

By Senator Thurston

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1 A bill to be entitled
2 An act relating to county funding for affordable
3 housing; creating s. 125.01675, F.S.; defining terms;
4 authorizing the governing authority of each specified
5 county to levy a discretionary surtax on documents for
6 the purpose of establishing and financing an
7 Affordable Housing Trust Fund; specifying the purpose
8 of the trust fund and the required use of the funds;
9 specifying a limit on the surtax; providing
10 applicability of the surtax; specifying procedures and
11 requirements for approval of the surtax by referendum;
12 requiring the county, if levying the surtax, to enact
13 an ordinance creating the trust fund and a housing
14 assistance program; specifying requirements for the
15 ordinance and enactment of the ordinance; specifying a
16 limit on surtax revenues used for administrative costs
17 by the Department of Revenue; specifying authorized
18 actions and requirements for, and limitations and
19 prohibitions on, the deposit and use of surtax
20 proceeds by the county; defining the term
21 "homeownership assistance"; specifying a condition for
22 the rehabilitation of housing owned by a recipient
23 government; defining the terms "housing assistance
24 voucher" and "purchasing employer"; authorizing the
25 governing authority of the county to create a housing
26 assistance voucher program by ordinance; specifying
27 requirements for such housing assistance vouchers;
28 specifying a limit on voucher allocations for
29 purchasing employers; requiring purchasing employers

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30 to distribute the allocations to employees in a
31 specified manner; specifying a limitation on
32 allocations not distributed within a certain
33 timeframe; specifying a requirement for including
34 certain housing assistance paid in a certain
35 calculation; requiring the Office of Program Policy
36 Analysis and Government Accountability, at specified
37 intervals, to review the discretionary surtax program
38 and provide a report to the Governor and the
39 Legislature; amending s. 201.031, F.S.; providing
40 applicability of provisions relating to the
41 discretionary surtax on documents to the surtax
42 created under s. 125.01675, F.S.; providing an
43 effective date.

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45 Be It Enacted by the Legislature of the State of Florida:

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47 Section 1. Section 125.01675, Florida Statutes, is created
48 to read:

49 125.01675 County affordable housing discretionary surtax on
50 documents; adoption; application of revenue.-

51 (1) As used in this section, the term:

52 (a) "County" means the governing authority of a charter
53 county or a county government that is consolidated with one or
54 more municipalities, which have an estimated population of
55 900,000 or more, except the term does not include any county
56 defined in s. 125.011 which levies a discretionary surtax on
57 documents pursuant to s. 125.0167.

58 (b) "Housing" includes, but is not limited to, single-

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59 family detached dwellings and multifamily dwellings.

60 (c) "Low-income family" means one or more natural persons
61 or a family with a total anticipated income for the household
62 which does not exceed 80 percent of the median annual income,
63 adjusted for family size, for households within the area of the
64 county.

65 (d) "Moderate-income family" means one or more natural
66 persons or a family with a total anticipated income for the
67 household which is in excess of 80 percent, but is less than 140
68 percent, of the median annual income, adjusted for family size,
69 for households within the area of the county.

70 (2) Pursuant to s. 201.031, the governing authority in each
71 county may levy a discretionary surtax on documents for the
72 purpose of establishing and financing an Affordable Housing
73 Trust Fund to assist in the financing of construction,
74 rehabilitation, or purchase of housing for low-income and
75 moderate-income families. At least 50 percent of the funds used
76 in each county to provide such housing assistance must be for
77 the benefit of low-income families. In addition, at least 10
78 percent of the funds used in each county must be used to provide
79 housing assistance for income-eligible, qualified individuals
80 with disabilities.

81 (3) The rate of the surtax may not exceed the rate of 45
82 cents for each \$100, or fractional part thereof, of the
83 consideration therefor. The surtax must apply only to those
84 documents taxable under s. 201.02, except that there may not be
85 a surtax on any document pursuant to which the interest granted,
86 assigned, transferred, or conveyed involves only a single-family
87 residence. For purposes of this subsection, a single-family

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88 residence may be a condominium unit, a unit held through stock
89 ownership or membership representing a proprietary interest in a
90 corporation owning a fee or a leasehold initially in excess of
91 98 years, or a detached dwelling.

92 (4) The surtax authorized in this section may be levied
93 only upon approval of a majority of the electorate of the county
94 voting in a referendum held at a general election, as defined in
95 s. 97.021, unless before January 1, 2020, the electorate of the
96 county approved an amendment to the county's charter creating a
97 continuing, nonlapsing housing-related trust fund to address the
98 need for affordable housing within the county.

99 (5) Subject to subsection (4), a county levying the
100 discretionary surtax authorized in this section shall enact an
101 ordinance creating an Affordable Housing Trust Fund and a
102 housing assistance program. Consistent with this section, the
103 ordinance must establish the policies and procedures governing
104 the levy of the surtax, the use of surtax proceeds, eligibility
105 standards, and housing assistance programs available to low-
106 income and moderate-income families residing within the county.
107 The surtax ordinance must be proposed at a regular meeting of
108 the governing authority of the county at least 2 weeks before
109 the public hearing at which the ordinance is formally enacted.
110 The ordinance is not effective unless approved by a majority
111 vote of the total membership of the governing authority of the
112 county. The ordinance may not take effect until 90 days after
113 formal enactment or other date prescribed by the governing
114 authority of the county, whichever is later.

115 (6) No more than 10 percent of surtax revenues collected
116 under this section by the Department of Revenue and remitted to

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117 the county in any fiscal year may be used for administrative
118 costs.

119 (7) The county shall deposit all proceeds from the
120 discretionary surtax in the Affordable Housing Trust Fund of the
121 county. The county shall use the proceeds only to help finance
122 the construction, rehabilitation, or purchase of housing for
123 low-income and moderate-income families, to pay the necessary
124 costs of collection and enforcement of the surtax, and to fund
125 any local matching contributions required pursuant to federal
126 law. No more than 50 percent of the revenues collected each year
127 pursuant to this section may be used to help finance new
128 construction as provided in this section. The proceeds of the
129 surtax may not be used for rent subsidies or grants. For
130 purposes of this section, authorized uses of the proceeds
131 include, but are not limited to:

132 (a) Providing funds for first and second mortgages;

133 (b) Acquiring property for the purpose of forming housing
134 cooperatives; and

135 (c) Land acquisition expenditures for a residential housing
136 project in which at least 30 percent of the units are affordable
137 to low-income and moderate-income families, if the land is owned
138 by a local government or a special district that enters into an
139 agreement with the county to provide such housing. The local
140 government or special district may enter into a ground lease
141 with a public or private person or entity for nominal or other
142 consideration for the construction of the residential housing
143 project on land acquired pursuant to this paragraph.

144 (8) (a) Notwithstanding subsection (7), of the discretionary
145 surtax revenues collected by the Department of Revenue remaining

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146 after any deduction for administrative costs as provided in
147 subsection (6), at least 35 percent must be used to provide
148 homeownership assistance for low-income and moderate-income
149 families, and at least 35 percent must be used for the
150 construction, rehabilitation, and purchase of rental housing
151 units. The remaining amount may be allocated to provide for
152 homeownership assistance or rental housing units at the
153 discretion of the county. Any funds allocated for homeownership
154 assistance or rental housing units which are not committed at
155 the end of the fiscal year must be reallocated in subsequent
156 years consistent with this subsection, in that at least 35
157 percent must be reallocated to provide homeownership assistance
158 for low-income and moderate-income families, and at least 35
159 percent must be reallocated for construction, rehabilitation,
160 and purchase of rental housing units. The remaining amount of
161 uncommitted funds may be reallocated at the discretion of the
162 county within any of the categories established in this section.

163 (b) As used in this subsection, the term "homeownership
164 assistance" means assisting low-income and moderate-income
165 families in purchasing a home as their primary residence, which
166 includes, but is not limited to, reducing the cost of a home
167 with below-market construction financing, reducing the amount of
168 a down payment and closing costs paid by a borrower, reducing a
169 mortgage payment to an amount affordable for a purchaser, or
170 using any other financial assistance measure set forth in s.
171 420.5088.

172 (9) Rehabilitation of housing owned by a recipient
173 government may be authorized only after a determination approved
174 by a majority of the governing authority of the county that no

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175 other sources of funds are available.

176 (10) (a) As used in this subsection, the term:

177 1. "Housing assistance voucher" means the document used to
178 access assistance paid by the county from the discretionary
179 surtax balance in the Affordable Housing Trust Fund to a
180 prospective purchaser of a single-family residence that is to be
181 the purchaser's homestead.

182 2. "Purchasing employer" means a business or business
183 entity that has acquired real property within the county and
184 paid the surtax due as a result of the acquisition of that
185 property pursuant to this section.

186 (b) The governing authority of each county may, by county
187 ordinance and pursuant to procedures and requirements provided
188 by the ordinance, create a housing assistance voucher program.

189 (c) Housing assistance vouchers must be used for down
190 payment assistance for the purchase of a single-family residence
191 by low-income and moderate-income persons within the county and
192 within a 5-mile radius of the purchasing employer, who are:

193 1. Actively employed by the purchasing employer or by a
194 business entity directly affiliated with the purchasing
195 employer.

196 2. Prequalified for a mortgage loan by a certified lending
197 institution.

198 (d) Upon payment of the discretionary surtax under this
199 section, the purchasing employer may file for an allocation for
200 housing assistance vouchers from the county in an amount up to
201 50 percent of the amount of the discretionary surtax paid. The
202 purchasing employer shall distribute the allocation to employees
203 in the form of housing assistance vouchers pursuant to rules and

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204 procedures established for the program.

205 (e) Any housing assistance voucher allocation not
206 distributed to employees and redeemed by an employee within 1
207 year after the date the discretionary surtax is paid may not be
208 used for housing choice assistance vouchers under this
209 subsection.

210 (f) Any housing assistance paid pursuant to the housing
211 assistance voucher program must be included in the calculation
212 determining the percentage of discretionary surtax funds used
213 for homeownership purposes during the year in which the surtax
214 funds for such purposes are expended.

215 (11) By January 1, 2024, and every 5 years thereafter, the
216 Office of Program Policy Analysis and Government Accountability
217 shall review the discretionary surtax program operated by
218 counties under this section and shall provide a report to the
219 Governor, the President of the Senate, and the Speaker of the
220 House of Representatives.

221 Section 2. Section 201.031, Florida Statutes, is amended to
222 read:

223 201.031 Discretionary surtax; administration and
224 collection; Housing Assistance Loan Trust Fund; Affordable
225 Housing Trust Fund; reporting requirements.-

226 (1) Each county, as defined in ~~by~~ s. 125.011(1) or s.
227 125.01675(1), may levy, subject to ~~the provisions of~~ s. 125.0167
228 or s. 125.01675, a discretionary surtax on documents taxable
229 ~~under the provisions of~~ s. 201.02, except that there shall be no
230 surtax on any document pursuant to which the interest granted,
231 assigned, transferred, or conveyed involves only a single-family
232 residence. The single-family residence may be a condominium

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233 unit, a unit held through stock ownership or membership
234 representing a proprietary interest in a corporation owning a
235 fee or a leasehold initially in excess of 98 years, or a
236 detached dwelling.

237 (2) All provisions of chapter 201, except s. 201.15, apply
238 to a the surtax levied pursuant to s. 125.0167 or s. 125.01675.
239 The Department of Revenue shall pay to the governing authority
240 of the county which levies the surtax all taxes, penalties, and
241 interest collected under this section less any costs of
242 administration.

243 (3) Each county that levies a the surtax pursuant to s.
244 125.0167 or s. 125.01675 shall:

245 (a) Include in the financial report required under s.
246 218.32 information showing the revenues and the expenses of the
247 trust fund for the fiscal year.

248 (b) Adopt a housing plan every 3 years which includes
249 provisions substantially similar to the plans required in s.
250 420.9075(1).

251 (c) Have adopted an affordable housing element of its
252 comprehensive land use plan which complies with s.
253 163.3177(6)(f).

254 (d) Require by resolution that the staff or entity that has
255 administrative authority for implementing the housing plan
256 prepare and submit to the county's governing body an annual
257 report substantially similar to the annual report required in s.
258 420.9075(10).

259 Section 3. This act shall take effect upon becoming a law.