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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/16/2015	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 642 and 643

insert:

Section 10. Subsection (4) is added to section 421.04, Florida Statutes, to read:

421.04 Creation of housing authorities.—

(4) Regardless of the date of its creation, a housing authority may not apply to the Federal Government to seize any projects, units, or vouchers of another established housing



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11 authority, irrespective of each housing authority's areas of  
12 operation.

13 Section 11. Subsection (2) of section 421.05, Florida  
14 Statutes, is amended to read:

15 421.05 Appointment, qualifications, and tenure of  
16 commissioners; hiring of employees.—

17 (2) The powers of each authority shall be vested in the  
18 commissioners thereof in office from time to time. A majority of  
19 the commissioners shall constitute a quorum of the authority for  
20 the purpose of conducting its business and exercising its powers  
21 and for all other purposes. Action may be taken by the authority  
22 upon a vote of a majority of the commissioners present, unless  
23 in any case the bylaws of the authority require a larger number.  
24 The mayor with the concurrence of the governing body shall  
25 designate ~~which of the commissioners appointed shall be the~~  
26 first chair from among the appointed commissioners, but when the  
27 office of the chair of the authority thereafter becomes vacant,  
28 the authority shall select a chair from among the its  
29 commissioners. An authority shall also select from among the its  
30 commissioners a vice chair,~~r~~ and it may employ a secretary, who  
31 shall be the executive director, technical experts, and such  
32 other officers, agents, and employees, permanent and temporary,  
33 as it may require and shall determine their qualifications,  
34 duties, and compensation. Accordingly, authorities are exempt  
35 from s. 215.425. For such legal services as it may require, An  
36 authority may call upon the chief law officer of the city or may  
37 employ its own counsel and legal staff for legal services. An  
38 authority may delegate to one or more of its agents or employees  
39 such powers or duties as it may deem proper.



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40 Section 12. Subsection (1) of section 421.091, Florida  
41 Statutes, is amended to read:

42 421.091 Financial accounting and investments; fiscal year.—

43 (1) A complete and full financial accounting and audit in  
44 accordance with federal audit standards of public housing  
45 agencies shall be made biennially by a certified public  
46 accountant and submitted to the Federal Government in accordance  
47 with its policies. Housing authorities are otherwise exempt from  
48 the reporting requirements of s. 218.32. A copy of such audit  
49 shall be filed with the governing body and with the Auditor  
50 General.

51 Section 13. Section 421.281, Florida Statutes, is created  
52 to read:

53 421.281 Consolidated Housing Authorities.—

54 (1) CREATION.—

55 (a) If the commissioners of at least two municipal or  
56 municipal and county housing authorities of neighboring areas of  
57 operation that are not under federal receivership declare by  
58 identical resolution, after a public hearing and two consecutive  
59 meetings at which such resolution is heard, that there is a need  
60 for merging their authorities which serves the best interest of  
61 their respective tenants and communities, one housing authority  
62 shall be created for all of such authorities to exercise powers  
63 and other functions herein prescribed in such areas of operation  
64 through a public body corporate and politic to be known as a  
65 consolidated housing authority.

66 (b) After the consolidation, each housing authority created  
67 by s. 421.04 or s. 421.27 for each of the areas shall cease to  
68 exist except for the purpose of winding up its affairs and



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69 executing a deed to the consolidated housing authority as  
70 hereafter provided, if:

71 1. All obligees of such housing authorities and parties to  
72 the contracts, bonds, notes, and other obligations of such  
73 housing authorities agree to the substitution of the  
74 consolidated housing authority; and

75 2. The commissioners of such housing authorities adopt a  
76 resolution consenting to the transfer of all of the rights,  
77 contracts, obligations, and property, real and personal, to the  
78 consolidated housing authority.

79 (c) When any real property of a housing authority vests in  
80 a consolidated housing authority as provided in subsection (2),  
81 the housing authority shall execute a deed of such property to  
82 the consolidated housing authority which thereupon shall file  
83 such deed with the recorder of deeds of the county where such  
84 real property is located.

85 (d) In any suit, action, or proceeding involving the  
86 validity or enforcement of or relating to any contract of the  
87 consolidated housing authority, the consolidated housing  
88 authority shall be conclusively deemed to have become created,  
89 established, and authorized to transact business and exercise  
90 its powers hereunder upon proof of the adoption of a resolution  
91 by the commissioners of each of the authorities creating the  
92 consolidated housing authority.

93 (e) No more than three housing authorities may be  
94 consolidated within a 10-year period, unless there is a  
95 resolution of each housing authority and local government within  
96 the area of operation in support of such additional  
97 consolidation.



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98           (2) AREA OF OPERATION.—

99           (a) The area of operation of a consolidated housing  
100 authority shall include the combined areas of operation of the  
101 housing authorities which merged to form the consolidated  
102 housing authority.

103           (b) In connection with the issuance of bonds or the  
104 incurring of other obligations, a consolidated housing authority  
105 may covenant as to limitations on its right to adopt resolutions  
106 relating to the increase of its area of operation.

107           (3) COMMISSIONERS.—

108           (a) When a consolidated housing authority has been created,  
109 the consolidation plan must include provision for the  
110 distribution of appointments among the existing appointing  
111 authorities. The appointing authorities shall thereupon appoint  
112 seven persons, with at least one qualified elector from each  
113 area of operation included therein, provided that there are  
114 suitable candidates who are willing to serve from each area of  
115 operation.

116           (b) When the area of operation of a consolidated housing  
117 authority is increased to include an additional area of  
118 operation as herein provided, the consolidation plan must  
119 provide for the appointment of one qualified elector from each  
120 such additional area of operation as a commissioner. The number  
121 of commissioners of a consolidated housing authority may be  
122 increased above seven only for the implementation of this  
123 subsection.

124           (c) If any county is later excluded from the area of  
125 operation of a consolidated housing authority, the office of the  
126 commissioner of such housing authority appointed as provided in



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127 subsection (2) is abolished.

128 (d) If the area of operation of a consolidated housing  
129 authority consists at any time of an even number of counties,  
130 the Governor shall appoint one additional commissioner, who  
131 shall be a qualified elector from one of the counties in such  
132 area of operation.

133 (e) A certificate of the appointment of any commissioner of  
134 a consolidated housing authority shall be filed with the county  
135 clerk of the county from which the commissioner is appointed,  
136 and such certificate shall be conclusive evidence of the due and  
137 proper appointment of such commissioner.

138 (f) The commissioners of a consolidated housing authority  
139 shall be appointed for staggered terms of 4 years, except that  
140 the terms of the initial appointees may be truncated to stagger  
141 them properly, and all vacancies shall be filled for the  
142 unexpired terms. Each commissioner shall hold office until a  
143 successor has been appointed and has qualified, except as  
144 otherwise provided herein. The appointing authority shall  
145 thereafter appoint the successor of each commissioner.

146 (g) The commissioners of a consolidated housing authority  
147 shall elect a chair from among the commissioners and shall have  
148 power to select or employ such other officers and employees as  
149 the housing authority may require. A majority of the  
150 commissioners of a consolidated housing authority shall  
151 constitute a quorum of such authority for the purpose of  
152 conducting its business and exercising its powers and for all  
153 other purposes.

154 (4) POWERS AND DUTIES.-

155 (a) Except as otherwise provided herein, a consolidated



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156 housing authority and the commissioners thereof shall, within  
157 the area of operation of such consolidated housing authority,  
158 have the same functions, rights, powers, duties, privileges, and  
159 immunities provided for housing authorities created for cities  
160 or counties. A consolidated housing authority shall have power  
161 to select any appropriate corporate name.

162 Section 14. Section 421.32, Florida Statutes, is amended to  
163 read:

164 421.32 Rural housing projects.—County housing authorities,  
165 consolidated housing authorities, and regional housing  
166 authorities are specifically empowered and authorized to borrow  
167 money, accept grants, and exercise their other powers to provide  
168 housing for farmers of low income and domestic farm labor as  
169 defined in s. 514 of the Federal Housing Act of 1949. In  
170 connection with such projects, any such housing authority may  
171 enter into such leases or purchase agreements, accept such  
172 conveyances, and rent or sell dwellings forming part of such  
173 projects to or for farmers of low income, as such housing  
174 authority deems necessary in order to assure the achievement of  
175 the objectives of this law. Such leases, agreements, or  
176 conveyances may include such covenants as the housing authority  
177 deems appropriate regarding such dwellings and the tracts of  
178 land described in any such instrument, which covenants shall be  
179 deemed to run with the land when ~~where~~ the housing authority  
180 deems it necessary and the parties to such instrument so  
181 stipulate. In providing housing for farmers of low income,  
182 county housing authorities, consolidated housing authorities,  
183 and regional housing authorities are ~~shall~~ not ~~be~~ subject to the  
184 limitations provided in ss. 421.08(1)(c) ~~421.08(3)~~ and



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185 421.10(3). ~~Nothing contained in~~ This section does not limit  
186 ~~shall be construed as limiting~~ any other powers of any housing  
187 authority.

188 Section 15. Section 421.321, Florida Statutes, is amended  
189 to read:

190 421.321 Execution of mortgages.—County, consolidated, and  
191 regional housing authorities organized under this chapter are  
192 authorized to execute mortgages encumbering real property as  
193 security for loans made for providing facilities for domestic  
194 farm labor pursuant to s. 514 of the Federal Housing Act of  
195 1949.

196 Section 16. Section 421.33, Florida Statutes, is amended to  
197 read:

198 421.33 Housing applications by farmers.—The owner of any  
199 farm operated, or worked upon, by farmers of low income in need  
200 of safe and sanitary housing may file an application with a  
201 housing authority created for a county, consolidated, or a  
202 regional housing authority requesting that it provide for a safe  
203 and sanitary dwelling or dwellings for occupancy by such farmers  
204 of low income. Such applications shall be received and examined  
205 by housing authorities in connection with the formulation of  
206 projects or programs to provide housing for farmers of low  
207 income. ~~Provided,~~ However, ~~that~~ if it becomes necessary for an  
208 applicant under this section to convey any portion of the  
209 applicant's then homestead in order to take advantages as  
210 provided herein, then in that event, the parting with title to a  
211 portion of said homestead shall not affect the remaining portion  
212 of same, but all rights that said owner may have in and to same  
213 under and by virtue of the State Constitution ~~of the state~~ or





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214 any law passed pursuant thereto, shall be deemed and held to  
215 apply to such remaining portion of said land, the title of which  
216 remains in said applicant. ~~it being the intention of The~~  
217 Legislature intends to permit the owner of any farm operated or  
218 worked upon by farmers of low income in need of safe and  
219 sanitary housing to take advantage of the provisions of this law  
220 without jeopardizing the owner's ~~their~~ rights in the owner's  
221 ~~their~~ then homestead by reason of any requirement that may be  
222 necessary in order ~~for them~~ to receive the benefits herein  
223 provided, and no court shall ever construe that an applicant  
224 who has taken advantage of this law has in any manner, shape, or  
225 form abandoned his or her rights in any property that is the  
226 applicant's then homestead by virtue of such action upon his or  
227 her part, but it shall be held, construed, and deemed that such  
228 action upon the part of any applicant hereunder was not any  
229 abandonment of the applicant's then homestead, and that all  
230 rights that the applicant then had therein shall be and remain  
231 as provided by the State Constitution and any law enacted  
232 pursuant thereto.

233  
234 ===== T I T L E A M E N D M E N T =====

235 And the title is amended as follows:

236 Delete line 87

237 and insert:

238 intent; amending s. 421.04, F.S.; prohibiting a  
239 housing authority from applying to the Federal  
240 Government to seize projects, units, or vouchers of  
241 another established housing authority; amending s.  
242 421.05, F.S.; exempting authorities from s. 215.425,



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243 F.S.; amending s. 421.091, F.S.; requiring a full  
244 financial accounting and audit of public housing  
245 agencies to be submitted to the Federal Government  
246 pursuant to certain requirements; exempting housing  
247 authorities from specified reporting requirements;  
248 creating s. 421.281, F.S.; creating consolidated  
249 housing authorities subject to certain requirements  
250 and restrictions; specifying the area of operation of  
251 a consolidated housing authority; providing for the  
252 appointment of commissioners subject to certain  
253 requirements and restrictions; providing that a  
254 majority of the commissioners constitutes a quorum;  
255 specifying the powers and duties of a consolidated  
256 housing authority and the commissioners thereof;  
257 amending s. 421.32, F.S.; conforming provisions to  
258 changes made by the act; conforming a cross-reference;  
259 amending ss. 421.321 and s. 421.33, F.S.; conforming  
260 provisions to changes made by the act; providing an  
261 effective date.