

1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 421.02, F.S.; revising a declaration of necessity;
4 providing that access to essential commercial goods
5 and services for persons of low income served by
6 housing authorities is a public use; amending s.
7 421.03, F.S.; reordering and revising definitions
8 applicable to the Housing Authorities Law; revising
9 the definition of the term "housing project"; defining
10 the term "essential commercial goods and services";
11 amending s. 421.04, F.S.; prohibiting a housing
12 authority from applying to the Federal Government to
13 seize certain property; amending s. 421.05, F.S.;
14 providing that authorities are exempt from certain
15 provisions relating to limitations on extra
16 compensation, bonuses, and severance pay; amending s.
17 421.06, F.S., relating to a prohibition on
18 commissioners or employees from acquiring interests in
19 housing projects and to required disclosure of
20 interests in specified properties; providing
21 application to commercial projects; amending s.
22 421.08, F.S.; prohibiting the use of eminent domain
23 for certain purposes; expanding certain powers of
24 housing authorities to include certain commercial
25 projects providing access to essential commercial
26 goods and services; providing for the use of revenues

27 received from such projects; amending s. 421.09, F.S.;
28 conforming a cross-reference; amending s. 421.091,
29 F.S.; revising reporting requirements; amending s.
30 421.21, F.S.; revising legislative intent; amending s.
31 421.28, F.S.; revising requirements for creating
32 consolidated housing authorities; amending s. 421.29,
33 F.S.; revising provisions relating to the area of
34 operation of a consolidated housing authority;
35 revising requirements for resolutions; deleting
36 provisions relating to property deeds and unsafe or
37 insanitary dwelling accommodations; amending s.
38 421.30, F.S.; revising requirements for the
39 appointment of housing authority commissioners;
40 revising membership, terms, and powers of
41 commissioners; amending s. 421.31, F.S.; revising
42 powers of consolidated housing authorities; amending
43 ss. 421.32, 421.321, and 421.33, F.S.; conforming
44 cross-references and making editorial changes;
45 amending s. 421.50, F.S.; revising requirements
46 relating to decreasing an area of operation of a
47 consolidated housing authority; amending s. 421.51,
48 F.S.; revising provisions relating to a city or county
49 excluded from the area of operation of a consolidated
50 housing authority; amending s. 422.02, F.S.; revising
51 a declaration of necessity; providing that there
52 exists a lack of access to essential commercial goods

53 and services necessary for daily living for persons of
54 low income; amending s. 422.04, F.S.; expanding
55 certain powers of state public bodies to include
56 certain commercial projects providing essential
57 commercial goods and services to persons of low
58 income; amending s. 423.01, F.S.; revising and
59 providing findings and declarations of tax exemption
60 for housing authorities relating to access to
61 essential commercial goods and services necessary for
62 daily living for persons of low income residing in
63 housing projects; amending s. 423.02, F.S.; clarifying
64 that activities and property of certain persons are
65 not exempt from ad valorem taxes and special
66 assessments; providing that real property of a housing
67 authority that is used to provide access to essential
68 commercial goods and services is exempt from ad
69 valorem taxes and special assessments; amending s.
70 893.13, F.S.; conforming a cross-reference; providing
71 an effective date.

72
73 Be It Enacted by the Legislature of the State of Florida:

74
75 Section 1. Section 421.02, Florida Statutes, is amended to
76 read:

77 421.02 Finding and declaration of necessity.—It is hereby
78 declared that:

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

94 (2) Blighted areas in the state cannot be revitalized, nor
95 can the shortage of safe and sanitary dwellings for persons of
96 low income be relieved, solely through the operation of private
97 enterprise. However, the state encourages the use of housing
98 authority property in combination with private enterprise to
99 construct, rehabilitate, and otherwise provide safe and sanitary
100 dwelling conditions for persons of low income.

101 (3) The clearance, replanning, and reconstruction of the
102 areas in which insanitary or unsafe housing conditions exist,
103 ~~and~~ the providing of safe and sanitary dwelling accommodations,
104 and the access to essential commercial goods and services

105 necessary for daily living for persons of low income, including
 106 the acquisition by a housing authority of property to be used
 107 for or in connection with housing projects or appurtenant
 108 thereto, are exclusively public uses and purposes for which
 109 public money may be spent and private property acquired and are
 110 governmental functions of public concern.

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

119 (5)~~(4)~~ The necessity in the public interest for the
 120 provisions hereinafter enacted~~7~~, is hereby declared ~~as~~ a matter
 121 of legislative determination.

122 Section 2. Section 421.03, Florida Statutes, is amended to
 123 read:

124 421.03 Definitions.—As used ~~The following terms, wherever~~
 125 ~~used or referred to~~ in this part, except where the context
 126 clearly indicates otherwise, the term shall have the following
 127 ~~respective meanings for the purposes of this part, unless a~~
 128 ~~different meaning clearly appears from the context:~~

129 (1)~~(6)~~ "Area of operation":

130 (a) In the case of a housing authority of a city having a

131 population of less than 25,000, includes ~~shall include~~ such city
 132 and the area within 5 miles of its ~~the~~ territorial boundaries.
 133 ~~thereof; and~~

134 (b) In the case of a housing authority of a city having a
 135 population of 25,000 or more, includes ~~shall include~~ such city
 136 and the area within 10 miles of its ~~from the~~ territorial
 137 boundaries. ~~thereof; provided~~ However, ~~that~~ the area of
 138 operation of a housing authority of a ~~any~~ city may ~~shall~~ not
 139 include any area that ~~which~~ lies within the territorial
 140 boundaries of another ~~some other~~ city ~~as herein defined;~~ and may
 141 ~~further provided that the area of operation shall~~ not extend
 142 outside ~~of~~ the boundaries of the county in which the city is
 143 located. A ~~and no~~ housing authority has no ~~shall have any~~ power
 144 or jurisdiction outside ~~of~~ the county in which the city is
 145 located.

146 (2) ~~(1)~~ "Authority" or "housing authority" means ~~shall~~
 147 ~~mean any of the public~~ corporation ~~corporations~~ created pursuant
 148 to ~~by~~ s. 421.04.

149 (3) ~~(8)~~ "Blighted" means ~~"Slum"~~ ~~shall mean~~ any area where
 150 dwellings predominate which, by reason of dilapidation,
 151 overcrowding, faulty arrangement or design, lack of ventilation,
 152 light or sanitary facilities, or any combination of these
 153 factors, are detrimental to safety, health, and morals.

154 (4) ~~(2)~~ "City" means ~~shall mean~~ any city or town of the
 155 state having a population of more than 2,500, according to the
 156 last preceding federal or state census. The term also means ~~"The~~

157 | ~~city" shall mean~~ the particular city for which a particular
 158 | housing authority is created.

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

162 | ~~(6)-(11)~~ "Debentures" means ~~shall mean~~ any notes, interim
 163 | certificates, debentures, revenue certificates, or other
 164 | obligations issued by an authority pursuant to this chapter.

165 | (7) "Essential commercial goods and services" means goods,
 166 | such as groceries and clothing, and services, such as child
 167 | care, K-12 education, financial services, job training and
 168 | placement, laundry facilities, and other local governmental
 169 | services, that are in close proximity to dwelling accommodations
 170 | of a housing authority, that are necessary for daily living, and
 171 | that may be difficult for persons of low income to access unless
 172 | located in close proximity to the housing development where the
 173 | persons of low income reside.

174 | ~~(8)-(7)~~ "Federal Government" means ~~shall include~~ the United
 175 | States Government, ~~the Federal Emergency Administration of~~
 176 | ~~Public Works~~ or any department, commission, other agency, or
 177 | other instrumentality thereof, corporate or otherwise, of the
 178 | ~~United States.~~

179 | ~~(9)-(3)~~ "Governing body" means ~~shall mean~~ the city council,
 180 | the commission, or other legislative body charged with governing
 181 | the city, as the case may be.

182 | ~~(10)-(9)~~ "Housing project" means ~~shall mean~~ any work or

183 | undertaking:

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

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

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

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

199 |
 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
 204 | improvements; and all other work in connection therewith.

205 | (11) ~~(4)~~ "Mayor" means ~~shall mean~~ the mayor of the city or
 206 | the officer thereof charged with the duties customarily imposed
 207 | on the mayor or executive head of the city.

208 | (12) ~~(13)~~ "Obligee of the authority" or "obligee" includes

209 ~~shall include~~ any holder of debentures, trustee or trustees for
 210 any such holders, or lessor demising to the authority property
 211 used in connection with a housing project, or any assignee or
 212 assignees of such lessor's interest or any part thereof, and the
 213 Federal Government when it is a party to any contract with the
 214 authority.

215 (13)~~(10)~~ "Persons of low income" means ~~shall mean~~ persons
 216 or families who lack the amount of income which is necessary, as
 217 determined by the authority undertaking the housing project, to
 218 enable them, without financial assistance, to live in decent,
 219 safe, and sanitary dwellings, without overcrowding.

220 (14)~~(12)~~ "Real property" includes ~~shall include~~ all lands,
 221 including improvements and fixtures thereon, and property of any
 222 nature appurtenant thereto, or used in connection therewith, and
 223 every estate, interest, and right, legal or equitable, therein,
 224 including terms for years and liens by way of judgment,
 225 mortgage, or otherwise and the indebtedness secured by such
 226 liens.

227 Section 3. Subsection (4) is added to section 421.04,
 228 Florida Statutes, to read:

229 421.04 Creation of housing authorities.—

230 (4) A housing authority, regardless of the date of its
 231 creation, may not apply to the Federal Government to seize any
 232 projects, units, or vouchers of another established housing
 233 authority, irrespective of each housing authority's areas of
 234 operation.

235 Section 4. Subsection (2) of section 421.05, Florida
236 Statutes, is amended to read:

237 421.05 Appointment, qualifications, and tenure of
238 commissioners; hiring of employees.—

239 (2) The powers of each authority shall be vested in the
240 commissioners thereof in office from time to time. A majority of
241 the commissioners shall constitute a quorum of the authority for
242 the purpose of conducting its business and exercising its powers
243 and for all other purposes. Action may be taken by the authority
244 upon a vote of a majority of the commissioners present, unless
245 in any case the bylaws of the authority require a larger number.
246 The mayor with the concurrence of the governing body shall
247 designate which of the commissioners appointed shall be the
248 first chair, but when the office of the chair of the authority
249 thereafter becomes vacant, the authority shall select a chair
250 from among its commissioners. An authority shall select from
251 among its commissioners a vice chair,~~†~~ and it may employ a
252 secretary, who shall be the executive director, technical
253 experts, and such other officers, agents, and employees,
254 permanent and temporary, as it may require and shall determine
255 their qualifications, duties, and compensation. Accordingly,
256 authorities are exempt from the provisions of s. 215.425. For
257 such legal services as it may require, an authority may call
258 upon the chief law officer of the city or may employ its own
259 counsel and legal staff. An authority may delegate to one or
260 more of its agents or employees such powers or duties as it may

261 deem proper.

262 Section 5. Section 421.06, Florida Statutes, is amended to
263 read:

264 421.06 Commissioners or employees prohibited from
265 acquiring interests in housing projects and required to disclose
266 interests in specified properties; exception.—Except for the
267 leasehold interest held by a tenant-commissioner in the housing
268 project in which he or she is a tenant, a ~~ne~~ commissioner or
269 employee of an authority may not ~~shall~~ acquire any interest,
270 direct or indirect, in any housing project or in any property
271 included or planned to be included in any project, or ~~nor shall~~
272 ~~he or she~~ have any interest, direct or indirect, in any contract
273 or proposed contract for materials or services to be furnished
274 or used in connection with any housing project. If a
275 commissioner or employee of an authority owns or controls an
276 interest, direct or indirect, in any property included or
277 planned to be included in any housing project, he or she shall
278 immediately disclose the same in writing to the authority. Such
279 disclosure shall be entered upon the minutes of the authority.
280 Failure ~~se~~ to disclose such interest constitutes misconduct in
281 office. This section applies to any commercial project
282 authorized in this chapter.

283 Section 6. Section 421.08, Florida Statutes, is amended to
284 read:

285 421.08 Powers of authority.—

286 (1) An authority shall constitute a public body corporate

287 and politic, exercising the public and essential governmental
 288 functions set forth in this chapter, and having all the powers
 289 necessary or convenient to carry out and effectuate the purpose
 290 and provisions of this chapter, including the following powers
 291 in addition to others ~~herein~~ granted in this chapter:

292 (a)~~(1)~~ To sue and be sued; to have a seal and to alter it
 293 ~~the same~~ at pleasure; to have perpetual succession; to make and
 294 execute contracts and other instruments necessary or convenient
 295 to the exercise of the powers of the authority; to appear in
 296 court through any of its officers, agents, or employees, for the
 297 exclusive purpose of filing eviction papers; and to make and
 298 from time to time amend and repeal bylaws, rules, and
 299 regulations, not inconsistent with this chapter, to carry into
 300 effect the powers and purposes of the authority.

301 (b)~~(2)~~ Within its area of operation, to prepare, carry
 302 out, acquire, lease, and operate housing projects and~~;~~ to
 303 provide for the construction, reconstruction, improvement,
 304 alteration, or repair of any housing project or any part
 305 thereof.

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

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

313 part of any housing project or any other real or any other
 314 property under its control, any system, work, facilities,
 315 plants, or other equipment for the purpose of furnishing utility
 316 service of any kind to such projects or to any tenant or
 317 occupant thereof if ~~in the event that~~ a system, work, facility,
 318 plant, or other equipment for the furnishing of the same utility
 319 service is being ~~actually~~ operated by a municipality or private
 320 concern in the area of operation or the city or the territory
 321 immediately adjacent thereto. However, this subparagraph does
 322 not ~~; provided, further, that nothing herein shall be construed~~
 323 ~~to~~ prohibit the construction or acquisition by the authority of:
 324 a. Any system, work, facilities, or other equipment for
 325 the sole and only purpose of receiving utility services from any
 326 such municipality or such private concern and then distributing
 327 such utility services to the project and to the tenants and
 328 occupants thereof; or ~~and,~~
 329 b. Any renewable energy devices or systems to be installed
 330 and located upon housing authority property for the sole purpose
 331 of reducing utility costs to the tenants or occupants thereof.
 332 2. Notwithstanding ~~anything to the contrary contained in~~
 333 ~~this chapter or in~~ any other provision of law, the authority may
 334 ~~to~~ include, in any contract let in connection with a project,
 335 stipulations requiring that the contractor and any
 336 subcontractors comply with requirements as to minimum wages and
 337 maximum hours of labor, ~~and comply~~ with any conditions which the
 338 Federal Government may have attached to its financial aid of the

339 project.

340 (d)~~(4)~~ To lease or rent any dwellings, houses,
341 accommodations, lands, buildings, structures, or facilities
342 embraced in any housing project and, subject to the limitations
343 contained in this chapter, to establish and revise the rents or
344 charges therefor; to own, hold, and improve real or personal
345 property; to purchase, lease, obtain options upon, acquire by
346 gift, grant, bequest, devise, or otherwise any real or personal
347 property or any interest therein; to acquire by the exercise of
348 the power of eminent domain any real property, except real
349 property to be used to provide access to essential commercial
350 goods and services; to sell, lease, exchange, transfer, assign,
351 pledge, or dispose of any real or personal property or any
352 interest therein; to insure or provide for the insurance of any
353 real or personal property or operations of the authority against
354 any risks or hazards; and to procure or agree to the procurement
355 of insurance or guarantees from the Federal Government of the
356 payment of any such debts or parts thereof, whether or not
357 incurred by the ~~said~~ authority, including the power to pay
358 premiums on any such insurance.

359 (e)~~(5)~~ To invest any funds held in reserves or sinking
360 funds, or any funds not required for immediate disbursement, in
361 property or securities in which savings banks may legally invest
362 funds subject to their control and~~;~~ to purchase its debentures
363 at a price not exceeding ~~more than~~ the principal amount thereof
364 and accrued interest, with all debentures so purchased to be

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365 canceled.

366 (f)~~(6)~~ Within its area of operation: to investigate into
367 living, dwelling, and housing conditions and into the means and
368 methods of improving such conditions; to determine where
369 blighted ~~slum~~ areas exist or where there is a shortage of
370 decent, safe, and sanitary dwelling accommodations for persons
371 of low income; to make studies and recommendations relating to
372 the problem of clearing, replanning, and reconstruction of
373 blighted ~~slum~~ areas and the problem of providing dwelling
374 accommodations for persons of low income; to administer fair
375 housing ordinances and other ordinances as adopted by cities,
376 counties, or other authorities who wish to contract for
377 administrative services and to cooperate with the city, the
378 county, or the state or any political subdivision thereof in
379 action taken in connection with such problems; and to engage in
380 research, studies, and experimentation on the subject of
381 housing.

382 (g)~~(7)~~ Acting through one or more commissioners or other
383 person or persons designated by the authority:~~;~~ to conduct
384 examinations and investigations and to hear testimony and take
385 proof under oath at public or private hearings on any matter
386 material for its information; to administer oaths, issue
387 subpoenas requiring the attendance of witnesses or the
388 production of books and papers, and ~~to~~ issue commissions for the
389 examination of witnesses who are outside ~~of~~ the state, and ~~or~~ unable
390 to attend before the authority, or excused from attendance; and

391 to make available to appropriate agencies, including those
392 charged with the duty of abating or requiring the correction of
393 nuisances or like conditions, or of demolishing unsafe or
394 insanitary structures within its area of operation, its findings
395 and recommendations with regard to any building or property
396 where conditions exist which are dangerous to the public health,
397 morals, safety, or welfare.

398 ~~(h)(8)(a)~~ To organize for the purpose of creating a for-
399 profit or not-for-profit corporation, limited liability company,
400 or other similar business entity pursuant to all applicable laws
401 of this state in which the housing authority may hold an
402 ownership interest or participate in its governance in order to
403 develop, acquire, lease, construct, rehabilitate, manage, or
404 operate multifamily or single-family residential projects and
405 commercial projects that allow access to essential commercial
406 goods and services for persons of low income residing in such
407 residential projects.

408 1. These projects may include nonresidential uses and may
409 use public and private funds to serve individuals or families
410 who meet the applicable income requirements of the state or
411 federal program involved; whose income does not exceed 150
412 percent of the applicable median income for the area, as
413 established by the United States Department of Housing and Urban
414 Development; and who, in the determination of the housing
415 authority, lack sufficient income or assets to enable them to
416 purchase or rent a decent, safe, and sanitary dwelling. These

417 corporations, limited liability companies, or other business
418 entities may join partnerships, joint ventures, or limited
419 liability companies pursuant to applicable laws or may otherwise
420 engage with business entities in developing, acquiring, leasing,
421 constructing, rehabilitating, managing, or operating such
422 projects.

423 2.~~(b)~~ The creation by a housing authority of such a
424 corporation, limited liability company, or other business entity
425 that is properly registered pursuant to all applicable laws
426 before the effective date of this act is ratified and validated
427 if the creation of such corporation, limited liability company,
428 or other business entity would have been valid had this act been
429 in effect at the time such corporation, limited liability
430 company, or other business entity was created and registered.

431 3.~~(e)~~ Proceedings or acts performed by a housing authority
432 or a corporation, limited liability company, or other business
433 entity authorized pursuant to subparagraph 2. ~~paragraph (b)~~ are
434 ratified and validated if such proceedings or acts were in
435 furtherance of the purposes set forth in this chapter and would
436 have been valid had this act been in effect at the time such
437 proceedings or acts were performed.

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

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

449 (2) Any revenue received by a housing authority from
 450 commercial projects that provide access to essential commercial
 451 goods and services necessary for daily living of persons
 452 residing in housing developments must be used exclusively for
 453 affordable housing.

454 Section 7. Subsection (2) of section 421.09, Florida
 455 Statutes, is amended to read:

456 421.09 Operation not for profit.—

457 (2) This section does not prohibit or restrict the
 458 activities or operations of a business entity created under s.
 459 421.08(1)(h) ~~421.08(8)~~.

460 Section 8. Subsection (1) of section 421.091, Florida
 461 Statutes, is amended to read:

462 421.091 Financial accounting and investments; fiscal
 463 year.—

464 (1) A complete and full financial accounting and audit in
 465 accordance with federal audit standards of public housing
 466 agencies shall be made biennially by a certified public
 467 accountant and submitted to the Federal Government in accordance
 468 with its policies. Housing authorities are otherwise exempt from

469 the reporting requirements of s. 218.32. ~~A copy of such audit~~
 470 ~~shall be filed with the governing body and with the Auditor~~
 471 ~~General.~~

472 Section 9. Paragraph (b) of subsection (2) and subsection
 473 (3) of section 421.21, Florida Statutes, are amended to read:

474 421.21 Aid from Federal Government; tax exemptions.—

475 (2) In addition to the powers conferred upon an authority
 476 by subsection (1) and other provisions of this chapter, an
 477 authority is empowered to borrow money or accept grants or other
 478 financial assistance from the Federal Government under s. 202 of
 479 the Housing Act of 1959 (Pub. L. No. 86-372) or any law or
 480 program of the United States Department of Housing and Urban
 481 Development, which provides for direct federal loans in the
 482 maximum amount, as defined therein, for the purpose of assisting
 483 certain nonprofit corporations to provide housing and related
 484 facilities for elderly families and elderly persons.

485 (b) This provision relating to housing facilities for the
 486 elderly is cumulative and in addition to the powers given to
 487 housing authorities under this chapter. All powers granted
 488 generally by law to housing authorities in Florida relating to
 489 issuance of trust indentures, debentures, and other methods of
 490 raising capital also ~~shall~~ apply ~~also~~ to housing authorities in
 491 connection with their participation in programs of the United
 492 States Department of Housing and Urban Development.

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

495 applies ~~apply~~ to any housing authority created under this
 496 section and any affordable housing efforts they undertake,
 497 either directly or through instrumentalities.

498 Section 10. Section 421.28, Florida Statutes, is amended
 499 to read:

500 421.28 Creation of a consolidated ~~regional~~ housing
 501 authority.-

502 (1) If the commissioners ~~governing body~~ of each of two or
 503 more city or county housing authorities of neighboring areas of
 504 operation that are not under federal receivership declare
 505 contiguous counties by identical resolution, after a dedicated
 506 public hearing and two consecutive meetings at which such
 507 resolution is heard, declares that there is a need, and provide
 508 a detailed plan, for merging their authorities in the best
 509 interest of their respective tenants and communities, one
 510 housing authority is ~~to be~~ created for all of such authorities
 511 ~~counties~~ to exercise powers and other functions herein
 512 prescribed in such areas of operation through ~~counties,~~ a public
 513 body corporate and politic to be known as a consolidated
 514 ~~regional~~ housing authority, which may be an existing housing
 515 authority designated by the authorities or a new entity with
 516 such corporate name as the authority selects. After the
 517 consolidation, shall thereupon exist for all of such counties
 518 ~~and exercise its powers and other functions in such counties;~~
 519 ~~and thereupon~~ each housing authority created by s. 421.04 or s.
 520 421.27 for each of such areas ~~counties~~ shall cease to exist

521 | except for the purpose of winding up its affairs and executing a
522 | deed to the consolidated ~~regional~~ housing authority as hereafter
523 | provided if ~~;~~ ~~provided that the governing body of a county shall~~
524 | ~~not adopt a resolution as aforesaid if there is a housing~~
525 | ~~authority created for such county which has any obligations~~
526 | ~~outstanding unless first:~~

527 | (a) All obligees of such ~~county~~ housing authorities
528 | ~~authority~~ and parties to the contracts, bonds, notes, and other
529 | obligations of such ~~county~~ housing authorities ~~authority~~ agree
530 | ~~with such county housing authority~~ to the substitution of the
531 | consolidated ~~such regional~~ housing authority ~~in lieu of such~~
532 | ~~county housing authority on all such contracts, bonds, notes or~~
533 | ~~other obligations; and~~

534 | (b) The commissioners of such ~~county~~ housing authorities
535 | ~~authority~~ adopt a resolution consenting to the transfer of all
536 | of the rights, contracts, obligations, and property, real and
537 | personal, ~~of such county housing authority~~ to the consolidated
538 | ~~such regional~~ housing authority ~~as hereinafter provided; and~~

539 | (c) No more than three housing authorities are combined
540 | within a 10-year period, unless there is a resolution of each
541 | housing authority and local government within the area of
542 | operation in support of such additional consolidation.

543 |
544 | ~~and provided further that when the above two conditions are~~
545 | ~~complied with and such regional housing authority is created and~~
546 | ~~authorized to exercise its powers and other functions, all~~

547 ~~rights, contracts, agreements, obligations and property of such~~
548 ~~county housing authority shall be in the name of and vest in~~
549 ~~such regional housing authority, and all obligations of such~~
550 ~~county housing authority shall be the obligations of such~~
551 ~~regional housing authority and all rights and remedies of any~~
552 ~~person against such county housing authority may be asserted,~~
553 ~~enforced and prosecuted against such regional housing authority~~
554 ~~to the same extent as they may have been asserted, enforced and~~
555 ~~prosecuted against such county housing authority.~~

556 (2) When any real property of a county housing authority
557 vests in a consolidated ~~regional~~ housing authority as provided
558 in subsection (1) above, the county housing authority shall
559 execute a deed of such property to the consolidated ~~regional~~
560 housing authority which thereupon shall file such deed with the
561 recorder of deeds of the county where such real property is
562 located, ~~provided that nothing contained in this sentence shall~~
563 ~~affect the vesting of property in the regional housing authority~~
564 ~~as provided above.~~

565 ~~(3) The governing body of each of two or more contiguous~~
566 ~~counties shall by resolution declare that there is a need for~~
567 ~~one regional housing authority to be created for all of such~~
568 ~~counties to exercise powers and other functions herein~~
569 ~~prescribed in such counties, if such governing body finds, and~~
570 ~~only if it finds:~~

571 ~~(a) That insanitary or unsafe inhabited dwelling~~
572 ~~accommodations exist in such county or there is a shortage of~~

573 ~~safe and sanitary dwelling accommodations in such county~~
574 ~~available to persons of low income at rentals they can afford;~~
575 ~~and~~

576 ~~(b) That a regional housing authority would be a more~~
577 ~~efficient or economical administrative unit than the housing~~
578 ~~authority of such county to carry out the purposes of this~~
579 ~~Housing Authorities Law in such county.~~

580 ~~(3)(4)~~ In any suit, action, or proceeding involving the
581 validity or enforcement of or relating to any contract of the
582 consolidated regional housing authority, the consolidated
583 ~~regional~~ housing authority shall be conclusively deemed to have
584 become created, ~~as a public body corporate and politic and to~~
585 ~~have become~~ established, and authorized to transact business and
586 exercise its powers hereunder upon proof of the adoption of a
587 resolution by the commissioners ~~governing body~~ of each of the
588 authorities ~~counties~~ creating the consolidated regional housing
589 authority ~~declaring the need for the regional housing authority.~~
590 ~~Each such resolution shall be deemed sufficient if it declares~~
591 ~~that there is need for a regional housing authority and finds in~~
592 ~~substantially the foregoing terms, no further detail being~~
593 ~~necessary, that the conditions enumerated in subsection (3)~~
594 ~~exist. A copy of such resolution of the governing body of a~~
595 ~~county, duly certified by the county clerk of such county, shall~~
596 ~~be admissible in evidence in any suit, action or proceeding.~~

597 Section 11. Section 421.29, Florida Statutes, is amended
598 to read:

599 421.29 Area of operation of consolidated ~~regional~~ housing
600 authority.—

601 (1) The area of operation of a consolidated ~~regional~~
602 housing authority includes ~~shall include~~ all of the areas of
603 operation ~~counties~~ for which such consolidated ~~regional~~ housing
604 authority is created and established, except such portions that
605 ~~of the counties which~~ lie within the territorial boundaries of
606 existing housing authorities not a part of the consolidated
607 housing authority ~~cities, as defined in the Housing Authorities~~
608 ~~Law, as amended.~~

609 (2) The area of operation of a consolidated ~~regional~~
610 housing authority may ~~shall~~ be increased from time to time to
611 include one or more additional authorities ~~counties~~ not already
612 within a consolidated ~~regional~~ housing authority, ~~except such~~
613 ~~portion or portions of such additional county or counties which~~
614 ~~lie within the territorial boundaries of any city, as defined,~~
615 if the commissioners ~~governing body~~ of each of the ~~counties~~
616 authorities to be ~~then~~ included in the area of operation of such
617 consolidated ~~regional~~ housing authority, as well as the
618 commissioners of the consolidated ~~regional~~ housing authority,
619 ~~and the governing body of each such additional county or~~
620 ~~counties~~ each adopt a resolution declaring that there is a need
621 for the inclusion of such additional authorities ~~county or~~
622 ~~counties~~ in the area of operation of the consolidated ~~such~~
623 ~~regional~~ housing authority. Upon the adoption of such
624 resolutions, the county housing authority created by s. 421.27

625 for each such additional area ~~county~~ shall cease to exist except
626 for the purpose of winding up its affairs and executing a deed
627 to the consolidated ~~regional~~ housing authority as ~~hereinafter~~
628 provided in s. 421.28.; ~~provided, however, that such resolutions~~
629 ~~shall not be adopted if there is a county housing authority~~
630 ~~created for any such additional county which has any obligations~~
631 ~~outstanding unless first:~~

632 ~~(a) All obligees of any such county housing authority and~~
633 ~~parties to the contracts, bonds, notes and other obligations of~~
634 ~~any such county housing authority agree with such county housing~~
635 ~~authority and the regional housing authority to the substitution~~
636 ~~of such regional housing authority in lieu of such county~~
637 ~~housing authority on all such contracts, bonds, notes or other~~
638 ~~obligations, and second:~~

639 ~~(b) The commissioners of such county housing authority and~~
640 ~~the commissioners of such regional housing authority adopt~~
641 ~~resolutions consenting to the transfer of all the rights,~~
642 ~~contracts, obligations and property, real and personal, of such~~
643 ~~county housing authority to such regional housing authority as~~
644 ~~hereinafter provided, and provided further, that when the above~~
645 ~~two conditions are complied with and the area of operation of~~
646 ~~such regional housing authority is increased to include such~~
647 ~~additional county, as hereinabove provided, all rights,~~
648 ~~contracts, agreements, obligations and property of such county~~
649 ~~housing authority shall be in the name of and vest in such~~
650 ~~regional housing authority, all obligations of such county~~

651 ~~housing authority shall be the obligations of such regional~~
652 ~~housing authority and all rights and remedies of any person~~
653 ~~against such county housing authority may be asserted, enforced~~
654 ~~and prosecuted against such regional housing authority to the~~
655 ~~same extent as they may have been asserted, enforced and~~
656 ~~prosecuted against such county housing authority.~~

657 ~~(3) When any real property of a county housing authority~~
658 ~~vests in a regional housing authority as provided above, the~~
659 ~~county housing authority shall execute a deed of such property~~
660 ~~to the regional housing authority which thereupon shall file~~
661 ~~such deed with the recorder of deeds of the county where such~~
662 ~~real property is, provided that nothing contained in this~~
663 ~~sentence shall affect the vesting of property in the regional~~
664 ~~housing authority as provided above.~~

665 ~~(4) The governing body of each of the counties in the~~
666 ~~regional housing authority, the commissioners of the regional~~
667 ~~housing authority and the governing body of each such additional~~
668 ~~county or counties shall by resolution declare that there is a~~
669 ~~need for the addition of such county or counties to the regional~~
670 ~~housing authority, if:~~

671 ~~(a) The governing body of each of such additional county~~
672 ~~or counties finds that insanitary or unsafe inhabited dwelling~~
673 ~~accommodations exist in such county or there is a shortage of~~
674 ~~safe or sanitary dwelling accommodations in such county~~
675 ~~available to persons of low income at rentals they can afford;~~
676 ~~and~~

677 ~~(b) The governing body of each of the counties then~~
678 ~~included in the area of operation of the regional housing~~
679 ~~authority, the commissioners of the regional housing authority~~
680 ~~and the governing body of each such additional county or~~
681 ~~counties find that the regional housing authority would be a~~
682 ~~more efficient or economical administrative unit to carry out~~
683 ~~the purposes of this Housing Authorities Law if the area of~~
684 ~~operation of the regional housing authority shall be increased~~
685 ~~to include such additional county or counties.~~

686 ~~(5) In determining whether dwelling accommodations are~~
687 ~~unsafe or insanitary under this or s. 421.28, the governing body~~
688 ~~of a county shall take into consideration the safety and~~
689 ~~sanitation of the dwellings, the light and airspace available to~~
690 ~~the inhabitants of such dwellings, the degree of overcrowding,~~
691 ~~the size and arrangement of the rooms and the extent to which~~
692 ~~conditions exist in such buildings which endanger life or~~
693 ~~property by fire or other causes.~~

694 (3)~~(6)~~ In connection with the issuance of bonds or the
695 incurring of other obligations, a consolidated regional housing
696 authority may covenant as to limitations on its right to adopt
697 resolutions relating to the increase of its area of operation.

698 ~~(7) No governing body of a county shall adopt any~~
699 ~~resolution authorized by this or s. 421.28 unless a public~~
700 ~~hearing has first been held. The clerk of such county shall give~~
701 ~~notice of the time, place and purpose of the public hearing at~~
702 ~~least 10 days prior to the day on which the hearing is to be~~

703 ~~held, in a newspaper published in such county, or if there is no~~
704 ~~newspaper published in such county, then in a newspaper~~
705 ~~published in the state and having a general circulation in such~~
706 ~~county. Upon the date fixed for such public hearing an~~
707 ~~opportunity to be heard shall be granted to all residents of~~
708 ~~such county and to all other interested persons.~~

709 Section 12. Section 421.30, Florida Statutes, is amended
710 to read:

711 421.30 Commissioners of consolidated regional
712 authorities.-

713 (1) When a consolidated regional housing authority has
714 been created ~~as provided above~~, the consolidation plan must
715 include provision for the distribution of appointments among the
716 existing appointing authorities. The appointing authorities
717 ~~Governor~~ shall thereupon appoint seven persons, with at least
718 one qualified elector from each area of operation county
719 included therein, provided that there are suitable candidates
720 who are willing to serve from each area of operation in such
721 ~~regional housing authority as a commissioner of the regional~~
722 ~~housing authority.~~

723 (2) When the area of operation of a consolidated regional
724 housing authority is increased to include an additional area of
725 operation county or counties as herein provided, the
726 consolidation plan must provide for the appointment of Governor
727 ~~shall thereupon appoint~~ one qualified elector from each such
728 additional area of operation county as a commissioner ~~of the~~

729 ~~regional housing authority. The number of commissioners of a~~
730 ~~consolidated housing authority may be increased above seven only~~
731 ~~for the implementation of this subsection.~~

732 (3) If any county is later excluded from the area of
733 operation of a consolidated ~~regional~~ housing authority, the
734 office of the commissioner of such ~~regional~~ housing authority
735 appointed as provided in subsection (2) is ~~above for such county~~
736 ~~, shall be thereupon~~ abolished.

737 (4)~~(2)~~ If the area of operation of a consolidated ~~regional~~
738 housing authority consists at any time of an even number of
739 counties, the Governor shall appoint one additional
740 commissioner, who shall be a qualified elector from one of the
741 counties in such area of operation, ~~whose term of office shall~~
742 ~~be as herein provided for a commissioner of a regional housing~~
743 ~~authority, except that such term shall end at any earlier time~~
744 ~~that the area of operation of the regional housing authority~~
745 ~~shall be changed to consist of an odd number of counties.~~

746 (5)~~(3)~~ A certificate of the appointment of any
747 commissioner of a consolidated ~~regional~~ housing authority shall
748 be filed with the county clerk of the county from which the
749 commissioner is appointed, and such certificate shall be
750 conclusive evidence of the due and proper appointment of such
751 commissioner.

752 (6) The commissioners of a consolidated ~~regional~~ housing
753 authority shall be appointed for staggered terms of 4 years,
754 except that the terms of the initial appointees may be truncated

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755 to stagger them properly, and all vacancies shall be filled for
756 the unexpired terms. Each commissioner shall hold office until a
757 successor has been appointed and has qualified, except as
758 otherwise provided herein. The Governor shall thereafter appoint
759 the successor of each commissioner ~~of a regional housing~~
760 ~~authority.~~

761 ~~(4) The commissioners appointed as aforesaid shall~~
762 ~~constitute the regional housing authority, and the powers of~~
763 ~~such authority shall be vested in such commissioners in office~~
764 ~~from time to time.~~

765 (7)~~(5)~~ The commissioners of a consolidated ~~regional~~
766 housing authority shall elect a chair from among the
767 commissioners and shall have power to select or employ such
768 other officers and employees as the ~~regional~~ housing authority
769 may require. A majority of the commissioners of a consolidated
770 ~~regional~~ housing authority shall constitute a quorum of such
771 authority for the purpose of conducting its business and
772 exercising its powers and for all other purposes.

773 Section 13. Section 421.31, Florida Statutes, is amended
774 to read:

775 421.31 Powers of consolidated ~~regional~~ housing authority;
776 definitions.—Except as otherwise provided herein, a consolidated
777 ~~regional~~ housing authority and the commissioners thereof shall,
778 within the area of operation of such consolidated ~~regional~~
779 housing authority, have the same functions, rights, powers,
780 duties, privileges, and immunities provided for housing

781 authorities created for cities or counties ~~and the commissioners~~
782 ~~of such housing authorities in the same manner as though all the~~
783 ~~provisions of law applicable to housing authorities created for~~
784 ~~cities or counties were applicable to regional housing~~
785 ~~authorities; provided that for such purposes the term "mayor" as~~
786 ~~used in the Housing Authorities Law shall be construed as~~
787 ~~meaning "Governor," the term "governing body" as used therein~~
788 ~~shall be construed as meaning "county commissioners," the term~~
789 ~~"city" as used therein shall be construed as meaning "county"~~
790 ~~and the term "clerk" as used therein shall be construed as~~
791 ~~meaning "county clerk," as herein defined, unless a different~~
792 ~~meaning clearly appears from the context; and provided further~~
793 ~~that the Governor may appoint any person as commissioner of a~~
794 ~~regional housing authority who is a qualified elector in the~~
795 ~~county from which he or she is appointed; and provided further~~
796 ~~that any commissioner of a regional housing authority may be~~
797 ~~removed or suspended in the same manner and for the same reason~~
798 ~~as other officers appointed by the Governor. A consolidated~~
799 ~~regional~~ housing authority shall have power to select any
800 appropriate corporate name.

801 Section 14. Section 421.32, Florida Statutes, is amended
802 to read:

803 421.32 Rural housing projects.—County housing authorities
804 and consolidated ~~regional~~ housing authorities are specifically
805 empowered and authorized to borrow money, accept grants, and
806 exercise their other powers to provide housing for farmers of

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807 low income and domestic farm labor as defined in s. 514 of the
808 Federal Housing Act of 1949. In connection with such projects,
809 any such housing authority may enter into such leases or
810 purchase agreements, accept such conveyances, and rent or sell
811 dwellings forming part of such projects to or for farmers of low
812 income, as such housing authority deems necessary in order to
813 assure the achievement of the objectives of this law. Such
814 leases, agreements, or conveyances may include such covenants as
815 the housing authority deems appropriate regarding such dwellings
816 and the tracts of land described in any such instrument, which
817 covenants shall be deemed to run with the land when ~~where~~ the
818 housing authority deems it necessary and the parties to such
819 instrument so stipulate. In providing housing for farmers of low
820 income, county housing authorities and consolidated ~~regional~~
821 housing authorities are ~~shall~~ not be subject to the limitations
822 provided in ss. 421.08(1)(c) ~~421.08(3)~~ and 421.10(3). ~~Nothing~~
823 ~~contained in~~ This section does not limit ~~shall be construed as~~
824 ~~limiting~~ any other powers of any housing authority.

825 Section 15. Section 421.321, Florida Statutes, is amended
826 to read:

827 421.321 Execution of mortgages.—County and consolidated
828 ~~regional~~ housing authorities organized under this chapter are
829 authorized to execute mortgages encumbering real property as
830 security for loans made for providing facilities for domestic
831 farm labor pursuant to s. 514 of the Federal Housing Act of
832 1949.

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833 Section 16. Section 421.33, Florida Statutes, is amended
834 to read:

835 421.33 Housing applications by farmers.—The owner of any
836 farm operated, or worked upon, by farmers of low income in need
837 of safe and sanitary housing may file an application with a
838 housing authority created for a county or a consolidated
839 ~~regional~~ housing authority requesting that it provide for a safe
840 and sanitary dwelling or dwellings for occupancy by such farmers
841 of low income. Such applications shall be received and examined
842 by housing authorities in connection with the formulation of
843 projects or programs to provide housing for farmers of low
844 income. ~~Provided,~~ However, ~~that~~ if it becomes necessary for an
845 applicant under this section to convey any portion of the
846 applicant's then homestead in order to take advantages as
847 provided herein, then in that event, ~~the~~ parting with title to a
848 portion of said homestead shall not affect the remaining portion
849 of same, but all rights that said owner may have in and to same
850 under and by virtue of the State Constitution ~~of the state~~ or
851 any law passed pursuant thereto, ~~shall~~ be deemed and held to
852 apply to such remaining portion of said land, the title of which
853 remains in said applicant. ~~it being the intention of~~ The
854 Legislature intends to permit the owner of any farm operated or
855 worked upon by farmers of low income in need of safe and
856 sanitary housing to take advantage of the provisions of this law
857 without jeopardizing the owner's ~~their~~ rights in the owner's
858 ~~their~~ then homestead by reason of any requirement that may be

859 necessary in order ~~for them~~ to receive the benefits herein
 860 provided, ~~+~~ and no court shall ever construe that an applicant
 861 who has taken advantage of this law has in any manner, shape, or
 862 form abandoned his or her rights in any property that is the
 863 applicant's then homestead by virtue of such action upon his or
 864 her part, but it shall be held, construed, and deemed that such
 865 action upon the part of any applicant hereunder was not any
 866 abandonment of the applicant's then homestead, and that all
 867 rights that the applicant then had therein shall be and remain
 868 as provided by the State Constitution and any law enacted
 869 pursuant thereto.

870 Section 17. Section 421.50, Florida Statutes, is amended
 871 to read:

872 421.50 Decreasing area of operation of consolidated
 873 ~~regional~~ authority.-

874 (1) The area of operation of a consolidated ~~regional~~
 875 housing authority may ~~shall~~ be decreased from time to time to
 876 exclude one or more cities or counties from such area if the
 877 ~~governing body of each of the counties in such area and the~~
 878 commissioners of the consolidated ~~regional~~ housing authority
 879 each adopt a resolution declaring that there is a need for
 880 excluding such city or cities or county or counties from such
 881 area. ~~;~~ ~~provided,~~ ~~that~~

882 (2) No action may be taken pursuant to this section if the
 883 consolidated ~~regional~~ housing authority has outstanding any
 884 bonds, debentures, or notes unless ~~first,~~ all holders first ~~of~~

885 ~~such bonds, debentures or notes consent in writing. to such~~
886 ~~action; and provided, that~~ If such action decreases the area of
887 ~~operation of the regional housing authority~~ to only one city or
888 county, such authority shall thereupon constitute and become a
889 housing authority for such city or county~~7~~ in the same manner as
890 though such authority were created by and authorized to transact
891 business and exercise its powers pursuant to s. 421.04 or s.
892 421.27~~.~~ and the commissioners of such authority shall be
893 thereupon appointed as provided for the appointment of
894 ~~commissioners of a housing authority created for a county. The~~
895 ~~governing body of each of the counties in the area of operation~~
896 ~~of the regional housing authority and the commissioners of the~~
897 ~~regional housing authority shall adopt a resolution declaring~~
898 ~~that there is a need for excluding a county or counties from~~
899 ~~such area only if each such governing body and the commissioners~~
900 ~~of the regional housing authority find that, because of facts~~
901 ~~arising or determined subsequent to the time when such area~~
902 ~~first included the county or counties to be excluded, the~~
903 ~~regional housing authority would be a more efficient or~~
904 ~~economical administrative unit if such county or counties were~~
905 ~~excluded from such area.~~

906 ~~(2) The governing body of a county shall not adopt any~~
907 ~~resolution authorized by this section unless a public hearing~~
908 ~~has first been held in accordance with the provisions of the~~
909 ~~Housing Authorities Law.~~

910 ~~(3) A certificate of the appointment of any commissioner~~

911 ~~of a regional housing authority shall be filed with the county~~
912 ~~clerk of the county from which the commissioner is appointed,~~
913 ~~and such certificate shall be conclusive evidence of the due and~~
914 ~~proper appointment of such commissioner. The commissioners of a~~
915 ~~regional housing authority shall be appointed for terms of 4~~
916 ~~years, except that all vacancies shall be filled for the~~
917 ~~unexpired terms. Each commissioner shall hold office until a~~
918 ~~successor has been appointed and has qualified, except as~~
919 ~~otherwise provided herein. The Governor shall thereafter appoint~~
920 ~~the successor of each commissioner of a regional housing~~
921 ~~authority.~~

922 ~~(4) The commissioners appointed as aforesaid shall~~
923 ~~constitute the regional housing authority, and the powers of~~
924 ~~such authority shall be vested in such commissioners in office~~
925 ~~from time to time.~~

926 ~~(5) The commissioners of a regional housing authority~~
927 ~~shall elect a chair from among the commissioners and shall have~~
928 ~~power to select or employ such other officers and employees as~~
929 ~~the regional housing authority may require. A majority of the~~
930 ~~commissioners of a regional housing authority shall constitute a~~
931 ~~quorum of such authority for the purpose of conducting its~~
932 ~~business and exercising its powers and for all other purposes.~~

933 Section 18. Section 421.51, Florida Statutes, is amended
934 to read:

935 421.51 Authority for city or county excluded from
936 consolidated regional authority.—At any time after a city or

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937 | county ~~or counties~~ is excluded from the area of operation of a
938 | consolidated regional housing authority ~~as provided above~~, the
939 | governing body of any such city or county may adopt a resolution
940 | declaring that there is a need for a housing authority, which
941 | housing authority is then created by, and authorized to transact
942 | business and exercise its powers pursuant to, s. 421.04 or s.
943 | 421.27 in the county, if the governing body shall declare and
944 | ~~find such need according to the provisions of the Housing~~
945 | ~~Authorities Law. Thereupon a public body corporate and politic,~~
946 | ~~to be known as the "housing authority of the county," shall~~
947 | ~~exist for such county and may transact business and exercise its~~
948 | ~~powers in the same manner as though created by the Housing~~
949 | ~~Authorities Law. Nothing contained herein shall be construed as~~
950 | ~~preventing such county from thereafter being included within the~~
951 | ~~area of operation of a regional housing authority as provided in~~
952 | ~~s. 421.28 or s. 421.29.~~

953 | Section 19. Section 422.02, Florida Statutes, is amended
954 | to read:

955 | 422.02 Finding and declaration of necessity.—It has been
956 | found and declared in the Housing Authorities Law that there
957 | exist in the state unsafe and insanitary housing conditions, and
958 | a shortage of safe and sanitary dwelling accommodations, and a
959 | lack of access to essential commercial goods and services
960 | necessary for daily living for persons of low income; that these
961 | conditions necessitate excessive and disproportionate
962 | expenditures of public funds for crime prevention and

963 punishment, public health, welfare and safety, fire and accident
 964 protection, and other public services and facilities; and that
 965 the public interest requires the remedying of these conditions.
 966 It is found and declared that the assistance herein provided for
 967 the remedying of the conditions set forth in the Housing
 968 Authorities Law constitutes a public use and purpose and an
 969 essential governmental function for which public moneys may be
 970 spent and other aid given; that it is a proper public purpose
 971 for any state public body to aid any housing authority operating
 972 within its boundaries or jurisdiction or any housing project
 973 located therein, as the state public body derives immediate
 974 benefits and advantages from such an authority or project; and
 975 that the provisions hereinafter enacted are necessary in the
 976 public interest.

977 Section 20. Section 422.04, Florida Statutes, is amended
 978 to read:

979 422.04 Cooperation in undertaking housing projects.-

980 (1) For the purpose of aiding and cooperating in the
 981 planning, undertaking, construction, l or operation of housing
 982 projects located within the area in which it is authorized to
 983 act, any state public body may, l upon such terms, with or without
 984 consideration, as it may determine:

985 (a) Dedicate, sell, convey, l or lease any of its property
 986 to a housing authority or the Federal Government. †

987 (b) Cause parks; i ~~T~~ playgrounds; i ~~T~~ recreational, community,
 988 educational, water, sewer, l or drainage facilities; commercial

989 projects that allow access to essential commercial goods and
 990 services for persons of low income residing in housing projects;
 991 or any other works, ~~which~~ it is otherwise empowered to
 992 undertake, ~~to be~~ furnished adjacent to or in connection with
 993 housing projects. ~~†~~

994 (c) Furnish, dedicate, close, pave, install, grade,
 995 regrade, plan, or replan streets, roads, roadways, alleys,
 996 sidewalks, or other places ~~which~~ it is otherwise empowered to
 997 undertake. ~~†~~

998 (d) Plan, ~~or~~ replan, zone, or rezone any part of such
 999 state public body; make exceptions from building regulations and
 1000 ordinances; and, with respect to any city or town, ~~also may~~
 1001 change its map. ~~†~~

1002 (e) Enter into agreements, which may extend over any
 1003 period, notwithstanding any provision or rule of law to the
 1004 contrary, with a housing authority or the Federal Government
 1005 respecting action to be taken by such state public body pursuant
 1006 to any of the powers granted by this chapter. ~~†~~

1007 (f) Do any and all things, ~~necessary or convenient to aid~~
 1008 and cooperate in the planning, undertaking, construction, or
 1009 operation of such housing projects. ~~†~~

1010 (g) Purchase or legally invest in any of the debentures of
 1011 a housing authority and exercise all of the rights of any holder
 1012 of such debentures. ~~†~~

1013 (h) Not require any changes to be made in a housing
 1014 project or the manner of its construction or take any other

1015 action relating to such construction with respect to any housing
 1016 project which a housing authority has acquired or taken over
 1017 from the Federal Government and which the housing authority by
 1018 resolution has found and declared to have been constructed in a
 1019 manner that will promote the public interest and afford
 1020 necessary safety, sanitation, and other protection. ~~no state~~
 1021 ~~public body shall require any changes to be made in the housing~~
 1022 ~~project or the manner of its construction or take any other~~
 1023 ~~action relating to such construction;~~

1024 (i) Incur the entire expense of ~~In connection with~~ any
 1025 public improvements made by the ~~a~~ state public body in
 1026 exercising the powers herein granted, ~~such state public body may~~
 1027 ~~incur the entire expense thereof.~~

1028 (2) Any law or statute to the contrary notwithstanding,
 1029 any sale, conveyance, lease, or agreement provided for in this
 1030 section may be made by a state public body without appraisal,
 1031 public notice, advertisement, or public bidding.

1032 Section 21. Section 423.01, Florida Statutes, is amended
 1033 to read:

1034 423.01 Finding and declaration of property of tax
 1035 exemption for housing authorities.—It has been found and
 1036 declared in the Housing Authorities Law and the Housing
 1037 Cooperation Law that:

1038 (1) There exist in the state housing conditions that ~~which~~
 1039 constitute a menace to the health, safety, morals, and welfare
 1040 of the residents of the state;

1041 (2) These conditions necessitate excessive and
 1042 disproportionate expenditures of public funds for crime
 1043 prevention and punishment, public health, welfare and safety,
 1044 fire and accident prevention, and other public services and
 1045 facilities;

1046 (3) The public interest requires the remedying of these
 1047 conditions by the creation of housing authorities to undertake
 1048 projects for the ~~slum~~ clearance of blighted areas and for
 1049 providing safe and sanitary dwelling accommodations and access
 1050 to essential commercial goods and services necessary for daily
 1051 living for persons who lack sufficient income to enable them to
 1052 live in decent, safe, and sanitary dwellings without
 1053 overcrowding; ~~and~~

1054 (4) Facilities made available by housing authorities to
 1055 provide access to essential commercial goods and services
 1056 necessary for daily living for persons of low income residing in
 1057 housing projects are a critical component of those housing
 1058 projects and constitute a public use and a governmental
 1059 function; and

1060 (5) ~~(4)~~ Such housing projects, including all property of a
 1061 housing authority used for or in connection therewith or
 1062 appurtenant thereto and all property used to provide access to
 1063 essential commercial goods and services necessary for daily
 1064 living for persons of low income residing in such housing
 1065 projects, are exclusively for public uses and municipal purposes
 1066 and not for profit, and are governmental functions of state

1067 concern. As a matter of legislative determination, it is found
 1068 and declared that the property and debentures of a housing
 1069 authority are of such character as may be exempt from taxation.

1070 Section 22. Section 423.02, Florida Statutes, is amended
 1071 to read:

1072 423.02 Housing projects exempted from taxes and
 1073 assessments; payments in lieu thereof.—The housing projects,
 1074 including all property of housing authorities used for or in
 1075 connection therewith or appurtenant thereto, of housing
 1076 authorities are ~~shall be~~ exempt from all taxes and special
 1077 assessments of the state or any city, town, county, or political
 1078 subdivision of the state. ~~., provided,~~ However, ~~that~~ in lieu of
 1079 such taxes or special assessments, a housing authority may agree
 1080 to make payments to any city, town, county, or political
 1081 subdivision of the state for services, improvements, or
 1082 facilities furnished by such city, town, county, or political
 1083 subdivision for the benefit of a housing project owned by the
 1084 housing authority, but in no event shall such payments may not
 1085 exceed the estimated cost to such city, town, county or
 1086 political subdivision of the services, improvements, or
 1087 facilities to be ~~se~~ furnished by the city, town, county, or
 1088 political subdivision of the state. This section does not exempt
 1089 the activities or property of a person who provides essential
 1090 commercial goods and services. However, the real property of a
 1091 housing authority that is used to provide access to essential
 1092 commercial goods and services under this chapter is exempt from

1093 ad valorem taxes and special assessments.

1094 Section 23. Paragraph (f) of subsection (1) of section
1095 893.13, Florida Statutes, is amended to read:

1096 893.13 Prohibited acts; penalties.—

1097 (1)

1098 (f) Except as authorized by this chapter, a person may not
1099 sell, manufacture, or deliver, or possess with intent to sell,
1100 manufacture, or deliver, a controlled substance in, on, or
1101 within 1,000 feet of the real property comprising a public
1102 housing facility at any time. As used in this section, the term
1103 "real property comprising a public housing facility" means real
1104 property, as defined in s. 421.03(14) ~~421.03(12)~~, of a public
1105 corporation created as a housing authority pursuant to part I of
1106 chapter 421. A person who violates this paragraph with respect
1107 to:

1108 1. A controlled substance named or described in s.
1109 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1110 commits a felony of the first degree, punishable as provided in
1111 s. 775.082, s. 775.083, or s. 775.084.

1112 2. A controlled substance named or described in s.
1113 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1114 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1115 the second degree, punishable as provided in s. 775.082, s.
1116 775.083, or s. 775.084.

1117 3. Any other controlled substance, except as lawfully
1118 sold, manufactured, or delivered, must be sentenced to pay a

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1119 | \$500 fine and to serve 100 hours of public service in addition
1120 | to any other penalty prescribed by law.

1121 | Section 24. This act shall take effect July 1, 2015.