

By Senator Simpson

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1 A bill to be entitled
2 An act relating to community development; amending s.
3 196.1978, F.S.; deleting an ad valorem tax exemption
4 for property owned by certain Florida-based limited
5 partnerships and used for affordable housing for
6 certain income-qualified persons; amending s. 212.08,
7 F.S.; revising criteria for community contribution tax
8 credit for donations; amending ss. 220.183 and
9 624.5105, F.S.; extending the expiration date
10 applicable to the granting of community contribution
11 tax credits against the sales and use tax, corporate
12 income tax, and insurance premium tax for
13 contributions to eligible sponsors of community
14 projects approved by the Department of Economic
15 Opportunity; amending s. 420.507, F.S.; revising the
16 powers of the Florida Housing Finance Corporation;
17 specifying how the corporation will allocate certain
18 funds; amending s. 420.5087, F.S.; revising provisions
19 relating to state apartment incentive loans to provide
20 for a competitive evaluation and selection process
21 with respect to loan applications; amending s.
22 420.511, F.S.; providing that the corporation's
23 strategic business plan must be consistent with a
24 long-range program plan relating to affordable
25 housing; deleting a requirement that the corporation
26 compile certain data; revising provisions relating to
27 the corporation's development of its long-range plan;
28 revising the required contents and information to be
29 included in the corporation's annual report; requiring

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30 the corporation to submit separate audited financial
31 statements that include specified information and
32 incorporate certain reports; requiring the Auditor
33 General to conduct an operational audit of the
34 corporation and provide a written report to the
35 Legislature; amending ss. 420.0003, 420.0006, 420.504,
36 and 420.506, F.S.; conforming provisions to changes
37 made by this act; repealing s. 420.5091, F.S.,
38 relating to the HOPE program; providing for
39 retroactive application; providing an effective date.
40

41 Be It Enacted by the Legislature of the State of Florida:
42

43 Section 1. Section 196.1978, Florida Statutes, is amended
44 to read:

45 196.1978 Affordable housing property exemption.—Property
46 used to provide affordable housing to ~~servicing~~ eligible persons
47 as defined under ~~by~~ s. 159.603(7) and natural persons or
48 families meeting the extremely-low-income, very-low-income, low-
49 income, or moderate-income limits specified in s. 420.0004,
50 which ~~property~~ is owned entirely by a nonprofit entity that is a
51 corporation not for profit, qualified as charitable under s.
52 501(c)(3) of the Internal Revenue Code and in compliance with
53 Rev. Proc. 96-32, 1996-1 C.B. 717, is ~~or a Florida-based limited~~
54 ~~partnership, the sole general partner of which is a corporation~~
55 ~~not for profit which is qualified as charitable under s.~~
56 ~~501(c)(3) of the Internal Revenue Code and which complies with~~
57 ~~Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property~~
58 owned by an exempt entity and used for a charitable purpose, and

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59 those portions of the affordable housing property that ~~which~~
60 provide housing to natural persons or families classified as
61 extremely low income, very low income, low income, or moderate
62 income under s. 420.0004 are ~~shall be~~ exempt from ad valorem
63 taxation to the extent authorized under ~~in~~ s. 196.196. All
64 property identified in this section must ~~shall~~ comply with the
65 criteria provided under s. 196.195 for determining ~~determination~~
66 ~~of~~ exempt status and ~~to~~ be applied by property appraisers on an
67 annual basis ~~as defined in s. 196.195~~. The Legislature intends
68 that any property owned by a limited liability company ~~or~~
69 ~~limited partnership~~ which is disregarded as an entity for
70 federal income tax purposes pursuant to Treasury Regulation
71 301.7701-3(b)(1)(ii) ~~shall~~ be treated as owned by its sole
72 member ~~or sole general partner~~.

73 Section 2. Paragraph (p) of subsection (5) of section
74 212.08, Florida Statutes, is amended to read:

75 212.08 Sales, rental, use, consumption, distribution, and
76 storage tax; specified exemptions.—The sale at retail, the
77 rental, the use, the consumption, the distribution, and the
78 storage to be used or consumed in this state of the following
79 are hereby specifically exempt from the tax imposed by this
80 chapter.

81 (5) EXEMPTIONS; ACCOUNT OF USE.—

82 (p) *Community contribution tax credit for donations.*—

83 1. Authorization.—Persons who are registered with the
84 department under s. 212.18 to collect or remit sales or use tax
85 and who make donations to eligible sponsors are eligible for tax
86 credits against their state sales and use tax liabilities as
87 provided in this paragraph:

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88 a. The credit shall be computed as 50 percent of the
89 person's approved annual community contribution.

90 b. The credit shall be granted as a refund against state
91 sales and use taxes reported on returns and remitted in the 12
92 months preceding the date of application to the department for
93 the credit as required in sub-subparagraph 3.c. If the annual
94 credit is not fully used through such refund because of
95 insufficient tax payments during the applicable 12-month period,
96 the unused amount may be included in an application for a refund
97 made pursuant to sub-subparagraph 3.c. in subsequent years
98 against the total tax payments made for such year. Carryover
99 credits may be applied for a 3-year period without regard to any
100 time limitation that would otherwise apply under s. 215.26.

101 c. A person may not receive more than \$200,000 in annual
102 tax credits for all approved community contributions made in any
103 one year.

104 d. All proposals for the granting of the tax credit require
105 the prior approval of the Department of Economic Opportunity.

106 e. The total amount of tax credits which may be granted for
107 all programs approved under this paragraph, s. 220.183, and s.
108 624.5105 is \$10.5 million annually for projects that provide
109 homeownership opportunities for low-income or very-low-income
110 households as those terms are defined in s. 420.9071~~(19)~~ and
111 ~~(28)~~ and \$3.5 million annually for all other projects.

112 f. A person who is eligible to receive the credit provided
113 ~~for~~ in this paragraph, s. 220.183, or s. 624.5105 may receive
114 the credit only under the one section pursuant to ~~of~~ the
115 person's choice.

116 2. Eligibility requirements.-

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117 a. A community contribution by a person must be in the
118 following form:

119 (I) Cash or other liquid assets;

120 (II) Real property;

121 (III) Goods or inventory; or

122 (IV) Other physical resources ~~as~~ identified by the
123 Department of Economic Opportunity.

124 b. All community contributions must be reserved exclusively
125 for use in a project. As used in this sub-subparagraph, the term
126 "project" means ~~any~~ activity undertaken by an eligible sponsor
127 which is designed to construct, improve, or substantially
128 rehabilitate housing that is affordable to low-income or very-
129 low-income households as those terms are defined in s.

130 ~~420.9071(19) and (28)~~; designed to provide commercial,
131 industrial, or public resources and facilities; or designed to
132 improve entrepreneurial and job-development opportunities for
133 low-income persons. A project may be the investment necessary to
134 increase access to high-speed broadband capability in rural
135 communities with enterprise zones, including projects that
136 result in improvements to communications assets that are owned
137 by a business. A project may include the provision of museum
138 educational programs and materials that are directly related to
139 a ~~any~~ project approved between January 1, 1996, and December 31,
140 1999, and located in an enterprise zone designated pursuant to
141 s. 290.0065. This paragraph does not preclude projects that
142 propose to construct or rehabilitate housing for low-income or
143 very-low-income households on scattered sites. With respect to
144 housing, contributions may be used to pay the following eligible
145 low-income and very-low-income housing-related activities:

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146 (I) Project development impact and management fees for low-
147 income or very-low-income housing projects;

148 (II) Down payment and closing costs for low-income persons
149 and very-low-income eligible persons, as those terms are defined
150 in s. 420.9071~~(19) and (28)~~;

151 (III) Administrative costs, including housing counseling
152 and marketing fees, not to exceed 10 percent of the community
153 contribution, directly related to low-income or very-low-income
154 projects; and

155 (IV) Removal of liens recorded against residential property
156 by municipal, county, or special district local governments if
157 ~~when~~ satisfaction of the lien is a necessary precedent to the
158 transfer of the property to a low-income person or very-low-
159 income an eligible person, as those terms are defined in s.
160 420.9071~~(19) and (28)~~, for the purpose of promoting home
161 ownership. Contributions for lien removal must be received from
162 a nonrelated third party.

163 c. The project must be undertaken by an "eligible sponsor,"
164 which includes:

165 (I) A community action program;

166 (II) A nonprofit community-based development organization
167 whose mission is the provision of housing for low-income or
168 very-low-income households or increasing entrepreneurial and
169 job-development opportunities for low-income persons;

170 (III) A neighborhood housing services corporation;

171 (IV) A local housing authority created under chapter 421;

172 (V) A community redevelopment agency created under s.
173 163.356;

174 (VI) A historic preservation district agency or

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175 organization;

176 (VII) A regional workforce board;

177 (VIII) A direct-support organization as provided in s.

178 1009.983;

179 (IX) An enterprise zone development agency created under s.

180 290.0056;

181 (X) A community-based organization incorporated under
182 chapter 617 which is recognized as educational, charitable, or
183 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
184 and whose bylaws and articles of incorporation include
185 affordable housing, economic development, or community
186 development as the primary mission of the corporation;

187 (XI) Units of local government;

188 (XII) Units of state government; or

189 (XIII) Any other agency that the Department of Economic
190 Opportunity designates by rule.

191

192 ~~In no event may~~ A contributing person may not have a financial
193 interest in the eligible sponsor.

194 d. The project must be located in an area designated an
195 enterprise zone or a Front Porch Florida Community, unless the
196 project increases access to high-speed broadband capability for
197 rural communities that have ~~with~~ enterprise zones but is
198 physically located outside the designated rural zone boundaries.
199 Any project designed to construct or rehabilitate housing for
200 low-income or very-low-income households as those terms are
201 defined in s. 420.9071 ~~(19) and (28)~~ is exempt from the area
202 requirement of this sub-subparagraph.

203 e.(I) If, during the first 10 business days of the state

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204 fiscal year, eligible tax credit applications for projects that
205 provide homeownership opportunities for low-income households or
206 very-low-income households as those terms are defined in s.
207 ~~420.9071(19) and (28)~~ are received for less than the annual tax
208 credits available for those projects, the Department of Economic
209 Opportunity shall grant tax credits for those applications and
210 ~~shall~~ grant remaining tax credits on a first-come, first-served
211 basis for ~~any~~ subsequent eligible applications received before
212 the end of the state fiscal year. If, during the first 10
213 business days of the state fiscal year, eligible tax credit
214 applications for projects that provide homeownership
215 opportunities for low-income or very-low-income households ~~as~~
216 ~~defined in s. 420.9071(19) and (28)~~ are received for more than
217 the annual tax credits available for those projects, the
218 Department of Economic Opportunity shall grant the tax credits
219 for those applications as follows:

220 (A) If tax credit applications submitted for approved
221 projects of an eligible sponsor do not exceed \$200,000 in total,
222 the credits shall be granted in full if the tax credit
223 applications are approved.

224 (B) If tax credit applications submitted for approved
225 projects of an eligible sponsor exceed \$200,000 in total, the
226 amount of tax credits granted pursuant to sub-sub-sub-
227 subparagraph (A) shall be subtracted from the amount of
228 available tax credits, and the remaining credits shall be
229 granted to each approved tax credit application on a pro rata
230 basis.

231 (II) If, during the first 10 business days of the state
232 fiscal year, eligible tax credit applications for projects other

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233 than those that provide homeownership opportunities for low-
234 income households or very-low-income households as those terms
235 are defined in s. 420.9071(19) and (28) are received for less
236 than the annual tax credits available for those projects, the
237 Department of Economic Opportunity shall grant tax credits for
238 those applications and ~~shall~~ grant remaining tax credits on a
239 first-come, first-served basis for ~~any~~ subsequent eligible
240 applications received before the end of the state fiscal year.
241 If, during the first 10 business days of the state fiscal year,
242 eligible tax credit applications for projects other than those
243 that provide homeownership opportunities for low-income or very-
244 low-income households ~~as defined in s. 420.9071(19) and (28)~~ are
245 received for more than the annual tax credits available for
246 those projects, the Department of Economic Opportunity shall
247 grant the tax credits for those applications on a pro rata
248 basis.

249 3. Application requirements.—

250 a. Any eligible sponsor seeking to participate in this
251 program must submit a proposal to the Department of Economic
252 Opportunity which sets forth the name of the sponsor, a
253 description of the project, and the area in which the project is
254 located, together with such supporting information as is
255 prescribed by rule. The proposal must also contain a resolution
256 from the local governmental unit in which the project is located
257 certifying that the project is consistent with local plans and
258 regulations.

259 b. Any person seeking to participate in this program must
260 submit an application for tax credit to the Department of
261 Economic Opportunity which sets forth the name of the sponsor, a

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262 description of the project, and the type, value, and purpose of
263 the contribution. The sponsor shall verify, in writing, the
264 terms of the application and indicate its receipt of the
265 contribution, which ~~verification must be in writing and~~
266 accompany the application for tax credit. The person must submit
267 a separate tax credit application to the department ~~of Economic~~
268 ~~Opportunity~~ for each individual contribution that it makes to
269 each individual project.

270 c. Any person who has received notification from the
271 Department of Economic Opportunity that a tax credit has been
272 approved must apply to the department to receive the refund.
273 Application must be made on the form prescribed for claiming
274 refunds of sales and use taxes and be accompanied by a copy of
275 the notification. A person may submit only one application for
276 refund to the department within a ~~any~~ 12-month period.

277 4. Administration.—

278 a. The Department of Economic Opportunity may adopt rules
279 ~~pursuant to ss. 120.536(1) and 120.54~~ necessary to administer
280 this paragraph, including rules for the approval or disapproval
281 of proposals by a person.

282 b. The decision of the Department of Economic Opportunity
283 must be in writing, and, if approved, the notification shall
284 state the maximum credit allowable to the person. Upon approval,
285 the department ~~of Economic Opportunity~~ shall transmit a copy of
286 the decision to the Department of Revenue.

287 c. The Department of Economic Opportunity shall
288 periodically monitor all projects in a manner consistent with
289 available resources to ensure that resources are used in
290 accordance with this paragraph; however, each project must be

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291 reviewed at least once every 2 years.

292 d. The Department of Economic Opportunity shall, in
293 consultation with the statewide and regional housing and
294 financial intermediaries, market the availability of the
295 community contribution tax credit program to community-based
296 organizations.

297 5. Expiration.—This paragraph expires June 30, 2025 ~~2015~~;
298 however, any accrued credit carryover that is unused on that
299 date may be used until the expiration of the 3-year carryover
300 period for such credit.

301 Section 3. Subsection (5) of section 220.183, Florida
302 Statutes, is amended to read:

303 220.183 Community contribution tax credit.—

304 (5) EXPIRATION.—The provisions of this section, except
305 paragraph (1) (e), ~~shall~~ expire and are ~~be~~ void on June 30, 2025
306 ~~2015~~.

307 Section 4. Subsection (6) of section 624.5105, Florida
308 Statutes, is amended to read:

309 624.5105 Community contribution tax credit; authorization;
310 limitations; eligibility and application requirements;
311 administration; definitions; expiration.—

312 (6) EXPIRATION.—The provisions of this section, except
313 paragraph (1) (e), ~~shall~~ expire and are ~~be~~ void on June 30, 2025
314 ~~2015~~.

315 Section 5. Paragraph (h) of subsection (22) and subsection
316 (48) of section 420.507, Florida Statutes, are amended to read:

317 420.507 Powers of the corporation.—The corporation shall
318 have all the powers necessary or convenient to carry out and
319 effectuate the purposes and provisions of this part, including

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320 the following powers, which are in addition to all other powers
321 granted by other provisions of this part:

322 (22) To develop and administer the State Apartment
323 Incentive Loan Program. In developing and administering that
324 program, the corporation may:

325 (h) Establish, by rule, the procedure for ~~evaluating,~~
326 ~~scoring, and competitively~~ evaluating and selecting ~~ranking~~ all
327 applications for funding based on the criteria set forth in s.
328 420.5087(6)(c) ~~,†~~ determining actual loan amounts ~~,†~~ making and
329 servicing loans ~~,†~~ and exercising the powers authorized in this
330 subsection.

331 (48) To award ~~use up to 10 percent of~~ its annual allocation
332 of low-income housing tax credits, nontaxable revenue bonds, and
333 State Apartment Incentive Loan Program funds appropriated by the
334 Legislature and available to allocate by request for proposals
335 or other competitive solicitation. The corporation shall reserve
336 up to 5 percent of each allocation ~~funding~~ for high-priority
337 affordable housing projects, such as housing to support economic
338 development and job-creation initiatives, housing for veterans
339 and their families, and other special needs populations in
340 communities throughout the state as determined by the
341 corporation on an annual basis. The corporation shall reserve an
342 additional 5 percent of each allocation for affordable housing
343 projects that target persons who have a disabling condition as
344 defined in s. 420.0004 and their families. These allocations
345 must prioritize projects or initiatives piloting or
346 demonstrating cost effective, best practices that meet the
347 housing needs and preferences of such persons. Any tax credits
348 or funds not allocated because of a lack of eligible projects

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349 targeting persons who have a disabling condition shall be
350 distributed by the corporation for high-priority housing
351 projects.

352 Section 6. Paragraphs (c) and (f) of subsection (6) of
353 section 420.5087, Florida Statutes, are amended to read:

354 420.5087 State Apartment Incentive Loan Program.—There is
355 hereby created the State Apartment Incentive Loan Program for
356 the purpose of providing first, second, or other subordinated
357 mortgage loans or loan guarantees to sponsors, including for-
358 profit, nonprofit, and public entities, to provide housing
359 affordable to very-low-income persons.

360 (6) On all state apartment incentive loans, except loans
361 made to housing communities for the elderly to provide for
362 lifesafety, building preservation, health, sanitation, or
363 security-related repairs or improvements, the following
364 provisions shall apply:

365 (c) The corporation shall provide by rule for the
366 establishment of a review committee ~~composed of the department~~
367 ~~and corporation staff and shall establish by rule a scoring~~
368 ~~system~~ for the competitive evaluation and selection ~~competitive~~
369 ~~ranking~~ of applications submitted in this program, including,
370 but not limited to, the following criteria:

371 1. Tenant income and demographic targeting objectives of
372 the corporation.

373 2. Targeting objectives of the corporation which will
374 ensure an equitable distribution of loans between rural and
375 urban areas.

376 3. Sponsor's agreement to reserve the units for persons or
377 families who have incomes below 50 percent of the state or local

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378 median income, whichever is higher, for a time period that
379 exceeds ~~to exceed~~ the minimum required by federal law or the
380 ~~provisions of~~ this part.

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

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

385 b. Forty percent of the units in the project for persons or
386 families who have incomes that do not exceed 60 percent of the
387 state or local median income, whichever is higher, without
388 requiring a greater amount of the loans as provided in this
389 section.

390 5. Provision for tenant counseling.

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

393 7. Projects requiring the least amount of a state apartment
394 incentive loan compared to overall project cost, except that the
395 share of the loan attributable to units serving extremely-low-
396 income persons must ~~shall~~ be excluded from this requirement.

397 8. Local government contributions and local government
398 comprehensive planning and activities that promote affordable
399 housing.

400 9. Project feasibility.

401 10. Economic viability of the project.

402 11. Commitment of first mortgage financing.

403 12. Sponsor's prior experience.

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

405 14. Projects that directly implement or assist welfare-to-
406 work transitioning.

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407 15. Projects that reserve units for extremely-low-income
408 persons.

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

412 17. Job-creation rate of the developer and general
413 contractor, as provided in s. 420.507(47).

414 (f) The review committee established by corporation rule
415 pursuant to this subsection shall make recommendations to the
416 board of directors of the corporation regarding program
417 participation under the State Apartment Incentive Loan Program.
418 The corporation board shall make the final ~~ranking and the~~
419 decisions regarding which applicants shall become program
420 participants based on the scores received in the competitive
421 process ranking, further review of applications, and the
422 recommendations of the review committee. The corporation board
423 shall approve or reject applications for loans and shall
424 determine the tentative loan amount available to each applicant
425 selected for participation in the program. The actual loan
426 amount shall be determined pursuant to rule adopted pursuant to
427 s. 420.507(22) (h).

428 Section 7. Section 420.511, Florida Statutes, is amended to
429 read:

430 420.511 Strategic business plan; long-range program
431 ~~strategie~~ plan; annual report; audited financial statements.-

432 (1) The corporation shall develop a strategic business plan
433 for the provision of affordable housing for the state. The plan
434 must be consistent ~~shall not be inconsistent~~ with the long-range
435 program ~~strategie~~ plan prepared pursuant to subsection (2) and

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436 shall contain performance measures and specific performance
437 targets for the following:

438 (a) The ability of low-income and moderate-income
439 Floridians to access housing that is decent and affordable.

440 (b) The continued availability and affordability of housing
441 financed by the corporation to target populations.

442 (c) The availability of affordable financing programs,
443 including equity and debt products, and programs that reduce
444 gaps in conventional financing in order, to increase individual
445 access to housing and stimulate private production of affordable
446 housing.

447 (d) The establishment and maintenance of efficiencies in
448 the delivery of affordable housing.

449 (e) Such other measures as directed by the corporation's
450 board of directors.

451

452 ~~The corporation shall also compile data on the stimulus of~~
453 ~~economic activity created by the affordable housing finance~~
454 ~~programs administered by the corporation.~~

455 (2) The corporation, in coordination ~~equal partnership~~ with
456 the department, shall ~~develop~~ annually develop a long-range
457 program ~~strategie~~ plan for the provision of affordable housing
458 in this state as ~~Florida as part of the department's agency~~
459 ~~strategie plan~~ required pursuant to chapter 186. In part, the
460 plan must ~~shall~~ include provisions that maximize the abilities
461 of the corporation ~~and the department~~ to implement the state
462 housing strategy established under s. 420.0003, to respond to
463 federal housing initiatives, and to develop programs in a manner
464 that is more responsive to the needs of public and private

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465 partners. The plan shall be developed on a schedule consistent
466 with that established by s. 186.021. For purposes of this
467 section ~~act~~, the executive director or his or her designee shall
468 serve as the corporation's representative to achieve a
469 coordinated and integrated planning relationship with the
470 department.

471 (3) ~~(a)~~ The corporation shall submit to the Governor and the
472 presiding officers of each house of the Legislature, within 6 ~~2~~
473 months after the end of its fiscal year, a complete and detailed
474 report setting forth the corporation's state and federal program
475 accomplishments using the most recent available data. The report
476 must include, but is not limited to:

477 (a) The following tenant characteristics in the existing
478 rental units financed through corporation-administered programs:

479 1. The number of households served, delineated by income,
480 race, ethnicity, and age of the head of household.

481 2. The number of households served in large, medium, and
482 small counties as defined by s. 420.5087 and the extent to which
483 geographic distribution has been achieved in accordance with s.
484 420.5087.

485 3. The number of farmworker and commercial-fishing worker
486 households served.

487 4. The number of homeless households served.

488 5. The number of special needs households served.

489 6. By county, the average rent charged based on unit size.

490 (b) The number of rental units to which resources have been
491 allocated in the last fiscal year, including income and
492 demographic restrictions.

493 (c) The estimated average cost of producing units under

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494 each rental or homeownership unit financed under each program in
495 the last fiscal year.

496 (d) By county, the average sales price of homeownership
497 units financed in the last fiscal year.

498 (e) The number of households served by homeownership
499 programs in the last fiscal year, including the income, race,
500 ethnicity, and age of the homeowner of each household.

501 (f) The percentage of homeownership loans that are in
502 foreclosure.

503 (g) The percentage of properties in the corporation's
504 rental portfolio which have an occupancy rate below 90 percent.

505 (h) The amount of economic stimulus created by the
506 affordable housing finance programs administered by the
507 corporation for the most recent year available.

508 (i) For the State Apartment Incentive Loan Program (SAIL),
509 a comprehensive list of all closed loans outstanding at the end
510 of the most recent fiscal year, including, but not limited to,
511 development name, city, county, developer, set-aside type, set-
512 aside percentage, affordability term, total number of units,
513 number of set-aside units, lien position, original loan amount,
514 loan maturity date, loan balance at close of year, status of
515 loan, rate of interest, and interest paid.

516 (j) For the Florida Affordable Housing Guarantee Program, a
517 list of all guaranteed loans through the close of the most
518 recent fiscal year, including, but not limited to, development
519 name, city, county, developer, total number of units, issuer of
520 the bonds, loan maturity date, participation in the United
521 States Department of Housing and Urban Development Risk-Sharing
522 Program, original guarantee amount, guarantee amount at the

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523 close of the fiscal year, status of guaranteed loans, and total
524 outstanding Florida Housing Finance Corporation Affordable
525 Housing Guarantee Program revenue bonds at the close of the most
526 recent fiscal year.

527 (k) Any other information the corporation deems
528 appropriate.

529 ~~1. Its operations and accomplishments;~~

530 ~~2. Its receipts and expenditures during its fiscal year in~~
531 ~~accordance with the categories or classifications established by~~
532 ~~the corporation for its operating and capital outlay purposes;~~

533 ~~3. Its assets and liabilities at the end of its fiscal year~~
534 ~~and the status of reserve, special, or other funds;~~

535 ~~4. A schedule of its bonds outstanding at the end of its~~
536 ~~fiscal year, together with a statement of the principal amounts~~
537 ~~of bonds issued and redeemed during the fiscal year; and~~

538 ~~5. Information relating to the corporation's activities in~~
539 ~~implementing the provisions of ss. 420.5087, 420.5088, and~~
540 ~~420.5095.~~

541 ~~(b) The report shall include, but not be limited to:~~

542 ~~1. The number of people served, delineated by income, age,~~
543 ~~family size, and racial characteristics.~~

544 ~~2. The number of units produced under each program.~~

545 ~~3. The average cost of producing units under each program.~~

546 ~~4. The average sales price of single-family units financed~~
547 ~~under s. 420.5088.~~

548 ~~5. The average amount of rent charged based on unit size on~~
549 ~~units financed under s. 420.5087.~~

550 ~~6. The number of persons in rural communities served under~~
551 ~~each program.~~

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552 ~~7. The number of farmworkers served under each program.~~

553 ~~8. The number of homeless persons served under each~~
554 ~~program.~~

555 ~~9. The number of elderly persons served under each program.~~

556 ~~10. The extent to which geographic distribution has been~~
557 ~~achieved in accordance with the provisions of s. 420.5087.~~

558 ~~11. The success of the Community Workforce Housing~~
559 ~~Innovation Pilot Program in meeting the housing needs of~~
560 ~~eligible areas.~~

561 ~~12. Any other information the corporation deems~~
562 ~~appropriate.~~

563 (4) Within 6 months after the end of its fiscal year, the
564 corporation shall submit audited financial statements prepared
565 in accordance with generally accepted accounting principles
566 which include all assets, liabilities, revenues, and expenses of
567 the corporation, and a list of all bonds outstanding at the end
568 of its fiscal year. ~~with the annual report required by this~~
569 ~~section, a copy of an annual financial audit of its accounts and~~
570 ~~records and an annual compliance~~ The audit must be of its
571 ~~programs~~ conducted by an independent certified public
572 accountant, performed in accordance with generally accepted
573 auditing standards and government auditing standards, and
574 incorporate all reports, including compliance reports, as
575 required by such auditing standards.

576 (5) The Auditor General shall conduct an operational audit
577 of the accounts and records of the corporation and provide a
578 written report on the audit to the President of the Senate and
579 the Speaker of the House of Representatives by December 1, 2016.
580 Both the corporation's business plan and annual report must

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581 ~~shall~~ recognize the different fiscal periods under which the
582 corporation, the state, the Federal Government, and local
583 governments operate.

584 Section 8. Paragraph (b) of subsection (4) of section
585 420.0003, Florida Statutes, is amended to read:

586 420.0003 State housing strategy.—

587 (4) IMPLEMENTATION.—The Department of Economic Opportunity
588 and the Florida Housing Finance Corporation in carrying out the
589 strategy articulated herein shall have the following duties:

590 (b) The long-range program ~~agency strategic~~ plan of the
591 Department of Economic Opportunity must ~~shall~~ include specific
592 goals, objectives, and strategies that implement the housing
593 policies in this section ~~and shall include the strategic plan~~
594 ~~for housing production prepared by the corporation pursuant to~~
595 ~~s. 420.511.~~

596 Section 9. Section 420.0006, Florida Statutes, is amended
597 to read:

598 420.0006 Authority to contract with corporation; contract
599 requirements; nonperformance.—The executive director of the
600 department shall contract, notwithstanding part I of chapter
601 287, with the Florida Housing Finance Corporation on a multiyear
602 basis to stimulate, provide, and foster affordable housing in
603 the state. The contract must incorporate the performance
604 measures required by s. 420.511 and ~~must~~ be consistent with ~~the~~
605 ~~provisions of~~ the corporation's business plan prepared
606 in accordance with s. 420.511. The contract must provide that
607 ~~if, in the event~~ the corporation fails to comply with ~~any of the~~
608 a performance measure ~~measures~~ required by s. 420.511, the
609 executive director shall notify the Governor and ~~shall~~ refer the

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610 nonperformance to the department's inspector general for review
611 and determination as to whether such failure is due to forces
612 beyond the corporation's control or whether such failure is due
613 to inadequate management of the corporation's resources.
614 Advances shall continue to be made pursuant to s. 420.0005
615 during the pendency of the review ~~by the department's inspector~~
616 ~~general~~. If such failure is due to outside forces, it may ~~shall~~
617 not be deemed a violation of the contract. If such failure is
618 due to inadequate management, the department's inspector general
619 shall provide recommendations regarding solutions. The Governor
620 may ~~is authorized to~~ resolve any differences of opinion with
621 respect to performance under the contract and may request that
622 advances continue in the event of a failure under the contract
623 due to inadequate management. The Chief Financial Officer shall
624 approve the request absent a finding by the Chief Financial
625 Officer that continuing such advances would adversely impact the
626 state; however, ~~in any event~~ the Chief Financial Officer shall
627 provide advances sufficient to meet the debt service
628 requirements of the corporation and sufficient to fund contracts
629 committing funds from the State Housing Trust Fund if so long as
630 such contracts are in accordance with the laws of this state.

631 Section 10. Subsection (1) of section 420.504, Florida
632 Statutes, is amended to read:

633 420.504 Public corporation; creation, membership, terms,
634 expenses.—

635 (1) ~~There is created within the Department of Economic~~
636 ~~Opportunity~~ A public corporation and a public body corporate and
637 politic, to be known as the "Florida Housing Finance
638 Corporation," is created within the Department of Economic

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639 Services. ~~“Florida Housing Finance Corporation.”~~ It is declared
640 to be the intent of and constitutional construction by the
641 Legislature that the Florida Housing Finance Corporation
642 constitutes an entrepreneurial public corporation organized to
643 provide and promote the public welfare by administering the
644 governmental function of financing or refinancing housing and
645 related facilities in this state ~~Florida~~ and that the
646 corporation is not a department of the executive branch of state
647 government within the scope and meaning of s. 6, Art. IV of the
648 State Constitution, but is functionally related to the
649 Department of Economic Opportunity in which it is placed. The
650 executive function of state government to be performed by the
651 executive director of the Department of Economic Opportunity in
652 the conduct of the business of the Florida Housing Finance
653 Corporation must be performed pursuant to a contract to monitor
654 and set performance standards for the implementation of the
655 business plan for the provision of housing approved for the
656 corporation as provided in s. 420.0006. This contract must ~~shall~~
657 include ~~the~~ performance standards for the provision of
658 affordable housing in this state ~~Florida~~ established in the
659 strategic business plan described in s. 420.511.

660 Section 11. Subsection (1) of section 420.506, Florida
661 Statutes, is amended to read:

662 420.506 Executive director; agents and employees; inspector
663 general.—

664 (1) The appointment and removal of an executive director
665 shall be by the executive director of the Department of Economic
666 Opportunity, with the advice and consent of the corporation's
667 board of directors. The executive director shall employ legal

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668 and technical experts and such other agents and employees,
669 permanent and temporary, as the corporation may require, and
670 shall communicate with and provide information to the
671 Legislature with respect to the corporation's activities. ~~The~~
672 ~~board is authorized,~~ Notwithstanding ~~the provisions of~~ s.
673 216.262, the board may ~~to~~ develop and implement rules regarding
674 the employment of employees of the corporation and service
675 providers, including legal counsel. The board ~~of directors of~~
676 ~~the corporation~~ is entitled to establish travel procedures and
677 guidelines for employees of the corporation, subject to s.
678 112.061(6) and (7). The executive director's office and the
679 corporation's files and records must be located in Leon County.

680 Section 12. Section 420.5091, Florida Statutes, is
681 repealed.

682 Section 13. This act shall take effect upon becoming a law
683 and shall first apply to the 2013 ad valorem tax rolls.