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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2019	.	
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The Committee on Community Affairs (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (6) and (7) are added to section  
163.31801, Florida Statutes, to read:

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

(6) A county, municipality, or special district may provide  
an exception or waiver for an impact fee for the development or



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11 construction of housing that is affordable, as defined in s.  
12 420.9071. If a county, municipality, or special district  
13 provides such an exception or waiver, it is not required to use  
14 any revenues to offset the impact.

15 (7) In addition to the items that must be reported in the  
16 annual financial reports under s. 218.32, counties,  
17 municipalities, and special districts must report all of the  
18 following data on all impact fees charged:

19 (a) The specific purpose of the impact fee, including the  
20 specific infrastructure needs to be met, such as transportation,  
21 parks, water, sewer, and schools.

22 (b) The impact fee schedule policy describing the method of  
23 calculating impact fees, such as flat fees, tiered scales based  
24 on number of bedrooms, or tiered scales based on square footage.

25 (c) The amount assessed for each purpose and for each type  
26 of dwelling.

27 (d) The total amount of impact fees charged by type of  
28 dwelling.

29 (e) Each exception and each waiver provided for affordable  
30 housing developments.

31 Section 2. Section 420.0007, Florida Statutes, is created  
32 to read:

33 420.0007 Local permit approval process for affordable  
34 housing.—

35 (1) A local government has 15 days after the date it  
36 receives an application for a development permit, a construction  
37 permit, or a certificate of occupancy for affordable housing to  
38 examine the application and notify the applicant of any apparent  
39 errors or omissions and to request any additional information



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40 that the local government is authorized by law to require.

41 (2) If a local government does not request additional  
42 information within the timeframe specified in subsection (1),  
43 the local government may not deny a development permit,  
44 construction permit, or certificate of occupancy for affordable  
45 housing if the applicant has failed to correct the error or the  
46 omission or to supply additional information.

47 (3) The local government may require any additional  
48 requested information to be submitted not later than 10 days  
49 after the date of the notice specified in subsection (1).

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

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

57 (6) The local government shall approve or deny an  
58 application for a development permit, a construction permit, or  
59 a certificate of occupancy for affordable housing within 60 days  
60 after receipt of a completed application unless a shorter period  
61 of time for action by local government is provided by law.

62 (7) If the local government does not approve or deny an  
63 application for a development permit, a construction permit, or  
64 a certificate of occupancy for affordable housing within the 60-  
65 day, or a shorter, time period, the permit is considered  
66 approved and the local government shall issue the development  
67 permit, the construction permit, or the certificate of  
68 occupancy, which may include reasonable conditions as authorized



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69 by law.

70 (8) An applicant for a development permit, a construction  
71 permit, or a certificate of occupancy seeking to receive a  
72 permit by default under this section must notify the local  
73 government in writing of the intent to rely upon the default  
74 approval provision of this section but may not take any action  
75 based upon the default development permit, construction permit,  
76 or certificate of occupancy until the applicant receives  
77 notification or a receipt that the local government received the  
78 notice. The applicant must retain the notification or the  
79 receipt.

80 Section 3. Paragraph (c) of subsection (6) of section  
81 420.5087, Florida Statutes, is amended to read:

82 420.5087 State Apartment Incentive Loan Program.—There is  
83 hereby created the State Apartment Incentive Loan Program for  
84 the purpose of providing first, second, or other subordinated  
85 mortgage loans or loan guarantees to sponsors, including for-  
86 profit, nonprofit, and public entities, to provide housing  
87 affordable to very-low-income persons.

88 (6) On all state apartment incentive loans, except loans  
89 made to housing communities for the elderly to provide for  
90 lifesafety, building preservation, health, sanitation, or  
91 security-related repairs or improvements, the following  
92 provisions shall apply:

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

97 1. Tenant income and demographic targeting objectives of



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98 the corporation.

99 2. Targeting objectives of the corporation which will  
100 ensure an equitable distribution of loans between rural and  
101 urban areas.

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

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

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

110 b. Forty percent of the units in the project for persons or  
111 families who have incomes that do not exceed 60 percent of the  
112 state or local median income, whichever is higher, without  
113 requiring a greater amount of the loans as provided in this  
114 section.

115 5. Provision for tenant counseling.

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

118 7. Projects requiring the least amount of a state apartment  
119 incentive loan compared to overall project cost, except that the  
120 share of the loan attributable to units serving extremely-low-  
121 income persons must be excluded from this requirement.

122 8. Local government contributions and local government  
123 comprehensive planning and activities that promote affordable  
124 housing and policies that promote access to public  
125 transportation, reduce the need for onsite parking, and expedite  
126 permits for affordable housing projects as provided in s.



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127 420.0007.

128 9. Project feasibility.

129 10. Economic viability of the project.

130 11. Commitment of first mortgage financing.

131 12. Sponsor's prior experience.

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

133 14. Projects that directly implement or assist welfare-to-  
134 work transitioning.

135 15. Projects that reserve units for extremely-low-income  
136 persons.

137 16. Projects that include green building principles, storm-  
138 resistant construction, or other elements that reduce long-term  
139 costs relating to maintenance, utilities, or insurance.

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

142 Section 4. Section 420.5095, Florida Statutes, is amended  
143 to read:

144 420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~  
145 Program.—

146 (1) The Legislature finds and declares that recent rapid  
147 increases in the median purchase price of a home and the cost of  
148 rental housing have far outstripped the increases in median  
149 income in the state, preventing essential services personnel  
150 from living in the communities where they serve and thereby  
151 creating the need for innovative solutions for the provision of  
152 housing opportunities for essential services personnel.

153 (2) The Community Workforce Housing Loan ~~Innovation Pilot~~  
154 Program is created to provide ~~affordable rental and home~~  
155 ~~ownership community~~ workforce housing for essential services



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156 personnel affected by the high cost of housing, ~~using regulatory~~  
157 ~~incentives and state and local funds to promote local public-~~  
158 ~~private partnerships and leverage government and private~~  
159 ~~resources.~~

160 (3) For purposes of this section, the term:

161 ~~(a) "workforce housing" means housing affordable to natural~~  
162 ~~persons or families whose total annual household income does not~~  
163 ~~exceed 80 ~~140~~ percent of the area median income, adjusted for~~  
164 ~~household size, or 120 ~~150~~ percent of area median income,~~  
165 ~~adjusted for household size, in areas of critical state concern~~  
166 ~~designated under s. 380.05, for which the Legislature has~~  
167 ~~declared its intent to provide affordable housing, and areas~~  
168 ~~that were designated as areas of critical state concern for at~~  
169 ~~least 20 consecutive years prior to removal of the designation.~~

170 ~~(b) "Essential services personnel" means persons in need of~~  
171 ~~affordable housing who are employed in occupations or~~  
172 ~~professions in which they are considered essential services~~  
173 ~~personnel, as defined by each county and eligible municipality~~  
174 ~~within its respective local housing assistance plan pursuant to~~  
175 ~~s. 420.9075(3)(a).~~

176 ~~(c) "Public-private partnership" means any form of business~~  
177 ~~entity that includes substantial involvement of at least one~~  
178 ~~county, one municipality, or one public sector entity, such as a~~  
179 ~~school district or other unit of local government in which the~~  
180 ~~project is to be located, and at least one private sector for-~~  
181 ~~profit or not-for-profit business or charitable entity, and may~~  
182 ~~be any form of business entity, including a joint venture or~~  
183 ~~contractual agreement.~~

184 (4) The Florida Housing Finance Corporation is authorized



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185 to provide loans under the ~~Community Workforce Housing~~  
186 ~~Innovation Pilot~~ program loans to applicants ~~an applicant~~ for  
187 construction or rehabilitation of workforce housing in eligible  
188 areas. This funding is intended to be used with other public and  
189 private sector resources.

190 (5) The corporation shall establish a loan application  
191 process under s. 420.5087 ~~by rule which includes selection~~  
192 ~~criteria, an application review process, and a funding process.~~  
193 ~~The corporation shall also establish an application review~~  
194 ~~committee that may include up to three private citizens~~  
195 ~~representing the areas of housing or real estate development,~~  
196 ~~banking, community planning, or other areas related to the~~  
197 ~~development or financing of workforce and affordable housing.~~

198 (a) ~~The selection criteria and application review process~~  
199 ~~must include a procedure for curing errors in the loan~~  
200 ~~applications which do not make a substantial change to the~~  
201 ~~proposed project.~~

202 (b) ~~To achieve the goals of the pilot program, the~~  
203 ~~application review committee may approve or reject loan~~  
204 ~~applications or responses to questions raised during the review~~  
205 ~~of an application due to the insufficiency of information~~  
206 ~~provided.~~

207 (c) ~~The application review committee shall make~~  
208 ~~recommendations concerning program participation and funding to~~  
209 ~~the corporation's board of directors.~~

210 (d) ~~The board of directors shall approve or reject loan~~  
211 ~~applications, determine the tentative loan amount available to~~  
212 ~~each applicant, and rank all approved applications.~~

213 (e) ~~The board of directors shall decide which approved~~





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214 ~~applicants will become program participants and determine the~~  
215 ~~maximum loan amount for each program participant.~~

216 ~~(6) The corporation shall provide incentives for local~~  
217 ~~governments in eligible areas to use local affordable housing~~  
218 ~~funds, such as those from the State Housing Initiatives~~  
219 ~~Partnership Program, to assist in meeting the affordable housing~~  
220 ~~needs of persons eligible under this program. Local governments~~  
221 ~~are authorized to use State Housing Initiative Partnership~~  
222 ~~Program funds for persons or families whose total annual~~  
223 ~~household income does not exceed:~~

224 ~~(a) One hundred and forty percent of the area median~~  
225 ~~income, adjusted for household size; or~~

226 ~~(b) One hundred and fifty percent of the area median~~  
227 ~~income, adjusted for household size, in areas that were~~  
228 ~~designated as areas of critical state concern for at least 20~~  
229 ~~consecutive years prior to the removal of the designation and in~~  
230 ~~areas of critical state concern, designated under s. 380.05, for~~  
231 ~~which the Legislature has declared its intent to provide~~  
232 ~~affordable housing.~~

233 ~~(7) Funding shall be targeted to innovative projects in~~  
234 ~~areas where the disparity between the area median income and the~~  
235 ~~median sales price for a single-family home is greatest, and~~  
236 ~~where population growth as a percentage rate of increase is~~  
237 ~~greatest. The corporation may also fund projects in areas where~~  
238 ~~innovative regulatory and financial incentives are made~~  
239 ~~available. The corporation shall fund at least one eligible~~  
240 ~~project in as many counties and regions of the state as is~~  
241 ~~practicable, consistent with program goals.~~

242 ~~(6)(8) Projects must be given shall receive priority~~



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243 consideration for funding if ~~where~~:

244 (a) The local jurisdiction has adopted, or is committed to  
245 adopting, appropriate regulatory incentives, ~~or the local~~  
246 ~~jurisdiction or public-private partnership has adopted or is~~  
247 ~~committed to adopting~~ local contributions or financial  
248 strategies, or other funding sources to promote the development  
249 and ongoing financial viability of such projects. Local  
250 incentives include such actions as expediting review of  
251 development orders and permits, supporting development near  
252 transportation hubs and major employment centers, and adopting  
253 land development regulations designed to allow flexibility in  
254 densities, use of accessory units, mixed-use developments, and  
255 flexible lot configurations. Financial strategies include such  
256 actions as promoting employer-assisted housing programs,  
257 providing tax increment financing, and providing land.

258 ~~(b) Projects are innovative and include new construction or~~  
259 ~~rehabilitation; mixed-income housing; commercial and housing~~  
260 ~~mixed-use elements; innovative design; green building~~  
261 ~~principles; storm-resistant construction; or other elements that~~  
262 ~~reduce long-term costs relating to maintenance, utilities, or~~  
263 ~~insurance and promote homeownership. The program funding may not~~  
264 ~~exceed the costs attributable to the portion of the project that~~  
265 ~~is set aside to provide housing for the targeted population.~~

266 (b)(e) ~~The projects that~~ set aside not more than 50 at  
267 ~~least 80~~ percent of units for workforce housing and ~~at least 50~~  
268 ~~percent for essential services personnel and for projects that~~  
269 ~~require the least amount of program funding compared to the~~  
270 ~~overall housing costs for the project.~~

271 ~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local~~



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272 ~~government comprehensive plan amendment to implement a Community~~  
273 ~~Workforce Housing Innovation Pilot Program project found~~  
274 ~~consistent with this section shall be expedited as provided in~~  
275 ~~this subsection. At least 30 days prior to adopting a plan~~  
276 ~~amendment under this subsection, the local government shall~~  
277 ~~notify the state land planning agency of its intent to adopt~~  
278 ~~such an amendment, and the notice shall include its evaluation~~  
279 ~~related to site suitability and availability of facilities and~~  
280 ~~services. The public notice of the hearing required by s.~~  
281 ~~163.3184(11)(b)2. shall include a statement that the local~~  
282 ~~government intends to use the expedited adoption process~~  
283 ~~authorized by this subsection. Such amendments shall require~~  
284 ~~only a single public hearing before the governing board, which~~  
285 ~~shall be an adoption hearing as described in s. 163.3184(4)(c).~~  
286 ~~Any further proceedings shall be governed by s. 163.3184(5)-~~  
287 ~~(13).~~

288 ~~(10) The processing of approvals of development orders or~~  
289 ~~development permits, as defined in s. 163.3164, for innovative~~  
290 ~~community workforce housing projects shall be expedited.~~

291 ~~(7)(11) The corporation shall award loans with a interest~~  
292 ~~rates set at 1 to 3 percent interest rate for a term that does~~  
293 ~~not exceed 15 years, which may be made forgivable when long term~~  
294 ~~affordability is provided and when at least 80 percent of the~~  
295 ~~units are set aside for workforce housing and at least 50~~  
296 ~~percent of the units are set aside for essential services~~  
297 ~~personnel.~~

298 ~~(12) All eligible applications shall:~~

299 ~~(a) For home ownership, limit the sales price of a detached~~  
300 ~~unit, townhome, or condominium unit to not more than 90 percent~~



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301 ~~of the median sales price for that type of unit in that county,~~  
302 ~~or the statewide median sales price for that type of unit,~~  
303 ~~whichever is higher, and require that all eligible purchasers of~~  
304 ~~home ownership units occupy the homes as their primary~~  
305 ~~residence.~~

306 ~~(b) For rental units, restrict rents for all workforce~~  
307 ~~housing serving those with incomes at or below 120 percent of~~  
308 ~~area median income at the appropriate income level using the~~  
309 ~~restricted rents for the federal low-income housing tax credit~~  
310 ~~program and, for workforce housing units serving those with~~  
311 ~~incomes above 120 percent of area median income, restrict rents~~  
312 ~~to those established by the corporation, not to exceed 30~~  
313 ~~percent of the maximum household income adjusted to unit size.~~

314 ~~(c) Demonstrate that the applicant is a public-private~~  
315 ~~partnership in an agreement, contract, partnership agreement,~~  
316 ~~memorandum of understanding, or other written instrument signed~~  
317 ~~by all the project partners.~~

318 ~~(d) Have grants, donations of land, or contributions from~~  
319 ~~the public-private partnership or other sources collectively~~  
320 ~~totaling at least 10 percent of the total development cost or \$2~~  
321 ~~million, whichever is less. Such grants, donations of land, or~~  
322 ~~contributions must be evidenced by a letter of commitment,~~  
323 ~~agreement, contract, deed, memorandum of understanding, or other~~  
324 ~~written instrument at the time of application. Grants, donations~~  
325 ~~of land, or contributions in excess of 10 percent of the~~  
326 ~~development cost shall increase the application score.~~

327 ~~(e) Demonstrate how the applicant will use the regulatory~~  
328 ~~incentives and financial strategies outlined in subsection (8)~~  
329 ~~from the local jurisdiction in which the proposed project is to~~



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330 ~~be located. The corporation may consult with the Department of~~  
331 ~~Economic Opportunity in evaluating the use of regulatory~~  
332 ~~incentives by applicants.~~

333 ~~(f) Demonstrate that the applicant possesses title to or~~  
334 ~~site control of land and evidences availability of required~~  
335 ~~infrastructure.~~

336 ~~(g) Demonstrate the applicant's affordable housing~~  
337 ~~development and management experience.~~

338 ~~(h) Provide any research or facts available supporting the~~  
339 ~~demand and need for rental or home ownership workforce housing~~  
340 ~~for eligible persons in the market in which the project is~~  
341 ~~proposed.~~

342 ~~(13) Projects may include manufactured housing constructed~~  
343 ~~after June 1994 and installed in accordance with mobile home~~  
344 ~~installation standards of the Department of Highway Safety and~~  
345 ~~Motor Vehicles.~~

346 ~~(8)-(14)~~ The corporation may adopt rules pursuant to ss.  
347 120.536(1) and 120.54 to implement this section.

348 ~~(15) The corporation may use a maximum of 2 percent of the~~  
349 ~~annual program appropriation for administration and compliance~~  
350 ~~monitoring.~~

351 ~~(16) The corporation shall review the success of the~~  
352 ~~Community Workforce Housing Innovation Pilot Program to~~  
353 ~~ascertain whether the projects financed by the program are~~  
354 ~~useful in meeting the housing needs of eligible areas and shall~~  
355 ~~include its findings in the annual report required under s.~~  
356 ~~420.511(3).~~

357 Section 5. Subsection (16) of section 420.9071, Florida  
358 Statutes, is amended to read:



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359 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
360 term:

361 (16) "Local housing incentive strategies" means local  
362 regulatory reform or incentive programs to encourage or  
363 facilitate affordable housing production, which include at a  
364 minimum, expediting development permits, as defined in s.  
365 163.3164, for affordable housing projects as provided in s.  
366 420.0007 assurance that permits for affordable housing projects  
367 are expedited to a greater degree than other projects, as  
368 provided in s. 163.3177(6)(f)3.; an ongoing process for review  
369 of local policies, ordinances, regulations, and plan provisions  
370 that increase the cost of housing prior to their adoption; and a  
371 schedule for implementing the incentive strategies. Local  
372 housing incentive strategies may also include other regulatory  
373 reforms, such as those enumerated in s. 420.9076 or those  
374 recommended by the affordable housing advisory committee in its  
375 triennial evaluation of the implementation of affordable housing  
376 incentives, and adopted by the local governing body.

377 Section 6. For the purpose of incorporating the amendment  
378 made by this act to section 420.5095, Florida Statutes, in a  
379 reference thereto, subsection (2) of section 193.018, Florida  
380 Statutes, is reenacted to read:

381 193.018 Land owned by a community land trust used to  
382 provide affordable housing; assessment; structural improvements,  
383 condominium parcels, and cooperative parcels.—

384 (2) A community land trust may convey structural  
385 improvements, condominium parcels, or cooperative parcels, that  
386 are located on specific parcels of land that are identified by a  
387 legal description contained in and subject to a ground lease



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388 having a term of at least 99 years, for the purpose of providing  
389 affordable housing to natural persons or families who meet the  
390 extremely-low-income, very-low-income, low-income, or moderate-  
391 income limits specified in s. 420.0004, or the income limits for  
392 workforce housing, as defined in s. 420.5095(3). A community  
393 land trust shall retain a preemptive option to purchase any  
394 structural improvements, condominium parcels, or cooperative  
395 parcels on the land at a price determined by a formula specified  
396 in the ground lease which is designed to ensure that the  
397 structural improvements, condominium parcels, or cooperative  
398 parcels remain affordable.

399 Section 7. This act shall take effect July 1, 2019.

400

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

402 And the title is amended as follows:

403 Delete everything before the enacting clause  
404 and insert:

405 A bill to be entitled  
406 An act relating to affordable housing; amending s.  
407 163.31801, F.S.; authorizing local governments to  
408 provide exceptions or waivers for impact fees for  
409 affordable housing developments; requiring that  
410 certain data relating to impact fees be included in  
411 the annual financial reports for specified entities;  
412 creating s. 420.0007, F.S.; providing a local permit  
413 approval process; amending s. 420.5087, F.S.; revising  
414 the criteria used by a review committee when  
415 evaluating and selecting specified applications for  
416 state apartment incentive loans; amending s. 420.5095,



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417 F.S.; creating the Community Workforce Housing Loan  
418 Program in the place of the Community Workforce  
419 Housing Innovation Pilot Program to provide workforce  
420 housing for essential services personnel affected by  
421 the high cost of housing; redefining the term  
422 "workforce housing"; deleting definitions; authorizing  
423 the Florida Housing Finance Corporation to provide  
424 loans under the program to applicants for construction  
425 of workforce housing; requiring the corporation to  
426 establish a certain loan application process;  
427 requiring projects to receive priority consideration  
428 under certain circumstances; requiring that the  
429 corporation award loans at a specified interest rate  
430 and for a limited term; amending s. 420.9071, F.S.;  
431 revising the definition of the term "local housing  
432 incentive strategies"; reenacting s. 193.018(2), F.S.,  
433 relating to land owned by a community land trust used  
434 to provide affordable housing, to incorporate the  
435 amendment made to s. 420.5095, F.S., in a reference  
436 thereto; providing an effective date.