

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**COMMUNITY AFFAIRS**  
**Senator Simpson, Chair**  
**Senator Thompson, Vice Chair**

**MEETING DATE:** Wednesday, December 5, 2012

**TIME:** 2:00 —4:00 p.m.

**PLACE:** 301 Senate Office Building

**MEMBERS:** Senator Simpson, Chair; Senator Thompson, Vice Chair; Senators Bradley, Hukill, Latvala, Smith, Soto, Stargel, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Introduction of committee members and staff by the Committee Chair		Discussed
2	Overview of the committee's jurisdiction by the committee staff		Discussed
3	Introduction of Agency Heads and brief discussion of top priorities:  Department of Economic Opportunity Hunting F. Deutsch, Executive Director Tom Beck, Division of Community Development Director  Florida Housing Finance Corporation Wellington Meffert, General Counsel		Discussed
4	Other Related Meeting Documents		Discussed

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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Comment

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Community Affairs

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***COMMENT ONLY —  
NO DOCUMENTS***

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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Community Affairs

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Comment

**DEPARTMENT OF ECONOMIC OPPORTUNITY**  
**DIVISION OF COMMUNITY DEVELOPMENT**



## **DEPARTMENT OF ECONOMIC OPPORTUNITY**

### **DIVISION OF COMMUNITY DEVELOPMENT**

#### ***Introduction***

The Division of Community Planning is housed within the Department of Economic Opportunity (DEO) and is responsible for administering state growth management programs. These include the Local Government Comprehensive Planning Program, which reviews local comprehensive plans and plan amendments for compliance with Florida's Growth Management Act, and the Development of Regional Impact (DRI) Program, which reviews large-scale developments that would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. The division also administers the Areas of Critical State Concern Program, which protects resources of major statewide significance.

#### **Comprehensive Plan Review**

Generally, local governments may adopt amendments to their comprehensive plans twice per year. The Division reviews these plan amendments and determines whether they comply with statutory requirements. Comprehensive plan amendments are initially presented as a proposal that is reviewed within a prescribed time period by regional and state agencies. In some instances, those external agencies provide comments to the Division which prepares a unified report on the consistency of the proposal with legal requirements. After receipt of the state report, the local government must decide whether to adopt, adopt with revisions, or not adopt the proposed amendment.

#### ***State Coordinated Review Process***

This process is coordinated by DEO. Agency comments are sent to DEO and Objections, Recommendation, and Comments Report (ORC) prepared. The scope of DEO review has been expanded to include compliance with provisions of Ch. 163. ORC report is then issued within 60 days of receipt. Local government has 180 days to adopt, or the amendment is deemed withdrawn unless extended by agreement. DEO must complete its review of adopted amendment within 45 days, and find in or not in compliance. Affected party challenge must occur within 30 days of adoption. The Department posts notice of intent on agency's website. In the event of a challenge of a plan amendment by the Department of Economic Opportunity or by an affected party, the matter is referred to the Division of Administrative Hearings for a legal proceeding. In addition to the formal review process, the Division provides technical assistance to local governments as they consider plan amendments.

#### ***Expedited Review Process***

This process is similar to the state coordinated review process except that time frames are accelerated, there is no unified state report, and the state does not publish a notice of intent. All amendments except Evaluation and Appraisal Reports based, area of critical state concern, sector plans, rural land stewardship areas, amendments approved under the Qualified Target Industry Tax Refund program to be DRI-exempt, and new plans. Agency comments are sent directly to local government within 30 days of receipt of amendment, with copy to DEO. The scope of agency review is restricted to adverse impacts on important state resources and facilities. The subject matter of agency review is specifically defined. DEO review is restricted to issues outside of jurisdiction of other state agencies. Local governments must adopt amendment within

180 days after receipt of agency comments or proposed amendment is deemed withdrawn, unless extended by agreement. After adoption, DEO has 30 days to challenge. The challenge must be based on comments made by DEO or other state agencies. DEO does not publish a Notice of Intent. Affected persons must file challenge within 30 days of adoption; DEO may not intervene.

### ***Special Planning Issues***

Water Supply Planning - Extensive areas of Florida are projected to have insufficient water from traditional sources over the next 20 years. The Water Management Districts have prepared regional water supply plans indentifying alternative sources. Local governments must select alternatives and prepare plans showing how they will develop these sources.

Coastal High Hazard Area - Local governments are required to restrict development where it would damage coastal natural resources. Comprehensive Plans must protect human life and limit public expenditure in areas subject to destruction. Plans must take into account the ability to safely evacuate the coastal population.

### **Evaluation and Appraisal Of Comprehensive Plans**

Effective June 2, 2011, local governments have more discretion in determining whether they need to update their local comprehensive plan. As such, local governments no longer need to submit evaluation and appraisal reports to the department for a sufficiency determination. Instead, local governments must follow these new provisions:

1. At least every seven years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. See the Evaluation and Appraisal Notification Schedule 2012 – 2018.
2. Notify the state land planning agency by letter of this determination.
3. If the local government determines amendments to the comprehensive plan are necessary, the local government shall prepare and transmit the proposed amendments to the State Land Planning Agency within one year of such determination. See Comprehensive Plan Amendment Submittal and Processing Guidelines - State Coordinated Review for guidance and more information about these processes.
4. Any local government failing to timely submit a notification letter or proposed amendments within one year of notification may not amend its comprehensive plan until it complies with the requirements.
5. The evaluation and appraisal should address changes in state requirements since the last update of the comprehensive plan and update the plan based on changes to local conditions.

### **Optional Sector Planning Program**

The Optional Sector Planning Program was first created in 1998 as a demonstration project and was limited to five "optional sector plans." Four optional sector plans were approved. Chapter 2011-139, Laws of Florida (House Bill 7207), removed the program's pilot status and made a number of substantial changes to the program's provisions. There is now no limit on the number of local governments that may propose sector plans, but the minimum size of the planning area required to be eligible for participation in the program has increased from 5,000 to 15,000 acres.

### ***Approval of Sector Plans***

Approval of a sector plan is accomplished in two stages: first, a long-term master plan and second implementation of the master plan is accomplished through detailed specific area plans. Adoption of a long-term master plan continues to require an amendment to the comprehensive plan in accordance with the state coordinated review process, but detailed specific area plans are now implemented through a local government development order, which must be rendered to the Department in the same manner as a Development of Regional Impact development order (see Rule 73C-40.025, Florida Administrative Code - Local Government Development Orders). However, the Development of Regional Impact process does not apply to development within the boundaries of the detailed specific area plan. Neither the long-term master plan nor the detailed specific area plans are required to be based on a demonstration of need for the amount of development they would allow, and they may both have planning timeframes exceeding the general timeframe of the comprehensive plan. Previously approved sector plans are governed by the new sector plan provisions.

Also, Section 163.3245(11), Florida Statutes, now provides for the conversion of a comprehensive plan amendment to a sector plan if the amendment was adopted on or before July 1, 2011, and contained at least 15,000 acres. The conversion is effected through an agreement between the Department of Economic Opportunity and the local government. To be eligible for the conversion, the amendment must meet the requirements for a long-term master plan specified in Section 163.3245(3)(a), Florida Statutes.

### ***Long Term Master Plan***

The long-term master plan consists of:

1. A framework map,
2. Policies guiding development form, intergovernmental coordination, and protection of natural resources, and,
3. A general identification of the water supplies, transportation facilities, and regionally significant public facilities that will be needed to support development in the sector plan.

Regionally significant natural resources must also be identified (see Section 163.3245(3)(a), Florida Statutes, for more detail). Once approved, any long-range transportation plan of the metropolitan planning organization must be consistent, to the maximum extent feasible, with the projected population and the approved uses of the master plan. Also, the water needs, sources, and water supply development projects identified in the master plan and detailed area specific plans must be incorporated into the applicable district or regional water supply plan (see Section 163.3245(4), Florida Statutes, for more detail).

### ***Detailed Specific Area Plans***

Detailed specific area plans must contain at least 1,000 acres, although a local government can approve less in certain circumstances, and they must address the same issues as the master plan, although in greater detail. Areas identified for permanent preservation must have a conservation easement recorded and in effect before or concurrent with the effective date of the detailed specific area plan (see Section 163.3245(3)(b), Florida Statutes, for more detail). The detailed specific area plan development order is required to establish a buildout date until which the approved development is not subject to downzoning, or density or intensity reductions.

## **Rural Land Stewardship Area Program**

Chapter 2011-139, Laws of Florida, substantially amended the Rural Land Stewardship Area program. Now at Section 163.3248, Florida Statutes, the law provides that one or more landowners may request that the local government designate their lands as a rural land stewardship area. Upon receipt of such a request, the local government may adopt a future land use overlay to designate all or portions of the lands as a rural land stewardship area if the properties currently are classified as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use. Rural Land Stewardship Areas are areas within which planning and economic incentives are applied to encourage the implementation of innovative and flexible planning and development strategies and the use of creative land use planning techniques to support a diverse economic and employment base.

Rural land stewardship areas are designed to establish a long-term incentive-based strategy to balance and guide the allocation of land to accommodate future land uses in a manner that protects the natural environment, stimulates economic growth and diversification, and encourages the retention of land for agriculture and other traditional rural land uses.

The Rural Land Stewardship Program has several key features. It consists of:

1. A future land use overlay with accompanying criteria for the designation of receiving areas;
2. Strategies defining urban form; and,
3. Policies establishing a mix of densities and intensities that are adopted through the State Coordinated Review plan amendment process.

The designation of sending and receiving areas as well as the generation and transfer of stewardship credits are implemented through land development regulations. A rural land stewardship area must be at least 10,000 acres, must be located outside of municipalities and established urban service areas, and must be designated by a plan amendment by each local government with jurisdiction over the rural land stewardship area. Development within a designated rural land stewardship area is exempt from the development of regional impact program.

## **Local Government Comprehensive Planning Certification Program**

The 2002 Legislature created Section 163.3246, Florida Statutes, which establishes the Certification Program. The program allows up to eight local governments per year to be exempted from comprehensive plan review by the Division. To be eligible, a local government must demonstrate a record of effectively adopting, implementing, and enforcing its comprehensive plan and demonstrate technical, financial, and administrative expertise. The local government must also demonstrate that it has adopted programs in the comprehensive plan and land development regulations that promote infill development and redevelopment; promote affordable housing; achieve effective intergovernmental coordination and address extra jurisdictional effects of development; promote economic diversity; provide and maintain public urban and rural open space and recreational opportunities; manage transportation and land uses to support public transit; use design principles; redevelop blighted areas; adopt a local mitigation strategy; encourage clustered mixed-use development; encourage urban infill; and assure

protection of key natural areas and agricultural lands. To date, four local governments have been certified: the Cities of Lakeland, Orlando, Miramar and Freeport.

### **Military Base Encroachment Program**

As part of a strategy to protect Florida's Military Bases from being eliminated or reduced under the federal Base Realignment and Closure process, Florida has undertaken state and local efforts to protect military bases from encroachment of incompatible land uses. Encroachment of incompatible land uses in the vicinity of military installations can interfere with flight operations, live fire training, and other mission-essential activities. Florida is home to 18 major military installations and 3 unified combatant commands. The military accounts for about 10 percent of Florida's economy and makes an important contribution to the nation's defense.

### **Environmental Land And Water Management Act – Ch. 380, Part I, F.S.**

The Division's responsibilities under the Environmental Land and Water Management Act include two major components:

### **Developments of Regional Impact**

The Florida Legislature first visited the subject of growth management and comprehensive planning in 1972 with the adoption of two land use programs:

1. Areas of Critical State Concern Program, which protects areas of critical state concern through state designation, and,
2. Developments of Regional Impact Program, provides a process to identify regional impacts stemming from large developments and appropriate provisions to mitigate these impacts. (Section 380.06, Florida Statutes - Developments of Regional Impact).

The Rules governing Developments of Regional impact have been renumbered from Rule 9J-2, Florida Administrative Code, to Rule 73C-40, Florida Administrative Code - Access Community Planning: Rules of Procedure and Practice Pertaining to Developments of Regional Impact.

The department reviews developments of regional impact for compliance with state law and to identify the regional and state impacts of large-scale developments and makes recommendations to local governments for approving, suggesting mitigation conditions, or not approving proposed developments. The developer or the department may appeal local government decisions to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.

### ***Definition of "Development of Regional Impact"***

Pursuant to Section 380.06(1), Florida Statutes, a development of regional impact (DRI) is "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county." A DRI is determined in part based on the size of the development. Numerical thresholds for different types of development are identified in Section 380.0651, Florida Statutes, and Rule 28-24, Florida Administrative Code. Depending on the size of the project the determination of whether the project is a DRI may be based upon whether the development is significantly impacting state and regional resources and facilities. If the project is at 100 percent or between 100 and 120 percent of numerical threshold, it is presumed that the project must undergo DRI review. However, this

presumption may be rebutted. If the project exceeds the applicable threshold(s) by 20 percent or more, then the development must undergo DRI review.

### **Florida Quality Developments Program**

The Florida Quality Developments Program was created to encourage development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians desire. Developments that meet the Florida Quality Development standards can expect an expeditious and timely review and are allowed to use the Florida Quality Development certification mark for promotional, informational or advertising purposes. There are 18 developments designated as Florida Quality Developments. (For more information, see Status of Florida Quality Developments and Section 380.061, Florida Statutes - The Florida Quality Developments Program). An application for a Florida Quality Development is handled in much the same way as an application for a development of regional impact. The development of regional impact application form is utilized and an additional section is added to the application to consider the specific Florida Quality Development requirements.

The department and the appropriate local government determine if a development has met the Florida Quality Development requirements. A finding of nondesignation may be appealed. Unlike developments of regional impact, Florida Quality Development orders are issued by the department, not by the local government. Developments undergoing Florida Quality Development review are allowed to convert to a standard developments of regional impact at anytime during the process.

### **Areas of Critical State Concern Program**

The Areas of Critical State Concern Program was adopted in 1972 to coordinate land development in areas possessing resources of state significance. Within areas of critical state concern, the Division is responsible for oversight of comprehensive plans, land development regulations, and development permits. The department reviews all local development projects within the designated areas and may appeal to the Administration Commission any local development orders that are inconsistent with state guidelines.

Since inception, the following areas have been designated:

1. Big Cypress Swamp (portions of Collier and Monroe Counties); the Green Swamp (portions of Lake and Polk counties);
2. City of Key West;
3. Florida Keys (Monroe County and the municipalities of Islamorada, Key Colony Beach, Layton, and Marathon); and
4. Apalachicola Bay Area (the designation of Franklin County has since been removed but the City of Apalachicola maintains the designation).

### **Community Development Block Grant Program**

The Community Development Block Grant (CDBG) Program was created by Title I of the Housing and Community Development Act of 1974. The primary statutory objective of the program is to develop viable communities by providing decent housing and a suitable living environment and by expanding economic opportunities, principally for persons of low and

moderate income. This general objective is achieved by concentrating on activities which benefit low and moderate income families. The program can also aid in the prevention or elimination of slums or blight, and under unique circumstances, the State may also use its funds to meet urgent community development needs. A need is considered urgent if it poses a serious and immediate threat to the health or welfare of the community and has arisen in the past 18 months.

The Department of Economic Opportunity manages three CDBG Programs:

1. Florida Small Cities Community Development Block Grant Program
2. Disaster Recovery Initiative
3. Neighborhood Stabilization Program

### ***Florida Small Cities CDBG Program***

The Florida Small Cities Community Development Block Grant Program is a competitive grant program that awards funds to eligible cities, counties, towns and villages. There are approximately 249 eligible communities in Florida. To be eligible for the Small Cities CDBG Program, a city must have a population under 50,000, and a county's population must be under 200,000. The Program awards subgrants in four categories:

- Economic Development,
- Neighborhood Revitalization,
- Housing Rehabilitation, and
- Commercial Revitalization.

### ***Disaster Recovery Initiative***

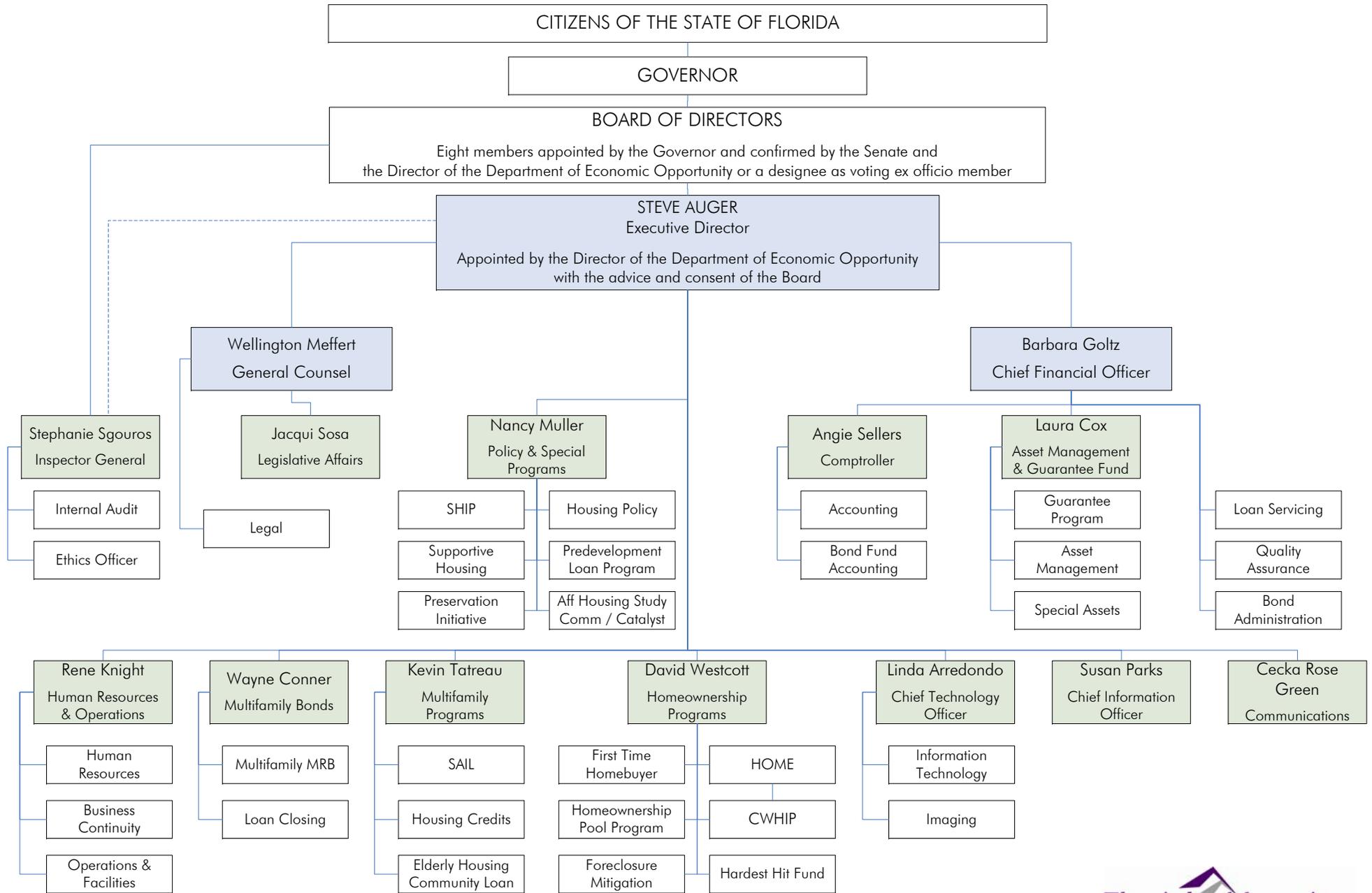
Congress may appropriate funding for the CDBG program to rebuild communities designated by the President of the United States as disaster areas. Disaster Recovery assistance may fund a broad range of recovery activities, including housing rehabilitation, economic development, infrastructure repairs and work designed to prevent future damage to the affected areas. The CDBG Disaster Recovery funds cannot be used for activities that would duplicate funding available from other agencies for the same purpose.

### ***Neighborhood Stabilization Program***

The Neighborhood Stabilization Program was established for the purpose of stabilizing communities that have suffered from foreclosures and abandonment. The program received funds in 2008 and 2010 to distribute to targeted communities. Through the purchase and redevelopment of foreclosed and abandoned homes and residential properties, the goal of the program is being realized.

# **FLORIDA HOUSING FINANCE CORPORATION**

# Florida Housing Finance Corporation Organization Chart



# **Florida Housing Finance Corporation**

## *Overview*

The Florida Housing Finance Corporation, a public corporation administratively housed under the Department of Economic Opportunity (DEO), is the State's affordable housing finance entity. Florida Housing is a separate budget entity and is not subject to DEO's control, supervision, or direction. Florida Housing's mission is to increase the supply of safe, affordable housing for individuals and families with very low to moderate incomes by stimulating investment of private capital and encouraging public and private sector housing partnerships. To do this, Florida Housing uses federal and state resources to finance the development of affordable homes and rental housing and assist first-time homebuyers through various programs, including the Low Income Housing Tax Credit Program, Multifamily Mortgage Revenue Bond (MMRB) program, Florida Affordable Housing Guarantee Program, State Apartment Incentive Loan (SAIL) Program, HOME Investment Partnerships (HOME) Program, First Time Homebuyer (FTHB) Program, Hardest-Hit Fund (HHF) Program, and the State Housing Initiatives Partnership (SHIP) program.

### **Creation**

When the Legislature created Florida Housing's precursor, Florida Housing Finance Agency, in 1980, the Agency was an arm of the Florida Department of Community Affairs and its purpose as outlined in Section 420.502, Florida Statutes, was to:

- better access federal housing initiatives;
- stabilize the flow of funds for affordable housing;
- promote affordable housing; and
- boost Florida's construction industry.

As a result of revisions made by the 1997 Legislature, on January 1, 1998, Florida Housing was created as a public-private entity to reduce bureaucracy, streamline many administrative processes and operate more effectively within the real estate and financial markets. Florida Housing is subject to the Government in the Sunshine Law, the Public Records Act, the Administrative Procedure Act, and audits by the Chief Financial Officer for the State of Florida and the State Auditor General.

Florida Housing is not a department of the executive branch of state government within the scope and meaning of Section 6, Article IV of the State Constitution, but is an instrumentality of the State. Florida Housing is functionally related to the DEO; sections 420.0006 and 420.504, Florida Statutes, require Florida Housing and DEO to sign a performance contract outlining the conduct of business by the corporation.

### **Powers**

Section 420.507, Florida Statutes, assigns responsibilities to Florida Housing, which are summarized here:

- to carry out analyses of housing needs within the state and ways of meeting those needs;
- to participate in federal housing assistance and federal community development, insurance, and guarantee programs;
- to develop and administer the state rental and homeownership programs as outlined by statute;
- to designate and administer private activity tax exempt bond allocation received by Florida Housing pursuant to Part VI of Chapter 159 between the single family and multifamily programs;
- to set standards for and monitor compliance of residential housing financed by Florida Housing; and

- to conduct demonstration programs and projects which further the statutory purposes of Florida Housing.

### **Governance**

Florida Housing is governed by a nine member board of directors appointed by the Governor and subject to Senate confirmation, with the following interests represented pursuant to section 420.504 (3), Florida Statutes:

- residential home builder;
- commercial builder;
- banker or mortgage banker;
- building labor representative;
- low income advocate;
- former local government elected official;
- two Florida citizens who are none of the above; and
- the Secretary of the Florida Department of Economic Opportunity or his/her designee (ex officio).

The Board meets regularly throughout the year. Day to day operations are managed by Florida Housing’s executive director, who is appointed by the DEO Director with the advice and consent of the Board, and a staff of approximately 130.

### **Scope of Activities**

As a financial institution, Florida Housing works with private lenders and investors, mortgage and bond insurers, Federal Home Loan Banks, liquidity facility providers, government sponsored entities, for profit and nonprofit developers and property managers, local governments, public housing authorities and local housing finance authorities to finance affordable housing. In developing and implementing program priorities, the Florida Housing Board and staff must balance financial and market forces with their mission of serving Floridians who need decent housing. With over 180,000 rental units currently financed and on the ground or in the construction pipeline, Florida Housing has nearly \$6.5 billion in assets. These assets are primarily in the form of loans receivable and investments and are restricted by various bond indentures or by statute. Liabilities are comprised mainly of bonds and interest payable.

### **Defining Affordable Housing**

Affordable housing is defined in terms of the income of the household living in the housing. Housing is generally said to be affordable when a family is spending no more than 30 percent of its income on housing. On the rental side, this includes utilities, while on the homeownership side, principal, interest, taxes and insurance are all part of the equation. A household is said to be severely cost burdened if it is paying 50 percent or more of its income for housing. The federal and state programs administered by Florida Housing define incomes as follows:

- Extremely low income – at or below 30 percent of area median income (AMI);
- Very low income – at or below 50 percent of AMI;
- Low income – at or below 80 percent of AMI; and
- Moderate income – at or below 120 percent of AMI.

The U.S. Department of Housing and Urban Development (HUD) sets income levels annually throughout the country. Florida’s 2012 state median income is \$57,000 for a family of four (incomes increase or decrease based on family size).

### **Rental Programs**

#### **Low Income Housing Tax Credit**

The competitive (9 percent) and non-competitive (4 percent) Low Income Housing Tax Credit (Housing Credit) program provides non-profit and for-profit developers with tax credits that are sold to investors to

be used for a dollar-for-dollar reduction in their federal tax liability in exchange for equity to finance the acquisition, rehabilitation and new construction of affordable rental housing. Special consideration is given to properties that target specific demographic groups, such as the elderly, homeless people and farmworkers. Consideration also is given to properties that target specific geographic areas, such as the Florida Keys, rural areas and urban infill areas.

### **Multifamily Mortgage Revenue Bonds**

The Multifamily Mortgage Revenue Bond program uses both taxable and tax-exempt bonds to provide below market rate loans to non-profit and for-profit developers who set aside a certain percentage of their apartment units for low-income families. Proceeds from the sale of these bonds are used to construct or acquire and rehabilitate multifamily rental properties. The MMRB program's application scoring and ranking criteria encourage increased set-asides for low-income households.

### **Florida Affordable Housing Guarantee Program**

The Florida Affordable Housing Guarantee program issued guarantees between 1993 and 2005 on mortgages of bond-financed affordable rental housing, thereby creating a security mechanism that allowed issuers of mortgage revenue bonds to sell affordable housing bonds in the primary and secondary markets. Most of the transactions in this portfolio are 50 percent guaranteed by the HUD Risk Sharing Program. In light of market conditions, Florida Housing suspended the issuance of additional guarantees in 2005.

### **State Apartment Incentive Loan**

The State Apartment Incentive Loan program provides low-interest loans on a competitive basis as gap financing to leverage mortgage revenue bonds or competitive Low Income Housing Tax Credit resources, and obtain the full financing needed to construct or rehabilitate affordable rental units for very low-income families. In some cases, SAIL is used to reduce the debt on new or existing properties to make a small portion of units in each development affordable to extremely low-income residents.

### **Home Investment Partnerships**

On the rental side, the HOME Investment Partnerships program provides non-amortizing, low-interest rate loans to developers of affordable housing who acquire, rehabilitate or construct housing for low-income families. Loans are offered at the simple interest rate of 0 percent to non-profit applicants and 1.5 percent to for-profit applicants.

### **Link To Permanent Housing Initiative**

In 2009, Florida Housing implemented the Link to Permanent Housing Initiative (Link) to enhance the ability of extremely low-income (ELI) households with special needs to access and retain affordable rental housing in their communities. These populations include persons with disabilities, homeless families, youth aging out of foster care, frail elders and survivors of domestic violence. Link targets those who require affordable, permanent housing, plus short- or long-term community-based services to maintain optimal stability and self-sufficiency. Through Link, Florida Housing offers scoring incentives to developers who commit to set aside a determined number of a development's ELI units for special needs households receiving community-based supportive services who are referred by a recognized supportive services lead agency in the community where the property is located. Each participating development executes a memorandum of understanding (MOU) with at least one of the designated services agencies in that community. The MOU provides the responsibilities of each party in partnering to serve these households.

## **Homeownership Programs**

### **First Time Homebuyer Program**

Through the issuance of tax-exempt bonds and other funding transactions, Florida Housing's First Time Homebuyer (FTHB) program offers 30-year, fixed-rate first mortgage loans originated by private lenders throughout the State of Florida. The program is offered to all borrowers who meet income, purchase price and other program criteria; can qualify for a loan; and successfully complete a homebuyer education course. Borrowers who qualify for this first mortgage program may access one of Florida Housing's down payment assistance (DPA) programs. Currently, DPA of up to \$7,500 is offered to qualifying homebuyers in the form of a repayable loan.

### **Mortgage Credit Certificate Program**

A Mortgage Credit Certificate (MCC) allows a first time homebuyer to convert a percentage of their annual mortgage interest into a tax credit each year the home remains their primary residence. It is a dollar-for-dollar reduction against their federal tax liability, up to \$2000 annually.

### **Homeownership Pool Program**

Florida Housing's Homeownership Pool (HOP) program is designed to be a non-competitive, ongoing program, with builders reserving funds for eligible homebuyers to provide down payment assistance on a first-come, first-served basis. This program is currently only open to self-help housing providers such as Habitat for Humanity.

### **National Foreclosure Mitigation Program**

Since 2008, FHFC has administered funds awarded from the National Foreclosure Mitigation Counseling (NFMC) program. Through this program, troubled homeowners statewide access federally approved housing counseling agencies to help them determine available options regarding their homes.

### **Florida Hardest-Hit Fund**

In 2010, the federal government announced funding to states with housing markets that have been hardest hit with foreclosures, housing price declines and unemployment. There are 18 states and the District of Columbia participating in the \$7.6 billion Hardest-Hit Fund program. From this funding, Florida's final share totals more than \$1 billion. Florida and the other participating states worked with U.S. Treasury, major loan servicers and other stakeholders to standardize plans for two programs. FHFC launched a pilot program in Lee County in late October 2010, and the program was implemented statewide in April 2011. Major program changes were approved in June 2012. The Unemployment Mortgage Assistance Program (UMAP) provides assistance with payments to the mortgage lender to assist unemployed/underemployed borrowers with their first mortgage until they can resume payments on their own, or for twelve months, whichever comes first. The Mortgage Loan Reinstatement Program (MLRP) provides funding to bring a delinquent mortgage current for a qualifying homeowner.

## **Special Programs**

### **State Housing Initiatives Partnership**

The State Housing Initiatives Partnership program provides funds to local governments on a population-based formula as an incentive to produce and preserve affordable housing for very low-, low-, and moderate-income families. When SHIP funds are appropriated, they are distributed on an entitlement basis to all 67 counties and 53 Community Development Block Grant (CDBG) entitlement cities in Florida. SHIP funds may be used to fund emergency repairs, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy-downs, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling. Each participating local government may use up to 10 percent of its SHIP funds for administrative expenses. Local governments have three years to expend funds. As a result of state budget

deficits, the Legislature has appropriated limited funding to the SHIP program since the 2008-2009 appropriation.

### **Predevelopment Loan Program**

The Predevelopment Loan Program (PLP) assists non-profit and community-based organizations, local governments, and public housing authorities with planning, financing and developing affordable housing. Eligible organizations may apply for a loan for predevelopment activities such as rezoning, title searches, legal fees, administrative costs, soil tests, engineering fees, appraisals, feasibility analyses, audit fees, earnest money deposits, insurance fees, commitment fees, administrative costs, marketing expenses, and acquisition expenses. In addition, technical assistance is provided at no charge to the organization.

### **Affordable Housing Catalyst Program**

The Affordable Housing Catalyst Program provides on-site, e-mail and telephone technical assistance and training on the SHIP program, the federal HOME Investment Partnerships program, and other affordable housing programs. This technical assistance is targeted to non-profits and government entities, and includes training on forming local and regional public/private partnerships, implementing regulatory reform, training for boards of directors, implementing rehabilitation and emergency repair programs, assisting with the design and establishment of fiscal and program tracking systems, and compliance requirements of state and federally funded housing programs.

### **Preservation Bridge Loan Pilot**

State funding appropriated in 2008 for a small preservation rehabilitation pilot in Pasco, Palm Beach and Orange counties allowed Florida Housing to create the Preservation Bridge Loan Pilot (PBLoP) to provide short-term loans to existing affordable rental housing in these locations. The program offers a variety of financing options for preservation, including short-term bridge loans to provide acquisition financing and provide time to stabilize and position existing properties for more favorable, permanent financing.

### **Floridahousingsearch.Org**

Florida Housing provides a free, online affordable rental housing locator that helps citizens search for housing throughout Florida. FloridaHousingSearch.org allows users to search for and find available rental units by a number of different search criteria, including rent amount, city, county, and zip code. Map links also are offered to allow users to search for housing near schools, transportation and employment. Properties listed on FloridaHousingSearch.org are affordable for people who earn up to 120 percent of an area's AMI. The website is available in English and Spanish, and can be translated into 30-plus more languages.

### **Resource Allocation Decisions**

Florida Housing targets funding to specific populations and geographic areas of the state based on a number of factors. Federal and state programs target all or a portion of funds to households at or below income levels set by each program. For instance, the federal Low Income Housing Tax Credit Program requires that a minimum of 40 percent of rental units in an apartment complex be set aside for families with incomes at or below 60 percent of AMI, or 20 percent of units at 50 percent of AMI. Other federal rental programs are similar.

Based on housing need data, Florida Housing may adopt stricter set-asides and require even lower income households to be targeted. Moreover, Florida Housing has targeted funds to geographic areas of particular concern, such as the Florida Keys, Front Porch Florida communities, rural areas, or urban infill areas, based on need and state priorities.

Statutory requirements for the state-funded SAIL Program specify how funds will be distributed across counties by population size and across demographic populations, including homeless people, elders, farmworkers, commercial fishing workers and families. The SAIL statute requires Florida Housing to carry out a rental market study every three years to make the above determinations, and Florida Housing has also found the study useful in setting funding priorities for other rental programs.

### **Operating Budget**

Annually, Florida Housing expends just under \$45 million to administer over \$1.5 billion in program resources. Florida Housing generates funds for its operations primarily from federal administrative funds, fees, and investment income. Florida Housing has statutory authority to use 5 percent of funds appropriated from the State Housing Trust Fund for administration, but chooses instead to use all funds for program purposes, other than the funds used for the Affordable Housing Study Commission and the Florida Housing Data Clearinghouse.

The largest source of revenue is the reimbursement of administrative expenses from the federal government. HHF provides administrative funds based on a budget approved by the US Treasury. The HOME program allows for up to 10 percent of each annual allocation to be used for administration. Program fees, comprised mainly of bond issuer fees, are the next largest component of income. Investment income consists of earnings on funds not restricted by bond indentures or by statute. Administrative fees are compliance monitoring and administrative fees collected primarily from Low Income Housing Tax Credit developments. These fees are paid by developments upon allocation of credits and the proceeds are used to pay for ongoing compliance monitoring for the entire affordability period.

### **Chapter 2012-127, Laws of Florida: Auditor General and OPPAGA Review**

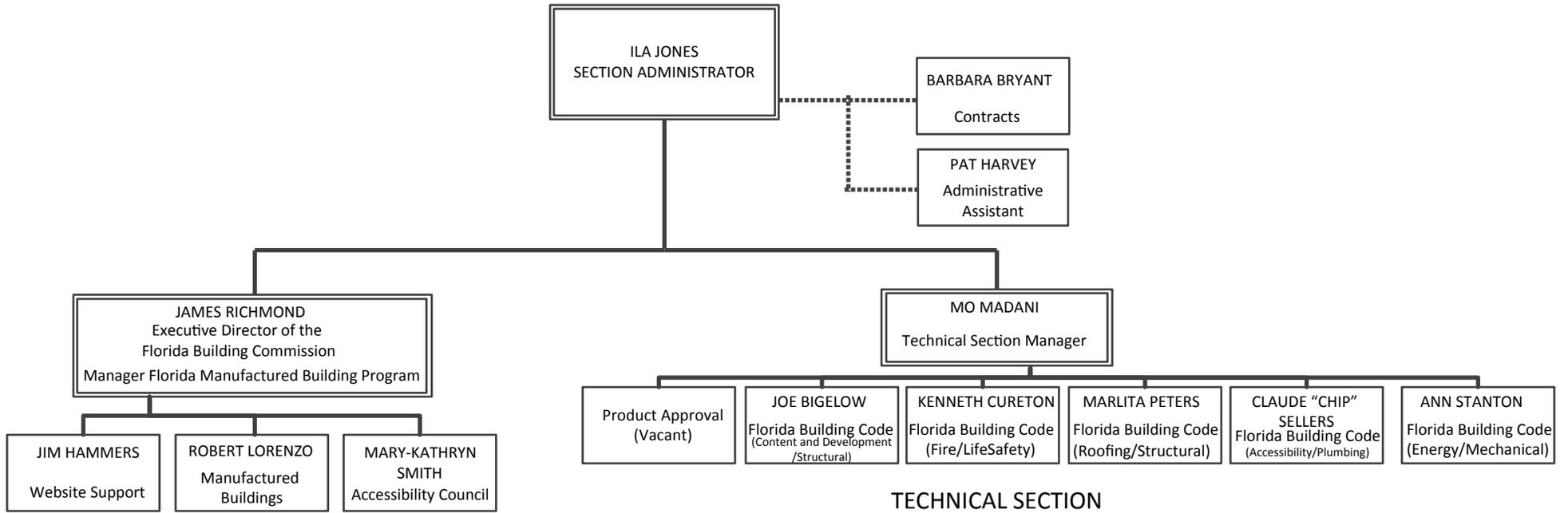
Chapter 2012-127, Laws of Florida, directs the Auditor General and OPPAGA to conduct a joint audit and review of the programs and operations of the Florida Housing Finance Corporation and to jointly develop a work plan for such audit and review to be submitted to the President of the Senate and the Speaker of the House of Representatives no later than July 1, 2012. Unless otherwise directed in writing jointly by the President of the Senate and the Speaker of the House of Representatives, a written report on the audit and review shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than December 1, 2012.

The law identifies the following specific areas of inquiry for the audit and review:

- A review of the Corporation's assets, liabilities, income, and operating expenses and internal management, financial, and operational controls employed.
- A review of the Corporation's programmatic decision-making processes.
- A review of the governance, direction, and oversight provided by the Corporation's Board of Directors.
- A review of the performance outcomes of the Corporation's programs.
- Provide recommendations to the Legislature for changes to the Corporation's structure, governance, and operational processes.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**FLORIDA BUILDING COMMISSION**

# Department of Business and Professional Regulation - Office of Building Codes and Standards



# Florida Building Commission

## *Overview*

### **Purpose**

The Florida Building Commission (Sections 553.76 and 553.77, F.S.) is a 25-member technical body responsible for the development, maintenance and interpretation of the Florida Building Code. The Commission also approves products for statewide acceptance and administers the Building Code Training Program. The Department of Business and Professional Regulation (DBPR) provides the Commission with administrative, technical, and legal support.

### **Responsibilities**

The Florida Building Code (Section 553.73, F.S.) replaced Florida's patchwork of codes and regulations that were developed, amended, administered and enforced by more than 400 local jurisdictions and state agencies with building code regulation responsibilities. The current Code is a single statewide code based on national model codes and consensus standards, amended for Florida specific needs for the design and construction of buildings. The Commission maintains and updates the Florida Building Code and its component codes for plumbing, electrical, mechanical, energy conservation, accessibility, structural, and fire systems in buildings. It also establishes minimum standards for the safety and performance of buildings. The commission is assisted by 11 technical advisory committees and six special workgroups composed of experts in their fields. Recent accomplishments include completing the 2010 Florida Building Code.

DBPR is responsible for implementing the Commission's decisions related to the code and its related programs through rulemaking, entry of orders and decisions and other governmental processes; handling the Commission's budgeting, contract administration, scheduling and travel reimbursement; and providing technical assistance as needed to those regulated by the Commission's programs.

### **Governance**

The 25 members of the Commission are appointed by the Governor and confirmed by the Senate. The members are design professionals, contractors, and government experts in the various disciplines covered by the code. The commission meets monthly in various locations around the state. The Commission's meeting times, dates, agendas, and minutes are posted on its website. Meeting notices also appear in the Florida Administrative Weekly. The Commission's advisory committees and workgroups represent numerous stakeholders and allow for public input. The public can get additional information about the commission's activities through the Building Code Information System.

### **Funding**

In order for DBPR to administer and carry out the purposes of the Florida Building Commission and the Florida Building Code, a surcharge is assessed on the permit fees associated with enforcement of the code. All surcharge monies remitted to DBPR are deposited in the Professional Regulation Trust Fund and are allocated to fund the Florida Building Commission and the Florida Building Code Compliance and Mitigation Program. The Florida Building Commission's allocation from the Professional Regulation Trust Fund for Fiscal Year 2012-2013 is \$2,728,434. Codes and Standards is comprised of 15 Full Time Employees.

# **REGIONAL PLANNING COUNCILS**

## Regional Planning Councils

### *Overview*

Passage of the Florida State and Regional Planning Act of 1984, section 186.501-186.503, F.S., authorized the designation of comprehensive planning districts – regional planning councils – as the primary organizations to address problems of greater than local concern. Florida Statutes recognizes regional planning councils as “Florida’s only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region.”

Regional Planning Councils adopt *Strategic Regional Policy Plans (SRPP)* to address natural resources, housing, emergency management, transportation and economic development. These plans are a direction-setting, non-regulatory tool that serve as a long-range guide for the physical, economic, and social development of each region.

Regional Planning Councils are also federally designated economic development districts and are required to develop Comprehensive Economic Development Strategies for their regions. Economic development projects identified in these strategies become eligible for funding from the U.S. Economic Development Administration.

RPCs are involved in a variety of other programs areas including emergency preparedness, community development, geographic information system services, statistical analyses, small business development revolving loan funds, transportation planning, and military base compatibility.

Regional Planning Councils each have a Board of Directors that outlines its work program and budget. These governing boards range in size from 19 to 48 members, and are usually made up of two local elected officials and one gubernatorial appointee from each of its member counties.

Each Board of Directors includes at least four ex-officio, non-voting members from the following entities:

- Florida Department of Economic Opportunity
- Florida Department of Environmental Protection
- Florida Department of Transportation
- The appropriate water management district(s)

There are 520 regional councils across the nation and 11 RPCs in the State of Florida:

- West Florida RPC, Pensacola
- Apalachee RPC, Tallahassee
- North Central Florida RPC, Gainesville
- Northeast Florida Regional Council, Jacksonville
- Withlacoochee RPC, Ocala
- East Central Florida RPC, Altamonte Springs
- Central Florida RPC, Bartow
- Tampa Bay RPC, Pinellas Park
- Southwest Florida RPC, Ft. Myers
- Treasure Coast RPC, Stuart
- South Florida RPC, Miami

Every county in Florida is a member of a Regional Planning Council as are approximately 100 municipalities. Funding for Regional Planning Councils generally comes from local government membership dues and contracts, and federal and state funding.

### Statewide Impact

According to the Florida Regional Councils Association, headquartered here in Tallahassee, since 2000, the U.S. Economic Development Administration **invested \$125 million in 213 projects identified in RPC Comprehensive Economic Development Strategies to create/retain 25,500 jobs** and leverage \$2 billion in private capital investment in Florida.

Through a revolving loan fund portfolio, Regional Planning Councils have **loaned \$38.6 million over the past ten years, resulting in the creation of 1,800 jobs** by growing small businesses.

For every dollar invested by the State of Florida through an appropriation for regional planning councils in Fiscal Year 2010-2011, **regional planning councils leveraged \$11 in local, federal and private direct investment** to meet regional needs.

Over the past ten years, regional planning councils have **trained more than 50,000 first responders** and other emergency management personnel.

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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Community Affairs

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**MEETING DATE:** Wednesday, December 5, 2012

**TIME:** 2:00—4:00 p.m.

**PLACE:** 301 Senate Office Building

3

Comment

***COMMENT ONLY —  
No DOCUMENTS***

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Dec. 5, 2012  
Meeting Date

Topic Division of Community Dev. priorities

Bill Number \_\_\_\_\_  
(if applicable)

Name TOM BECK

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Director

Address Caldwell Bldg.

Phone 717-8477

Tallahassee FL 32389  
City State Zip

E-mail tom.beck@deo.myflorida.com

Speaking:  For  Against  Information

Representing DEO

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/5/2012  
Meeting Date

Topic AFFORDABLE HOUSING

Bill Number \_\_\_\_\_  
(if applicable)

Name WELLINGTON MERRERT

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title GEN. COUNSEL

Address 227 N. BRONOUGH ST., STE 5000

Phone 850 488 4197

TALLAHASSEE, FL 32303  
City State Zip

E-mail wellington.merrert@floridahousing.org

Speaking:  For  Against  Information

Representing FLORIDA HOUSING FINANCE CORPORATION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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Community Affairs

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**MEETING DATE:** Wednesday, December 5, 2012

**TIME:** 2:00—4:00 p.m.

**PLACE:** 301 Senate Office Building

4

Comment

***COMMENT ONLY —***

***NO DOCUMENTS***

# CourtSmart Tag Report

**Room:** SB 301

**Caption:** Community Affairs Committee

**Case:**

**Judge:**

**Type:**

**Started:** 12/5/2012 1:58:38 PM

**Ends:** 12/5/2012 2:42:34 PM

**Length:** 00:43:57

<b>2:00:41 PM</b>	Committee Come to Order
<b>2:00:49 PM</b>	Roll Call - Quorum present.
<b>2:01:35 PM</b>	Pledge of Allegiance.
<b>2:01:50 PM</b>	Introduction of Committee Members.
<b>2:03:53 PM</b>	Introduction of staff
<b>2:05:07 PM</b>	Overview of the committee's jurisdiction by committee staff.
<b>2:10:17 PM</b>	Introduction of Agency Heads and brief discussion of top priorities.
<b>2:10:20 PM</b>	Tom Beck
<b>2:22:21 PM</b>	Tom Beck
<b>2:23:09 PM</b>	Tom Beck
<b>2:23:32 PM</b>	Wellington Meffert
<b>2:41:42 PM</b>	Adjourn.
<b>2:42:10 PM</b>	Recording Paused
<b>2:42:15 PM</b>	Recording Resumed
<b>2:42:25 PM</b>	Recording Paused