

By the Committee on Budget

576-03616-11

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1 A bill to be entitled
2 An act relating to the Florida Housing Finance
3 Corporation; amending s. 201.15, F.S.; deleting
4 provisions on the distributions of documentary stamp
5 tax revenues to the State Housing Trust Fund and the
6 Local Government Housing Trust Fund; conforming cross-
7 references; amending ss. 420.0003 and 420.0004, F.S.;
8 replacing references to the Department of Community
9 Affairs with Jobs Florida; amending s. 420.0005, F.S.;
10 providing for the deposit of certain moneys into the
11 State Housing Trust Fund within the State Treasury;
12 replacing references to the Secretary of the
13 Department of Community Affairs with the Commissioner
14 of Jobs Florida; subjecting expenditures from the
15 State Housing Fund for administrative and personnel
16 costs to appropriation by the Legislature; providing
17 for the interest received on investments of moneys of
18 the State Housing Fund in excess of the amounts
19 appropriated for the current fiscal year to be
20 credited to the General Revenue Fund; amending ss.
21 420.101, 420.111, 420.36, 420.424, 420.503, 420.504,
22 and 420.506, F.S.; replacing references to the
23 Department of Community Affairs with Jobs Florida and
24 replacing references to the Secretary of the
25 Department of Community Affairs with the Commissioner
26 of Jobs Florida; amending s. 420.507, F.S.; providing
27 for certain moneys to be deposited into the State
28 Housing Trust Fund; subjecting expenditures of funds
29 to appropriation by the Legislature; deleting

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30 provisions exempting the corporation from certain
31 state budgetary requirements; deleting the provision
32 that authorizes the corporation to retain unused
33 operational expenditures; amending s. 420.508, F.S.;
34 providing for the deposit of certain moneys into the
35 State Housing Trust Fund; providing that expenditures
36 from the Florida Housing Finance Corporation Fund are
37 subject to appropriation by the Legislature; amending
38 s. 420.5087, F.S.; conforming a cross-reference;
39 requiring that loan repayments and certain proceeds be
40 accounted for by the corporation and be deposited into
41 the State Housing Trust Fund; deleting a provision
42 that prohibits loan repayments and certain proceeds
43 from reverting to the General Revenue Fund; requiring
44 that expenditures from the State Apartment Incentive
45 Loan Fund be subject to appropriation by the
46 Legislature; authorizing the corporation to seek a
47 budget amendment to use certain funds for construction
48 in fiscal years subsequent to the fiscal years for
49 which the funds were appropriated; requiring the
50 corporation to account for certain funds and to
51 deposit them into the State Housing Trust Fund;
52 requiring the corporation to seek a budget amendment
53 to transfer funds for its loan loss insurance reserve;
54 amending s. 420.5088, F.S.; revising provisions
55 relating to the Florida Homeownership Assistance
56 Program; requiring the corporation to account for
57 certain monies deposited into the State Housing Trust
58 Fund; subjecting expenditures from the Florida

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59 Homeownership Assistance Fund to appropriation by the
60 Legislature; amending s. 420.5089, F.S.; revising
61 provisions relating to the HOME Investment Partnership
62 Program; requiring the corporation to account for
63 certain monies deposited into the State Housing Trust
64 Fund; authorizing the corporation to seek a budget
65 amendment to use certain funds for construction in
66 fiscal years subsequent to the fiscal years for which
67 the funds were appropriated; providing for certain
68 funds to be deposited into the State Housing Trust
69 Fund; amending s. 420.5091, F.S.; revising provisions
70 relating to the HOPE Program; providing for the
71 deposit of certain funds into the State Housing Trust
72 Fund; amending s. 420.5092, F.S.; revising provisions
73 relating to the Florida Affordable Housing Guarantee
74 Program; authorizing certain funds to be used to
75 support the Florida Affordable Housing Guarantee
76 Program; conforming cross-references; amending s.
77 420.5095, F.S.; replacing a reference to the
78 Department of Community Affairs with Jobs Florida;
79 amending s. 420.525, F.S.; requiring that expenditures
80 from the Housing Predevelopment Fund be subject to
81 appropriation by the Legislature; authorizing the
82 corporation to seek a budget amendment to use certain
83 funds for predevelopment activities in fiscal years
84 subsequent to the fiscal years for which the funds
85 were appropriated; providing for certain monies to be
86 accounted by the corporation and deposited into the
87 State Housing Trust Fund; deleting a provision that

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88 prohibits certain funds, loan repayments, proceeds
89 from reverting to the General Revenue Fund; amending
90 ss. 420.526 and 420.529, F.S.; providing for certain
91 monies to be accounted by the corporation and repaid
92 to, or deposited into, the State Housing Trust Fund;
93 amending s. 420.602, F.S.; redefining definitions;
94 amending ss. 420.606, 420.609, 420.622, and 420.631,
95 F.S.; replacing references to the Department of
96 Community Affairs with Jobs Florida and replacing
97 references to the Secretary of the Department of
98 Community Affairs with the Commissioner of Jobs
99 Florida; amending s. 420.9073, F.S.; revising local
100 housing distribution provisions under the State
101 Housing Initiatives Partnership Program; amending s.
102 420.9079, F.S.; providing for the deposit of certain
103 monies into the Local Government Housing Trust Fund;
104 providing for the interest on certain investments of
105 the Local Government Housing Trust Fund to be credited
106 to the General Revenue Fund; amending s. 201.0205,
107 F.S.; changing the source of funding for certain local
108 housing programs; providing an effective date.

109
110 Be It Enacted by the Legislature of the State of Florida:

111
112 Section 1. Subsections (9) through (17) of section 201.15,
113 Florida Statutes, are amended to read:

114 201.15 Distribution of taxes collected.—All taxes collected
115 under this chapter are subject to the service charge imposed in
116 s. 215.20(1). Prior to distribution under this section, the

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117 Department of Revenue shall deduct amounts necessary to pay the
118 costs of the collection and enforcement of the tax levied by
119 this chapter. Such costs and the service charge may not be
120 levied against any portion of taxes pledged to debt service on
121 bonds to the extent that the costs and service charge are
122 required to pay any amounts relating to the bonds. After
123 distributions are made pursuant to subsection (1), all of the
124 costs of the collection and enforcement of the tax levied by
125 this chapter and the service charge shall be available and
126 transferred to the extent necessary to pay debt service and any
127 other amounts payable with respect to bonds authorized before
128 January 1, 2010, secured by revenues distributed pursuant to
129 subsection (1). All taxes remaining after deduction of costs and
130 the service charge shall be distributed as follows:

131 ~~(9) The lesser of 7.53 percent of the remaining taxes or~~
132 ~~\$107 million in each fiscal year shall be paid into the State~~
133 ~~Treasury to the credit of the State Housing Trust Fund and used~~
134 ~~as follows:~~

135 ~~(a) Half of that amount shall be used for the purposes for~~
136 ~~which the State Housing Trust Fund was created and exists by~~
137 ~~law.~~

138 ~~(b) Half of that amount shall be paid into the State~~
139 ~~Treasury to the credit of the Local Government Housing Trust~~
140 ~~Fund and used for the purposes for which the Local Government~~
141 ~~Housing Trust Fund was created and exists by law.~~

142 ~~(10) The lesser of 8.66 percent of the remaining taxes or~~
143 ~~\$136 million in each fiscal year shall be paid into the State~~
144 ~~Treasury to the credit of the State Housing Trust Fund and used~~
145 ~~as follows:~~

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146 ~~(a) Twelve and one-half percent of that amount shall be~~
147 ~~deposited into the State Housing Trust Fund and be expended by~~
148 ~~the Department of Community Affairs and by the Florida Housing~~
149 ~~Finance Corporation for the purposes for which the State Housing~~
150 ~~Trust Fund was created and exists by law.~~

151 ~~(b) Eighty-seven and one-half percent of that amount shall~~
152 ~~be distributed to the Local Government Housing Trust Fund and~~
153 ~~used for the purposes for which the Local Government Housing~~
154 ~~Trust Fund was created and exists by law. Funds from this~~
155 ~~category may also be used to provide for state and local~~
156 ~~services to assist the homeless.~~

157 ~~(9)(11)~~ The distribution of proceeds deposited into the
158 Water Management Lands Trust Fund and the Conservation and
159 Recreation Lands Trust Fund, pursuant to subsections (4) and
160 (5), may not be used for land acquisition but may be used for
161 preacquisition costs associated with land purchases. The
162 Legislature intends that the Florida Forever program supplant
163 the acquisition programs formerly authorized under ss. 259.032
164 and 373.59.

165 ~~(10)(12)~~ Amounts distributed pursuant to subsections (5),
166 (6), (7), and (8) are subject to the payment of debt service on
167 outstanding Conservation and Recreation Lands revenue bonds.

168 ~~(11)(13)~~ In each fiscal year that the remaining taxes
169 exceed collections in the prior fiscal year, the stated maximum
170 dollar amounts provided in subsections (2), (4), (6), and (7)
171 ~~(9), and (10)~~ shall each be increased by an amount equal to 10
172 percent of the increase in the remaining taxes collected under
173 this chapter multiplied by the applicable percentage provided in
174 those subsections.

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175 (12)~~(14)~~ If the payment requirements in any year for bonds
176 outstanding on July 1, 2007, or bonds issued to refund such
177 bonds, exceed the limitations of this section, distributions to
178 the trust fund from which the bond payments are made must be
179 increased to the lesser of the amount needed to pay bond
180 obligations or the limit of the applicable percentage
181 distribution provided in subsections (1)-(8) ~~subsections (1)-~~
182 ~~(10)~~.

183 (13)~~(15)~~ ~~Distributions to the State Housing Trust Fund~~
184 ~~pursuant to subsections (9) and (10) must be sufficient to cover~~
185 Amounts required to be transferred to the Florida Affordable
186 Housing Guarantee Program's annual debt service reserve and
187 guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to the
188 amount required to be transferred to such reserve and fund based
189 on the percentage distribution of documentary stamp tax revenues
190 to the State Housing Trust Fund which was ~~is~~ in effect in the
191 2004-2005 fiscal year shall be distributed to the State Housing
192 Trust Fund.

193 (14)~~(16)~~ If amounts necessary to pay debt service or any
194 other amounts payable with respect to Preservation 2000 bonds,
195 Florida Forever bonds, or Everglades Restoration bonds
196 authorized before January 1, 2010, exceed the amounts
197 distributable pursuant to subsection (1), all moneys
198 distributable pursuant to this section are available for such
199 obligations and transferred in the amounts necessary to pay such
200 obligations when due. However, amounts distributable pursuant to
201 subsection (2), subsection (3), subsection (4), subsection (5),
202 or subsection (13) ~~paragraph (9)(a), or paragraph (10)(a)~~ are
203 not available to pay such obligations to the extent that such

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204 moneys are necessary to pay debt service on bonds secured by
205 revenues pursuant to those provisions.

206 (15)~~(17)~~ After the distributions provided in the preceding
207 subsections, any remaining taxes shall be paid into the State
208 Treasury to the credit of the General Revenue Fund.

209 Section 2. Paragraph (e) of subsection (3) and subsection
210 (4) of section 420.0003, Florida Statutes, are amended to read:
211 420.0003 State housing strategy.—

212 (3) POLICIES.—

213 (e) *Housing production or rehabilitation programs.*—New
214 programs for housing production or rehabilitation shall be
215 developed in accordance with the following general guidelines as
216 appropriate for the purpose of the specific program:

217 1. State and local governments shall provide incentives to
218 encourage the private sector to be the primary delivery vehicle
219 for the development of affordable housing.

220 2. State funds should be heavily leveraged to achieve the
221 maximum local and private commitment of funds while achieving
222 the program objectives.

223 3. To the maximum extent possible, state funds should be
224 expended to provide housing units rather than to support program
225 administration.

226 4. State money should be used, when possible, as loans
227 rather than grants.

228 5. State funds should be available only to local
229 governments that provide incentives or financial assistance for
230 housing.

231 6. State funds should be made available only for projects
232 that ~~which~~ are consistent with the local government

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233 comprehensive plan.

234 7. State funding for housing should not be made available
235 to local governments whose comprehensive plans have been found
236 not in compliance with chapter 163 and who have not entered into
237 a stipulated settlement agreement with Jobs Florida ~~the~~
238 ~~Department of Community Affairs~~ to bring the plan into
239 compliance.

240 8. Mixed income projects should be encouraged, to avoid a
241 concentration of low-income residents in one area or project.

242 9. Distribution of state housing funds should be flexible
243 and consider the regional and local needs, resources, and
244 capabilities of housing producers.

245 10. Income levels used to determine program eligibility
246 should be adjusted for family size in determining the
247 eligibility of specific beneficiaries.

248 11. To the maximum extent possible, state-owned lands that
249 are appropriate for the development of affordable housing shall
250 be made available for that purpose.

251 (4) IMPLEMENTATION.—Jobs Florida ~~The Department of~~
252 ~~Community Affairs~~ and the Florida Housing Finance Corporation in
253 carrying out the strategy articulated herein shall have the
254 following duties:

255 (a) The fiscal resources of Jobs Florida ~~the Department of~~
256 ~~Community Affairs~~ shall be directed to achieve the following
257 programmatic objectives:

258 1. Effective technical assistance and capacity-building
259 programs shall be established at the state and local levels.

260 2. The Shimberg Center for Affordable Housing at the
261 University of Florida shall develop and maintain statewide data

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262 on housing needs and production, provide technical assistance
263 relating to real estate development and finance, operate an
264 information clearinghouse on housing programs, and coordinate
265 state housing initiatives with local government and federal
266 programs.

267 (b) The agency strategic plan of Jobs Florida ~~the~~
268 ~~Department of Community Affairs~~ shall include specific goals,
269 objectives, and strategies that implement the housing policies
270 in this section and shall include the strategic plan for housing
271 production prepared by the corporation pursuant to s. 420.511.

272 (c) The Shimberg Center for Affordable Housing, in
273 consultation with Jobs Florida ~~the Department of Community~~
274 ~~Affairs~~ and the Florida Housing Finance Corporation, shall
275 review and evaluate existing housing rehabilitation, production,
276 and finance programs to determine their consistency with
277 relevant policies in this section and identify the needs of
278 specific populations, including, but not limited to, elderly and
279 handicapped persons, and shall recommend statutory modifications
280 where appropriate. The Shimberg Center for Affordable Housing,
281 in consultation with Jobs Florida ~~the Department of Community~~
282 ~~Affairs~~ and the corporation, shall also evaluate the degree of
283 coordination between state housing programs, and between state,
284 federal, and local housing activities, and shall recommend
285 improved program linkages. The recommendations required above
286 and a report of any programmatic modifications made as a result
287 of these policies shall be included in the housing report
288 required by s. 420.6075, beginning December 31, 1991, and every
289 5 years thereafter.

290 (d) The department and the corporation are anticipated to

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291 conform the administrative rules for each housing program to the
292 policies stated in this section, provided that such changes in
293 the rules are consistent with the statutory intent or
294 requirements for the program. This authority applies only to
295 programs offering loans, grants, or tax credits and only to the
296 extent that state policies are consistent with applicable
297 federal requirements.

298 Section 3. Subsection (6) of section 420.0004, Florida
299 Statutes, is amended to read:

300 420.0004 Definitions.—As used in this part, unless the
301 context otherwise indicates:

302 (6) "Department" means Jobs Florida ~~the Department of~~
303 ~~Community Affairs~~.

304 Section 4. Section 420.0005, Florida Statutes, is amended
305 to read:

306 420.0005 State Housing Trust Fund; State Housing Fund.—
307 There is hereby established in the State Treasury a separate
308 trust fund to be named the "State Housing Trust Fund." There
309 shall be deposited in the fund all moneys appropriated by the
310 Legislature, or moneys received from any other source, for the
311 purpose of this chapter, including all loan repayments,
312 penalties, and other fees and charges accruing to such fund
313 under this chapter, and all proceeds derived from the use of
314 such moneys. The fund shall be administered by the Florida
315 Housing Finance Corporation on behalf of the department, as
316 specified in this chapter. Money deposited to the fund and
317 appropriated by the Legislature must, notwithstanding the
318 provisions of chapter 216 or s. 420.504(3), be transferred
319 quarterly in advance, to the extent available, or, if not so

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320 available, as soon as received into the State Housing Trust
321 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)
322 by the Chief Financial Officer to the corporation upon
323 certification by the Commissioner ~~Secretary~~ of Jobs Florida
324 ~~Community Affairs~~ that the corporation is in compliance with the
325 requirements of s. 420.0006. The certification made by the
326 commissioner ~~secretary~~ shall also include the split of funds
327 among programs administered by the corporation and the
328 department as specified in chapter 92-317, Laws of Florida, as
329 amended. Moneys advanced by the Chief Financial Officer must be
330 deposited by the corporation into a separate fund established
331 with a qualified public depository meeting the requirements of
332 chapter 280 to be named the "State Housing Fund" and used for
333 the purposes of this chapter. Administrative and personnel costs
334 incurred in implementing this chapter may be paid from the State
335 Housing Fund, as appropriated by the Legislature ~~but such costs~~
336 ~~may not exceed 5 percent of the moneys deposited into such fund.~~
337 ~~To the State Housing Fund shall be credited all loan repayments,~~
338 ~~penalties, and other fees and charges accruing to such fund~~
339 ~~under this chapter. It is the intent of this chapter that all~~
340 ~~loan repayments, penalties, and other fees and charges collected~~
341 ~~be credited in full to the program account from which the loan~~
342 ~~originated.~~ Moneys in the State Housing Fund in excess of the
343 amounts appropriated for the current fiscal year ~~which are not~~
344 ~~currently needed for the purposes of this chapter~~ shall be
345 deposited with the Treasury to the credit of the State Housing
346 Trust Fund and may be invested in such manner as is provided for
347 by statute. The interest received on any such investment shall
348 be credited to the General Revenue ~~State Housing~~ Fund.

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349 Section 5. Paragraph (d) of subsection (1) of section
350 420.101, Florida Statutes, is amended to read:

351 420.101 Housing Development Corporation of Florida;
352 creation, membership, and purposes.—

353 (1) Twenty-five or more persons, a majority of whom shall
354 be residents of this state, who may desire to create a housing
355 development corporation under the provisions of this part for
356 the purpose of promoting and developing housing and advancing
357 the prosperity and economic welfare of the state and, to that
358 end, to exercise the powers and privileges hereinafter provided,
359 may be incorporated by filing in the Department of State, as
360 hereinafter provided, articles of incorporation. The articles of
361 incorporation shall contain:

362 (d) The names and post office addresses of the members of
363 the first board of directors. The first board of directors shall
364 be elected by and from the stockholders of the corporation and
365 shall consist of 21 members. However, five of such members shall
366 consist of the following persons, who shall be nonvoting
367 members: the Commissioner ~~secretary~~ of Jobs Florida ~~the~~
368 ~~Department of Community Affairs~~ or her or his designee; the head
369 of the Department of Financial Services or her or his designee
370 with expertise in banking matters; a designee of the head of the
371 Department of Financial Services with expertise in insurance
372 matters; one state senator appointed by the President of the
373 Senate; and one representative appointed by the Speaker of the
374 House of Representatives.

375 Section 6. Subsection (8) of section 420.111, Florida
376 Statutes, is amended to read:

377 420.111 Housing Development Corporation of Florida;

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378 additional powers.—In furtherance of its purposes and in
379 addition to the powers now or hereafter conferred on business
380 corporations by chapter 607, the corporation shall, subject to
381 the restrictions and limitations herein contained, have the
382 following powers:

383 (8) To cooperate with, and avail itself of the facilities
384 of, the United States Department of Housing and Urban
385 Development, Jobs Florida ~~the Department of Community Affairs~~,
386 and any other similar local, state, or Federal Government
387 agency; and to cooperate with and assist, and otherwise
388 encourage, organizations in the various communities of the state
389 on the promotion, assistance, and development of the housing and
390 economic welfare of such communities or of this state or any
391 part thereof.

392 Section 7. Section 420.36, Florida Statutes, is amended to
393 read:

394 420.36 Low-income Emergency Home Repair Program.—There is
395 established within Jobs Florida ~~the Department of Community~~
396 ~~Affairs~~ the Low-income Emergency Home Repair Program to assist
397 low-income persons, especially the elderly and physically
398 disabled, in making emergency repairs which directly affect
399 their health and safety.

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

401 (a) "Grantee" means a local public or private nonprofit
402 agency currently receiving funds from the department to conduct
403 a weatherization assistance program in one or more counties or a
404 public or nonprofit agency chosen as outlined in subparagraph
405 (4) (c) 4.

406 (b) "Subgrantee" means a local public or private nonprofit

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407 agency experienced in weatherization, emergency repairs, or
408 rehabilitation of housing.

409 (2) A person is eligible to receive assistance if that
410 person has an income in relation to that person's family size
411 which is at or below 125 percent of the poverty level as
412 specified annually in the federal Office of Management and
413 Budget Poverty Guidelines. Eligible persons over 60 years of age
414 and eligible persons who are physically disabled shall be given
415 priority in the program.

416 (3) (a) Allowable repairs, including materials and labor,
417 which may be charged under the program include:

418 1. Correcting deficiencies in support beams, load-bearing
419 walls, and floor joists.

420 2. Repair or replacement of unsafe or nonfunctional space
421 heating or water heating systems.

422 3. Egress or physically disabled accessibility repairs,
423 improvements, or assistive devices, including wheelchair ramps,
424 steps, porches, handrails, or other health and safety measures.

425 4. Plumbing, pump, well, and line repairs to ensure safe
426 drinking water and sanitary sewage.

427 5. Electrical repairs.

428 6. Repairs to deteriorating walls, floors, and roofs.

429 7. Other interior and exterior repairs as necessary for the
430 health and safety of the resident.

431 (b) Administrative expenses may not exceed 10 percent of
432 the total grant funds.

433 (c) Each grantee shall be required to provide an in-kind or
434 cash match of at least 20 percent of the funds granted. Grantees
435 and subgrantees shall be encouraged to use community resources

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436 to provide such match, including family, church, and
437 neighborhood volunteers and materials provided by local groups
438 and businesses. Grantees shall coordinate with local governments
439 through their community development block grant entitlement
440 programs and other housing programs, local housing partnerships,
441 and agencies under contract to a lead agency for the provisions
442 of services under the Community Care for the Elderly Act, ss.
443 430.201-430.207.

444 (4) (a) Funds appropriated to the department for the program
445 shall be deposited in the Energy Consumption Trust Fund.
446 Administrative and personnel costs incurred by the department in
447 implementing the provisions of this section may be paid from the
448 fund.

449 (b) The grantee may subgrant these funds to a subgrantee if
450 the grantee is unable to serve all of the county or the target
451 population. Grantee and subgrantee eligibility shall be
452 determined by the department.

453 (c) Funds shall be distributed to grantees and subgrantees
454 as follows:

455 1. For each county, a base amount of at least \$3,000 shall
456 be set aside from the total funds available, and such amount
457 shall be deducted from the total amount appropriated by the
458 Legislature.

459 2. The balance of the funds appropriated by the Legislature
460 shall be divided by the total poverty population of the state,
461 and this quotient shall be multiplied by each county's share of
462 the poverty population. That amount plus the base of at least
463 \$3,000 shall constitute each county's share. A grantee which
464 serves more than one county shall receive the base amount plus

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465 the poverty population share for each county to be served.

466 Contracts with grantees may be renewed annually.

467 3. The funds allocated to each county shall be offered
468 first to an existing weatherization assistance program grantee
469 in good standing, as determined by the department, that can
470 provide services to the target population of low-income persons,
471 low-income elderly persons, and low-income physically disabled
472 persons throughout the county.

473 4. If a weatherization assistance program grantee is not
474 available to serve the entire county area, the funds shall be
475 distributed through the following process:

476 a. An announcement of funding availability shall be
477 provided to the county. The county may elect to administer the
478 program.

479 b. If the county elects not to administer the program, the
480 department shall establish rules to address the selection of one
481 or more public or private not-for-profit agencies that are
482 experienced in weatherization, rehabilitation, or emergency
483 repair to administer the program.

484 5. If no eligible agency agrees to serve a county, the
485 funds for that county shall be distributed to grantees having
486 the best performance record as determined by department rule. At
487 the end of the contract year, any uncontracted or unexpended
488 funds shall be returned to the Energy Consumption Trust Fund and
489 reallocated under the next year's contracting cycle.

490 (5) The department may perform all actions appropriate and
491 necessary to carry out the purposes of this section, including,
492 but not limited to:

493 (a) Entering into contracts and agreements with the Federal

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494 Government, agencies of the state, local governments, or any
495 person, association, corporation, or entity.

496 (b) Seeking and accepting funding from any public or
497 private source.

498 (c) Adopting and enforcing rules consistent with this
499 section.

500 Section 8. Subsections (1) and (2) of section 420.424,
501 Florida Statutes, are amended to read:

502 420.424 Definitions.—As used in ss. 420.421-420.429:

503 (2) ~~(1)~~ "Department" means Jobs Florida ~~the Department of~~
504 ~~Community Affairs.~~

505 (1) ~~(2)~~ "Commissioner Secretary" means the Commissioner
506 ~~Secretary of Jobs Florida Community Affairs.~~

507 Section 9. Subsection (12) of section 420.503, Florida
508 Statutes, is amended to read:

509 420.503 Definitions.—As used in this part, the term:

510 (12) "Department" means Jobs Florida ~~the Department of~~
511 ~~Community Affairs.~~

512 Section 10. Subsections (1) and (3) of section 420.504,
513 Florida Statutes, are amended to read:

514 420.504 Public corporation; creation, membership, terms,
515 expenses.—

516 (1) There is created within Jobs Florida ~~the Department of~~
517 ~~Community Affairs~~ a public corporation and a public body
518 corporate and politic, to be known as the "Florida Housing
519 Finance Corporation." It is declared to be the intent of and
520 constitutional construction by the Legislature that the Florida
521 Housing Finance Corporation constitutes an entrepreneurial
522 public corporation organized to provide and promote the public

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523 welfare by administering the governmental function of financing
524 or refinancing housing and related facilities in Florida and
525 that the corporation is not a department of the executive branch
526 of state government within the scope and meaning of s. 6, Art.
527 IV of the State Constitution, but is functionally related to
528 Jobs Florida ~~the Department of Community Affairs~~ in which it is
529 placed. The executive function of state government to be
530 performed by the Commissioner of Jobs Florida ~~secretary of the~~
531 ~~department~~ in the conduct of the business of the Florida Housing
532 Finance Corporation must be performed pursuant to a contract to
533 monitor and set performance standards for the implementation of
534 the business plan for the provision of housing approved for the
535 corporation as provided in s. 420.0006. This contract shall
536 include the performance standards for the provision of
537 affordable housing in Florida established in the business plan
538 described in s. 420.511.

539 (3) The corporation is a separate budget entity and is not
540 subject to control, supervision, or direction by Jobs Florida
541 ~~the Department of Community Affairs~~ in any manner, including,
542 but not limited to, personnel, purchasing, transactions
543 involving real or personal property, and budgetary matters. The
544 corporation shall consist of a board of directors composed of
545 the Commissioner ~~Secretary~~ of Jobs Florida ~~Community Affairs~~ as
546 an ex officio and voting member and eight members appointed by
547 the Governor subject to confirmation by the Senate from the
548 following:

549 (a) One citizen actively engaged in the residential home
550 building industry.

551 (b) One citizen actively engaged in the banking or mortgage

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552 banking industry.

553 (c) One citizen who is a representative of those areas of
554 labor engaged in home building.

555 (d) One citizen with experience in housing development who
556 is an advocate for low-income persons.

557 (e) One citizen actively engaged in the commercial building
558 industry.

559 (f) One citizen who is a former local government elected
560 official.

561 (g) Two citizens of the state who are not principally
562 employed as members or representatives of any of the groups
563 specified in paragraphs (a)-(f).

564 Section 11. Section 420.506, Florida Statutes, is amended
565 to read:

566 420.506 Executive director; agents and employees.—The
567 appointment and removal of an executive director shall be by the
568 Commissioner ~~Secretary~~ of Jobs Florida ~~Community Affairs~~, with
569 the advice and consent of the corporation's board of directors.
570 The executive director shall employ legal and technical experts
571 and such other agents and employees, permanent and temporary, as
572 the corporation may require, and shall communicate with and
573 provide information to the Legislature with respect to the
574 corporation's activities. The board is authorized,
575 notwithstanding the provisions of s. 216.262, to develop and
576 implement rules regarding the employment of employees of the
577 corporation and service providers, including legal counsel. The
578 board of directors of the corporation is entitled to establish
579 travel procedures and guidelines for employees of the
580 corporation. The executive director's office and the

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581 corporation's files and records must be located in Leon County.

582 Section 12. Subsections (10), (28), and (30) of section
583 420.507, Florida Statutes, are amended, present subsections (32)
584 through (47) of that section are renumbered as subsections (31)
585 through (46), respectively, and present subsections (31) and
586 (33) of that section are amended, to read:

587 420.507 Powers of the corporation.—The corporation shall
588 have all the powers necessary or convenient to carry out and
589 effectuate the purposes and provisions of this part, including
590 the following powers which are in addition to all other powers
591 granted by other provisions of this part:

592 (10) To contract for and to accept gifts, grants, loans, or
593 other aid from the United States Government or any person or
594 corporation for deposit into the State Housing Trust Fund and to
595 expend such funds as appropriated by the Legislature.

596 (28) To expend amounts appropriated by the Legislature
597 ~~advanced~~ from the State Housing Trust Fund for the purposes of
598 this part.

599 (30) To prepare and submit to the commissioner ~~secretary~~ of
600 the department a budget request for purposes of the corporation,
601 which request shall, ~~notwithstanding the provisions of chapter~~
602 ~~216 and in accordance with s. 216.351,~~ contain a request for
603 operational expenditures and separate requests for other
604 authorized corporation programs. ~~The request shall not be~~
605 ~~required to contain information on the number of employees,~~
606 ~~salaries, or any classification thereof, and the approved~~
607 ~~operating budget therefor need not comply with s. 216.181(8)—~~
608 ~~(10).~~ The commissioner ~~secretary~~ is authorized to include within
609 the department's budget request the corporation's budget request

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610 in the form as authorized by this section.

611 ~~(31) Notwithstanding the provisions of s. 216.301, to~~
612 ~~retain any unused operational expenditure appropriation for~~
613 ~~other lawful purposes of the corporation.~~

614 (32) ~~(33)~~ To receive federal funding in connection with the
615 corporation's programs ~~directly~~ from the Federal Government for
616 deposit into the State Housing Trust Fund and to expend such
617 funds as appropriated by the Legislature.

618 Section 13. Subsection (5) of section 420.508, Florida
619 Statutes, is amended to read:

620 420.508 Special powers; multifamily and single-family
621 projects.—The corporation shall have the special power to:

622 (5) Establish with a qualified depository meeting the
623 requirements of chapter 280, a separate fund to be known as the
624 "Florida Housing Finance Corporation Fund," to be administered
625 by the corporation in accordance with the purposes of this
626 chapter. All fees collected by the corporation ~~directly~~ from the
627 Federal Government for administration of the United States
628 Department of Housing and Urban Development Section 8 housing
629 program, all annual administrative fees collected by trustees
630 for bond programs and remitted to the corporation, all expense
631 fees related to costs of bond issuance collected by trustees and
632 remitted to the corporation, and all tax credit program fees
633 must be deposited into the State Housing Trust Fund in the State
634 Treasury. The Florida Housing Finance Corporation Fund shall be
635 utilized for the purposes of the corporation, including payment
636 of administrative expenses. Expenditures from the Florida
637 Housing Finance Corporation Fund shall ~~not be required to be~~
638 ~~included in the corporation's budget request or be subject to~~

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639 appropriation by the Legislature.

640 Section 14. Paragraph (c) of subsection (6) and subsections
641 (7) and (8) of section 420.5087, Florida Statutes, are amended
642 to read:

643 420.5087 State Apartment Incentive Loan Program.—There is
644 hereby created the State Apartment Incentive Loan Program for
645 the purpose of providing first, second, or other subordinated
646 mortgage loans or loan guarantees to sponsors, including for-
647 profit, nonprofit, and public entities, to provide housing
648 affordable to very-low-income persons.

649 (6) On all state apartment incentive loans, except loans
650 made to housing communities for the elderly to provide for
651 lifesafety, building preservation, health, sanitation, or
652 security-related repairs or improvements, the following
653 provisions shall apply:

654 (c) The corporation shall provide by rule for the
655 establishment of a review committee composed of the department
656 and corporation staff and shall establish by rule a scoring
657 system for evaluation and competitive ranking of applications
658 submitted in this program, including, but not limited to, the
659 following criteria:

660 1. Tenant income and demographic targeting objectives of
661 the corporation.

662 2. Targeting objectives of the corporation which will
663 ensure an equitable distribution of loans between rural and
664 urban areas.

665 3. Sponsor's agreement to reserve the units for persons or
666 families who have incomes below 50 percent of the state or local
667 median income, whichever is higher, for a time period to exceed

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668 the minimum required by federal law or the provisions of this
669 part.

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

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

674 b. Forty percent of the units in the project for persons or
675 families who have incomes that do not exceed 60 percent of the
676 state or local median income, whichever is higher, without
677 requiring a greater amount of the loans as provided in this
678 section.

679 5. Provision for tenant counseling.

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

682 7. Projects requiring the least amount of a state apartment
683 incentive loan compared to overall project cost except that the
684 share of the loan attributable to units serving extremely-low-
685 income persons shall be excluded from this requirement.

686 8. Local government contributions and local government
687 comprehensive planning and activities that promote affordable
688 housing.

689 9. Project feasibility.

690 10. Economic viability of the project.

691 11. Commitment of first mortgage financing.

692 12. Sponsor's prior experience, including whether the
693 developer and general contractor have substantial experience, as
694 provided in s. 420.507(46) ~~s. 420.507(47)~~.

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

696 14. Projects that directly implement or assist welfare-to-

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697 work transitioning.

698 15. Projects that reserve units for extremely-low-income
699 persons.

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

703 17. Domicile of the developer and general contractor, as
704 provided in s. 420.507(46) ~~s. 420.507(47)~~.

705 (7) There is authorized to be established by the
706 corporation with a qualified public depository meeting the
707 requirements of chapter 280 a separate fund to be named the
708 "State Apartment Incentive Loan Fund," which shall be
709 administered by the corporation according to the provisions of
710 this program. ~~Any amounts held in the State Apartment Incentive~~
711 ~~Loan Trust Fund for such purpose as of January 1, 1998, must be~~
712 ~~transferred to the corporation for deposit in the State~~
713 ~~Apartment Incentive Loan Fund and the State Apartment Incentive~~
714 ~~Loan Trust Fund must be closed.~~ There shall be deposited into
715 the fund moneys from the State Housing Trust Fund as created by
716 s. 420.0005, or moneys received from any other source, for the
717 purpose of this program ~~and all proceeds derived from the use of~~
718 ~~such moneys.~~ However ~~In addition~~, all loan repayments, proceeds
719 from the sale of any property, and any other proceeds that would
720 otherwise accrue pursuant to the activities conducted under the
721 provisions of the State Apartment Incentive Loan Program shall
722 be accounted for by the corporation and deposited into ~~in~~ the
723 State Housing Trust Fund in the State Treasury ~~and shall not~~
724 ~~revert to the General Revenue Fund.~~ Expenditures from the State
725 Apartment Incentive Loan Fund shall ~~not be required to be~~

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726 ~~included in the corporation's budget request or~~ be subject to
727 appropriation by the Legislature. If the construction period
728 extends beyond a loan commitment for program funds is entered
729 ~~into during~~ the state fiscal year for which the program funds
730 are were appropriated, or the fiscal year in which the loan
731 commitment is entered, the funds may ~~shall continue to~~ be used
732 in a subsequent fiscal year upon the approval of a budget
733 amendment for such funds from the Legislative Budget Commission
734 ~~made available for use during the entire construction period,~~
735 ~~even if it extends beyond the state fiscal year in which the~~
736 ~~loan commitment was entered.~~

737 (8) If a default on a loan occurs, the corporation may
738 foreclose on any mortgage or security interest or commence any
739 legal action to protect the interest of the corporation or the
740 fund and recover the amount of the unpaid principal, accrued
741 interest, and fees on behalf of the fund. The corporation may
742 acquire real and personal property or any interest therein when
743 that acquisition is necessary or appropriate to protect any
744 loan; to sell, transfer, and convey any such property to a buyer
745 without regard to the provisions of chapters 253 and 270; and,
746 if that sale, transfer, or conveyance cannot be effected within
747 a reasonable time, to lease such property for occupancy by
748 eligible persons. All sums recovered from the sale, transfer,
749 conveyance, or lease of such property shall be accounted for by
750 the corporation and deposited into the State Housing Trust
751 ~~Apartment Incentive Loan~~ Fund in the State Treasury. The
752 corporation may not transfer funds for its loan loss insurance
753 reserve except upon approval of a budget amendment for such
754 funds by the Legislative Budget Commission.

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755 Section 15. Subsection (4) of section 420.5088, Florida
756 Statutes, is amended to read:

757 420.5088 Florida Homeownership Assistance Program.—There is
758 created the Florida Homeownership Assistance Program for the
759 purpose of assisting low-income and moderate-income persons in
760 purchasing a home as their primary residence by reducing the
761 cost of the home with below-market construction financing, by
762 reducing the amount of down payment and closing costs paid by
763 the borrower to a maximum of 5 percent of the purchase price, or
764 by reducing the monthly payment to an affordable amount for the
765 purchaser. Loans shall be made available at an interest rate
766 that does not exceed 3 percent. The balance of any loan is due
767 at closing if the property is sold, refinanced, rented, or
768 transferred, unless otherwise approved by the corporation.

769 (4) There is authorized to be established by the
770 corporation with a qualified public depository meeting the
771 requirements of chapter 280 the Florida Homeownership Assistance
772 Fund to be administered by the corporation according to the
773 provisions of this program. ~~Any amounts held in the Florida
774 Homeownership Assistance Trust Fund for such purposes as of
775 January 1, 1998, must be transferred to the corporation for
776 deposit in the Florida Homeownership Assistance Fund, whereupon
777 the Florida Homeownership Assistance Trust Fund must be closed.~~
778 There shall be deposited in the fund moneys from the State
779 Housing Trust Fund created by s. 420.0005, or moneys received
780 from any other source, ~~for the purpose of this program and all
781 proceeds derived from the use of such moneys. However In~~
782 addition, all unencumbered funds, loan repayments, proceeds from
783 the sale of any property, and any other proceeds that would

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784 otherwise accrue pursuant to the activities of the programs
 785 described in this section shall be accounted for by the
 786 corporation and deposited into the State Housing Trust
 787 ~~transferred to this~~ Fund in the State Treasury. In addition, all
 788 loan repayments, proceeds from the sale of any property, and any
 789 other proceeds that would otherwise accrue pursuant to the
 790 activities conducted under the provisions of the Florida
 791 Homeownership Assistance Program shall be accounted for by the
 792 corporation and deposited into ~~in~~ the State Housing Trust Fund
 793 in the State Treasury ~~and shall not revert to the General~~
 794 ~~Revenue Fund~~. Expenditures from the Florida Homeownership
 795 Assistance Fund shall ~~not be required to be included in the~~
 796 ~~corporation's budget request or~~ be subject to appropriation by
 797 the Legislature.

798 Section 16. Subsections (1) and (10) of section 420.5089,
 799 Florida Statutes, are amended to read:

800 420.5089 HOME Investment Partnership Program; HOME
 801 Investment Partnership Fund.—

802 (1) There is authorized to be established by the
 803 corporation with a qualified public depository meeting the
 804 requirements of chapter 280 the HOME Investment Partnership
 805 Fund, which shall be administered by the corporation according
 806 to the provisions of the HOME Investment Partnership Program
 807 which is hereby created. ~~Any amounts held in the HOME~~
 808 ~~Partnership Trust Fund for such purposes as of January 1, 1998,~~
 809 ~~must be transferred to the corporation for deposit in the HOME~~
 810 ~~Investment Partnership Fund, whereupon the HOME Partnership~~
 811 ~~Trust Fund must be closed.~~ There shall be deposited into the
 812 fund moneys appropriated from the State Housing Trust Fund.

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813 ~~However or Moneys received from any other source for the purpose~~
814 ~~of this program, and all proceeds derived from the use of such~~
815 ~~moneys. In addition, all loan repayments, proceeds from the sale~~
816 ~~of any property, and any other proceeds that would otherwise~~
817 ~~accrue pursuant to the activities conducted under the provisions~~
818 ~~of the HOME Investment Partnership Program shall be accounted~~
819 ~~for by the corporation and deposited into the State Housing~~
820 ~~Trust Fund in the State Treasury and shall not revert to the~~
821 ~~General Revenue Fund.~~ Expenditures from the HOME Investment
822 Partnership Fund shall ~~not be required to be included in the~~
823 ~~corporation's budget request or~~ be subject to appropriation by
824 the Legislature. If the construction period extends beyond the
825 state fiscal year in which the funds are appropriated, the funds
826 may be used in a subsequent fiscal year upon the approval of a
827 budget amendment for such funds by the Legislative Budget
828 Commission.

829 (10) All sums recovered from the sale, transfer,
830 conveyance, or lease of such property shall be deposited into
831 the State Housing Trust ~~HOME Investment Partnership~~ Fund for
832 expenditure as appropriated by the Legislature.

833 Section 17. Section 420.5091, Florida Statutes, is amended
834 to read:

835 420.5091 HOPE Program.—

836 (1) The corporation may adopt rules to implement the HOPE
837 Program, created by the 1990 National Affordable Housing Act, to
838 make loans and grants, foreclose on any mortgage or security
839 interest, or commence any legal action to protect the interest
840 of the corporation and recover the amount of the unpaid
841 principal, accrued interest, and fees. The corporation may

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842 acquire real and personal property or any interest in the
843 property if that acquisition is necessary to protect any loan;
844 sell, transfer, and convey any such property to a buyer without
845 regard to the provisions of chapters 253 and 270; and, if that
846 sale, transfer, or conveyance cannot be effected within a
847 reasonable time, lease such property for occupancy by eligible
848 persons. All sums recovered from the sale, transfer, conveyance,
849 or lease of such property shall be deposited into the State
850 Housing Trust ~~HOME Investment Partnership~~ Fund in the State
851 Treasury.

852 (2) The corporation shall monitor all projects funded under
853 this section to ensure compliance with federal and state
854 requirements. The corporation may inspect such projects or
855 records pertaining to those projects at any reasonable time.

856 Section 18. Subsections (3), (5), and (6) of section
857 420.5092, Florida Statutes, are amended to read:

858 420.5092 Florida Affordable Housing Guarantee Program.—

859 (3) Amounts on deposit in the State Housing Trust Fund or
860 amounts received by the Florida Housing Finance Corporation as
861 program funds from loan programs funded with state moneys may
862 also be used to support the Florida Affordable Housing Guarantee
863 Program. Such use, if any, is in addition to those purposes for
864 which the State Housing Trust Fund was created, and such moneys
865 shall be obligated and committed in accordance with the
866 corporation certification provided for in subsection (6).

867 (5) Pursuant to s. 16, Art. VII of the State Constitution,
868 the corporation may issue, in accordance with s. 420.509,
869 revenue bonds of the corporation to establish the guarantee
870 fund. Such revenue bonds shall be primarily payable from and

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871 secured by annual debt service reserves, from interest earned on
872 funds on deposit in the guarantee fund, from fees, charges, and
873 reimbursements established by the corporation for the issuance
874 of affordable housing guarantees, and from any other revenue
875 sources received by the corporation and deposited by the
876 corporation into the guarantee fund for the issuance of
877 affordable housing guarantees. To the extent such primary
878 revenue sources are considered insufficient by the corporation,
879 pursuant to the certification provided in subsection (6), to
880 fully fund the annual debt service reserve, the certified
881 deficiency in such reserve shall be additionally payable from
882 the first proceeds of the documentary stamp tax moneys deposited
883 into the State Housing Trust Fund pursuant to s. 201.15(13) ~~s.~~
884 ~~201.15(9)(a) and (10)(a)~~ during the ensuing state fiscal year.

885 (6) (a) If the primary revenue sources to be used for
886 repayment of revenue bonds used to establish the guarantee fund
887 are insufficient for such repayment, the annual principal and
888 interest due on each series of revenue bonds shall be payable
889 from funds in the annual debt service reserve. The corporation
890 shall, before June 1 of each year, perform a financial audit to
891 determine whether at the end of the state fiscal year there will
892 be on deposit in the guarantee fund an annual debt service
893 reserve from interest earned pursuant to the investment of the
894 guarantee fund, fees, charges, and reimbursements received from
895 issued affordable housing guarantees and other revenue sources
896 available to the corporation. Based upon the findings in such
897 guarantee fund financial audit, the corporation shall certify to
898 the Chief Financial Officer the amount of any projected
899 deficiency in the annual debt service reserve for any series of

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900 outstanding bonds as of the end of the state fiscal year and the
901 amount necessary to maintain such annual debt service reserve.
902 Upon receipt of such certification, the Chief Financial Officer
903 shall transfer to the annual debt service reserve, from the
904 first available taxes distributed to the State Housing Trust
905 Fund pursuant to s. 201.15(13) ~~s. 201.15(9)(a) and (10)(a)~~
906 during the ensuing state fiscal year, the amount certified as
907 necessary to maintain the annual debt service reserve.

908 (b) If the claims payment obligations under affordable
909 housing guarantees from amounts on deposit in the guarantee fund
910 would cause the claims paying rating assigned to the guarantee
911 fund to be less than the third-highest rating classification of
912 any nationally recognized rating service, which classifications
913 being consistent with s. 215.84(3) and rules adopted thereto by
914 the State Board of Administration, the corporation shall certify
915 to the Chief Financial Officer the amount of such claims payment
916 obligations. Upon receipt of such certification, the Chief
917 Financial Officer shall transfer to the guarantee fund, from the
918 first available taxes distributed to the State Housing Trust
919 Fund pursuant to s. 201.15(13) ~~s. 201.15(9)(a) and (10)(a)~~
920 during the ensuing state fiscal year, the amount certified as
921 necessary to meet such obligations, such transfer to be
922 subordinate to any transfer referenced in paragraph (a) ~~and not~~
923 ~~to exceed 50 percent of the amounts distributed to the State~~
924 ~~Housing Trust Fund pursuant to s. 201.15(9)(a) and (10)(a)~~
925 ~~during the preceding state fiscal year.~~

926 Section 19. Paragraph (e) of subsection (12) of section
927 420.5095, Florida Statutes, is amended to read:

928 420.5095 Community Workforce Housing Innovation Pilot

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929 Program.—

930 (12) All eligible applications shall:

931 (e) Demonstrate how the applicant will use the regulatory
932 incentives and financial strategies outlined in subsection (8)
933 from the local jurisdiction in which the proposed project is to
934 be located. The corporation may consult with Jobs Florida ~~the~~
935 ~~Department of Community Affairs~~ in evaluating the use of
936 regulatory incentives by applicants.

937 Section 20. Section 420.525, Florida Statutes, is amended
938 to read:

939 420.525 Housing Predevelopment Fund.—

940 (1) There is authorized to be established by the
941 corporation with a qualified public depository meeting the
942 requirements of chapter 280 a separate fund to be named the
943 "Housing Predevelopment Fund" which shall be administered by the
944 corporation according to the provisions of ss. 420.521-420.529.
945 ~~Any amounts held in the Housing Predevelopment Trust Fund for~~
946 ~~such purposes as of January 1, 1998, must be transferred to the~~
947 ~~corporation for deposit in the Housing Predevelopment Fund,~~
948 ~~whereupon the Housing Predevelopment Trust Fund must be closed.~~
949 There shall be deposited into the fund moneys appropriated from
950 the State Housing Trust Fund as created by s. 420.0005 or moneys
951 received from any other source, for the purpose of this program
952 ~~and all proceeds derived from the use of such moneys.~~
953 Administrative and personnel costs incurred in implementing the
954 provisions of ss. 420.521-420.529 may be paid from the fund.
955 Expenditures from the Housing Predevelopment Fund shall ~~not be~~
956 ~~required to be included in the corporation's budget request or~~
957 be subject to appropriation by the Legislature. If the

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958 predevelopment period extends beyond the state fiscal year in
959 which the funds are appropriated, the funds may be used in a
960 subsequent fiscal year upon the approval of a budget amendment
961 for such funds by the Legislative Budget Commission.

962 (2) All unencumbered funds, loan repayments, proceeds from
963 the sale of any property, existing funds remaining in the
964 following programs, and any other proceeds that would otherwise
965 accrue pursuant to the activities conducted under this program
966 and the provisions of the following programs shall be accounted
967 for by the corporation and deposited into ~~in~~ the State Housing
968 Trust Fund in the State Treasury ~~and shall not revert to the~~
969 ~~General Revenue Fund:~~

970 (a) The Rural Housing Land Acquisition and Site Development
971 Act;

972 (b) The Farmworker Housing Assistance Act; and

973 (c) The Community-Based Organization Loan Program created
974 by the Affordable Housing Planning and Community Assistance Act.

975 Section 21. Subsection (5) of section 420.526, Florida
976 Statutes, is amended to read:

977 420.526 Predevelopment Loan Program; loans and grants
978 authorized; activities eligible for support.—

979 (5) Any funds paid out of the Housing Predevelopment Fund
980 for activities under ss. 420.521-420.529 which are reimbursed to
981 the sponsor from another source shall be accounted for by the
982 corporation and repaid to the State Housing Trust Fund in the
983 State Treasury for expenditure as appropriated by the
984 Legislature.

985 Section 22. Section 420.529, Florida Statutes, is amended
986 to read:

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987 420.529 Default by sponsor.—If a default on a loan occurs,
988 the corporation may foreclose on any mortgage or security
989 interest or commence any legal action to protect the interest of
990 the corporation or the fund and recover the amount of the unpaid
991 principal, accrued interest, and fees on behalf of the fund. The
992 corporation may also acquire real and personal property or any
993 interest in the property if such acquisition is necessary or
994 appropriate to protect any loan; to sell, transfer, and convey
995 any such property to a buyer without regard to the provisions of
996 chapters 253 and 270; and, if such sale, transfer, or conveyance
997 cannot be effected within a reasonable time, to lease such
998 property for occupancy by eligible persons. All sums recovered
999 from the sale, transfer, conveyance, or lease of such property
1000 shall be accounted for by the corporation and deposited into the
1001 State Housing Trust Predevelopment Fund in the State Treasury
1002 for expenditure as appropriated by the Legislature.

1003 Section 23. Subsections (4) through (10) of section
1004 420.602, Florida Statutes, are amended to read:

1005 420.602 Definitions.—As used in this part, the following
1006 terms shall have the following meanings, unless the context
1007 otherwise requires:

1008 (4) "Commissioner" means the Commissioner of Jobs Florida.

1009 (5)~~(4)~~ "Community-based organization" means a private
1010 corporation organized under chapter 617 to assist in the
1011 provision of housing and related services on a not-for-profit
1012 basis within a designated area, including a municipality,
1013 county, or area of more than one municipality or county.

1014 (6)~~(5)~~ "Corporation" means the Florida Housing Finance
1015 Corporation as created in s. 420.504.

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1016 (7)~~(6)~~ "Department" means Jobs Florida ~~the Department of~~
 1017 ~~Community Affairs.~~

1018 (8)~~(7)~~ "Fund" means the Florida Affordable Housing Trust
 1019 Fund as created in this part.

1020 (9)~~(8)~~ "Low-income persons" means one or more natural
 1021 persons or a family, the total annual adjusted gross household
 1022 income of which does not exceed 80 percent of the median annual
 1023 adjusted gross income for households within the state, or 80
 1024 percent of the median annual adjusted gross income for
 1025 households within the metropolitan statistical area (MSA) or, if
 1026 not within an MSA, within the county in which the person or
 1027 family resides, whichever is greater.

1028 (10)~~(9)~~ "Moderate-income persons" means one or more natural
 1029 persons or a family, the total annual adjusted gross household
 1030 income of which is less than 120 percent of the median annual
 1031 adjusted gross income for households within the state, or 120
 1032 percent of the median annual adjusted gross income for
 1033 households within the metropolitan statistical area (MSA) or, if
 1034 not within an MSA, within the county in which the household is
 1035 located, whichever is greater.

1036 ~~(10) "Secretary" means the Secretary of Community Affairs.~~

1037 Section 24. Subsections (3) and (4) of section 420.606,
 1038 Florida Statutes, are amended to read:

1039 420.606 Training and technical assistance program.—

1040 (3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—Jobs Florida
 1041 ~~The Department of Community Affairs~~ shall be responsible for
 1042 securing the necessary expertise to provide training and
 1043 technical assistance to staff of local governments, to staff of
 1044 state agencies, as appropriate, and to community-based

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1045 organizations, and to persons forming such organizations, which
1046 are formed for the purpose of developing new housing and
1047 rehabilitating existing housing which is affordable for very-
1048 low-income persons, low-income persons, and moderate-income
1049 persons.

1050 (a) The training component of the program shall be designed
1051 to build the housing development capacity of community-based
1052 organizations and local governments as a permanent resource for
1053 the benefit of communities in this state.

1054 1. The scope of training shall include, but not be limited
1055 to, real estate development skills related to affordable
1056 housing, including the construction process and property
1057 management and disposition, the development of public-private
1058 partnerships to reduce housing costs, model housing projects,
1059 and management and board responsibilities of community-based
1060 organizations.

1061 2. Training activities may include, but are not limited to,
1062 materials for self-instruction, workshops, seminars,
1063 internships, coursework, and special programs developed in
1064 conjunction with state universities and community colleges.

1065 (b) The technical assistance component of the program shall
1066 be designed to assist applicants for state-administered programs
1067 in developing applications and in expediting project
1068 implementation. Technical assistance activities for the staffs
1069 of community-based organizations and local governments who are
1070 directly involved in the production of affordable housing may
1071 include, but are not limited to, workshops for program
1072 applicants, onsite visits, guidance in achieving project
1073 completion, and a newsletter to community-based organizations

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1074 and local governments.

1075 (4) POWERS.—Jobs Florida ~~The Department of Community~~
 1076 ~~Affairs~~ may do all things necessary or appropriate to carry out
 1077 the purposes of this section, including exercising the power to:

1078 (a) Enter into contracts and agreements with the Federal
 1079 Government or with other agencies of the state, with local
 1080 governments, or with any other person, association, corporation,
 1081 or entity;

1082 (b) Seek and accept funding from any public or private
 1083 source; and

1084 (c) Adopt and enforce rules consistent with this section.

1085 Section 25. Subsection (5) of section 420.609, Florida
 1086 Statutes, is amended to read:

1087 420.609 Affordable Housing Study Commission.—Because the
 1088 Legislature firmly supports affordable housing in Florida for
 1089 all economic classes:

1090 (5) The commission shall review, evaluate, and make
 1091 recommendations regarding existing and proposed housing programs
 1092 and initiatives. The commission shall provide these and any
 1093 other housing recommendations to the Commissioner ~~secretary~~ of
 1094 Jobs Florida ~~the Department of Community Affairs~~ and the
 1095 executive director of the corporation.

1096 Section 26. Subsection (2) of section 420.622, Florida
 1097 Statutes, is amended to read:

1098 420.622 State Office on Homelessness; Council on
 1099 Homelessness.—

1100 (2) The Council on Homelessness is created to consist of a
 1101 17-member council of public and private agency representatives
 1102 who shall develop policy and advise the State Office on

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1103 Homelessness. The council members shall be: the Secretary of
1104 Children and Family Services, or his or her designee; the
1105 Commissioner ~~Secretary~~ of Jobs Florida ~~Community Affairs~~, or his
1106 or her designee, to advise the council on issues related to
1107 rural development; the State Surgeon General, or his or her
1108 designee; the Executive Director of Veterans' Affairs, or his or
1109 her designee; the Secretary of Corrections, or his or her
1110 designee; the Secretary of Health Care Administration, or his or
1111 her designee; the Commissioner of Education, or his or her
1112 designee; the Director of Workforce Florida, Inc., or his or her
1113 designee; one representative of the Florida Association of
1114 Counties; one representative from the Florida League of Cities;
1115 one representative of the Florida Supportive Housing Coalition;
1116 the Executive Director of the Florida Housing Finance
1117 Corporation, or his or her designee; one representative of the
1118 Florida Coalition for the Homeless; and four members appointed
1119 by the Governor. The council members shall be volunteer, nonpaid
1120 persons and shall be reimbursed for travel expenses only. The
1121 appointed members of the council shall be appointed to staggered
1122 2-year terms, and the council shall meet at least four times per
1123 year. The importance of minority, gender, and geographic
1124 representation must be considered when appointing members to the
1125 council.

1126 Section 27. Subsections (2) and (7) of section 420.631,
1127 Florida Statutes, are amended to read:

1128 420.631 Definitions relating to Urban Homesteading Act.—As
1129 used in ss. 420.630-420.635:

1130 (2) "Department" means Jobs Florida ~~the Department of~~
1131 ~~Community Affairs~~.

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1132 (7) "Office" means the Office of Urban Opportunity within
1133 Jobs Florida ~~the Department of Community Affairs.~~

1134 Section 28. Section 420.9073, Florida Statutes, is amended
1135 to read:

1136 420.9073 Local housing distributions.—

1137 (1) Distributions calculated in this section shall be
1138 disbursed on a quarterly or more frequent basis by the
1139 corporation pursuant to s. 420.9072, subject to availability of
1140 funds. One-third ~~Each county's share~~ of the funds appropriated
1141 to the corporation ~~to be distributed~~ from ~~the portion of the~~
1142 ~~funds in~~ the Local Government Housing Trust Fund ~~received~~
1143 ~~pursuant to s. 201.15(9)~~ shall be distributed calculated by the
1144 corporation for each fiscal year as follows:

1145 (a) Each county other than a county that has implemented
1146 the provisions of chapter 83-220, Laws of Florida, as amended by
1147 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall
1148 receive the guaranteed amount for each fiscal year.

1149 (b) Each county other than a county that has implemented
1150 the provisions of chapter 83-220, Laws of Florida, as amended by
1151 chapters 84-270, 86-152, and 89-252, Laws of Florida, may
1152 receive an additional share calculated as follows:

1153 1. Multiply each county's percentage of the total state
1154 population excluding the population of any county that has
1155 implemented the provisions of chapter 83-220, Laws of Florida,
1156 as amended by chapters 84-270, 86-152, and 89-252, Laws of
1157 Florida, by the total funds to be distributed.

1158 2. If the result in subparagraph 1. is less than the
1159 guaranteed amount as determined in subsection (3), that county's
1160 additional share shall be zero.

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1161 3. For each county in which the result in subparagraph 1.
1162 is greater than the guaranteed amount as determined in
1163 subsection (3), the amount calculated in subparagraph 1. shall
1164 be reduced by the guaranteed amount. The result for each such
1165 county shall be expressed as a percentage of the amounts so
1166 determined for all counties. Each such county shall receive an
1167 additional share equal to such percentage multiplied by one-
1168 third of the total funds appropriated to the corporation from
1169 ~~received by~~ the Local Government Housing Trust Fund ~~pursuant to~~
1170 ~~s. 201.15(9)~~ reduced by the guaranteed amount paid to all
1171 counties.

1172 (2) Distributions calculated in this section shall be
1173 disbursed on a quarterly or more frequent basis by the
1174 corporation pursuant to s. 420.9072, subject to availability of
1175 funds. Two-thirds ~~Each county's share~~ of the funds appropriated
1176 to the corporation ~~to be distributed~~ from ~~the portion of the~~
1177 ~~funds in~~ the Local Government Housing Trust Fund ~~received~~
1178 ~~pursuant to s. 201.15(10)~~ shall be distributed ~~calculated~~ by the
1179 corporation for each fiscal year as follows:

1180 (a) Each county shall receive the guaranteed amount for
1181 each fiscal year.

1182 (b) Each county may receive an additional share calculated
1183 as follows:

1184 1. Multiply each county's percentage of the total state
1185 population, by the total funds to be distributed.

1186 2. If the result in subparagraph 1. is less than the
1187 guaranteed amount as determined in subsection (3), that county's
1188 additional share shall be zero.

1189 3. For each county in which the result in subparagraph 1.

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1190 is greater than the guaranteed amount, the amount calculated in
1191 subparagraph 1. shall be reduced by the guaranteed amount. The
1192 result for each such county shall be expressed as a percentage
1193 of the amounts so determined for all counties. Each such county
1194 shall receive an additional share equal to this percentage
1195 multiplied by two-thirds of the total funds appropriated from
1196 ~~received by the Local Government Housing Trust Fund pursuant to~~
1197 ~~s. 201.15(10)~~ as reduced by the guaranteed amount paid to all
1198 counties.

1199 (3) Calculation of guaranteed amounts:

1200 (a) The guaranteed amount under subsection (1) shall be
1201 \$116,667. ~~calculated for each state fiscal year by multiplying~~
1202 ~~\$350,000 by a fraction, the numerator of which is the amount of~~
1203 ~~funds distributed to the Local Government Housing Trust Fund~~
1204 ~~pursuant to s. 201.15(9) and the denominator of which is the~~
1205 ~~total amount of funds distributed to the Local Government~~
1206 ~~Housing Trust Fund pursuant to s. 201.15.~~

1207 (b) The guaranteed amount under subsection (2) shall be
1208 \$233,333. ~~calculated for each state fiscal year by multiplying~~
1209 ~~\$350,000 by a fraction, the numerator of which is the amount of~~
1210 ~~funds distributed to the Local Government Housing Trust Fund~~
1211 ~~pursuant to s. 201.15(10) and the denominator of which is the~~
1212 ~~total amount of funds distributed to the Local Government~~
1213 ~~Housing Trust Fund pursuant to s. 201.15.~~

1214 (4) Funds distributed pursuant to this section may not be
1215 pledged to pay debt service on any bonds.

1216 (5) Notwithstanding subsections (1)-(4), the corporation
1217 may withhold up to \$5 million of the total amount distributed
1218 each fiscal year from the Local Government Housing Trust Fund to

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1219 provide additional funding to counties and eligible
1220 municipalities where a state of emergency has been declared by
1221 the Governor pursuant to chapter 252. Any portion of the
1222 withheld funds not distributed by the end of the fiscal year
1223 shall be distributed as provided in subsections (1) and (2).

1224 (6) Notwithstanding subsections (1)-(4), the corporation
1225 may withhold up to \$5 million from the total amount distributed
1226 each fiscal year from the Local Government Housing Trust Fund to
1227 provide funding to counties and eligible municipalities to
1228 purchase properties subject to a State Housing Initiative
1229 Partnership Program lien and on which foreclosure proceedings
1230 have been initiated by any mortgagee. Each county and eligible
1231 municipality that receives funds under this subsection shall
1232 repay such funds to the corporation not later than the
1233 expenditure deadline for the fiscal year in which the funds were
1234 awarded. Amounts not repaid shall be withheld from the
1235 subsequent year's distribution. Any portion of such funds not
1236 distributed under this subsection by the end of the fiscal year
1237 shall be distributed as provided in subsections (1) and (2).

1238 (7) A county receiving local housing distributions under
1239 this section or an eligible municipality that receives local
1240 housing distributions under an interlocal agreement shall expend
1241 those funds in accordance with the provisions of ss. 420.907-
1242 420.9079, rules of the corporation, and the county's local
1243 housing assistance plan.

1244 Section 29. Section 420.9079, Florida Statutes, is amended
1245 to read:

1246 420.9079 Local Government Housing Trust Fund.—

1247 (1) There is created in the State Treasury the Local

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1248 Government Housing Trust Fund, which shall be administered by
1249 the corporation on behalf of the department according to the
1250 provisions of ss. 420.907-420.9076 and this section. There shall
1251 be deposited into the fund all moneys appropriated by the
1252 Legislature ~~a portion of the documentary stamp tax revenues as~~
1253 ~~provided in s. 201.15~~, moneys received from any other source for
1254 the purposes of ss. 420.907-420.9076 and this section, and all
1255 proceeds derived from the investment of such moneys. Moneys in
1256 the fund that are not currently needed for the purposes of the
1257 programs administered pursuant to ss. 420.907-420.9076 and this
1258 section shall be deposited in the State Treasury to the credit
1259 of the fund and may be invested as provided by law. The interest
1260 received on any such investment shall be credited to the General
1261 Revenue Fund.

1262 (2) The corporation shall administer the fund exclusively
1263 for the purpose of implementing the programs described in ss.
1264 420.907-420.9076 and this section. With the exception of
1265 monitoring the activities of counties and eligible
1266 municipalities to determine local compliance with program
1267 requirements, the corporation shall not receive appropriations
1268 from the fund for administrative or personnel costs. For the
1269 purpose of implementing the compliance monitoring provisions of
1270 s. 420.9075(9), the corporation may request a maximum of one-
1271 quarter of 1 percent of the annual appropriation per state
1272 fiscal year. When such funding is appropriated, the corporation
1273 shall deduct the amount appropriated prior to calculating the
1274 local housing distribution pursuant to ss. 420.9072 and
1275 420.9073.

1276 Section 30. Section 201.0205, Florida Statutes, is amended

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1277 to read:

1278 201.0205 Counties that have implemented ch. 83-220;
1279 inapplicability of 10-cent tax increase by s. 2, ch. 92-317,
1280 Laws of Florida.—The 10-cent tax increase in the documentary
1281 stamp tax levied by s. 2, chapter 92-317, does not apply to
1282 deeds and other taxable instruments relating to real property
1283 located in any county that has implemented the provisions of
1284 chapter 83-220, Laws of Florida, as amended by chapters 84-270,
1285 86-152, and 89-252, Laws of Florida. Each such county and each
1286 eligible jurisdiction within such county shall not be eligible
1287 to participate in programs funded pursuant to s. 420.9073(1) ~~s.~~
1288 ~~201.15(9)~~. However, each such county and each eligible
1289 jurisdiction within such county shall be eligible to participate
1290 in programs funded pursuant to s. 420.9073(2) ~~s. 201.15(10)~~.

1291 Section 31. This act shall take effect July 1, 2011.