for persons of low income; that these conditions
498 necessitate excessive and disproportionate expenditures of
499 public funds for crime prevention and punishment, public health,
500 welfare and safety, fire and accident protection, and other
501 public services and facilities; and that the public interest
502 requires the remedying of these conditions. It is found and
503 declared that the assistance herein provided for the remedying
504 of the conditions set forth in the Housing Authorities Law
505 constitutes a public use and purpose and an essential
506 governmental function for which public moneys may be spent and
507 other aid given; that it is a proper public purpose for any
508 state public body to aid any housing authority operating within
509 its boundaries or jurisdiction or any housing project located
510 therein, as the state public body derives immediate benefits and
511 advantages from such an authority or project; and that the
512 provisions hereinafter enacted are necessary in the public
513 interest.

514 Section 10. Section 422.04, Florida Statutes, is amended to
515 read:

516 422.04 Cooperation in undertaking housing projects.—

517 (1) For the purpose of aiding and cooperating in the
518 planning, undertaking, construction, or operation of housing
519 projects located within the area in which it is authorized to
520 act, any state public body may, upon such terms, with or without
521 consideration, as it may determine:

522 (a) Dedicate, sell, convey, or lease any of its property to

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523 a housing authority or the Federal Government.†

524 (b) Cause parks;† playgrounds;† recreational, community,
525 educational, water, sewer, or drainage facilities; commercial
526 projects that allow access to essential goods and services for
527 persons of low income residing in housing projects; or any other
528 works, ~~which~~ it is otherwise empowered to undertake, to be
529 furnished adjacent to or in connection with housing projects.†

530 (c) Furnish, dedicate, close, pave, install, grade,
531 regrade, plan, or replan streets, roads, roadways, alleys,
532 sidewalks, or other places ~~which~~ it is otherwise empowered to
533 undertake.†

534 (d) Plan or replan, zone or rezone any part of such state
535 public body; make exceptions from building regulations and
536 ordinances; and, with respect to any city or town, ~~also may~~
537 change its map.†

538 (e) Enter into agreements, which may extend over any
539 period, notwithstanding any provision or rule of law to the
540 contrary, with a housing authority or the Federal Government
541 respecting action to be taken by such state public body pursuant
542 to any of the powers granted by this chapter.†

543 (f) Do any and all things, necessary, or convenient to aid
544 and cooperate in the planning, undertaking, construction, or
545 operation of such housing projects.†

546 (g) Purchase or legally invest in any of the debentures of
547 a housing authority and exercise all of the rights of any holder
548 of such debentures.†

549 (h) Not require any changes to be made in a housing project
550 or the manner of its construction or take any other action
551 relating to such construction with respect to any housing

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552 project which a housing authority has acquired or taken over
553 from the Federal Government and which the housing authority by
554 resolution has found and declared to have been constructed in a
555 manner that will promote the public interest and afford
556 necessary safety, sanitation, and other protection, ~~no state~~
557 ~~public body shall require any changes to be made in the housing~~
558 ~~project or the manner of its construction or take any other~~
559 ~~action relating to such construction;~~

560 (i) Incur the entire expense of ~~In connection with~~ any
561 public improvements made by the ~~a~~ state public body in
562 exercising the powers herein granted, ~~such state public body may~~
563 ~~incur the entire expense thereof.~~

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

568 Section 11. Section 423.01, Florida Statutes, is amended to
569 read:

570 423.01 Finding and declaration of property of tax exemption
571 for housing authorities.—It has been found and declared in the
572 Housing Authorities Law and the Housing Cooperation Law that:

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

576 (2) These conditions necessitate excessive and
577 disproportionate expenditures of public funds for crime
578 prevention and punishment, public health, welfare and safety,
579 fire and accident prevention, and other public services and
580 facilities;

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581 (3) The public interest requires the remedying of these
582 conditions by the creation of housing authorities to undertake
583 projects for slum clearance and for providing safe and sanitary
584 dwelling accommodations and access to essential commercial goods
585 and services necessary for daily living for persons who lack
586 sufficient income to enable them to live in decent, safe, and
587 sanitary dwellings without overcrowding; ~~and~~

588 (4) Facilities made available by housing authorities to
589 provide access to essential goods and services necessary for
590 daily living for persons residing in housing projects are a
591 critical component of those housing projects and constitute a
592 public use and a governmental function; and

593 (5)~~(4)~~ Such housing projects, including all property of a
594 housing authority used for or in connection therewith or
595 appurtenant thereto and all property used to provide access to
596 essential goods and services necessary for daily living for
597 persons residing in such housing projects, are exclusively for
598 public uses and municipal purposes and not for profit, and are
599 governmental functions of state concern. As a matter of
600 legislative determination, it is found and declared that the
601 property and debentures of a housing authority are of such
602 character as may be exempt from taxation.

603 Section 12. Section 423.02, Florida Statutes, is amended to
604 read:

605 423.02 Housing projects exempted from taxes and
606 assessments; payments in lieu thereof.—The housing projects,
607 including all property of housing authorities used for or in
608 connection therewith or appurtenant thereto, of housing
609 authorities are ~~shall be~~ exempt from all taxes and special

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610 assessments of the state or any city, town, county, or political
611 subdivision of the state. ~~., provided,~~ However, ~~that~~ in lieu of
612 such taxes or special assessments, a housing authority may agree
613 to make payments to any city, town, county, or political
614 subdivision of the state for services, improvements, or
615 facilities furnished by such city, town, county, or political
616 subdivision for the benefit of a housing project owned by the
617 housing authority, but in no event shall such payments may not
618 exceed the estimated cost to such city, town, county or
619 political subdivision of the services, improvements, or
620 facilities to be so furnished by the city, town, county, or
621 political subdivision of the state. This section does not exempt
622 the activities or property of a person who provides essential
623 commercial goods and services. However, the real property of a
624 housing authority that is used to provide access to essential
625 commercial goods and services is exempt from ad valorem taxes
626 and special assessments.

627 Section 13. Paragraph (a) of subsection (1) of section
628 624.46226, Florida Statutes, is amended to read:

629 624.46226 Public housing authorities self-insurance funds;
630 exemption for taxation and assessments.—

631 (1) Notwithstanding any other provision of law, any two or
632 more public housing authorities in the state as defined in
633 chapter 421 may form a self-insurance fund for the purpose of
634 pooling and spreading liabilities of its members as to any one
635 or combination of casualty risk or real or personal property
636 risk of every kind and every interest in such property against
637 loss or damage from any hazard or cause and against any loss
638 consequential to such loss or damage, provided the self-

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639 insurance fund that is created:

640 (a) Has annual normal premiums in excess of \$4 ~~\$5~~ million.

641 Section 14. Paragraph (f) of subsection (1) of section

642 893.13, Florida Statutes, is amended to read:

643 893.13 Prohibited acts; penalties.—

644 (1)

645 (f) Except as authorized by this chapter, it is unlawful
646 for any person to sell, manufacture, or deliver, or possess with
647 intent to sell, manufacture, or deliver, a controlled substance
648 in, on, or within 1,000 feet of the real property comprising a
649 public housing facility at any time. For purposes of this
650 section, the term "real property comprising a public housing
651 facility" means real property, as defined in s. 421.03(13)
652 ~~421.03(12)~~, of a public corporation created as a housing
653 authority pursuant to part I of chapter 421. Any person who
654 violates this paragraph with respect to:

655 1. A controlled substance named or described in s.
656 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
657 commits a felony of the first degree, punishable as provided in
658 s. 775.082, s. 775.083, or s. 775.084.

659 2. A controlled substance named or described in s.
660 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
661 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
662 the second degree, punishable as provided in s. 775.082, s.
663 775.083, or s. 775.084.

664 3. Any other controlled substance, except as lawfully sold,
665 manufactured, or delivered, must be sentenced to pay a \$500 fine
666 and to serve 100 hours of public service in addition to any
667 other penalty prescribed by law.

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Section 15. This act shall take effect July 1, 2013.