

1 A bill to be entitled
2 An act relating to affordable housing; amending ss.
3 125.379 and 166.0451, F.S.; revising the criteria that
4 counties and municipalities must use when evaluating
5 real property as part of their inventory for disposal
6 of lands; amending s. 163.3180, F.S.; prohibiting
7 local governments from charging mobility fees for
8 specified period; preempting to the state the right to
9 impose such fees; amending s. 163.31801, F.S.;
10 prohibiting local governments from charging impact
11 fees for specified period; preempting to the state the
12 right to impose such fees; specifying that additional
13 information be submitted by specified entities when
14 submitting their annual financial reports; creating s.
15 420.0007, F.S.; providing a local permit approval
16 process; amending s. 420.5087, F.S.; revising the
17 criteria used by a review committee when evaluating
18 and selecting specified applications for the state
19 apartment incentive loans; creating s. 420.56, F.S.;
20 providing a process for certain entities to dispose of
21 surplus lands for use as affordable housing; amending
22 s. 420.9071, F.S.; revising the definition of "local
23 housing incentive strategies"; amending ss. 253.0341,
24 337.25, and 373.089, F.S.; revising the procedures
25 under which the board of trustees, the Department of

26 Transportation, and the water management districts
27 must dispose of nonconservation surplus lands;
28 creating the Hurricane Housing Recovery Program to
29 provide funds for specified purposes related to
30 affordable housing; specifying that the Florida
31 Housing Finance Corporation shall administer the
32 program according to specified procedures; specifying
33 how program funds are to be used; creating the
34 Recovery Rental Loan Program; providing legislative
35 intent; requiring an annual report regarding the
36 housing recovery program; authorizing emergency rule-
37 making; exempting the emergency rules from the
38 requirement for making certain legislative findings;
39 providing appropriations; providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Subsection (1) of section 125.379, Florida
44 Statutes, is amended to read:

45 125.379 Disposition of county property for affordable
46 housing.—

47 (1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3
48 years thereafter, each county shall prepare an inventory list of
49 all real property within its jurisdiction to which the county
50 holds fee simple title that is appropriate for use as affordable

51 | housing. The real property must be evaluated on criteria that
52 | includes environmental suitability for construction, site
53 | characteristics, current land use designation, current or
54 | anticipated zoning, inclusion in at least one special district;
55 | existing infrastructure; proximity to employment opportunities;
56 | proximity to public transportation, and proximity to existing
57 | services. The inventory list must include the address and legal
58 | description of each such real property and specify whether the
59 | property is vacant or improved. The governing body of the county
60 | must review the inventory list at a public hearing and may
61 | revise it at the conclusion of the public hearing. The governing
62 | body of the county shall adopt a resolution that includes an
63 | inventory list of such property following the public hearing.

64 | Section 2. Paragraph (i) of subsection (5) of section
65 | 163.3180, Florida Statutes, is amended to read:

66 | 163.3180 Concurrency.—

67 | (5)

68 | (i)1. If a local government elects to repeal
69 | transportation concurrency, it is encouraged to adopt an
70 | alternative mobility funding system that uses one or more of the
71 | tools and techniques identified in paragraph (f). Any
72 | alternative mobility funding system adopted may not be used to
73 | deny, time, or phase an application for site plan approval, plat
74 | approval, final subdivision approval, building permits, or the
75 | functional equivalent of such approvals provided that the

76 | developer agrees to pay for the development's identified
77 | transportation impacts via the funding mechanism implemented by
78 | the local government. The revenue from the funding mechanism
79 | used in the alternative system must be used to implement the
80 | needs of the local government's plan which serves as the basis
81 | for the fee imposed. A mobility fee-based funding system must
82 | comply with the dual rational nexus test applicable to impact
83 | fees. An alternative system that is not mobility fee-based shall
84 | not be applied in a manner that imposes upon new development any
85 | responsibility for funding an existing transportation deficiency
86 | as defined in paragraph (h).

87 | 2. Beginning July 1, 2018, and ending June 20, 2023, a
88 | local government may not charge a mobility fee for the
89 | development or construction housing that is affordable, as
90 | defined in s. 420.9071.

91 | Section 3. Subsection (6) is added to section 163.31801,
92 | Florida Statutes, to read:

93 | 163.31801 Impact fees; short title; intent; definitions;
94 | ordinances levying impact fees.—

95 | (6) (a) Beginning July 1, 2018, and ending June 20, 2023, a
96 | local government may not charge an impact fee for the
97 | development or construction of housing that is affordable, as
98 | defined in s. 420.9071.

99 | (b) In addition to the items that must be reported in the
100 | annual financial reports under s. 218.32, counties and

101 municipalities must report the following data on all impact fees
 102 charged:

103 1. The specific purpose of the impact fee, including the
 104 specific infrastructure need to be met, such as transportation,
 105 parks, water, sewer, and schools;

106 2. The Impact Fee Schedule Policy, describing the method
 107 of calculating impact fees, such as flat fee, tiered scale based
 108 on number of bedrooms, and tiered scale based on square footage;

109 3. The amount assessed for each purpose and type of
 110 dwelling;

111 4. The total amount of impact fees charged by type of
 112 dwelling;

113 5. Each exception and waiver provided for affordable
 114 housing developments.

115 Section 4. Subsection (1) of section 166.0451, Florida
 116 Statutes, is amended to read:

117 166.0451 Disposition of municipal property for affordable
 118 housing.—

119 (1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3
 120 years thereafter, each municipality shall prepare an inventory
 121 list of all real property within its jurisdiction to which the
 122 municipality holds fee simple title that is appropriate for use
 123 as affordable housing. Such real property shall be evaluated on
 124 criteria that includes the environmental suitability for
 125 construction, site characteristics, currently designated land

126 use, current or anticipated zoning, inclusion in one or more
127 special districts, existing infrastructure, proximity to
128 employment opportunities, proximity to public transportation,
129 and proximity to services. The inventory list must include the
130 address and legal description of each such property and specify
131 whether the property is vacant or improved. The governing body
132 of the municipality must review the inventory list at a public
133 hearing and may revise it at the conclusion of the public
134 hearing. Following the public hearing, the governing body of the
135 municipality shall adopt a resolution that includes an inventory
136 list of such property.

137 Section 5. Section 420.0007, Florida Statutes, is created
138 to read:

139 420.0007 Local Permit Approval Process for Affordable
140 Housing.—

141 (1) A local government has 15 days from the date it
142 receives an application for a development permit, construction
143 permit, or certificate of occupancy for affordable housing to
144 examine the application and notify the applicant of any apparent
145 errors or omissions and request any additional information the
146 local government is permitted by law to require.

147 (2) If a local government does not request additional
148 information within the required time, the local government may
149 not deny a development permit, construction permit, or
150 certificate of occupancy for affordable housing if the applicant

151 fails to correct an error or omission or to supply additional
152 information.

153 (3) The local government may require any additional
154 requested information to be submitted no later than 10 days from
155 the date of the notice specified in subsection (1).

156 (4) For good cause shown, the local government shall grant
157 a request for an extension of time for submitting the additional
158 information.

159 (5) An application is complete upon receipt of all
160 requested information and the correction of any error or
161 omission for which the applicant was timely notified or when the
162 time for notification has expired.

163 (6) The local government must approve or deny an
164 application for a development permit, construction permit, or
165 certificate of occupancy for affordable housing within 60 days
166 after receipt of a completed application unless a shorter period
167 of time for local government action is provided by law.

168 (7) If the local government does not approve or deny
169 within the 60-day or shorter time period an application for a
170 development permit, construction permit, or certificate of
171 occupancy for affordable housing, the permit is considered
172 approved and the local government must issue the development
173 permit, construction permit, or certificate of occupancy and may
174 include such reasonable conditions as authorized by law.

175 (8) An applicant for a development permit, construction

176 permit, or certificate of occupancy seeking to receive a permit
177 by default under this section shall notify the local government,
178 in writing, of the intent to rely upon the default approval
179 provision of this section but may not take any action based upon
180 the default development permit, construction permit, or
181 certificate of occupancy until the applicant receives
182 notification or a receipt that the local government received the
183 notice. The applicant must retain the notification or receipt.

184 Section 6. Paragraph (c) of subsection (6) of section
185 420.5087, Florida Statutes, is amended to read:

186 420.5087 State Apartment Incentive Loan Program.—There is
187 hereby created the State Apartment Incentive Loan Program for
188 the purpose of providing first, second, or other subordinated
189 mortgage loans or loan guarantees to sponsors, including for-
190 profit, nonprofit, and public entities, to provide housing
191 affordable to very-low-income persons.

192 (6) On all state apartment incentive loans, except loans
193 made to housing communities for the elderly to provide for
194 lifesafety, building preservation, health, sanitation, or
195 security-related repairs or improvements, the following
196 provisions shall apply:

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

201 1. Tenant income and demographic targeting objectives of
202 the corporation.

203 2. Targeting objectives of the corporation which will
204 ensure an equitable distribution of loans between rural and
205 urban areas.

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

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

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

214 b. Forty percent of the units in the project for persons
215 or families who have incomes that do not exceed 60 percent of
216 the state or local median income, whichever is higher, without
217 requiring a greater amount of the loans as provided in this
218 section.

219 5. Provision for tenant counseling.

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

222 7. Projects requiring the least amount of a state
223 apartment incentive loan compared to overall project cost,
224 except that the share of the loan attributable to units serving
225 extremely-low-income persons must be excluded from this

226 requirement.

227 8. Local government contributions and local government
228 comprehensive planning and activities that promote affordable
229 housing, policies that promote access to public transportation,
230 reduce the need for on-site parking, and expedite permits for
231 affordable housing projects as provided in s. 420.0007.

232 9. Project feasibility.

233 10. Economic viability of the project.

234 11. Commitment of first mortgage financing.

235 12. Sponsor's prior experience.

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

237 14. Projects that directly implement or assist welfare-to-
238 work transitioning.

239 15. Projects that reserve units for extremely-low-income
240 persons.

241 16. Projects that include green building principles,
242 storm-resistant construction, or other elements that reduce
243 long-term costs relating to maintenance, utilities, or
244 insurance.

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

247 Section 7. Section 420.56, Florida Statutes, is created to
248 read:

249 420.56 Disposal of surplus lands for use as affordable
250 housing.-

251 (1) It is intent of the Legislature to make all surplus
252 lands designated as nonconservation available for affordable
253 housing before making the parcels available for purchase by
254 other governmental entities or the public.

255 (2) The Department of Environmental Protection acting on
256 the behalf of the Board of Trustees of the Internal Improvement
257 Trust Fund, the Department of Transportation, and each water
258 management district shall notify the corporation when
259 nonconservation land becomes available for surplus as part of
260 the entity's regular review of lands under the provisions of ss.
261 253.0341, 337.25, or 373.089 before making the parcel available
262 for any other use, including for purchase by other governmental
263 entities or the public. Water management districts must only
264 identify nonconservation surplus lands originally acquired using
265 state funds.

266 (3) In consultation with the Department of Environmental
267 Protection, the Department of Transportation, and the water
268 management districts, the corporation must evaluate whether
269 these surplus lands are suitable for affordable housing based on
270 the property's environmental suitability for construction;
271 current and anticipated land use and zoning; inclusion in one or
272 more special districts meant to revitalize the community;
273 existing infrastructure on the land such as roads, water, sewer,
274 and electricity; access to grocery stores within walking
275 distance or by public transportation; access to employment

276 opportunities within walking distance or by public
277 transportation; access to public transportation within one half
278 mile; and access to community services such as public libraries,
279 food kitchens, and employment centers.

280 (4) If the corporation determines that the nonconservation
281 surplus land is suitable for affordable housing, the entity
282 seeking to dispose of the parcel must first offer the land to
283 the county and municipality where the land is located to be used
284 for affordable housing before the entity offers the land to
285 other governmental entities or the public. If the county and
286 municipality where the parcel is located do not wish to use the
287 parcel for affordable housing, the entity may dispose of the
288 parcel as otherwise provided by law or herein.

289 (5) The Board of Trustees of the Internal Improvement
290 Trust Fund, the Department of Transportation, and the water
291 management districts may sell the parcels identified by the
292 corporation for affordable housing for less than the appraised
293 value to any party so long as the agency places an encumbrance
294 on the parcels to ensure the purchaser uses the land for
295 affordable housing for a period of not less than 99 years.

296 (6) (a) The Board of Trustees of the Internal Improvement
297 Trust Fund, the Department of Transportation, and the water
298 management districts are exempt from the disposal procedures of
299 ss. 253.0341(8) and (9), 337.25(4) and (7), 373.089(1), (2),
300 (3), and (8) when disposing of nonconservation surplus lands

301 under this section.

302 (b) The sale price of land parcels disposed of pursuant to
303 this section shall be determined by the entity disposing of the
304 parcel. The Department of Transportation, the Board of Trustees
305 of the Internal Improvement Trust Fund, and the water management
306 districts must consider at least one appraisal of the property
307 or, if the estimated value of the land is \$500,000 or less, a
308 comparable sales analysis or a broker's opinion of value.

309 Section 8. Subsection (16) of section 420.9071, Florida
310 Statutes, is amended to read:

311 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
312 term:

313 (16) "Local housing incentive strategies" means local
314 regulatory reform or incentive programs to encourage or
315 facilitate affordable housing production, which include at a
316 minimum, expediting permits for affordable housing projects as
317 provided in s. 420.0007 ~~assurance that permits for affordable~~
318 ~~housing projects are expedited to a greater degree than other~~
319 ~~projects, as provided in s. 163.3177(6)(f)3.~~; an ongoing process
320 for review of local policies, ordinances, regulations, and plan
321 provisions that increase the cost of housing prior to their
322 adoption; and a schedule for implementing the incentive
323 strategies. Local housing incentive strategies may also include
324 other regulatory reforms, such as those enumerated in s.
325 420.9076 or those recommended by the affordable housing advisory

326 committee in its triennial evaluation of the implementation of
327 affordable housing incentives, and adopted by the local
328 governing body.

329 Section 9. Subsections (4) and (7) of section 253.0341,
330 Florida Statutes, are amended to read:

331 253.0341 Surplus of state-owned lands.—

332 (4) Beginning July 1, 2018, and continuing every 3 years
333 thereafter, ~~At least every 10 years,~~ as a component of each land
334 management plan or land use plan and in a form and manner
335 adopted by rule of the board of trustees, each manager shall
336 evaluate and indicate to the board of trustees those lands that
337 are not being used for the purpose for which they were
338 originally leased. For conservation lands, the Acquisition and
339 Restoration Council shall review and recommend to the board of
340 trustees whether such lands should be retained in public
341 ownership or disposed of by the board of trustees. For
342 nonconservation lands, the Division of State Lands shall review
343 and recommend to the board of trustees whether such lands should
344 be retained in public ownership or disposed of by the board of
345 trustees.

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

351 affordable housing ~~Before a building or parcel of land is~~
352 ~~offered for lease or sale to a local or federal unit of~~
353 ~~government or a private party,~~ it shall first be offered for
354 lease to state agencies, state universities, and Florida College
355 System institutions, with priority consideration given to state
356 universities and Florida College System institutions. If the
357 surplus building or land is not used for affordable housing or
358 leased by a state agency, state university, or Florida College
359 System institution, then the board of trustees shall offer the
360 building or parcel for lease or sale to a local or federal unit
361 of government or a private party.

362 (b) Within 60 days after the offer for lease of a surplus
363 building or parcel, a state university or Florida College System
364 institution that requests the lease must submit a plan for
365 review and approval by the Board of Trustees of the Internal
366 Improvement Trust Fund regarding the intended use, including
367 future use, of the building or parcel of land before approval of
368 a lease. Within 60 days after the offer for lease of a surplus
369 building or parcel, a state agency that requests the lease of
370 such facility or parcel must submit a plan for review and
371 approval by the board of trustees regarding the intended use.
372 The state agency plan must, at a minimum, include the proposed
373 use of the facility or parcel, the estimated cost of renovation,
374 a capital improvement plan for the building, evidence that the
375 building or parcel meets an existing need that cannot otherwise

376 be met, and other criteria developed by rule by the board of
377 trustees. The board or its designee shall compare the estimated
378 value of the building or parcel to any submitted business plan
379 to determine if the lease or sale is in the best interest of the
380 state. The board of trustees shall adopt rules pursuant to
381 chapter 120 for the implementation of this section.

382 Section 10. Subsection (3) is amended and subsection (12)
383 is added to section 337.25, Florida Statutes, to read:

384 337.25 Acquisition, lease, and disposal of real and
385 personal property.-

386 (3) Beginning July 1, 2018, the department shall evaluate
387 all of its land not within a transportation corridor or within
388 the right-of-way of a transportation facility at least every 10
389 years on a rotating basis to determine whether the property
390 should be retained. ~~The inventory of real property that was~~
391 ~~acquired by the state after December 31, 1988, that has been~~
392 ~~owned by the state for 10 or more years, and that is not within~~
393 ~~a transportation corridor or within the right-of-way of a~~
394 ~~transportation facility shall be evaluated to determine the~~
395 ~~necessity for retaining the property.~~ If the property is not
396 needed for the construction, operation, and maintenance of a
397 transportation facility or is not located within a
398 transportation corridor, the department may dispose of the
399 property pursuant to subsection (4).

400 (12) Except in a conveyance transacted under paragraphs

401 (4) (a), (c), and (e), the department must first offer
402 nonconservation surplus lands to the county and municipality
403 where the lands is located for use as affordable housing as
404 identified by the Florida Housing Finance Corporation pursuant
405 to s. 420.56.

406 Section 11. Subsection (1) is amended and subsection (9)
407 is added to section 373.089, Florida Statutes, to read:

408 373.089 Sale or exchange of lands, or interests or rights
409 in lands.—The governing board of the district may sell lands, or
410 interests or rights in lands, to which the district has acquired
411 title or to which it may hereafter acquire title in the
412 following manner:

413 (1) Beginning on July 1, 2018, the district shall review
414 all lands and interests or rights in lands every 10 years on a
415 rotating basis to determine whether the lands are still needed
416 for the purpose for which they were acquired. Any lands, or
417 interests or rights in lands, determined by the governing board
418 to be surplus may be sold by the district, at any time, for the
419 highest price obtainable; however, in no case shall the selling
420 price be less than the appraised value of the lands, or
421 interests or rights in lands, as determined by a certified
422 appraisal obtained within 360 days before the effective date of
423 a contract for sale.

424 (9) The governing board must first offer nonconservation
425 surplus lands to the county and municipality where the land is

426 located for use as affordable housing as identified by the
427 Florida Housing Finance Corporation pursuant to s. 420.56.
428 Districts must only offer nonconservation surplus lands
429 originally acquired using state funds.

430

431 If the Board of Trustees of the Internal Improvement Trust Fund
432 declines to accept title to the lands offered under this
433 section, the land may be disposed of by the district under the
434 provisions of this section.

435 Section 12. Hurricane Recovery Programs.—

436 (1) The Hurricane Housing Recovery Program is created to
437 provide funds to local governments for affordable housing
438 recovery efforts due to impacts to the affordable housing stock
439 resulting from Hurricanes Irma and Maria. The Florida Housing
440 Finance Corporation shall administer the program with resources
441 allocated to local governments according to a need-based formula
442 that reflects affordable housing damage estimates. Eligible
443 local governments must submit a strategy outlining proposed
444 recovery actions, income levels and number of units to be
445 served, and funding requests. Program funds shall be used as
446 follows:

447 (a) To serve households with incomes up to 120 percent of
448 area median income, except that at least 30 percent of program
449 funds should be reserved for households with incomes up to 50
450 percent of area median income and an additional 30 percent of

451 program funds reserved for households with incomes up to 80
452 percent of area median income.

453 (b) At least 65 percent of funds allocated shall be used
454 for homeownership as described in paragraph (a).

455 (c) Up to 15 percent of the allocation may be used for
456 administrative expenses to ensure expeditious use of funds.

457 (2) The Recovery Rental Loan Program is created to provide
458 funds to build additional rental housing due to impacts to the
459 housing stock resulting from Hurricanes Irma and Maria. The
460 program is intended to allow the state to leverage additional
461 federal rental financing similar to the State Apartment
462 Incentive Loan Program as described in s. 420.5087, Florida
463 Statutes.

464 (3) By September 15, 2019, and each year thereafter, each
465 participating local entity shall submit a report of its housing
466 recovery program and accomplishments through June 30, as
467 specified by the Florida Housing Finance Corporation.

468 (4) Florida Housing Finance Corporation may adopt
469 emergency rules pursuant to s. 120.54, Florida Statutes. The
470 Legislature finds that emergency rules adopted pursuant to this
471 section meet the health, safety, and welfare requirement of s.
472 120.54(4), Florida Statutes. The Legislature finds that such
473 emergency rulemaking is necessary to preserve the rights and
474 welfare of the people and to provide additional funds to assist
475 those areas of the state that sustained impacts to available

476 affordable housing stock due to Hurricanes Irma and Maria.
477 Therefore, in adopting such emergency rules, the corporation
478 need not make the findings required by s. 120.54(4)(a), Florida
479 Statutes. Emergency rules adopted under this section are exempt
480 from s. 120.54(4)(c), Florida Statutes.

481 Section 13. For the 2018-2019 fiscal year only, 20 percent
482 of the most recent revenue estimate from the Revenue Estimating
483 Conference for the 2018-2019 fiscal year from both the Local
484 Government Housing Trust Fund and the State Housing Trust Fund
485 are appropriated to the Florida Housing Finance Corporation for
486 the purpose of affordable housing hurricane recovery efforts.
487 Funds from the Local Government Housing Trust Fund shall be used
488 for the Hurricane Housing Recovery Program and shall be
489 allocated based on the review of FEMA damage assessment data by
490 the Florida Housing Finance Corporation. Funds from the State
491 Housing Trust Fund shall be used for the Rental Recovery Loan
492 Program to assist with building and rehabilitating affordable
493 rental housing to help communities respond to hurricane recovery
494 needs. The Florida Housing Finance Corporation shall use
495 \$100,000 from the funds appropriated from the State Housing
496 Trust Fund to provide technical and training assistance.

497 Section 14. This act shall take effect July 1, 2018.