



618886

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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The Committee on Appropriations (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 86 - 397  
and insert:  
services. As long as a parcel is in an area suitable for residential development, it may be found to be suitable for use as affordable housing, even if the parcel does not meet one or more of these other criteria. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The



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11 governing body of the county must review the inventory list at a  
12 public hearing and may revise it at the conclusion of the public  
13 hearing. The governing body of the county shall adopt a  
14 resolution that includes an inventory list of such property  
15 following the public hearing.

16 Section 2. Subsection (6) is added to section 163.31801,  
17 Florida Statutes, to read:

18 163.31801 Impact fees; short title; intent; definitions;  
19 ordinances levying impact fees.—

20 (6) In addition to the items that must be reported in the  
21 annual financial reports under s. 218.32, counties,  
22 municipalities, and special districts must report the following  
23 data on all impact fees charged:

24 (a) The specific purpose of the impact fee, including the  
25 specific infrastructure need to be met, such as transportation,  
26 parks, water, sewer, and schools.

27 (b) The Impact Fee Schedule Policy, describing the method  
28 of calculating impact fees, such as flat fee, tiered scale based  
29 on number of bedrooms, and tiered scale based on square footage.

30 (c) The amount assessed for each purpose and type of  
31 dwelling.

32 (d) The total amount of impact fees charged by type of  
33 dwelling.

34 (e) Each exception and waiver provided for affordable  
35 housing developments.

36 Section 3. Subsection (1) of section 166.0451, Florida  
37 Statutes, is amended to read:

38 166.0451 Disposition of municipal property for affordable  
39 housing.—



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40           (1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3  
41 years thereafter, each municipality shall prepare an inventory  
42 list of all real property within its jurisdiction to which the  
43 municipality holds fee simple title that is appropriate for use  
44 as affordable housing. Such real property shall be evaluated on  
45 criteria that include the environmental suitability for  
46 construction, site characteristics, currently designated land  
47 use, current or anticipated zoning, inclusion in one or more  
48 special districts, existing infrastructure, proximity to  
49 employment opportunities, proximity to public transportation,  
50 and proximity to existing services. As long as a parcel is in an  
51 area suitable for residential development, it may be found to be  
52 suitable for use as affordable housing, even if the parcel does  
53 not meet one or more of these other criteria. The inventory list  
54 must include the address and legal description of each such  
55 property and specify whether the property is vacant or improved.  
56 The governing body of the municipality must review the inventory  
57 list at a public hearing and may revise it at the conclusion of  
58 the public hearing. Following the public hearing, the governing  
59 body of the municipality shall adopt a resolution that includes  
60 an inventory list of such property.

61           Section 4. Subsection (7) of section 253.0341, Florida  
62 Statutes, is amended to read:

63           253.0341 Surplus of state-owned lands.—

64           (7) (a) The board of trustees must first offer  
65 nonconservation surplus lands to the county and municipality  
66 where the land is located for use as affordable housing as  
67 identified by the Florida Housing Finance Corporation pursuant  
68 to s. 420.56. All surplus buildings or land not needed for



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69 affordable housing ~~Before a building or parcel of land is~~  
70 ~~offered for lease or sale to a local or federal unit of~~  
71 ~~government or a private party,~~ it shall first be offered for  
72 lease to state agencies, state universities, and Florida College  
73 System institutions, with priority consideration given to state  
74 universities and Florida College System institutions. If a  
75 surplus building or land is not used for affordable housing or  
76 leased by a state agency, state university, or Florida College  
77 System institution, the board of trustees shall offer the  
78 building or land for lease or sale to a local or federal unit of  
79 government or a private party.

80       (b) Within 60 days after the offer for lease of a surplus  
81 building or parcel, a state university or Florida College System  
82 institution that requests the lease must submit a plan for  
83 review and approval by the Board of Trustees of the Internal  
84 Improvement Trust Fund regarding the intended use, including  
85 future use, of the building or parcel of land before approval of  
86 a lease. Within 60 days after the offer for lease of a surplus  
87 building or parcel, a state agency that requests the lease of  
88 such facility or parcel must submit a plan for review and  
89 approval by the board of trustees regarding the intended use.  
90 The state agency plan must, at a minimum, include the proposed  
91 use of the facility or parcel, the estimated cost of renovation,  
92 a capital improvement plan for the building, evidence that the  
93 building or parcel meets an existing need that cannot otherwise  
94 be met, and other criteria developed by rule by the board of  
95 trustees. The board or its designee shall compare the estimated  
96 value of the building or parcel to any submitted business plan  
97 to determine if the lease or sale is in the best interest of the



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98 state. The board of trustees shall adopt rules pursuant to  
99 chapter 120 for the implementation of this section.

100 Section 5. Subsection (3) is amended, and subsection (12)  
101 is added to section 337.25, Florida Statutes, to read:

102 337.25 Acquisition, lease, and disposal of real and  
103 personal property.—

104 (3) Beginning July 1, 2018, the department shall evaluate  
105 all of its land not within a transportation corridor or within  
106 the right-of-way of a transportation facility at least every 10  
107 years, on a rotating basis, to determine whether the property  
108 should be retained. The inventory of real property that was  
109 acquired by the state after December 31, 1988, that has been  
110 owned by the state for 10 or more years, and that is not within  
111 a transportation corridor or within the right-of-way of a  
112 transportation facility shall be evaluated to determine the  
113 necessity for retaining the property. If the property is not  
114 needed for the construction, operation, and maintenance of a  
115 transportation facility or is not located within a  
116 transportation corridor, the department may dispose of the  
117 property pursuant to subsection (4).

118 (12) Except in a conveyance transacted under paragraphs  
119 (4) (a), (c), and (e), the department must first offer parcels of  
120 nonconservation surplus land to the county and municipality  
121 where the land is located for use as affordable housing as  
122 identified by the Florida Housing Finance Corporation pursuant  
123 to s. 420.56.

124 Section 6. Subsection (1) is amended, and subsection (9) is  
125 added to section 373.089, Florida Statutes, to read:

126 373.089 Sale or exchange of lands, or interests or rights



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127 in lands.—The governing board of the district may sell lands, or  
128 interests or rights in lands, to which the district has acquired  
129 title or to which it may hereafter acquire title in the  
130 following manner:

131 (1) Beginning on July 1, 2018, the district shall review  
132 all lands and interests or rights in lands every 10 years, on a  
133 rotating basis, to determine whether the lands are still needed  
134 for the purpose for which they were acquired. Any lands, or  
135 interests or rights in lands, determined by the governing board  
136 to be surplus may be sold by the district, at any time, for the  
137 highest price obtainable; however, in no case shall the selling  
138 price be less than the appraised value of the lands, or  
139 interests or rights in lands, as determined by a certified  
140 appraisal obtained within 360 days before the effective date of  
141 a contract for sale.

142 (9) The governing board must first offer nonconservation  
143 surplus lands to the county and municipality where the land is  
144 located for use as affordable housing as identified by the  
145 Florida Housing Finance Corporation pursuant to s. 420.56.  
146 Districts must only offer nonconservation surplus lands  
147 originally acquired using state funds.

148  
149 If the Board of Trustees of the Internal Improvement Trust Fund  
150 declines to accept title to the lands offered under this  
151 section, the land may be disposed of by the district under the  
152 provisions of this section.

153 Section 7. Subsections (35) and (46) of section 420.507,  
154 Florida Statutes, are amended to read:

155 420.507 Powers of the corporation.—The corporation shall



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156 have all the powers necessary or convenient to carry out and  
157 effectuate the purposes and provisions of this part, including  
158 the following powers which are in addition to all other powers  
159 granted by other provisions of this part:

160 (35) Upon a determination of good cause and after service  
161 of an administrative complaint and adequate notice, to take one  
162 or more of the following actions against any applicant or  
163 affiliate of an applicant:

164 (a) Preclude such applicant or affiliate from applying for  
165 funding from any corporation program for a specified period;

166 (b) Revoke any funding previously awarded by the  
167 corporation for any development for which construction or  
168 rehabilitation has not commenced; and

169 (c) Suspend any funding, credit underwriting procedures, or  
170 application review for any development for which construction or  
171 rehabilitation has not commenced, from the time an  
172 administrative complaint is filed until a final order is issued  
173 in regard to that complaint. For purposes of this subsection,  
174 the term "good cause" means that the applicant or affiliate of  
175 an applicant:

176 1. Has made a material misrepresentation or engaged in  
177 fraudulent actions in connection with any application for a  
178 corporation program;

179 2. Has been convicted or found guilty of, or entered a plea  
180 of guilty or nolo contendere to, regardless of adjudication, a  
181 crime in any jurisdiction which directly relates to the  
182 financing, construction, or management of affordable housing or  
183 the fraudulent procurement of state or federal funds. The record  
184 of a conviction certified or authenticated in such form as to be



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185 admissible in evidence under the laws of this state shall be  
186 admissible as prima facie evidence of such guilt;

187 3. Has been excluded from federal or state procurement  
188 programs for any reason; or

189 4. Has offered or given consideration with respect to a  
190 local contribution in violation of corporation rules ~~To preclude~~  
191 ~~from further participation in any of the corporation's programs,~~  
192 ~~any applicant or affiliate of an applicant which has made a~~  
193 ~~material misrepresentation or engaged in fraudulent actions in~~  
194 ~~connection with any application for a corporation program.~~

195 (46) To require, as a condition of financing a multifamily  
196 rental project, which may include allocating competitive low-  
197 income housing tax credits, that an agreement be recorded in the  
198 official records of the county where the real property is  
199 located, which requires that the project be used for housing  
200 defined as affordable in s. 420.0004(3) by persons defined in s.  
201 420.0004(9), (11), (12), and (17). The term of such agreement  
202 may not extend beyond the period of time required by 26 U.S.C.  
203 42(h)(6)(D)(ii)(II), unless the corporation affirms at the time  
204 of the initial credit underwriting that the project will remain  
205 economically feasible beyond such period. Such an agreement is a  
206 state land use regulation that limits the highest and best use  
207 of the property within the meaning of s. 193.011(2).

208 Section 8. Paragraph (c) of subsection (6) of section  
209 420.5087, Florida Statutes, is amended to read:

210 420.5087 State Apartment Incentive Loan Program.—There is  
211 hereby created the State Apartment Incentive Loan Program for  
212 the purpose of providing first, second, or other subordinated  
213 mortgage loans or loan guarantees to sponsors, including for-





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214 profit, nonprofit, and public entities, to provide housing  
215 affordable to very-low-income persons.

216 (6) On all state apartment incentive loans, except loans  
217 made to housing communities for the elderly to provide for  
218 lifesafety, building preservation, health, sanitation, or  
219 security-related repairs or improvements, the following  
220 provisions shall apply:

221 (c) The corporation shall provide by rule for the  
222 establishment of a review committee for the competitive  
223 evaluation and selection of applications submitted in this  
224 program, including, but not limited to, the following criteria:

225 1. Tenant income and demographic targeting objectives of  
226 the corporation.

227 2. Targeting objectives of the corporation which will  
228 ensure an equitable distribution of loans between rural and  
229 urban areas.

230 3. Sponsor's agreement to reserve the units for persons or  
231 families who have incomes below 50 percent of the state or local  
232 median income, whichever is higher, for a time period that  
233 exceeds the minimum required by federal law or this part.

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

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

238 b. Forty percent of the units in the project for persons or  
239 families who have incomes that do not exceed 60 percent of the  
240 state or local median income, whichever is higher, without  
241 requiring a greater amount of the loans as provided in this  
242 section.



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- 243           5. Provision for tenant counseling.
- 244           6. Sponsor's agreement to accept rental assistance  
245 certificates or vouchers as payment for rent.
- 246           7. Projects requiring the least amount of a state apartment  
247 incentive loan compared to overall project cost, except that the  
248 share of the loan attributable to units serving extremely-low-  
249 income persons must be excluded from this requirement.
- 250           8. Local government contributions and local government  
251 comprehensive planning and activities that promote affordable  
252 housing and policies that promote access to public  
253 transportation, reduce the need for onsite parking where  
254 appropriate, and expedite permits for affordable housing  
255 projects as provided in s. 553.7923.
- 256           9. Project feasibility.
- 257           10. Economic viability of the project.
- 258           11. Commitment of first mortgage financing.
- 259           12. Sponsor's prior experience.
- 260           13. Sponsor's ability to proceed with construction.
- 261           14. Projects that directly implement or assist welfare-to-  
262 work transitioning.
- 263           15. Projects that reserve units for extremely-low-income  
264 persons.
- 265           16. Projects that include green building principles, storm-  
266 resistant construction, or other elements that reduce long-term  
267 costs relating to maintenance, utilities, or insurance.
- 268           17. Job-creation rate of the developer and general  
269 contractor, as provided in s. 420.507(47).
- 270           Section 9. Section 420.56, Florida Statutes, is created to  
271 read:



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272       420.56 Disposal of surplus lands for use as affordable  
273 housing.-

274       (1) It is intent of the Legislature to make all suitable  
275 surplus lands designated as nonconservation available for  
276 affordable housing before making the parcels available for  
277 purchase by other governmental entities or the public.

278       (2) The Department of Environmental Protection acting on  
279 the behalf of the Board of Trustees of the Internal Improvement  
280 Trust Fund, the Department of Transportation, and each water  
281 management district shall notify the corporation when  
282 nonconservation land becomes available for surplus as part of  
283 the entity's regular review of lands under the provisions of s.  
284 253.0341, s. 337.25, or s. 373.089 before making the parcel  
285 available for any other use, including for purchase by other  
286 governmental entities or the public. Water management districts  
287 must only identify nonconservation surplus lands originally  
288 acquired using state funds.

289       (3) In consultation with the Department of Environmental  
290 Protection, the Department of Transportation, and the water  
291 management districts, the corporation must issue an advisory  
292 opinion as to whether these surplus lands may be suitable for  
293 affordable housing. The corporation shall first determine  
294 whether the parcel is within a special district set up to  
295 revitalize a community. Only parcels determined to be outside  
296 these areas will be further evaluated for suitability. The  
297 corporation's evaluation shall consider at least the following  
298 criteria: the property's environmental suitability for  
299 construction; current and anticipated land use and zoning;  
300 existing and anticipated infrastructure on the land, such as



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301 roads, water, sewer, and electricity; access to grocery stores;  
302 access to employment opportunities; access to public  
303 transportation; and access to community services, such as public  
304 libraries, health care, and employment centers. As long as a  
305 parcel is in an area suitable for residential development, it  
306 may be found by the corporation to be suitable for use as  
307 affordable housing, even if the parcel does not meet one or more  
308 of these or other criteria.

309 (4) If the corporation issues an advisory opinion finding  
310 that the nonconservation surplus land may be suitable for  
311 affordable housing, the entity seeking to dispose of the parcel  
312 must first offer the land to the county and municipality where  
313 the land is located, to be used for affordable housing, before  
314 the entity offers the land to other governmental entities or the  
315 public. If the county and municipality where the parcel is  
316 located do not wish to use the parcel for affordable housing,  
317 the entity may dispose of the parcel as otherwise provided by  
318 law or herein.

319 (5) The Board of Trustees of the Internal Improvement Trust  
320 Fund, the Department of Transportation, and the water management  
321 districts may sell the parcels identified by the corporation for  
322 affordable housing for less than the appraised value to any  
323 party so long as the agency places an encumbrance on the parcels  
324 to ensure the purchaser uses the land for affordable housing for  
325 a period of not less than 99 years.

326 (6) (a) The Board of Trustees of the Internal Improvement  
327 Trust Fund, the Department of Transportation, and the water  
328 management districts are exempt from the disposal procedures of  
329 ss. 253.0341(8) and (9), 337.25(4) and (7), 373.089(1), (2),



330 (3), and (8) when disposing of nonconservation surplus lands  
331 under this section.

332 (b) The sale price of land parcels disposed of pursuant to  
333 this section shall be determined by the entity disposing of the  
334 parcels. The Department of Transportation, the Board of Trustees  
335 of the Internal Improvement Trust Fund, and the water management  
336 districts must consider at least one appraisal of the property  
337 or, if the estimated value of the land is \$500,000 or less, a  
338 comparable sales analysis or a broker's opinion of value;  
339 however, if a property owned by the Department of Transportation  
340 was acquired with federal participation and the estimated value  
341 of the property is more than \$25,000, an appraisal of the  
342 property must be considered.

343  
344 ===== T I T L E A M E N D M E N T =====

345 And the title is amended as follows:

346 Delete lines 6 - 18

347 and insert:

348 of lands; providing that, as long as a parcel is in an  
349 area suitable for residential development, it may be  
350 found to be suitable for use as affordable housing,  
351 even if the parcel does not meet certain other  
352 criteria; amending s. 163.31801, F.S.; requiring that  
353 additional information be submitted by specified  
354 entities when submitting their annual financial  
355 reports; amending ss. 253.0341, 337.25, and 373.089,  
356 F.S.; revising the procedures under which the Board of  
357 Trustees of the Internal Improvement Trust Fund, the  
358 Department of Transportation, and the water management



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359 districts must dispose of nonconservation surplus  
360 lands; amending s. 420.507, F.S.; authorizing the  
361 Florida Housing Finance Corporation to take one or  
362 more specified actions against any applicant or  
363 affiliate of an applicant upon a determination of good  
364 cause and after service of an administrative complaint  
365 and adequate notice; defining the term "good cause";  
366 authorizing the corporation to require, as a condition  
367 of financing a multifamily rental project, which may  
368 include