

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

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29 | cross-reference; amending s. 422.02, F.S.; revising a
30 | declaration of necessity; providing that there exists
31 | a shortage of access to essential commercial goods and
32 | services necessary for daily living for persons of low
33 | income; amending s. 422.04, F.S.; expanding certain
34 | powers of state public bodies to include certain
35 | commercial projects providing essential goods and
36 | services; amending s. 423.01, F.S.; revising and
37 | providing findings and declarations of property of tax
38 | exemption for housing authorities relating to access
39 | to essential commercial goods and services necessary
40 | for daily living for persons of low income; amending
41 | s. 423.02, F.S.; clarifying that activities and
42 | property of certain persons are not exempt from taxes
43 | and special assessments; providing that real property
44 | of a housing authority that is used to provide access
45 | to essential commercial goods and services is exempt
46 | from ad valorem taxes and special assessments;
47 | amending s. 624.46226, F.S.; revising requirements for
48 | public housing authorities to form self-insurance
49 | funds; providing organizational and editorial changes
50 | for purposes of clarifying various provisions;
51 | amending s. 893.13, F.S.; conforming a cross-
52 | reference; providing an effective date.

53 |
54 | Be It Enacted by the Legislature of the State of Florida:
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56 Section 1. Subsection (5) of section 83.56, Florida
57 Statutes, is amended to read:

58 83.56 Termination of rental agreement.—

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

82 Section 2. Section 421.02, Florida Statutes, is amended to
83 read:

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84 421.02 Finding and declaration of necessity.—It is hereby
85 declared that:

86 (1) There exist in the state insanitary or unsafe dwelling
87 accommodations and that persons of low income are forced to
88 reside in such insanitary or unsafe accommodations; that within
89 the state there is a shortage of safe or sanitary dwelling
90 accommodations available at rents which persons of low income
91 can afford and that such persons are forced to occupy
92 overcrowded and congested dwelling accommodations; that such ~~the~~
93 ~~aforsaid~~ conditions cause an increase in and spread of disease
94 and crime and constitute a menace to the health, safety, morals,
95 and welfare of the residents of the state and impair economic
96 values; and that these conditions necessitate excessive and
97 disproportionate expenditures of public funds for crime
98 prevention and punishment, public health, welfare and safety,
99 fire and accident protection, and other public services and
100 facilities.

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

105 (3) The clearance, replanning, and reconstruction of the
106 areas in which insanitary or unsafe housing conditions exist, and
107 and the providing of safe and sanitary dwelling accommodations, and
108 and the access to essential commercial goods and services
109 necessary for daily living for persons of low income, including
110 the acquisition by a housing authority of property to be used
111 for or in connection with housing projects or appurtenant

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112 thereto, are exclusively public uses and purposes for which
113 public money may be spent and private property acquired and are
114 governmental functions of public concern.

115 (4) An important public purpose is served by providing
116 access to essential commercial goods and services necessary for
117 daily living for persons served by public housing authorities as
118 those persons often have limited transportation capacity and
119 significant family demands. Issues such as limited
120 transportation capacity and significant family demands
121 complicate daily living and make access to essential commercial
122 goods and services difficult.

123 (5)~~(4)~~ The necessity in the public interest for the
124 provisions hereinafter enacted~~7~~, is hereby declared ~~as~~ a matter
125 of legislative determination.

126 Section 3. Section 421.03, Florida Statutes, is reordered
127 and amended to read:

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

133 (1)~~(6)~~ "Area of operation":

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

138 (b) In the case of a housing authority of a city having a
139 population of 25,000 or more includes ~~shall include~~ such city

140 and the area within 10 miles from its ~~the~~ territorial
 141 boundaries. ~~thereof; provided~~ However, ~~that~~ the area of
 142 operation of a housing authority of a ~~any~~ city may ~~shall~~ not
 143 include any area that ~~which~~ lies within the territorial
 144 boundaries of another ~~some other~~ city as ~~herein defined~~; and may
 145 ~~further provided that the area of operation shall~~ not extend
 146 outside ~~of~~ the boundaries of the county in which the city is
 147 located, and a ~~no~~ housing authority has no ~~shall have any~~ power
 148 or jurisdiction outside ~~of~~ the county in which the city is
 149 located.

150 (2) ~~(1)~~ "Authority" or "housing authority" means ~~shall~~
 151 ~~mean any of the public corporation corporations~~ created pursuant
 152 to ~~by~~ s. 421.04.

153 (3) ~~(2)~~ "City" means ~~shall mean~~ any city or town of the
 154 state having a population of more than 2,500, according to the
 155 last preceding federal or state census. The term means ~~"The~~
 156 ~~city" shall mean~~ the particular city for which a particular
 157 housing authority is created.

158 (4) ~~(5)~~ "Clerk" means ~~shall mean~~ the clerk of the city or
 159 the officer of the city charged with the duties customarily
 160 imposed on the clerk ~~thereof~~.

161 (5) ~~(11)~~ "Debentures" means ~~shall mean~~ any notes, interim
 162 certificates, debentures, revenue certificates, or other
 163 obligations issued by an authority pursuant to this chapter.

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

178 (8) ~~(3)~~ "Governing body" means ~~shall mean~~ the city council,
 179 the commission, or other legislative body charged with governing
 180 the city, as the case may be.

181 (9) "Housing project" means ~~shall mean~~ any work or
 182 undertaking:

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

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

195 (c) To provide access to essential commercial goods and

196 | services; or

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

198 | The term "~~housing project~~" also applies ~~may be applied~~ to the
 199 | planning of the buildings and improvements;~~;~~ the acquisition of
 200 | property;~~;~~ the demolition of existing structures;~~;~~ the
 201 | construction, reconstruction, alteration, and repair of the
 202 | improvements; and all other work in connection therewith.

203 | (10)~~(4)~~ "Mayor" means ~~shall mean~~ the mayor of the city or
 204 | the officer thereof charged with the duties customarily imposed
 205 | on the mayor or executive head of the city.

206 | (11)~~(13)~~ "Obligee of the authority" or "obligee" includes
 207 | ~~shall include~~ any holder of debentures, trustee or trustees for
 208 | any such holders, or lessor demising to the authority property
 209 | used in connection with a housing project, or any assignee or
 210 | assignees of such lessor's interest or any part thereof, and the
 211 | Federal Government when it is a party to any contract with the
 212 | authority.

213 | (12)~~(10)~~ "Persons of low income" means ~~shall mean~~ persons
 214 | or families who lack the amount of income which is necessary, as
 215 | determined by the authority undertaking the housing project, to
 216 | enable them, without financial assistance, to live in decent,
 217 | safe and sanitary dwellings, without overcrowding.

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

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224 ~~(14)-(8)~~ "Slum" means ~~shall mean~~ any area where dwellings
225 predominate which, by reason of dilapidation, overcrowding,
226 faulty arrangement or design, lack of ventilation, light or
227 sanitary facilities, or any combination of these factors, are
228 detrimental to safety, health and morals.

229 Section 4. Section 421.06, Florida Statutes, is amended to
230 read:

231 421.06 Commissioners or employees prohibited from
232 acquiring interests in housing projects and required to disclose
233 interests in specified properties; exception.—Except for the
234 leasehold interest held by a tenant-commissioner in the housing
235 project in which he or she is a tenant, a ~~ne~~ commissioner or
236 employee of an authority may not ~~shall~~ acquire any interest,
237 direct or indirect, in any housing project or in any property
238 included or planned to be included in any project, or ~~nor shall~~
239 ~~he or she~~ have any interest, direct or indirect, in any contract
240 or proposed contract for materials or services to be furnished
241 or used in connection with any housing project. If a
242 commissioner or employee of an authority owns or controls an
243 interest, direct or indirect, in any property included or
244 planned to be included in any housing project, he or she shall
245 immediately disclose the same in writing to the authority. Such
246 disclosure shall be entered upon the minutes of the authority.
247 Failure so to disclose such interest constitutes misconduct in
248 office. This section applies to any commercial project
249 authorized in this chapter.

250 Section 5. Section 421.08, Florida Statutes, is amended to
251 read:

252 421.08 Powers of authority.—

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

259 (a) ~~(1)~~ To sue and be sued; to have a seal and to alter it
 260 ~~the same~~ at pleasure; to have perpetual succession; to make and
 261 execute contracts and other instruments necessary or convenient
 262 to the exercise of the powers of the authority; to appear in
 263 court through any of its officers, agents, or employees, for the
 264 exclusive purpose of filing eviction papers; and to make and
 265 from time to time amend and repeal bylaws, rules and
 266 regulations, not inconsistent with this chapter, to carry into
 267 effect the powers and purposes of the authority.

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

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

277 1. Notwithstanding any other power or provision in this
 278 chapter, the authority may ~~shall~~ not construct, lease, control,
 279 purchase, or otherwise establish, in connection with or as a

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280 part of any housing project or any other real or any other
281 property under its control, any system, work, facilities,
282 plants, or other equipment for the purpose of furnishing utility
283 service of any kind to such projects or to any tenant or
284 occupant thereof if ~~in the event that~~ a system, work, facility,
285 plant, or other equipment for the furnishing of the same utility
286 service is being ~~actually~~ operated by a municipality or private
287 concern in the area of operation or the city or the territory
288 immediately adjacent thereto; ~~provided, further,~~ but this does
289 not ~~that nothing herein shall be construed to~~ prohibit the
290 construction or acquisition by the authority of any system,
291 work, facilities, or other equipment for the sole and only
292 purpose of receiving utility services from any such municipality
293 or such private concern and then distributing such utility
294 services to the project and to the tenants and occupants
295 thereof. ~~;~~ and,

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

304 (d)(4) To lease or rent any dwellings, houses,
305 accommodations, lands, buildings, structures, or facilities
306 embraced in any housing project and, subject to the limitations
307 contained in this chapter, to establish and revise the rents or

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308 charges therefor; to own, hold, and improve real or personal
309 property; to purchase, lease, obtain options upon, acquire by
310 gift, grant, bequest, devise, or otherwise any real or personal
311 property or any interest therein; to acquire by the exercise of
312 the power of eminent domain any real property, except real
313 property to be used to provide access to essential commercial
314 goods and services; to sell, lease, exchange, transfer, assign,
315 pledge, or dispose of any real or personal property or any
316 interest therein; to insure or provide for the insurance of any
317 real or personal property or operations of the authority against
318 any risks or hazards; and to procure or agree to the procurement
319 of insurance or guarantees from the Federal Government of the
320 payment of any such debts or parts thereof, whether or not
321 incurred by the ~~said~~ authority, including the power to pay
322 premiums on any such insurance.

323 (e) ~~(5)~~ To invest any funds held in reserves or sinking
324 funds, or any funds not required for immediate disbursement, in
325 property or securities in which savings banks may legally invest
326 funds subject to their control and ~~to~~ purchase its debentures
327 at a price not exceeding ~~more than~~ the principal amount thereof
328 and accrued interest, with all debentures so purchased to be
329 canceled.

330 (f) ~~(6)~~ Within its area of operation: to investigate into
331 living, dwelling, and housing conditions and into the means and
332 methods of improving such conditions; to determine where slum
333 areas exist or where there is a shortage of decent, safe, and
334 sanitary dwelling accommodations for persons of low income; to
335 make studies and recommendations relating to the problem of

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336 clearing, replanning, and reconstruction of slum areas and the
337 problem of providing dwelling accommodations for persons of low
338 income; to administer fair housing ordinances and other
339 ordinances as adopted by cities, counties, or other authorities
340 who wish to contract for administrative services and to
341 cooperate with the city, the county, or the state or any
342 political subdivision thereof in action taken in connection with
343 such problems; and to engage in research, studies, and
344 experimentation on the subject of housing.

345 (g) ~~(7)~~ Acting through one or more commissioners or other
346 person or persons designated by the authority: to ~~to~~ conduct
347 examinations and investigations and to hear testimony and take
348 proof under oath at public or private hearings on any matter
349 material for its information; to administer oaths, issue
350 subpoenas requiring the attendance of witnesses or the
351 production of books and papers, and ~~to~~ issue commissions for the
352 examination of witnesses who are outside ~~of~~ the state, or ~~or~~ unable
353 to attend before the authority, or excused from attendance; and
354 to make available to appropriate agencies, including those
355 charged with the duty of abating or requiring the correction of
356 nuisances or like conditions, or of demolishing unsafe or
357 insanitary structures within its area of operation, its findings
358 and recommendations with regard to any building or property
359 where conditions exist which are dangerous to the public health,
360 morals, safety, or welfare.

361 (h) ~~(8)~~ ~~(a)~~ To organize for the purpose of creating a for-
362 profit or not-for-profit corporation, limited liability company,
363 or other similar business entity pursuant to all applicable laws

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364 of this state in which the housing authority may hold an
365 ownership interest or participate in its governance in order to
366 develop, acquire, lease, construct, rehabilitate, manage, or
367 operate multifamily or single-family residential projects and
368 commercial projects that allow access to essential goods and
369 services for persons of low income residing in such residential
370 projects.

371 1. These projects may include nonresidential uses and may
372 use public and private funds to serve individuals or families
373 who meet the applicable income requirements of the state or
374 federal program involved; whose income does not exceed 150
375 percent of the applicable median income for the area, as
376 established by the United States Department of Housing and Urban
377 Development; and who, in the determination of the housing
378 authority, lack sufficient income or assets to enable them to
379 purchase or rent a decent, safe, and sanitary dwelling. These
380 corporations, limited liability companies, or other business
381 entities may join partnerships, joint ventures, or limited
382 liability companies pursuant to applicable laws or may otherwise
383 engage with business entities in developing, acquiring, leasing,
384 constructing, rehabilitating, managing, or operating such
385 projects.

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

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392 in effect at the time such corporation, limited liability
393 company, or other business entity was created and registered.

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

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

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

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

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

421 421.09 Operation not for profit.—

422 (2) This section does not prohibit or restrict the
 423 activities or operations of a business entity created under s.
 424 421.08(1)(h) ~~421.08(8)~~.

425 Section 7. Section 421.21, Florida Statutes, is reenacted
 426 and amended to read:

427 421.21 Aid from Federal Government; tax exemptions.—

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

442 (2) In addition to the powers conferred upon an authority
 443 by subsection (1) and other provisions of this chapter, an
 444 authority is empowered to borrow money or accept grants or other
 445 financial assistance from the Federal Government under s. 202 of
 446 the Housing Act of 1959 (Pub. L. No. 86-372) or any law or

447 program of the United States Department of Housing and Urban
 448 Development, which provides for direct federal loans in the
 449 maximum amount, as defined therein, for the purpose of assisting
 450 certain nonprofit corporations to provide housing and related
 451 facilities for elderly families and elderly persons.

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

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

466 (3) It is the legislative intent that the tax exemption of
 467 housing authorities provided by chapter 423, ~~shall~~ specifically
 468 applies ~~apply~~ to any housing authority created under this
 469 section.

470 Section 8. Section 421.32, Florida Statutes, is amended to
 471 read:

472 421.32 Rural housing projects.—County housing authorities
 473 and regional housing authorities are specifically empowered and
 474 authorized to borrow money, accept grants, and exercise their

475 other powers to provide housing for farmers of low income and
 476 domestic farm labor as defined in s. 514 of the Federal Housing
 477 Act of 1949. In connection with such projects, any such housing
 478 authority may enter into such leases or purchase agreements,
 479 accept such conveyances and rent or sell dwellings forming part
 480 of such projects to or for farmers of low income, as such
 481 housing authority deems necessary in order to ensure ~~assure~~ the
 482 achievement of the objectives of this law. Such leases,
 483 agreements, or conveyances may include such covenants as the
 484 housing authority deems appropriate regarding such dwellings and
 485 the tracts of land described in any such instrument, which
 486 covenants shall be deemed to run with the land where the housing
 487 authority deems it necessary and the parties to such instrument
 488 so stipulate. In providing housing for farmers of low income,
 489 county housing authorities and regional housing authorities are
 490 ~~shall~~ not be subject to the limitations provided in ss.
 491 421.08(1)(c) ~~421.08(3)~~ and 421.10(3). ~~Nothing contained in This~~
 492 section may not shall be construed as limiting any other powers
 493 of any housing authority.

494 Section 9. Section 422.02, Florida Statutes, is amended to
 495 read:

496 422.02 Finding and declaration of necessity.—It has been
 497 found and declared in the Housing Authorities Law that there
 498 exist in the state unsafe and insanitary housing conditions and
 499 a shortage of safe and sanitary dwelling accommodations and
 500 access to essential commercial goods and services necessary for
 501 daily living for persons of low income; that these conditions
 502 necessitate excessive and disproportionate expenditures of

503 public funds for crime prevention and punishment, public health,
 504 welfare and safety, fire and accident protection, and other
 505 public services and facilities; and that the public interest
 506 requires the remedying of these conditions. It is found and
 507 declared that the assistance herein provided for the remedying
 508 of the conditions set forth in the Housing Authorities Law
 509 constitutes a public use and purpose and an essential
 510 governmental function for which public moneys may be spent and
 511 other aid given; that it is a proper public purpose for any
 512 state public body to aid any housing authority operating within
 513 its boundaries or jurisdiction or any housing project located
 514 therein, as the state public body derives immediate benefits and
 515 advantages from such an authority or project; and that the
 516 provisions hereinafter enacted are necessary in the public
 517 interest.

518 Section 10. Section 422.04, Florida Statutes, is amended
 519 to read:

520 422.04 Cooperation in undertaking housing projects.—

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

526 (a) Dedicate, sell, convey, or lease any of its property
 527 to a housing authority or the Federal Government. ~~†~~

528 (b) Cause parks; ~~†~~ playgrounds; ~~†~~ recreational, community,
 529 educational, water, sewer, or drainage facilities; commercial
 530 projects that allow access to essential goods and services for

531 persons of low income residing in housing projects; or any other
 532 works, ~~which~~ it is otherwise empowered to undertake, to be
 533 furnished adjacent to or in connection with housing projects.†

534 (c) Furnish, dedicate, close, pave, install, grade,
 535 regrade, plan, or replan streets, roads, roadways, alleys,
 536 sidewalks, or other places ~~which~~ it is otherwise empowered to
 537 undertake.†

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

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

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

550 (g) Purchase or legally invest in any of the debentures of
 551 a housing authority and exercise all of the rights of any holder
 552 of such debentures.†

553 (h) Not require any changes to be made in a housing
 554 project or the manner of its construction or take any other
 555 action relating to such construction with respect to any housing
 556 project which a housing authority has acquired or taken over
 557 from the Federal Government and which the housing authority by
 558 resolution has found and declared to have been constructed in a

559 manner that will promote the public interest and afford
 560 necessary safety, sanitation, and other protection., ~~no state~~
 561 ~~public body shall require any changes to be made in the housing~~
 562 ~~project or the manner of its construction or take any other~~
 563 ~~action relating to such construction;~~

564 (i) Incur the entire expense of ~~In connection with~~ any
 565 public improvements made by the ~~a~~ state public body in
 566 exercising the powers herein granted, ~~such state public body may~~
 567 ~~incur the entire expense thereof.~~

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

572 Section 11. Section 423.01, Florida Statutes, is amended
 573 to read:

574 423.01 Finding and declaration of property of tax
 575 exemption for housing authorities.—It has been found and
 576 declared in the Housing Authorities Law and the Housing
 577 Cooperation Law that:

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

581 (2) These conditions necessitate excessive and
 582 disproportionate expenditures of public funds for crime
 583 prevention and punishment, public health, welfare and safety,
 584 fire and accident prevention, and other public services and
 585 facilities;

586 (3) The public interest requires the remedying of these

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587 conditions by the creation of housing authorities to undertake
588 projects for slum clearance and for providing safe and sanitary
589 dwelling accommodations and access to essential commercial goods
590 and services necessary for daily living for persons who lack
591 sufficient income to enable them to live in decent, safe, and
592 sanitary dwellings without overcrowding; ~~and~~

593 (4) Facilities made available by housing authorities to
594 provide access to essential goods and services necessary for
595 daily living for persons residing in housing projects are a
596 critical component of those housing projects and constitute a
597 public use and a governmental function; and

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

608 Section 12. Section 423.02, Florida Statutes, is amended
609 to read:

610 423.02 Housing projects exempted from taxes and
611 assessments; payments in lieu thereof.—The housing projects,
612 including all property of housing authorities used for or in
613 connection therewith or appurtenant thereto, of housing
614 authorities are ~~shall be~~ exempt from all taxes and special

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

632 Section 13. Paragraph (a) of subsection (1) of section
 633 624.46226, Florida Statutes, is amended to read:

634 624.46226 Public housing authorities self-insurance funds;
 635 exemption for taxation and assessments.-

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

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643 consequential to such loss or damage, provided the self-
644 insurance fund that is created:

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

646 Section 14. Paragraph (f) of subsection (1) of section
647 893.13, Florida Statutes, is amended to read:

648 893.13 Prohibited acts; penalties.—

649 (1)

650 (f) Except as authorized by this chapter, it is unlawful
651 for any person to sell, manufacture, or deliver, or possess with
652 intent to sell, manufacture, or deliver, a controlled substance
653 in, on, or within 1,000 feet of the real property comprising a
654 public housing facility at any time. For purposes of this
655 section, the term "real property comprising a public housing
656 facility" means real property, as defined in s. 421.03(13)
657 ~~421.03(12)~~, of a public corporation created as a housing
658 authority pursuant to part I of chapter 421. Any person who
659 violates this paragraph with respect to:

660 1. A controlled substance named or described in s.
661 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
662 commits a felony of the first degree, punishable as provided in
663 s. 775.082, s. 775.083, or s. 775.084.

664 2. A controlled substance named or described in s.
665 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
666 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
667 the second degree, punishable as provided in s. 775.082, s.
668 775.083, or s. 775.084.

669 3. Any other controlled substance, except as lawfully
670 sold, manufactured, or delivered, must be sentenced to pay a

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671 | \$500 fine and to serve 100 hours of public service in addition
672 | to any other penalty prescribed by law.

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