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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2015	.	
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The Committee on Community Affairs (Thompson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) There exist in the state insanitary or unsafe dwelling  
accommodations and that persons of low income are forced to



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11 reside in such insanitary or unsafe accommodations; that within  
12 the state there is a shortage of safe or sanitary dwelling  
13 accommodations available at rents which persons of low income  
14 can afford and that such persons are forced to occupy  
15 overcrowded and congested dwelling accommodations; that such the  
16 ~~aforsaid~~ conditions cause an increase in and spread of disease  
17 and crime and constitute a menace to the health, safety, morals,  
18 and welfare of the residents of the state and impair economic  
19 values; and that these conditions necessitate excessive and  
20 disproportionate expenditures of public funds for crime  
21 prevention and punishment, public health, welfare and safety,  
22 fire and accident protection, and other public services and  
23 facilities.

24 (2) Blighted areas in the state cannot be revitalized, nor  
25 can the shortage of safe and sanitary dwellings for persons of  
26 low income be relieved, solely through the operation of private  
27 enterprise. However, the state encourages the use of housing  
28 authority property in combination with private enterprise to  
29 construct, rehabilitate, and otherwise provide safe and sanitary  
30 dwelling conditions for persons of low income.

31 (3) The clearance, replanning, and reconstruction of the  
32 areas in which insanitary or unsafe housing conditions exist,  
33 ~~and~~ the providing of safe and sanitary dwelling accommodations,  
34 and the access to essential commercial goods and services  
35 necessary for daily living for persons of low income, including  
36 the acquisition by a housing authority of property to be used  
37 for or in connection with housing projects or appurtenant  
38 thereto, are exclusively public uses and purposes for which  
39 public money may be spent and private property acquired and are



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40 governmental functions of public concern.

41 (4) An important public purpose is served by providing  
42 access to essential commercial goods and services necessary for  
43 daily living for persons served by public housing authorities as  
44 those persons often have limited transportation capacity and  
45 significant family demands. Issues such as limited  
46 transportation capacity and significant family demands  
47 complicate daily living and make access to essential commercial  
48 goods and services difficult.

49 (5)-(4) The necessity in the public interest for the  
50 provisions hereinafter enacted, is hereby declared as a matter  
51 of legislative determination.

52 Section 2. Section 421.03, Florida Statutes, is amended to  
53 read:

54 421.03 Definitions.—As used ~~The following terms, wherever~~  
55 ~~used or referred to~~ in this part, except where the context  
56 clearly indicates otherwise, the term shall have the following  
57 ~~respective meanings for the purposes of this part, unless a~~  
58 ~~different meaning clearly appears from the context:~~

59 (2)-(1) "Authority" or "housing authority" means a shall  
60 ~~mean any of the public corporation corporations~~ created pursuant  
61 to by s. 421.04.

62 (4)-(2) "City" means shall mean any city or town of the  
63 state having a population of more than 2,500, according to the  
64 last preceding federal or state census. The term also means ~~"The~~  
65 ~~city" shall mean~~ the particular city for which a particular  
66 housing authority is created.

67 (9)-(3) "Governing body" means shall mean the city council,  
68 the commission, or other legislative body charged with governing



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69 the city, as the case may be.

70 (11)~~(4)~~ "Mayor" means ~~shall mean~~ the mayor of the city or  
71 the officer thereof charged with the duties customarily imposed  
72 on the mayor or executive head of the city.

73 (5) "Clerk" means ~~shall mean~~ the clerk of the city or the  
74 officer of the city charged with the duties customarily imposed  
75 on the clerk ~~thereof~~.

76 (1)~~(6)~~ "Area of Operation":

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

81 (b) In the case of a housing authority of a city having a  
82 population of 25,000 or more, includes ~~shall include~~ such city  
83 and the area within 10 miles of its ~~from the~~ territorial  
84 boundaries. ~~thereof; provided~~ However, ~~that~~ the area of  
85 operation of a housing authority of a any city may ~~shall~~ not  
86 include any area that ~~which~~ lies within the territorial  
87 boundaries of another ~~some other~~ city ~~as herein defined; and may~~  
88 ~~further provided that the area of operation shall~~ not extend  
89 outside ~~of~~ the boundaries of the county in which the city is  
90 located. A and no housing authority has no ~~shall have~~ any power  
91 or jurisdiction outside ~~of~~ the county in which the city is  
92 located.

93 (7) "Essential commercial goods and services" means goods,  
94 such as groceries and clothing, and services, such as child  
95 care, K-12 education, financial services, job training and  
96 placement, laundry facilities, and other local governmental  
97 services, which are in close proximity to dwelling



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98 accommodations of a housing authority, are necessary for daily  
99 living, and may be difficult for persons of low income to access  
100 unless located in close proximity to the housing development  
101 where the persons of low income reside.

102 (8)(7) "Federal Government" means shall include the United  
103 States Government, the Federal Emergency Administration of  
104 Public Works or any department, commission, other agency, or  
105 other instrumentality thereof, corporate or otherwise, of the  
106 United States.

107 (3)(8) "Blighted" means "Slum" shall mean any area where  
108 dwellings predominate which, by reason of dilapidation,  
109 overcrowding, faulty arrangement or design, lack of ventilation,  
110 light or sanitary facilities, or any combination of these  
111 factors, are detrimental to safety, health, and morals.

112 (10)(9) "Housing project" means shall mean any work or  
113 undertaking:

114 (a) To demolish, clear, or remove buildings from any  
115 blighted slum area, which; such work or undertaking may embrace  
116 the adaption of such area to public purposes, including parks or  
117 other recreational or community purposes; ~~or~~

118 (b) To provide decent, safe, and sanitary urban or rural  
119 dwellings, apartments, or other living accommodations for  
120 persons of low income, which; such work or undertaking may  
121 include buildings, land, equipment, facilities, and other real  
122 or personal property for necessary, convenient, or desirable  
123 appurtenances, streets, sewers, water service, parks, site  
124 preparation, gardening, administrative, community, health,  
125 recreational, educational, welfare, or other purposes; ~~or~~

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



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127 services; or

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

129

130 The term ~~"housing project"~~ also applies ~~may be applied~~ to the  
131 planning of the buildings and improvements;~~;~~ the acquisition of  
132 property;~~;~~ the demolition of existing structures;~~;~~ the  
133 construction, reconstruction, alteration, and repair of the  
134 improvements; and all other work in connection therewith.

135 (13)~~(10)~~ "Persons of low income" means ~~shall mean~~ persons  
136 or families who lack the amount of income which is necessary, as  
137 determined by the authority undertaking the housing project, to  
138 enable them, without financial assistance, to live in decent,  
139 safe, and sanitary dwellings, without overcrowding.

140 (6)~~(11)~~ "Debentures" means ~~shall mean~~ any notes, interim  
141 certificates, debentures, revenue certificates, or other  
142 obligations issued by an authority pursuant to this chapter.

143 (14)~~(12)~~ "Real property" includes ~~shall include~~ all lands,  
144 including improvements and fixtures thereon, and property of any  
145 nature appurtenant thereto, or used in connection therewith, and  
146 every estate, interest, and right, legal or equitable, therein,  
147 including terms for years and liens by way of judgment,  
148 mortgage, or otherwise and the indebtedness secured by such  
149 liens.

150 (12)~~(13)~~ "Obligee of the authority" or "obligee" includes  
151 ~~shall include~~ any holder of debentures, trustee or trustees for  
152 any such holders, or lessor demising to the authority property  
153 used in connection with a housing project, or any assignee or  
154 assignees of such lessor's interest or any part thereof, and the  
155 Federal Government when it is a party to any contract with the



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156 authority.

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

159 421.04 Creation of housing authorities.—

160 (4) A housing authority, regardless of the date of its  
161 creation, may not apply to the Federal Government to seize any  
162 projects, units, or vouchers of another established housing  
163 authority, irrespective of each housing authority's areas of  
164 operation.

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

167 421.05 Appointment, qualifications, and tenure of  
168 commissioners; hiring of employees.—

169 (2) The powers of each authority shall be vested in the  
170 commissioners thereof in office from time to time. A majority of  
171 the commissioners shall constitute a quorum of the authority for  
172 the purpose of conducting its business and exercising its powers  
173 and for all other purposes. Action may be taken by the authority  
174 upon a vote of a majority of the commissioners present, unless  
175 in any case the bylaws of the authority require a larger number.  
176 The mayor with the concurrence of the governing body shall  
177 designate which of the commissioners appointed shall be the  
178 first chair, but when the office of the chair of the authority  
179 thereafter becomes vacant, the authority shall select a chair  
180 from among its commissioners. An authority shall select from  
181 among its commissioners a vice chair, ~~and~~ and it may employ a  
182 secretary, who shall be the executive director, technical  
183 experts, and such other officers, agents, and employees,  
184 permanent and temporary, as it may require and shall determine



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185 their qualifications, duties, and compensation. As provided in  
186 s. 215.425, a commissioner may not receive extra compensation.  
187 For such legal services as it may require, an authority may call  
188 upon the chief law officer of the city or may employ its own  
189 counsel and legal staff. An authority may delegate to one or  
190 more of its agents or employees such powers or duties as it may  
191 deem proper.

192 Section 5. Section 421.06, Florida Statutes, is amended to  
193 read:

194 421.06 Commissioners or employees prohibited from acquiring  
195 interests in housing projects and required to disclose interests  
196 in specified properties; exception.—Except for the leasehold  
197 interest held by a tenant-commissioner in the housing project in  
198 which he or she is a tenant, a ~~ne~~ commissioner or employee of an  
199 authority may not ~~shall~~ acquire any interest, direct or  
200 indirect, in any housing project or in any property included or  
201 planned to be included in any project, or ~~nor shall he or she~~  
202 have any interest, direct or indirect, in any contract or  
203 proposed contract for materials or services to be furnished or  
204 used in connection with any housing project. If a commissioner  
205 or employee of an authority owns or controls an interest, direct  
206 or indirect, in any property included or planned to be included  
207 in any housing project, he or she shall immediately disclose the  
208 same in writing to the authority. Such disclosure shall be  
209 entered upon the minutes of the authority. Failure ~~se~~ to  
210 disclose such interest constitutes misconduct in office. This  
211 section applies to any commercial project authorized by this  
212 chapter.

213 Section 6. Section 421.08, Florida Statutes, is amended to





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214 read:

215 421.08 Powers of authority.—

216 (1) An authority constitutes ~~shall constitute~~ a public body  
217 corporate and politic, exercising the public and essential  
218 governmental functions set forth in this chapter, and having all  
219 the powers necessary or convenient to carry out and effectuate  
220 the purpose and provisions of this chapter, including the  
221 following additional powers ~~in addition to others herein~~  
222 ~~granted~~:

223 (a) ~~(1)~~ To sue and be sued; to have a seal and to alter it  
224 ~~the same~~ at pleasure; to have perpetual succession; to make and  
225 execute contracts and other instruments necessary or convenient  
226 to the exercise of the powers of the authority; to appear in  
227 court through any of its officers, agents, or employees, for the  
228 exclusive purpose of filing eviction papers; and to make and  
229 from time to time amend and repeal bylaws, rules, and  
230 regulations, not inconsistent with this chapter, to carry into  
231 effect the powers and purposes of the authority.

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

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

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



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243 part of any housing project or any other real or any other  
244 property under its control, any system, work, facilities,  
245 plants, or other equipment for the purpose of furnishing utility  
246 service of any kind to such projects or to any tenant or  
247 occupant thereof ~~if in the event that~~ a system, work, facility,  
248 plant, or other equipment for the furnishing of the same utility  
249 service is being ~~actually~~ operated by a municipality or private  
250 concern in the area of operation or the city or the territory  
251 immediately adjacent thereto. However, this subparagraph does  
252 not  ~~; provided, further, that nothing herein shall be construed~~  
253 ~~to~~ prohibit the construction or acquisition by the authority of:

254       a. Any system, work, facilities, or other equipment for the  
255 sole and only purpose of receiving utility services from any  
256 such municipality or such private concern and then distributing  
257 such utility services to the project and to the tenants and  
258 occupants thereof; or and,

259       b. Any renewable energy devices or systems to be installed  
260 and located upon housing authority property for the sole purpose  
261 of reducing utility costs to the tenants or occupants thereof.

262       2. Notwithstanding ~~anything to the contrary contained in~~  
263 ~~this chapter or in~~ any other provision of law, the authority may  
264 ~~to~~ include, in any contract let in connection with a project,  
265 stipulations requiring that the contractor and any  
266 subcontractors comply with requirements as to minimum wages and  
267 maximum hours of labor, ~~and comply~~ with any conditions which the  
268 Federal Government may have attached to its financial aid of the  
269 project.

270       (d)(4) To lease or rent any dwellings, houses,  
271 accommodations, lands, buildings, structures, or facilities



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272 embraced in any housing project and, subject to the limitations  
273 contained in this chapter, to establish and revise the rents or  
274 charges therefor; to own, hold, and improve real or personal  
275 property; to purchase, lease, obtain options upon, acquire by  
276 gift, grant, bequest, devise, or otherwise any real or personal  
277 property or any interest therein; to acquire by the exercise of  
278 the power of eminent domain any real property, except real  
279 property to be used to provide access to essential commercial  
280 goods and services; to sell, lease, exchange, transfer, assign,  
281 pledge, or dispose of any real or personal property or any  
282 interest therein; to insure or provide for the insurance of any  
283 real or personal property or operations of the authority against  
284 any risks or hazards; and to procure or agree to the procurement  
285 of insurance or guarantees from the Federal Government of the  
286 payment of any such debts or parts thereof, whether or not  
287 incurred by the ~~said~~ authority, including the power to pay  
288 premiums on any such insurance.

289 (e) ~~(5)~~ To invest any funds held in reserves or sinking  
290 funds, or any funds not required for immediate disbursement, in  
291 property or securities in which savings banks may legally invest  
292 funds subject to their control and; to purchase its debentures  
293 at a price not exceeding ~~more than~~ the principal amount thereof  
294 and accrued interest, with all debentures so purchased to be  
295 canceled.

296 (f) ~~(6)~~ Within its area of operation: to investigate into  
297 living, dwelling, and housing conditions and into the means and  
298 methods of improving such conditions; to determine where  
299 blighted ~~slum~~ areas exist or where there is a shortage of  
300 decent, safe, and sanitary dwelling accommodations for persons



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301 of low income; to make studies and recommendations relating to  
302 the problem of clearing, replanning, and reconstruction of  
303 blighted ~~slum~~ areas and the problem of providing dwelling  
304 accommodations for persons of low income; to administer fair  
305 housing ordinances and other ordinances as adopted by cities,  
306 counties, or other authorities who wish to contract for  
307 administrative services and to cooperate with the city, the  
308 county, or the state or any political subdivision thereof in  
309 action taken in connection with such problems; and to engage in  
310 research, studies, and experimentation on the subject of  
311 housing.

312 (g) ~~(7)~~ Acting through one or more commissioners or other  
313 person or persons designated by the authority: ~~+~~ to conduct  
314 examinations and investigations and to hear testimony and take  
315 proof under oath at public or private hearings on any matter  
316 material for its information; to administer oaths, issue  
317 subpoenas requiring the attendance of witnesses or the  
318 production of books and papers, and ~~to~~ issue commissions for the  
319 examination of witnesses who are outside ~~of~~ the state, or ~~or~~ unable  
320 to attend before the authority, or excused from attendance; and  
321 to make available to appropriate agencies, including those  
322 charged with the duty of abating or requiring the correction of  
323 nuisances or like conditions, or of demolishing unsafe or  
324 insanitary structures within its area of operation, its findings  
325 and recommendations with regard to any building or property  
326 where conditions exist which are dangerous to the public health,  
327 morals, safety, or welfare.

328 (h) ~~(8)~~ ~~(a)~~ To organize for the purpose of creating a for-  
329 profit or not-for-profit corporation, limited liability company,



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330 or other similar business entity pursuant to all applicable laws  
331 of this state in which the housing authority may hold an  
332 ownership interest or participate in its governance in order to  
333 develop, acquire, lease, construct, rehabilitate, manage, or  
334 operate multifamily or single-family residential projects and  
335 commercial projects that allow access to essential commercial  
336 goods and services for persons of low income residing in such  
337 residential projects.

338 1. These projects may include nonresidential uses and may  
339 use public and private funds to serve individuals or families  
340 who meet the applicable income requirements of the state or  
341 federal program involved; whose income does not exceed 150  
342 percent of the applicable median income for the area, as  
343 established by the United States Department of Housing and Urban  
344 Development; and who, in the determination of the housing  
345 authority, lack sufficient income or assets to enable them to  
346 purchase or rent a decent, safe, and sanitary dwelling. These  
347 corporations, limited liability companies, or other business  
348 entities may join partnerships, joint ventures, or limited  
349 liability companies pursuant to applicable laws or may otherwise  
350 engage with business entities in developing, acquiring, leasing,  
351 constructing, rehabilitating, managing, or operating such  
352 projects.

353 2.~~(b)~~ The creation by a housing authority of such a  
354 corporation, limited liability company, or other business entity  
355 that is properly registered pursuant to all applicable laws  
356 before the effective date of this act is ratified and validated  
357 if the creation of such corporation, limited liability company,  
358 or other business entity would have been valid had this act been



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

361 3.(e) Proceedings or acts performed by a housing authority  
362 or a corporation, limited liability company, or other business  
363 entity authorized pursuant to subparagraph 2. ~~paragraph (b)~~ are  
364 ratified and validated if such proceedings or acts were in  
365 furtherance of the purposes set forth in this chapter and would  
366 have been valid had this act been in effect at the time such  
367 proceedings or acts were performed.

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

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

379 (2) Any revenue received by a housing authority from  
380 commercial projects that provide access to essential commercial  
381 goods and services necessary for daily living of persons  
382 residing in housing developments must be used exclusively for  
383 affordable housing.

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

386 421.09 Operation not for profit.-

387 (2) This section does not prohibit or restrict the



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388 activities or operations of a business entity created under s.  
389 421.08(1)(h) ~~421.08(8)~~.

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

392 421.091 Financial accounting and investments; fiscal year.—

393 (1) A complete and full financial accounting and audit in  
394 accordance with federal audit standards of public housing  
395 agencies shall be made biennially by a certified public  
396 accountant and submitted to the Federal Government in accordance  
397 with its policies. Housing authorities are otherwise exempt from  
398 the reporting requirements of s. 218.32. A copy of such audit  
399 shall be filed with the governing body and with the Auditor  
400 General.

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

403 421.21 Aid from Federal Government; tax exemptions.—

404 (2) In addition to the powers conferred upon an authority  
405 by subsection (1) and other provisions of this chapter, an  
406 authority is empowered to borrow money or accept grants or other  
407 financial assistance from the Federal Government under s. 202 of  
408 the Housing Act of 1959 (Pub. L. No. 86-372) or any law or  
409 program of the United States Department of Housing and Urban  
410 Development, which provides for direct federal loans in the  
411 maximum amount, as defined therein, for the purpose of assisting  
412 certain nonprofit corporations to provide housing and related  
413 facilities for elderly families and elderly persons.

414 (b) This provision relating to housing facilities for the  
415 elderly is cumulative and in addition to the powers given to  
416 housing authorities under this chapter. All powers granted



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417 generally by law to housing authorities in Florida relating to  
418 issuance of trust indentures, debentures, and other methods of  
419 raising capital also shall apply ~~also~~ to housing authorities in  
420 connection with their participation in programs of the United  
421 States Department of Housing and Urban Development.

422 (3) It is the legislative intent that the tax exemption of  
423 housing authorities provided by chapter 423, ~~shall~~ specifically  
424 applies apply to any housing authority created under this  
425 section and any affordable housing efforts it undertakes, either  
426 directly or through instrumentalities.

427 Section 10. Section 421.281, Florida Statutes, is created  
428 to read:

429 421.281 Consolidated Housing Authorities.-

430 (1) CREATION.-

431 (a) If, after a public hearing and two consecutive meetings  
432 at which such resolution is heard, the commissioners of at least  
433 two municipal or municipal and county housing authorities of  
434 neighboring areas of operation that are not under federal  
435 receivership declare by identical resolution that there is a  
436 need for merging their authorities which serves the best  
437 interest of their respective tenants and communities, one  
438 housing authority shall be created for all of such authorities  
439 to exercise powers and other functions herein prescribed in such  
440 areas of operation through a public body corporate and politic  
441 to be known as a consolidated housing authority.

442 (b) After the consolidation, each housing authority created  
443 by s. 421.04 or s. 421.27 for each of the areas shall cease to  
444 exist except for the purpose of winding up its affairs and  
445 executing a deed to the consolidated housing authority as





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446 hereafter provided, if:

447 1. All obligees of such housing authorities and parties to  
448 the contracts, bonds, notes, and other obligations of such  
449 housing authorities agree to the substitution of the  
450 consolidated housing authority; and

451 2. The commissioners of such housing authorities adopt a  
452 resolution consenting to the transfer of all of the rights,  
453 contracts, obligations, and property, real and personal, to the  
454 consolidated housing authority.

455 (c) When any real property of a housing authority vests in  
456 a consolidated housing authority as provided in subsection (2),  
457 the housing authority shall execute a deed of such property to  
458 the consolidated housing authority which shall file such deed  
459 with the recorder of deeds of the county where such real  
460 property is located.

461 (d) In any suit, action, or proceeding involving the  
462 validity or enforcement of, or relating to, any contract of the  
463 consolidated housing authority, the consolidated housing  
464 authority shall be conclusively deemed to have been created,  
465 established, and authorized to transact business and exercise  
466 its powers hereunder upon proof of the adoption of a resolution  
467 by the commissioners of each of the authorities creating the  
468 consolidated housing authority.

469 (e) No more than three housing authorities may be  
470 consolidated within a 10-year period, unless there is a  
471 resolution of each housing authority and local government within  
472 the area of operation in support of such additional  
473 consolidation.

474 (2) AREA OF OPERATION.-



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475       (a) The area of operation of a consolidated housing  
476 authority shall include the combined areas of operation of the  
477 housing authorities that merged to form the consolidated housing  
478 authority.

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

483       (3) COMMISSIONERS.—

484       (a) When a consolidated housing authority has been created,  
485 the consolidation plan must include provision for the  
486 distribution of appointments among the existing appointing  
487 authorities. The appointing authorities shall thereupon appoint  
488 seven persons, with at least one qualified elector from each  
489 area of operation included therein, provided that there are  
490 suitable candidates who are willing to serve from each area of  
491 operation.

492       (b) When the area of operation of a consolidated housing  
493 authority is increased to include an additional area of  
494 operation as herein provided, the consolidation plan must  
495 provide for the appointment of one qualified elector from each  
496 such additional area of operation as a commissioner. The number  
497 of commissioners of a consolidated housing authority may be  
498 increased above seven only for the implementation of this  
499 subsection.

500       (c) If any county is later excluded from the area of  
501 operation of a consolidated housing authority, the office of the  
502 commissioner of such housing authority appointed as provided in  
503 subsection (2) is abolished.



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504 (d) If the area of operation of a consolidated housing  
505 authority consists at any time of an even number of counties,  
506 the Governor shall appoint one additional commissioner, who must  
507 be a qualified elector from one of the counties in such area of  
508 operation.

509 (e) A certificate of the appointment of any commissioner of  
510 a consolidated housing authority shall be filed with the county  
511 clerk of the county from which the commissioner is appointed,  
512 and such certificate shall be conclusive evidence of the due and  
513 proper appointment of such commissioner.

514 (f) The commissioners of a consolidated housing authority  
515 shall be appointed for staggered terms of 4 years, except that  
516 the terms of the initial appointees may be truncated to provide  
517 for staggered terms, and vacancies shall be filled for the  
518 unexpired terms. Each commissioner shall hold office until a  
519 successor has been appointed and has qualified, except as  
520 otherwise provided herein. The appointing authority shall  
521 thereafter appoint the successor of each commissioner.

522 (g) The commissioners of a consolidated housing authority  
523 shall elect a chair from among the commissioners and may select  
524 or employ such other officers and employees as the housing  
525 authority may require. A majority of the commissioners of a  
526 consolidated housing authority constitutes a quorum for the  
527 purpose of conducting its business and exercising its powers and  
528 for all other purposes.

529 (4) POWERS AND DUTIES.—Except as otherwise provided herein,  
530 a consolidated housing authority and the commissioners thereof  
531 shall, within the area of operation of such consolidated housing  
532 authority, have the same functions, rights, powers, duties,



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533 privileges, and immunities provided for housing authorities  
534 created for cities or counties. A consolidated housing authority  
535 may select an appropriate corporate name.

536 Section 11. Section 421.32, Florida Statutes, is amended to  
537 read:

538 421.32 Rural housing projects.—County housing authorities,  
539 consolidated housing authorities, and regional housing  
540 authorities are specifically empowered and authorized to borrow  
541 money, accept grants, and exercise their other powers to provide  
542 housing for farmers of low income and domestic farm labor as  
543 defined in s. 514 of the Federal Housing Act of 1949. In  
544 connection with such projects, any such housing authority may  
545 enter into such leases or purchase agreements, accept such  
546 conveyances, and rent or sell dwellings forming part of such  
547 projects to or for farmers of low income, ~~as such housing~~  
548 authority deems necessary in order to assure the achievement of  
549 the objectives of this law. Such leases, agreements, or  
550 conveyances may include such covenants as the housing authority  
551 deems appropriate regarding such dwellings and the tracts of  
552 land described in any such instrument, which covenants shall be  
553 deemed to run with the land when ~~where~~ the housing authority  
554 deems it necessary and the parties to such instrument so  
555 stipulate. In providing housing for farmers of low income,  
556 county housing authorities, consolidated housing authorities,  
557 and regional housing authorities are ~~shall~~ not ~~be~~ subject to the  
558 limitations provided in ss. 421.08(1)(c) ~~421.08(3)~~ and  
559 421.10(3). ~~Nothing contained in This section does not limit~~  
560 ~~shall be construed as limiting~~ any other powers of any housing  
561 authority.



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562 Section 12. Section 421.321, Florida Statutes, is amended  
563 to read:

564 421.321 Execution of mortgages.—County, consolidated, and  
565 regional housing authorities organized under this chapter are  
566 authorized to execute mortgages encumbering real property as  
567 security for loans made for providing facilities for domestic  
568 farm labor pursuant to s. 514 of the Federal Housing Act of  
569 1949.

570 Section 13. Section 421.33, Florida Statutes, is amended to  
571 read:

572 421.33 Housing applications by farmers.—The owner of any  
573 farm operated, or worked upon, by farmers of low income in need  
574 of safe and sanitary housing may file an application with a  
575 housing authority created for a county, consolidated, or a  
576 regional housing authority requesting that it provide for a safe  
577 and sanitary dwelling or dwellings for occupancy by such farmers  
578 of low income. Such applications shall be received and examined  
579 by housing authorities in connection with the formulation of  
580 projects or programs to provide housing for farmers of low  
581 income. ~~Provided,~~ However, ~~that~~ if it becomes necessary for an  
582 applicant under this section to convey any portion of the  
583 applicant's then homestead in order to take advantages as  
584 provided herein, then in that event, ~~the parting with title to a~~  
585 portion of said homestead shall not affect the remaining portion  
586 of same, but all rights that said owner may have in and to same  
587 under and by virtue of the State Constitution ~~of the state~~ or  
588 any law passed pursuant thereto, ~~shall be deemed and held to~~  
589 apply to such remaining portion of said land, the title of which  
590 remains in said applicant. ~~it being the intention of The~~



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591 Legislature intends to permit the owner of any farm operated or  
592 worked upon by farmers of low income in need of safe and  
593 sanitary housing to take advantage of the provisions of this law  
594 without jeopardizing the owner's ~~their~~ rights in the owner's  
595 ~~their~~ then homestead by reason of any requirement that may be  
596 necessary in order ~~for them~~ to receive the benefits herein  
597 provided, ~~+~~ and a ~~no~~ court may not ~~shall ever~~ construe that an  
598 applicant who has taken advantage of this law has ~~in any manner,~~  
599 ~~shape, or form~~ abandoned his or her rights in any property that  
600 is the applicant's then homestead by virtue of such action upon  
601 his or her part, but it shall be held, construed, and deemed  
602 that such action upon the part of any applicant hereunder was  
603 not any abandonment of the applicant's then homestead, and that  
604 all rights that the applicant then had therein shall be and  
605 remain as provided by the State Constitution and any law enacted  
606 pursuant thereto.

607 Section 14. Section 422.02, Florida Statutes, is amended to  
608 read:

609 422.02 Finding and declaration of necessity.—It has been  
610 found and declared in the Housing Authorities Law that there  
611 exist in the state unsafe and insanitary housing conditions, and  
612 a shortage of safe and sanitary dwelling accommodations, and a  
613 lack of access to essential commercial goods and services  
614 necessary for daily living for persons of low income; that these  
615 conditions necessitate excessive and disproportionate  
616 expenditures of public funds for crime prevention and  
617 punishment, public health, welfare and safety, fire and accident  
618 protection, and other public services and facilities; and that  
619 the public interest requires the remedying of these conditions.



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620 It is found and declared that the assistance herein provided for  
621 the remedying of the conditions set forth in the Housing  
622 Authorities Law constitutes a public use and purpose and an  
623 essential governmental function for which public moneys may be  
624 spent and other aid given; that it is a proper public purpose  
625 for any state public body to aid any housing authority operating  
626 within its boundaries or jurisdiction or any housing project  
627 located therein, as the state public body derives immediate  
628 benefits and advantages from such an authority or project; and  
629 that the provisions hereinafter enacted are necessary in the  
630 public interest.

631 Section 15. Section 422.04, Florida Statutes, is amended to  
632 read:

633 422.04 Cooperation in undertaking housing projects.—

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

639 (a) Dedicate, sell, convey, or lease any of its property to  
640 a housing authority or the Federal Government.

641 (b) Cause parks, playgrounds, recreational, community,  
642 educational, water, sewer, or drainage facilities; commercial  
643 projects that allow access to essential commercial goods and  
644 services for persons of low income residing in housing projects;  
645 or any other works, ~~which~~ it is otherwise empowered to  
646 undertake, to be furnished adjacent to or in connection with  
647 housing projects.

648 (c) Furnish, dedicate, close, pave, install, grade,



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649 regrade, plan, or replan streets, roads, roadways, alleys,  
650 sidewalks, or other places which it is otherwise empowered to  
651 undertake.

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

656 (e) Enter into agreements, which may extend over any  
657 period, notwithstanding any provision or rule of law to the  
658 contrary, with a housing authority or the Federal Government  
659 respecting action to be taken by such state public body pursuant  
660 to any of the powers granted by this chapter.

661 (f) Do any and all things necessary or convenient to aid  
662 and cooperate in the planning, undertaking, construction, or  
663 operation of such housing projects.

664 (g) Purchase or legally invest in any of the debentures of  
665 a housing authority and exercise all of the rights of any holder  
666 of such debentures.

667 (h) Not require any changes to be made in a housing project  
668 or the manner of its construction or take any other action  
669 relating to such construction with respect to any housing  
670 project which a housing authority has acquired or taken over  
671 from the Federal Government and which the housing authority by  
672 resolution has found and declared to have been constructed in a  
673 manner that will promote the public interest and afford  
674 necessary safety, sanitation, and other protection. ~~no state~~  
675 ~~public body shall require any changes to be made in the housing~~  
676 ~~project or the manner of its construction or take any other~~  
677 ~~action relating to such construction;~~





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678           (i) Incur the entire expense of ~~In connection with~~ any  
679 public improvements made by the ~~a~~ state public body in  
680 exercising the powers herein granted, ~~such state public body may~~  
681 ~~incur the entire expense thereof.~~

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

686           Section 16. Section 423.01, Florida Statutes, is amended to  
687 read:

688           423.01 Finding and declaration of property of tax exemption  
689 for housing authorities.—It has been found and declared in the  
690 Housing Authorities Law and the Housing Cooperation Law that:

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

694           (2) These conditions necessitate excessive and  
695 disproportionate expenditures of public funds for crime  
696 prevention and punishment, public health, welfare and safety,  
697 fire and accident prevention, and other public services and  
698 facilities;

699           (3) The public interest requires the remedying of these  
700 conditions by the creation of housing authorities to undertake  
701 projects for the ~~slum~~ clearance of blighted areas and for  
702 providing safe and sanitary dwelling accommodations and access  
703 to essential commercial goods and services necessary for daily  
704 living for persons who lack sufficient income to enable them to  
705 live in decent, safe, and sanitary dwellings without  
706 overcrowding; ~~and~~



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707       (4) Facilities made available by housing authorities to  
708 provide access to essential commercial goods and services  
709 necessary for daily living for persons of low income residing in  
710 housing projects are a critical component of those housing  
711 projects and constitute a public use and a governmental  
712 function; and

713       (5)-(4) Such housing projects, including all property of a  
714 housing authority used for or in connection therewith or  
715 appurtenant thereto and all property used to provide access to  
716 essential commercial goods and services necessary for daily  
717 living for persons of low income residing in such housing  
718 projects, are exclusively for public uses and municipal purposes  
719 and not for profit, and are governmental functions of state  
720 concern. As a matter of legislative determination, it is found  
721 and declared that the property and debentures of a housing  
722 authority are of such character as may be exempt from taxation.

723       Section 17. Section 423.02, Florida Statutes, is amended to  
724 read:

725       423.02 Housing projects exempted from taxes and  
726 assessments; payments in lieu thereof.—The housing projects,  
727 including all property of housing authorities used for or in  
728 connection therewith or appurtenant thereto, of housing  
729 authorities are ~~shall be~~ exempt from all taxes and special  
730 assessments of the state or any city, town, county, or political  
731 subdivision of the state.  ~~provided,~~ However, ~~that~~ in lieu of  
732 such taxes or special assessments, a housing authority may agree  
733 to make payments to any city, town, county, or political  
734 subdivision of the state for services, improvements, or  
735 facilities furnished by such city, town, county, or political



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736 subdivision for the benefit of a housing project owned by the  
737 housing authority, but ~~in no event shall~~ such payments may not  
738 exceed the estimated cost ~~to such city, town, county or~~  
739 ~~political subdivision~~ of the services, improvements, or  
740 facilities to be ~~se~~ furnished by the city, town, county, or  
741 political subdivision of the state. This section does not exempt  
742 the activities or property of a person who provides essential  
743 commercial goods and services. However, the real property of a  
744 housing authority that is used to provide access to essential  
745 commercial goods and services under this chapter is exempt from  
746 ad valorem taxes and special assessments.

747 Section 18. Paragraph (f) of subsection (1) of section  
748 893.13, Florida Statutes, is amended to read:

749 893.13 Prohibited acts; penalties.—

750 (1)

751 (f) Except as authorized by this chapter, a person may not  
752 sell, manufacture, or deliver, or possess with intent to sell,  
753 manufacture, or deliver, a controlled substance in, on, or  
754 within 1,000 feet of the real property comprising a public  
755 housing facility at any time. As used in this section, the term  
756 "real property comprising a public housing facility" means real  
757 property, as defined in s. 421.03(14) ~~421.03(12)~~, of a public  
758 corporation created as a housing authority pursuant to part I of  
759 chapter 421. A person who violates this paragraph with respect  
760 to:

761 1. A controlled substance named or described in s.  
762 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
763 commits a felony of the first degree, punishable as provided in  
764 s. 775.082, s. 775.083, or s. 775.084.



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765           2. A controlled substance named or described in s.  
766 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
767 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
768 the second degree, punishable as provided in s. 775.082, s.  
769 775.083, or s. 775.084.

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

774           Section 19. This act shall take effect July 1, 2015.

775

776

777 ===== T I T L E   A M E N D M E N T =====

778 And the title is amended as follows:

779           Delete everything before the enacting clause  
780 and insert:

781

A bill to be entitled

782

An act relating to housing for low-income persons;  
783 amending s. 421.02, F.S.; revising the legislative  
784 declaration of necessity; amending s. 421.03, F.S.;  
785 redefining terms; defining the terms "blighted" and  
786 "essential commercial goods and services"; amending s.  
787 421.04, F.S.; prohibiting a housing authority from  
788 applying to the Federal Government to seize projects,  
789 units, or vouchers of another established housing  
790 authority; amending s. 421.05, F.S.; prohibiting  
791 specified additional compensation for authority  
792 commissioners; amending s. 421.06, F.S.; prohibiting  
793 commissioners or employees from acquiring interests in



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794 certain commercial projects; requiring commissioners  
795 or employees to disclose interests in commercial  
796 projects under certain circumstances; amending s.  
797 421.08, F.S.; revising the powers of an authority;  
798 requiring that revenue received by a housing authority  
799 from certain commercial projects be used for  
800 affordable housing; conforming a cross-reference;  
801 amending s. 421.09, F.S.; conforming a cross-  
802 reference; amending s. 421.091, F.S.; requiring a full  
803 financial accounting and audit of public housing  
804 agencies to be submitted to the Federal Government  
805 pursuant to certain requirements; exempting housing  
806 authorities from specified reporting requirements;  
807 amending s. 421.21, F.S.; revising legislative intent;  
808 creating s. 421.281, F.S.; creating consolidated  
809 housing authorities subject to certain requirements  
810 and restrictions; specifying the area of operation of  
811 a consolidated housing authority; providing for the  
812 appointment of commissioners subject to certain  
813 requirements and restrictions; providing that a  
814 majority of the commissioners constitutes a quorum;  
815 specifying the powers and duties of a consolidated  
816 housing authority and the commissioners thereof;  
817 amending s. 421.32, F.S.; conforming provisions to  
818 changes made by the act; conforming a cross-reference;  
819 amending s. 421.321, F.S.; conforming provisions to  
820 changes made by the act; amending s. 421.33, F.S.;  
821 conforming provisions to changes made by the act;  
822 amending s. 422.02, F.S.; providing a finding that



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823 there is a lack of access to certain essential  
824 commercial goods and services; amending s. 422.04,  
825 F.S.; authorizing state public bodies to provide or  
826 cause to be provided commercial projects that allow  
827 access to certain essential commercial goods and  
828 services; amending s. 423.01, F.S.; providing a  
829 finding that certain projects for the clearance of  
830 blighted areas and access to essential commercial  
831 goods and services are required; providing a finding  
832 that facilities made available by housing authorities  
833 to provide access to essential commercial goods and  
834 services are a critical component for housing projects  
835 and constitute a public use and governmental function;  
836 providing a finding that certain property used to  
837 provide access to essential commercial goods and  
838 services is exclusively for public uses and municipal  
839 purposes; amending s. 423.02, F.S.; providing that the  
840 activities or property of a person who provides  
841 essential commercial goods and services is not exempt  
842 from certain taxes and special assessments; exempting  
843 real property of a housing authority which is used to  
844 provide access to essential commercial goods and  
845 services from ad valorem taxes and special  
846 assessments; amending s. 893.13, F.S.; conforming a  
847 cross-reference; providing an effective date.  
848