

1 A bill to be entitled
 2 An act relating to affordable housing discretionary
 3 surtax; creating s. 125.01065, F.S.; providing
 4 definitions; authorizing certain counties to levy a
 5 discretionary surtax to establish and finance an
 6 affordable housing trust fund within the county;
 7 specifying the cap for the rate of the surtax;
 8 specifying the documents and conditions under which
 9 the surtax applies; specifying the procedures a county
 10 must use before levying the surtax; specifying
 11 authorized and prohibited uses of surtax proceeds;
 12 prohibiting the rehabilitation of housing owned by
 13 certain governments without a specified vote;
 14 authorizing certain counties to create housing
 15 assistance voucher programs under specified
 16 conditions; specifying uses for such vouchers;
 17 specifying requirements for such programs; requiring
 18 the Office of Program Policy Analysis and Government
 19 Accountability to review the discretionary surtax
 20 program at a specified interval and provide a report
 21 to the Governor and Legislature; providing an
 22 effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:
 25

26 Section 1. Section 125.01065, Florida Statutes, is created
 27 to read:

28 125.01065 County affordable housing discretionary surtax
 29 on documents; definitions; adoption; application of revenue.—

30 (1) For purposes of this section, the term:

31 (a) "County" means the governing authority of:

32 1. A charter county that has an estimated population of
 33 900,000 or more; or

34 2. A county government that is consolidated with one or
 35 more municipalities, which, together, have an estimated
 36 population of 900,000 or more.

37
 38 However, the term does not include any county defined in s.
 39 125.011(1) that levies a discretionary surtax on documents
 40 pursuant to s. 125.0167.

41 (b) "Homeownership assistance" means assisting low-income
 42 and moderate-income families in purchasing a home as their
 43 primary residence, including, but not limited to, reducing the
 44 cost of the home with below-market construction financing, the
 45 amount of down payment and closing costs paid by the borrower,
 46 or the mortgage payment to an affordable amount for the
 47 purchaser or using any other financial assistance measure set
 48 forth in s. 420.5088.

49 (c) "Housing" includes single-family, detached dwellings,
 50 multi-family dwellings, and other residential dwellings.

51 (d) "Housing assistance voucher" means the document used
52 to access assistance paid by the county from the discretionary
53 surtax balance in the Affordable Housing Trust Fund to a
54 prospective purchaser of a single-family residence, which must
55 be the purchaser's homestead.

56 (e) "Low-income family" means one or more natural persons
57 or a family with a total anticipated income for the household
58 that does not exceed 80 percent of the median annual income
59 adjusted for family size for households within the area of the
60 county.

61 (f) "Moderate-income family" means one or more natural
62 persons or a family with a total anticipated income for the
63 household that is in excess of 80 percent but less than 140
64 percent of the median annual income adjusted for family size for
65 households within the area of the county.

66 (g) "Purchasing employer" means a business or business
67 entity that has acquired real property within the county and
68 paid the discretionary surtax due as a result of the acquisition
69 of that property pursuant to this section.

70 (2) Pursuant to s. 201.031, the governing authority in
71 each county is authorized to levy a discretionary surtax on
72 documents for the purpose of establishing and financing an
73 affordable housing trust fund within the county.

74 (3) The rate of the surtax may not exceed the rate of 45
75 cents for each \$100 or fractional part thereof of the

76 consideration therefor. The surtax shall apply only to those
77 documents taxable under s. 201.02, except a surtax may not be
78 levied on any document in which the interest granted, assigned,
79 transferred, or conveyed involves only a single-family
80 residence. A single-family residence may be a condominium unit,
81 a unit held through stock ownership or membership representing a
82 proprietary interest in a corporation owning a fee or a
83 leasehold initially in excess of 98 years, or a detached
84 dwelling.

85 (4) The surtax authorized in this section may only be
86 levied upon approval of a majority of the electorate of the
87 county voting in a referendum held at a general election, as
88 defined in s. 97.021, unless before January 1, 2019, the
89 electorate of the county approved an amendment to the county's
90 charter creating a continuing, nonlapsing housing-related trust
91 fund to address the need for affordable housing within the
92 county.

93 (5) Subject to subsection (4), a county levying the
94 discretionary surtax must enact an ordinance creating an
95 affordable housing trust fund and a housing assistance voucher
96 program. Consistent with this section, the ordinance shall
97 establish the policies and procedures governing the levy of the
98 surtax, use of surtax proceeds, eligibility standards, and
99 housing assistance voucher programs available to low-income and
100 moderate-income families residing within the county. The surtax

101 ordinance must be proposed at a regular meeting of the governing
102 authority at least 2 weeks before the public hearing at which
103 the ordinance will be formally enacted. The ordinance is not
104 effective unless it is approved by a majority vote of the total
105 membership of the governing authority of the county. The
106 ordinance may not take effect until 90 days after formal
107 enactment or such other date prescribed by the governing
108 authority of the county, whichever is later.

109 (6) The county shall deposit all proceeds from the
110 discretionary surtax in the affordable housing trust fund within
111 the county. The county shall use the proceeds only to help
112 finance the construction, rehabilitation, or purchase of housing
113 for low-income and moderate-income families, to pay the
114 necessary costs of collection and enforcement of the surtax, and
115 to fund any local matching contributions required pursuant to
116 federal law. At least 50 percent of the funds used in each
117 county to provide such housing assistance shall be for the
118 benefit of low-income families. At least 10 percent of the funds
119 used in each county shall be to provide housing assistance for
120 income-eligible, qualified individuals with disabilities.

121 Authorized uses of the proceeds include:

- 122 (a) Providing funds for first and second mortgages;
123 (b) Acquiring property to form housing cooperatives; and
124 (c) Acquiring land for a residential housing project, in
125 which at least 30 percent of the units are affordable to low-

126 income and moderate income families, if the land is owned by a
127 local government or a special district that enters into an
128 agreement with the county to provide such housing. The local
129 government or special district may enter into a ground lease
130 with a person or entity for nominal or other consideration for
131 the construction of the residential housing project on land
132 acquired pursuant to this paragraph.

133 (7) (a) However, no more than 50 percent of the revenues
134 collected each year under this section may be used to help
135 finance new construction. The proceeds of the surtax may not be
136 used for rent subsidies or grants.

137 (b) No more than 10 percent of surtax revenues collected
138 under this section by the Department of Revenue and remitted to
139 the county in any fiscal year may be used for administrative
140 costs.

141 (8) Notwithstanding subsection (6), of the discretionary
142 surtax revenues collected by the Department of Revenue remaining
143 after any deduction for administrative costs as provided in
144 subsection (7), no less than 35 percent shall be used to provide
145 homeownership assistance for low-income and moderate-income
146 families, and no less than 35 percent shall be used for
147 construction, rehabilitation, and purchase of rental housing
148 units. The remaining amount may be allocated to provide for
149 homeownership assistance or rental housing units, at the
150 discretion of the county.

151 (9) Any funds allocated for homeownership assistance or
152 rental housing units that are not committed at the end of the
153 fiscal year shall be reallocated in subsequent years consistent
154 with this subsection, in that no less than 35 percent shall be
155 reallocated to provide homeownership assistance for low-income
156 and moderate-income families, and no less than 35 percent shall
157 be reallocated for construction, rehabilitation, and purchase of
158 rental housing units. The remaining amount of uncommitted funds
159 may be reallocated at the discretion of the county within any of
160 the categories established in this section.

161 (10) Rehabilitation of housing owned by a recipient
162 government may be authorized only after a determination approved
163 by a majority vote of the total membership of the governing
164 authority of the county that no other sources of funds are
165 available.

166 (11) (a) Each county may, by county ordinance and pursuant
167 to procedures and requirements provided by such ordinance,
168 create a housing assistance voucher program.

169 (b) Housing assistance vouchers shall be used for down
170 payment assistance to low-income and moderate-income families
171 within the county who are purchasing a single-family residence
172 and who:

173 1. Will live within a 5-mile radius of the purchasing
174 employer.

175 2. Are actively employed by the purchasing employer or by

176 a business or business entity directly affiliated with the
177 purchasing employer.

178 3. Are prequalified for a mortgage loan by a certified
179 lending institution.

180 (c) Upon payment of the discretionary surtax pursuant to
181 this section, the purchasing employer may file for an allocation
182 of housing assistance vouchers from the county in an amount not
183 to exceed 50 percent of the amount of the discretionary surtax
184 paid. The purchasing employer shall distribute the allocation to
185 employees in the form of housing assistance vouchers pursuant to
186 rules and procedures established for the program.

187 (d) Any housing assistance voucher allocation not
188 distributed to employees and redeemed by an employee within 1
189 year after the date the discretionary surtax is remitted to the
190 county may not be used for housing assistance vouchers under
191 this subsection.

192 (e) Any housing assistance paid pursuant to the housing
193 assistance voucher program shall be included in the calculation
194 determining the percentage of discretionary surtax funds used
195 for homeownership purposes during the year in which the surtax
196 funds for such purposes are expended.

197 (12) By January 1, 2024, and every 5 years thereafter, the
198 Office of Program Policy Analysis and Government Accountability
199 shall review the discretionary surtax program operated by
200 counties under this section and shall provide a report to the

HB 729

2019

201 | Governor, the President of the Senate, and the Speaker of the
202 | House of Representatives.

203 | Section 2. This act shall take effect July 1, 2019.