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HB 7003

2011 Legislature

1                   A bill to be entitled  
2           An act relating to affordable housing; reenacting s.  
3           159.807(4), F.S., relating to the state allocation pool  
4           used to confirm private activity bonds; reenacting s.  
5           193.018, F.S., relating to lands that are owned by a  
6           community land trust and used to provide affordable  
7           housing; reenacting s. 196.196(5), F.S., relating to a tax  
8           exemption provided to organizations that provide low-  
9           income housing; reenacting s. 196.1978, F.S., relating to  
10          a property exemption for affordable housing owned by a  
11          nonprofit entity; reenacting s. 212.055(2)(d), F.S.,  
12          relating to the use of a local government infrastructure  
13          surtax; reenacting s. 163.3202(2), F.S., relating to  
14          requirements for local land development regulations;  
15          reenacting s. 420.503(25), F.S., relating to a definition  
16          under the Florida Housing Finance Corporation Act;  
17          reenacting s. 420.507(47), F.S., relating to powers of the  
18          corporation to select developers and general contractors;  
19          reenacting s. 420.5087(6)(c) and (1), F.S., relating to  
20          the State Apartment Incentive Loan Program; reenacting s.  
21          420.622(5), F.S., relating to the State Office on  
22          Homelessness; reenacting s. 420.628, F.S., relating to  
23          affordable housing for children and young adults leaving  
24          foster care; reenacting s. 420.9071(4), (8), (16), (25),  
25          (29), and (30), F.S., relating to definitions under the  
26          State Housing Initiatives Partnership Act; reenacting s.  
27          420.9072(6) and (7), F.S., relating to the distribution of  
28          funds under the State Housing Initiatives Partnership

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29 Program; reenacting s. 420.9073(1), (2), (5), (6), and  
30 (7), F.S., relating to distributions of local housing  
31 funds; reenacting s. 420.9075(1), (3), (5), (8), (10) (a)  
32 and (h), (13) (b), and (14), F.S., relating to local  
33 housing assistance plans; reenacting s. 420.9076(2) (h),  
34 (5), (6), and (7) (a), F.S., relating to the adoption of  
35 affordable housing incentive strategies by the governing  
36 board of a county or municipality; repealing s. 420.9078,  
37 F.S., relating to the state administration of funds  
38 remaining in the Local Government Housing Trust Fund;  
39 reenacting s. 420.9079, F.S., relating to the Local  
40 Government Housing Trust Fund; reenacting s. 1001.43(12),  
41 F.S., relating to the use by school districts of certain  
42 lands for affordable housing; providing for retroactive  
43 operation of the act with respect to provisions of law  
44 amended, created, or repealed by chapter 2009-96, Laws of  
45 Florida; providing for an exception under specified  
46 circumstances; providing an effective date.

47  
48 WHEREAS, the Florida Legislature enacted Senate Bill 360 in  
49 2009 for important public policy purposes, and

50 WHEREAS, litigation has called into question the  
51 constitutional validity of this important piece of legislation,  
52 and

53 WHEREAS, the Legislature wishes to protect those who relied  
54 on the changes made by Senate Bill 360 and to preserve the  
55 Florida Statutes intact and cure any alleged constitutional  
56 violation, NOW, THEREFORE,

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57  
58 Be It Enacted by the Legislature of the State of Florida:

59  
60 Section 1. Subsection (4) of section 159.807, Florida  
61 Statutes, is reenacted to read:

62 159.807 State allocation pool.—

63 (4) (a) The state allocation pool shall also be used to  
64 provide written confirmations for private activity bonds that  
65 are to be issued by state agencies, which bonds, notwithstanding  
66 any other provisions of this part, shall receive priority in the  
67 use of the pool available at the time the notice of intent to  
68 issue such bonds is filed with the division.

69 (b) Notwithstanding the provisions of paragraph (a), on or  
70 before November 15 of each year, the Florida Housing Finance  
71 Corporation's access to the state allocation pool is limited to  
72 the amount of the corporation's initial allocation under s.  
73 159.804. Thereafter, the corporation may not receive more than  
74 80 percent of the amount in the state allocation pool on  
75 November 16 of each year, and may not receive more than 80  
76 percent of any additional amounts that become available during  
77 each year. The limitations of this paragraph do not apply to the  
78 distribution of the unused allocation of the state volume  
79 limitation to the Florida Housing Finance Corporation under s.  
80 159.81(2) (b), (c), and (d).

81 Section 2. Section 193.018, Florida Statutes, is reenacted  
82 to read:

83 193.018 Land owned by a community land trust used to  
84 provide affordable housing; assessment; structural improvements,

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85 condominium parcels, and cooperative parcels.—

86 (1) As used in this section, the term "community land  
87 trust" means a nonprofit entity that is qualified as charitable  
88 under s. 501(c)(3) of the Internal Revenue Code and has as one  
89 of its purposes the acquisition of land to be held in perpetuity  
90 for the primary purpose of providing affordable homeownership.

91 (2) A community land trust may convey structural  
92 improvements, condominium parcels, or cooperative parcels, that  
93 are located on specific parcels of land that are identified by a  
94 legal description contained in and subject to a ground lease  
95 having a term of at least 99 years, for the purpose of providing  
96 affordable housing to natural persons or families who meet the  
97 extremely-low-income, very-low-income, low-income, or moderate-  
98 income limits specified in s. 420.0004, or the income limits for  
99 workforce housing, as defined in s. 420.5095(3). A community  
100 land trust shall retain a preemptive option to purchase any  
101 structural improvements, condominium parcels, or cooperative  
102 parcels on the land at a price determined by a formula specified  
103 in the ground lease which is designed to ensure that the  
104 structural improvements, condominium parcels, or cooperative  
105 parcels remain affordable.

106 (3) In arriving at just valuation under s. 193.011, a  
107 structural improvement, condominium parcel, or cooperative  
108 parcel providing affordable housing on land owned by a community  
109 land trust, and the land owned by a community land trust that is  
110 subject to a 99-year or longer ground lease, shall be assessed  
111 using the following criteria:

112 (a) The amount a willing purchaser would pay a willing

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113 seller for the land is limited to an amount commensurate with  
114 the terms of the ground lease that restricts the use of the land  
115 to the provision of affordable housing in perpetuity.

116 (b) The amount a willing purchaser would pay a willing  
117 seller for resale-restricted improvements, condominium parcels,  
118 or cooperative parcels is limited to the amount determined by  
119 the formula in the ground lease.

120 (c) If the ground lease and all amendments and supplements  
121 thereto, or a memorandum documenting how such lease and  
122 amendments or supplements restrict the price at which the  
123 improvements, condominium parcels, or cooperative parcels may be  
124 sold, is recorded in the official public records of the county  
125 in which the leased land is located, the recorded lease and any  
126 amendments and supplements, or the recorded memorandum, shall be  
127 deemed a land use regulation during the term of the lease as  
128 amended or supplemented.

129 Section 3. Subsection (5) of section 196.196, Florida  
130 Statutes, is reenacted to read:

131 196.196 Determining whether property is entitled to  
132 charitable, religious, scientific, or literary exemption.-

133 (5) (a) Property owned by an exempt organization qualified  
134 as charitable under s. 501(c) (3) of the Internal Revenue Code is  
135 used for a charitable purpose if the organization has taken  
136 affirmative steps to prepare the property to provide affordable  
137 housing to persons or families that meet the extremely-low-  
138 income, very-low-income, low-income, or moderate-income limits,  
139 as specified in s. 420.0004. The term "affirmative steps" means  
140 environmental or land use permitting activities, creation of

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141 architectural plans or schematic drawings, land clearing or site  
142 preparation, construction or renovation activities, or other  
143 similar activities that demonstrate a commitment of the property  
144 to providing affordable housing.

145 (b)1. If property owned by an organization granted an  
146 exemption under this subsection is transferred for a purpose  
147 other than directly providing affordable homeownership or rental  
148 housing to persons or families who meet the extremely-low-  
149 income, very-low-income, low-income, or moderate-income limits,  
150 as specified in s. 420.0004, or is not in actual use to provide  
151 such affordable housing within 5 years after the date the  
152 organization is granted the exemption, the property appraiser  
153 making such determination shall serve upon the organization that  
154 illegally or improperly received the exemption a notice of  
155 intent to record in the public records of the county a notice of  
156 tax lien against any property owned by that organization in the  
157 county, and such property shall be identified in the notice of  
158 tax lien. The organization owning such property is subject to  
159 the taxes otherwise due and owing as a result of the failure to  
160 use the property to provide affordable housing plus 15 percent  
161 interest per annum and a penalty of 50 percent of the taxes  
162 owed.

163 2. Such lien, when filed, attaches to any property  
164 identified in the notice of tax lien owned by the organization  
165 that illegally or improperly received the exemption. If such  
166 organization no longer owns property in the county but owns  
167 property in any other county in the state, the property  
168 appraiser shall record in each such other county a notice of tax

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169 | lien identifying the property owned by such organization in such  
170 | county which shall become a lien against the identified  
171 | property. Before any such lien may be filed, the organization so  
172 | notified must be given 30 days to pay the taxes, penalties, and  
173 | interest.

174 |         3. If an exemption is improperly granted as a result of a  
175 | clerical mistake or an omission by the property appraiser, the  
176 | organization improperly receiving the exemption shall not be  
177 | assessed a penalty or interest.

178 |         4. The 5-year limitation specified in this subsection may  
179 | be extended if the holder of the exemption continues to take  
180 | affirmative steps to develop the property for the purposes  
181 | specified in this subsection.

182 |         Section 4. Section 196.1978, Florida Statutes, is  
183 | reenacted to read:

184 |         196.1978 Affordable housing property exemption.—Property  
185 | used to provide affordable housing serving eligible persons as  
186 | defined by s. 159.603(7) and natural persons or families meeting  
187 | the extremely-low-income, very-low-income, low-income, or  
188 | moderate-income limits specified in s. 420.0004, which property  
189 | is owned entirely by a nonprofit entity that is a corporation  
190 | not for profit, qualified as charitable under s. 501(c)(3) of  
191 | the Internal Revenue Code and in compliance with Rev. Proc. 96-  
192 | 32, 1996-1 C.B. 717, or a Florida-based limited partnership, the  
193 | sole general partner of which is a corporation not for profit  
194 | which is qualified as charitable under s. 501(c)(3) of the  
195 | Internal Revenue Code and which complies with Rev. Proc. 96-32,  
196 | 1996-1 C.B. 717, shall be considered property owned by an exempt

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197 entity and used for a charitable purpose, and those portions of  
198 the affordable housing property which provide housing to natural  
199 persons or families classified as extremely low income, very low  
200 income, low income, or moderate income under s. 420.0004 shall  
201 be exempt from ad valorem taxation to the extent authorized in  
202 s. 196.196. All property identified in this section shall comply  
203 with the criteria for determination of exempt status to be  
204 applied by property appraisers on an annual basis as defined in  
205 s. 196.195. The Legislature intends that any property owned by a  
206 limited liability company or limited partnership which is  
207 disregarded as an entity for federal income tax purposes  
208 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be  
209 treated as owned by its sole member or sole general partner.

210 Section 5. Paragraph (d) of subsection (2) of section  
211 212.055, Florida Statutes, is reenacted to read:

212 212.055 Discretionary sales surtaxes; legislative intent;  
213 authorization and use of proceeds.—It is the legislative intent  
214 that any authorization for imposition of a discretionary sales  
215 surtax shall be published in the Florida Statutes as a  
216 subsection of this section, irrespective of the duration of the  
217 levy. Each enactment shall specify the types of counties  
218 authorized to levy; the rate or rates which may be imposed; the  
219 maximum length of time the surtax may be imposed, if any; the  
220 procedure which must be followed to secure voter approval, if  
221 required; the purpose for which the proceeds may be expended;  
222 and such other requirements as the Legislature may provide.  
223 Taxable transactions and administrative procedures shall be as  
224 provided in s. 212.054.



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225           (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—  
 226           (d) The proceeds of the surtax authorized by this  
 227 subsection and any accrued interest shall be expended by the  
 228 school district, within the county and municipalities within the  
 229 county, or, in the case of a negotiated joint county agreement,  
 230 within another county, to finance, plan, and construct  
 231 infrastructure; to acquire land for public recreation,  
 232 conservation, or protection of natural resources; or to finance  
 233 the closure of county-owned or municipally owned solid waste  
 234 landfills that have been closed or are required to be closed by  
 235 order of the Department of Environmental Protection. Any use of  
 236 the proceeds or interest for purposes of landfill closure before  
 237 July 1, 1993, is ratified. The proceeds and any interest may not  
 238 be used for the operational expenses of infrastructure, except  
 239 that a county that has a population of fewer than 75,000 and  
 240 that is required to close a landfill may use the proceeds or  
 241 interest for long-term maintenance costs associated with  
 242 landfill closure. Counties, as defined in s. 125.011, and  
 243 charter counties may, in addition, use the proceeds or interest  
 244 to retire or service indebtedness incurred for bonds issued  
 245 before July 1, 1987, for infrastructure purposes, and for bonds  
 246 subsequently issued to refund such bonds. Any use of the  
 247 proceeds or interest for purposes of retiring or servicing  
 248 indebtedness incurred for refunding bonds before July 1, 1999,  
 249 is ratified.

250           1. For the purposes of this paragraph, the term  
 251 "infrastructure" means:  
 252           a. Any fixed capital expenditure or fixed capital outlay

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253 associated with the construction, reconstruction, or improvement  
254 of public facilities that have a life expectancy of 5 or more  
255 years and any related land acquisition, land improvement,  
256 design, and engineering costs.

257 b. A fire department vehicle, an emergency medical service  
258 vehicle, a sheriff's office vehicle, a police department  
259 vehicle, or any other vehicle, and the equipment necessary to  
260 outfit the vehicle for its official use or equipment that has a  
261 life expectancy of at least 5 years.

262 c. Any expenditure for the construction, lease, or  
263 maintenance of, or provision of utilities or security for,  
264 facilities, as defined in s. 29.008.

265 d. Any fixed capital expenditure or fixed capital outlay  
266 associated with the improvement of private facilities that have  
267 a life expectancy of 5 or more years and that the owner agrees  
268 to make available for use on a temporary basis as needed by a  
269 local government as a public emergency shelter or a staging area  
270 for emergency response equipment during an emergency officially  
271 declared by the state or by the local government under s.  
272 252.38. Such improvements are limited to those necessary to  
273 comply with current standards for public emergency evacuation  
274 shelters. The owner must enter into a written contract with the  
275 local government providing the improvement funding to make the  
276 private facility available to the public for purposes of  
277 emergency shelter at no cost to the local government for a  
278 minimum of 10 years after completion of the improvement, with  
279 the provision that the obligation will transfer to any  
280 subsequent owner until the end of the minimum period.

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281 e. Any land acquisition expenditure for a residential  
282 housing project in which at least 30 percent of the units are  
283 affordable to individuals or families whose total annual  
284 household income does not exceed 120 percent of the area median  
285 income adjusted for household size, if the land is owned by a  
286 local government or by a special district that enters into a  
287 written agreement with the local government to provide such  
288 housing. The local government or special district may enter into  
289 a ground lease with a public or private person or entity for  
290 nominal or other consideration for the construction of the  
291 residential housing project on land acquired pursuant to this  
292 sub-subparagraph.

293 2. Notwithstanding any other provision of this subsection,  
294 a local government infrastructure surtax imposed or extended  
295 after July 1, 1998, may allocate up to 15 percent of the surtax  
296 proceeds for deposit in a trust fund within the county's  
297 accounts created for the purpose of funding economic development  
298 projects having a general public purpose of improving local  
299 economies, including the funding of operational costs and  
300 incentives related to economic development. The ballot statement  
301 must indicate the intention to make an allocation under the  
302 authority of this subparagraph.

303 Section 6. Subsection (2) of section 163.3202, Florida  
304 Statutes, is reenacted to read:

305 163.3202 Land development regulations.—

306 (2) Local land development regulations shall contain  
307 specific and detailed provisions necessary or desirable to  
308 implement the adopted comprehensive plan and shall at a minimum:

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- 309 (a) Regulate the subdivision of land.
- 310 (b) Regulate the use of land and water for those land use
- 311 categories included in the land use element and ensure the
- 312 compatibility of adjacent uses and provide for open space.
- 313 (c) Provide for protection of potable water wellfields.
- 314 (d) Regulate areas subject to seasonal and periodic
- 315 flooding and provide for drainage and stormwater management.
- 316 (e) Ensure the protection of environmentally sensitive
- 317 lands designated in the comprehensive plan.
- 318 (f) Regulate signage.
- 319 (g) Provide that public facilities and services meet or
- 320 exceed the standards established in the capital improvements
- 321 element required by s. 163.3177 and are available when needed
- 322 for the development, or that development orders and permits are
- 323 conditioned on the availability of these public facilities and
- 324 services necessary to serve the proposed development. A local
- 325 government may not issue a development order or permit that
- 326 results in a reduction in the level of services for the affected
- 327 public facilities below the level of services provided in the
- 328 local government's comprehensive plan.
- 329 (h) Ensure safe and convenient onsite traffic flow,
- 330 considering needed vehicle parking.
- 331 (i) Maintain the existing density of residential
- 332 properties or recreational vehicle parks if the properties are
- 333 intended for residential use and are located in the
- 334 unincorporated areas that have sufficient infrastructure, as
- 335 determined by a local governing authority, and are not located
- 336 within a coastal high-hazard area under s. 163.3178.

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337 Section 7. Subsection (25) of section 420.503, Florida  
338 Statutes, is reenacted to read:

339 420.503 Definitions.—As used in this part, the term:

340 (25) "Moderate rehabilitation" means repair or restoration  
341 of a dwelling unit when the value of such repair or restoration  
342 is 40 percent or less of the value of the dwelling unit but not  
343 less than \$10,000.

344 Section 8. Subsection (47) of section 420.507, Florida  
345 Statutes, is reenacted to read:

346 420.507 Powers of the corporation.—The corporation shall  
347 have all the powers necessary or convenient to carry out and  
348 effectuate the purposes and provisions of this part, including  
349 the following powers which are in addition to all other powers  
350 granted by other provisions of this part:

351 (47) To provide by rule in connection with any corporation  
352 competitive program, criteria establishing a preference for  
353 developers and general contractors domiciled in this state and  
354 for developers and general contractors, regardless of domicile,  
355 who have substantial experience in developing or building  
356 affordable housing through the corporation's programs.

357 (a) In evaluating whether a developer or general  
358 contractor is domiciled in this state, the corporation shall  
359 consider whether the developer's or general contractor's  
360 principal office is located in this state and whether a majority  
361 of the developer's or general contractor's principals and  
362 financial beneficiaries reside in Florida.

363 (b) In evaluating whether a developer or general  
364 contractor has substantial experience, the corporation shall

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365 consider whether the developer or general contractor has  
366 completed at least five developments using funds either provided  
367 by or administered by the corporation.

368 Section 9. Paragraphs (c) and (l) of subsection (6) of  
369 section 420.5087, Florida Statutes, are reenacted to read:

370 420.5087 State Apartment Incentive Loan Program.—There is  
371 hereby created the State Apartment Incentive Loan Program for  
372 the purpose of providing first, second, or other subordinated  
373 mortgage loans or loan guarantees to sponsors, including for-  
374 profit, nonprofit, and public entities, to provide housing  
375 affordable to very-low-income persons.

376 (6) On all state apartment incentive loans, except loans  
377 made to housing communities for the elderly to provide for  
378 lifesafety, building preservation, health, sanitation, or  
379 security-related repairs or improvements, the following  
380 provisions shall apply:

381 (c) The corporation shall provide by rule for the  
382 establishment of a review committee composed of the department  
383 and corporation staff and shall establish by rule a scoring  
384 system for evaluation and competitive ranking of applications  
385 submitted in this program, including, but not limited to, the  
386 following criteria:

387 1. Tenant income and demographic targeting objectives of  
388 the corporation.

389 2. Targeting objectives of the corporation which will  
390 ensure an equitable distribution of loans between rural and  
391 urban areas.

392 3. Sponsor's agreement to reserve the units for persons or

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393 families who have incomes below 50 percent of the state or local  
394 median income, whichever is higher, for a time period to exceed  
395 the minimum required by federal law or the provisions of this  
396 part.

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

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

401 b. Forty percent of the units in the project for persons  
402 or families who have incomes that do not exceed 60 percent of  
403 the state or local median income, whichever is higher, without  
404 requiring a greater amount of the loans as provided in this  
405 section.

406 5. Provision for tenant counseling.

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

409 7. Projects requiring the least amount of a state  
410 apartment incentive loan compared to overall project cost except  
411 that the share of the loan attributable to units serving  
412 extremely-low-income persons shall be excluded from this  
413 requirement.

414 8. Local government contributions and local government  
415 comprehensive planning and activities that promote affordable  
416 housing.

417 9. Project feasibility.

418 10. Economic viability of the project.

419 11. Commitment of first mortgage financing.

420 12. Sponsor's prior experience, including whether the

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421 developer and general contractor have substantial experience, as  
422 provided in s. 420.507(47).

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

424 14. Projects that directly implement or assist welfare-to-  
425 work transitioning.

426 15. Projects that reserve units for extremely-low-income  
427 persons.

428 16. Projects that include green building principles,  
429 storm-resistant construction, or other elements that reduce  
430 long-term costs relating to maintenance, utilities, or  
431 insurance.

432 17. Domicile of the developer and general contractor, as  
433 provided in s. 420.507(47).

434 (1) The proceeds of all loans shall be used for new  
435 construction, moderate rehabilitation, or substantial  
436 rehabilitation which creates or preserves affordable, safe, and  
437 sanitary housing units.

438 Section 10. Subsection (5) of section 420.622, Florida  
439 Statutes, is reenacted to read:

440 420.622 State Office on Homelessness; Council on  
441 Homelessness.—

442 (5) The State Office on Homelessness, with the concurrence  
443 of the Council on Homelessness, may administer moneys  
444 appropriated to it to provide homeless housing assistance grants  
445 annually to lead agencies for local homeless assistance  
446 continuum of care, as recognized by the State Office on  
447 Homelessness, to acquire, construct, or rehabilitate  
448 transitional or permanent housing units for homeless persons.



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449 | These moneys shall consist of any sums that the state may  
450 | appropriate, as well as money received from donations, gifts,  
451 | bequests, or otherwise from any public or private source, which  
452 | are intended to acquire, construct, or rehabilitate transitional  
453 | or permanent housing units for homeless persons.

454 |       (a) Grant applicants shall be ranked competitively.  
455 | Preference must be given to applicants who leverage additional  
456 | private funds and public funds, particularly federal funds  
457 | designated for the acquisition, construction, or rehabilitation  
458 | of transitional or permanent housing for homeless persons; who  
459 | acquire, build, or rehabilitate the greatest number of units;  
460 | and who acquire, build, or rehabilitate in catchment areas  
461 | having the greatest need for housing for the homeless relative  
462 | to the population of the catchment area.

463 |       (b) Funding for any particular project may not exceed  
464 | \$750,000.

465 |       (c) Projects must reserve, for a minimum of 10 years, the  
466 | number of units acquired, constructed, or rehabilitated through  
467 | homeless housing assistance grant funding to serve persons who  
468 | are homeless at the time they assume tenancy.

469 |       (d) No more than two grants may be awarded annually in any  
470 | given local homeless assistance continuum of care catchment  
471 | area.

472 |       (e) A project may not be funded which is not included in  
473 | the local homeless assistance continuum of care plan, as  
474 | recognized by the State Office on Homelessness, for the  
475 | catchment area in which the project is located.

476 |       (f) The maximum percentage of funds that the State Office

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477 on homelessness and each applicant may spend on administrative  
478 costs is 5 percent.

479 Section 11. Section 420.628, Florida Statutes, is  
480 reenacted to read:

481 420.628 Affordable housing for children and young adults  
482 leaving foster care; legislative findings and intent.—

483 (1)(a) The Legislature finds that there are many young  
484 adults who, through no fault of their own, live in foster  
485 families, group homes, and institutions, and face numerous  
486 barriers to a successful transition to adulthood. Young adults  
487 who are leaving the child welfare system may enter adulthood  
488 lacking the knowledge, skills, attitudes, habits, and  
489 relationships that will enable them to become productive members  
490 of society.

491 (b) The Legislature further finds that the main barriers  
492 to safe and affordable housing for such young adults are cost,  
493 lack of availability, the unwillingness of landlords to rent to  
494 such youth due to perceived regulatory barriers, and a lack of  
495 knowledge about how to be a good tenant. These barriers cause  
496 young adults to be at risk of becoming homeless.

497 (c) The Legislature also finds that young adults who leave  
498 the child welfare system are disproportionately represented in  
499 the homeless population. Without the stability of safe and  
500 affordable housing, all other services, training, and  
501 opportunities provided to such young adults may not be  
502 effective. Making affordable housing available will decrease the  
503 chance of homelessness and may increase the ability of such  
504 young adults to live independently.

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505 (d) The Legislature intends that the Florida Housing  
506 Finance Corporation, agencies within the State Housing  
507 Initiative Partnership Program, local housing finance agencies,  
508 public housing authorities, and their agents, and other  
509 providers of affordable housing coordinate with the Department  
510 of Children and Family Services, their agents, and community-  
511 based care providers who provide services under s. 409.1671 to  
512 develop and implement strategies and procedures designed to make  
513 affordable housing available whenever and wherever possible to  
514 young adults who leave the child welfare system.

515 (2) Young adults who leave the child welfare system meet  
516 the definition of eligible persons under ss. 420.503(17) and  
517 420.9071(10) for affordable housing, and are encouraged to  
518 participate in federal, state, and local affordable housing  
519 programs. Students deemed to be eligible occupants under 26  
520 U.S.C. s. 42(i)(3)(D) shall be considered eligible persons for  
521 purposes of all projects funded under this chapter.

522 Section 12. Subsections (4), (8), (16), (25), (29), and  
523 (30) of section 420.9071, Florida Statutes, are reenacted to  
524 read:

525 420.9071 Definitions.—As used in ss. 420.907–420.9079, the  
526 term:

527 (4) "Annual gross income" means annual income as defined  
528 under the Section 8 housing assistance payments programs in 24  
529 C.F.R. part 5; annual income as reported under the census long  
530 form for the recent available decennial census; or adjusted  
531 gross income as defined for purposes of reporting under Internal  
532 Revenue Service Form 1040 for individual federal annual income

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533 | tax purposes or as defined by standard practices used in the  
534 | lending industry as detailed in the local housing assistance  
535 | plan and approved by the corporation. Counties and eligible  
536 | municipalities shall calculate income by annualizing verified  
537 | sources of income for the household as the amount of income to  
538 | be received in a household during the 12 months following the  
539 | effective date of the determination.

540 |       (8) "Eligible housing" means any real and personal  
541 | property located within the county or the eligible municipality  
542 | which is designed and intended for the primary purpose of  
543 | providing decent, safe, and sanitary residential units that are  
544 | designed to meet the standards of the Florida Building Code or  
545 | previous building codes adopted under chapter 553, or  
546 | manufactured housing constructed after June 1994 and installed  
547 | in accordance with the installation standards for mobile or  
548 | manufactured homes contained in rules of the Department of  
549 | Highway Safety and Motor Vehicles, for home ownership or rental  
550 | for eligible persons as designated by each county or eligible  
551 | municipality participating in the State Housing Initiatives  
552 | Partnership Program.

553 |       (16) "Local housing incentive strategies" means local  
554 | regulatory reform or incentive programs to encourage or  
555 | facilitate affordable housing production, which include at a  
556 | minimum, assurance that permits as defined in s. 163.3164(7) and  
557 | (8) for affordable housing projects are expedited to a greater  
558 | degree than other projects; an ongoing process for review of  
559 | local policies, ordinances, regulations, and plan provisions  
560 | that increase the cost of housing prior to their adoption; and a

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561 schedule for implementing the incentive strategies. Local  
562 housing incentive strategies may also include other regulatory  
563 reforms, such as those enumerated in s. 420.9076 or those  
564 recommended by the affordable housing advisory committee in its  
565 triennial evaluation of the implementation of affordable housing  
566 incentives, and adopted by the local governing body.

567 (25) "Recaptured funds" means funds that are recouped by a  
568 county or eligible municipality in accordance with the recapture  
569 provisions of its local housing assistance plan pursuant to s.  
570 420.9075(5)(h) from eligible persons or eligible sponsors, which  
571 funds were not used for assistance to an eligible household for  
572 an eligible activity, when there is a default on the terms of a  
573 grant award or loan award.

574 (29) "Assisted housing" or "assisted housing development"  
575 means a rental housing development, including rental housing in  
576 a mixed-use development, that received or currently receives  
577 funding from any federal or state housing program.

578 (30) "Preservation" means actions taken to keep rents in  
579 existing assisted housing affordable for extremely-low-income,  
580 very-low-income, low-income, and moderate-income households  
581 while ensuring that the property stays in good physical and  
582 financial condition for an extended period.

583 Section 13. Subsections (6) and (7) of section 420.9072,  
584 Florida Statutes, are reenacted to read:

585 420.9072 State Housing Initiatives Partnership Program.—  
586 The State Housing Initiatives Partnership Program is created for  
587 the purpose of providing funds to counties and eligible  
588 municipalities as an incentive for the creation of local housing

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589 | partnerships, to expand production of and preserve affordable  
 590 | housing, to further the housing element of the local government  
 591 | comprehensive plan specific to affordable housing, and to  
 592 | increase housing-related employment.

593 |         (6) The moneys that otherwise would be distributed  
 594 | pursuant to s. 420.9073 to a local government that does not meet  
 595 | the program's requirements for receipts of such distributions  
 596 | shall remain in the Local Government Housing Trust Fund to be  
 597 | administered by the corporation.

598 |         (7) A county or an eligible municipality must expend its  
 599 | portion of the local housing distribution only to implement a  
 600 | local housing assistance plan or as provided in this subsection.

601 |         (a) A county or an eligible municipality may not expend  
 602 | its portion of the local housing distribution to provide rent  
 603 | subsidies; however, this does not prohibit the use of funds for  
 604 | security and utility deposit assistance.

605 |         (b) A county or an eligible municipality may expend a  
 606 | portion of the local housing distribution to provide a one-time  
 607 | relocation grant to persons who meet the income requirements of  
 608 | the State Housing Initiatives Partnership Program and who are  
 609 | subject to eviction from rental property located in the county  
 610 | or eligible municipality due to the foreclosure of the rental  
 611 | property. In order to receive a grant under this paragraph, a  
 612 | person must provide the county or eligible municipality with  
 613 | proof of meeting the income requirements of a very-low-income  
 614 | household, a low-income household, or a moderate-income  
 615 | household; a notice of eviction; and proof that the rent has  
 616 | been paid for at least 3 months before the date of eviction,

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617 including the month that the notice of eviction was served.  
618 Relocation assistance under this paragraph is limited to a one-  
619 time grant of not more than \$5,000 and is not limited to persons  
620 who are subject to eviction from projects funded under the State  
621 Housing Initiatives Partnership Program. This paragraph expires  
622 July 1, 2010.

623 Section 14. Subsections (1), (2), (5), (6), and (7) of  
624 section 420.9073, Florida Statutes, are reenacted to read:

625 420.9073 Local housing distributions.—

626 (1) Distributions calculated in this section shall be  
627 disbursed on a quarterly or more frequent basis by the  
628 corporation pursuant to s. 420.9072, subject to availability of  
629 funds. Each county's share of the funds to be distributed from  
630 the portion of the funds in the Local Government Housing Trust  
631 Fund received pursuant to s. 201.15(9) shall be calculated by  
632 the corporation for each fiscal year as follows:

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

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

641 1. Multiply each county's percentage of the total state  
642 population excluding the population of any county that has  
643 implemented the provisions of chapter 83-220, Laws of Florida,  
644 as amended by chapters 84-270, 86-152, and 89-252, Laws of

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645 Florida, by the total funds to be distributed.

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

649 3. For each county in which the result in subparagraph 1.  
650 is greater than the guaranteed amount as determined in  
651 subsection (3), the amount calculated in subparagraph 1. shall  
652 be reduced by the guaranteed amount. The result for each such  
653 county shall be expressed as a percentage of the amounts so  
654 determined for all counties. Each such county shall receive an  
655 additional share equal to such percentage multiplied by the  
656 total funds received by the Local Government Housing Trust Fund  
657 pursuant to s. 201.15(9) reduced by the guaranteed amount paid  
658 to all counties.

659 (2) Distributions calculated in this section shall be  
660 disbursed on a quarterly or more frequent basis by the  
661 corporation pursuant to s. 420.9072, subject to availability of  
662 funds. Each county's share of the funds to be distributed from  
663 the portion of the funds in the Local Government Housing Trust  
664 Fund received pursuant to s. 201.15(10) shall be calculated by  
665 the corporation for each fiscal year as follows:

666 (a) Each county shall receive the guaranteed amount for  
667 each fiscal year.

668 (b) Each county may receive an additional share calculated  
669 as follows:

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

672 2. If the result in subparagraph 1. is less than the



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673 guaranteed amount as determined in subsection (3), that county's  
674 additional share shall be zero.

675 3. For each county in which the result in subparagraph 1.  
676 is greater than the guaranteed amount, the amount calculated in  
677 subparagraph 1. shall be reduced by the guaranteed amount. The  
678 result for each such county shall be expressed as a percentage  
679 of the amounts so determined for all counties. Each such county  
680 shall receive an additional share equal to this percentage  
681 multiplied by the total funds received by the Local Government  
682 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the  
683 guaranteed amount paid to all counties.

684 (5) Notwithstanding subsections (1)-(4), the corporation  
685 may withhold up to \$5 million of the total amount distributed  
686 each fiscal year from the Local Government Housing Trust Fund to  
687 provide additional funding to counties and eligible  
688 municipalities where a state of emergency has been declared by  
689 the Governor pursuant to chapter 252. Any portion of the  
690 withheld funds not distributed by the end of the fiscal year  
691 shall be distributed as provided in subsections (1) and (2).

692 (6) Notwithstanding subsections (1)-(4), the corporation  
693 may withhold up to \$5 million from the total amount distributed  
694 each fiscal year from the Local Government Housing Trust Fund to  
695 provide funding to counties and eligible municipalities to  
696 purchase properties subject to a State Housing Initiative  
697 Partnership Program lien and on which foreclosure proceedings  
698 have been initiated by any mortgagee. Each county and eligible  
699 municipality that receives funds under this subsection shall  
700 repay such funds to the corporation not later than the

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701 expenditure deadline for the fiscal year in which the funds were  
702 awarded. Amounts not repaid shall be withheld from the  
703 subsequent year's distribution. Any portion of such funds not  
704 distributed under this subsection by the end of the fiscal year  
705 shall be distributed as provided in subsections (1) and (2).

706 (7) A county receiving local housing distributions under  
707 this section or an eligible municipality that receives local  
708 housing distributions under an interlocal agreement shall expend  
709 those funds in accordance with the provisions of ss. 420.907-  
710 420.9079, rules of the corporation, and the county's local  
711 housing assistance plan.

712 Section 15. Subsections (1), (3), (5), and (8), paragraphs  
713 (a) and (h) of subsection (10), paragraph (b) of subsection  
714 (13), and subsection (14) of section 420.9075, Florida Statutes,  
715 are reenacted to read:

716 420.9075 Local housing assistance plans; partnerships.—

717 (1) (a) Each county or eligible municipality participating  
718 in the State Housing Initiatives Partnership Program shall  
719 develop and implement a local housing assistance plan created to  
720 make affordable residential units available to persons of very  
721 low income, low income, or moderate income and to persons who  
722 have special housing needs, including, but not limited to,  
723 homeless people, the elderly, migrant farmworkers, and persons  
724 with disabilities. Counties or eligible municipalities may  
725 include strategies to assist persons and households having  
726 annual incomes of not more than 140 percent of area median  
727 income. The plans are intended to increase the availability of  
728 affordable residential units by combining local resources and

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729 cost-saving measures into a local housing partnership and using  
730 private and public funds to reduce the cost of housing.

731 (b) Local housing assistance plans may allocate funds to:

732 1. Implement local housing assistance strategies for the  
733 provision of affordable housing.

734 2. Supplement funds available to the corporation to  
735 provide enhanced funding of state housing programs within the  
736 county or the eligible municipality.

737 3. Provide the local matching share of federal affordable  
738 housing grants or programs.

739 4. Fund emergency repairs, including, but not limited to,  
740 repairs performed by existing service providers under  
741 weatherization assistance programs under ss. 409.509-409.5093.

742 5. Further the housing element of the local government  
743 comprehensive plan adopted pursuant to s. 163.3184, specific to  
744 affordable housing.

745 (3) (a) Each local housing assistance plan shall include a  
746 definition of essential service personnel for the county or  
747 eligible municipality, including, but not limited to, teachers  
748 and educators, other school district, community college, and  
749 university employees, police and fire personnel, health care  
750 personnel, skilled building trades personnel, and other job  
751 categories.

752 (b) Each county and each eligible municipality is  
753 encouraged to develop a strategy within its local housing  
754 assistance plan that emphasizes the recruitment and retention of  
755 essential service personnel. The local government is encouraged  
756 to involve public and private sector employers. Compliance with

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757 the eligibility criteria established under this strategy shall  
758 be verified by the county or eligible municipality.

759 (c) Each county and each eligible municipality is  
760 encouraged to develop a strategy within its local housing  
761 assistance plan that addresses the needs of persons who are  
762 deprived of affordable housing due to the closure of a mobile  
763 home park or the conversion of affordable rental units to  
764 condominiums.

765 (d) Each county and each eligible municipality shall  
766 describe initiatives in the local housing assistance plan to  
767 encourage or require innovative design, green building  
768 principles, storm-resistant construction, or other elements that  
769 reduce long-term costs relating to maintenance, utilities, or  
770 insurance.

771 (e) Each county and each eligible municipality is  
772 encouraged to develop a strategy within its local housing  
773 assistance plan which provides program funds for the  
774 preservation of assisted housing.

775 (5) The following criteria apply to awards made to  
776 eligible sponsors or eligible persons for the purpose of  
777 providing eligible housing:

778 (a) At least 65 percent of the funds made available in  
779 each county and eligible municipality from the local housing  
780 distribution must be reserved for home ownership for eligible  
781 persons.

782 (b) At least 75 percent of the funds made available in  
783 each county and eligible municipality from the local housing  
784 distribution must be reserved for construction, rehabilitation,

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785 or emergency repair of affordable, eligible housing.

786 (c) Not more than 20 percent of the funds made available  
787 in each county and eligible municipality from the local housing  
788 distribution may be used for manufactured housing.

789 (d) The sales price or value of new or existing eligible  
790 housing may not exceed 90 percent of the average area purchase  
791 price in the statistical area in which the eligible housing is  
792 located. Such average area purchase price may be that calculated  
793 for any 12-month period beginning not earlier than the fourth  
794 calendar year prior to the year in which the award occurs or as  
795 otherwise established by the United States Department of the  
796 Treasury.

797 (e)1. All units constructed, rehabilitated, or otherwise  
798 assisted with the funds provided from the local housing  
799 assistance trust fund must be occupied by very-low-income  
800 persons, low-income persons, and moderate-income persons except  
801 as otherwise provided in this section.

802 2. At least 30 percent of the funds deposited into the  
803 local housing assistance trust fund must be reserved for awards  
804 to very-low-income persons or eligible sponsors who will serve  
805 very-low-income persons and at least an additional 30 percent of  
806 the funds deposited into the local housing assistance trust fund  
807 must be reserved for awards to low-income persons or eligible  
808 sponsors who will serve low-income persons. This subparagraph  
809 does not apply to a county or an eligible municipality that  
810 includes, or has included within the previous 5 years, an area  
811 of critical state concern designated or ratified by the  
812 Legislature for which the Legislature has declared its intent to

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813 provide affordable housing. The exemption created by this act  
814 expires on July 1, 2013, and shall apply retroactively.

815 (f) Loans shall be provided for periods not exceeding 30  
816 years, except for deferred payment loans or loans that extend  
817 beyond 30 years which continue to serve eligible persons.

818 (g) Loans or grants for eligible rental housing  
819 constructed, rehabilitated, or otherwise assisted from the local  
820 housing assistance trust fund must be subject to recapture  
821 requirements as provided by the county or eligible municipality  
822 in its local housing assistance plan unless reserved for  
823 eligible persons for 15 years or the term of the assistance,  
824 whichever period is longer. Eligible sponsors that offer rental  
825 housing for sale before 15 years or that have remaining  
826 mortgages funded under this program must give a first right of  
827 refusal to eligible nonprofit organizations for purchase at the  
828 current market value for continued occupancy by eligible  
829 persons.

830 (h) Loans or grants for eligible owner-occupied housing  
831 constructed, rehabilitated, or otherwise assisted from proceeds  
832 provided from the local housing assistance trust fund shall be  
833 subject to recapture requirements as provided by the county or  
834 eligible municipality in its local housing assistance plan.

835 (i) The total amount of monthly mortgage payments or the  
836 amount of monthly rent charged by the eligible sponsor or her or  
837 his designee must be made affordable.

838 (j) The maximum sales price or value per unit and the  
839 maximum award per unit for eligible housing benefiting from  
840 awards made pursuant to this section must be established in the

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841 local housing assistance plan.

842 (k) The benefit of assistance provided through the State  
843 Housing Initiatives Partnership Program must accrue to eligible  
844 persons occupying eligible housing. This provision shall not be  
845 construed to prohibit use of the local housing distribution  
846 funds for a mixed income rental development.

847 (l) Funds from the local housing distribution not used to  
848 meet the criteria established in paragraph (a) or paragraph (b)  
849 or not used for the administration of a local housing assistance  
850 plan must be used for housing production and finance activities,  
851 including, but not limited to, financing preconstruction  
852 activities or the purchase of existing units, providing rental  
853 housing, and providing home ownership training to prospective  
854 home buyers and owners of homes assisted through the local  
855 housing assistance plan.

856 1. Notwithstanding the provisions of paragraphs (a) and  
857 (b), program income as defined in s. 420.9071(24) may also be  
858 used to fund activities described in this paragraph.

859 2. When preconstruction due-diligence activities conducted  
860 as part of a preservation strategy show that preservation of the  
861 units is not feasible and will not result in the production of  
862 an eligible unit, such costs shall be deemed a program expense  
863 rather than an administrative expense if such program expenses  
864 do not exceed 3 percent of the annual local housing  
865 distribution.

866 3. If both an award under the local housing assistance  
867 plan and federal low-income housing tax credits are used to  
868 assist a project and there is a conflict between the criteria

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869 prescribed in this subsection and the requirements of s. 42 of  
870 the Internal Revenue Code of 1986, as amended, the county or  
871 eligible municipality may resolve the conflict by giving  
872 precedence to the requirements of s. 42 of the Internal Revenue  
873 Code of 1986, as amended, in lieu of following the criteria  
874 prescribed in this subsection with the exception of paragraphs  
875 (a) and (e) of this subsection.

876 4. Each county and each eligible municipality may award  
877 funds as a grant for construction, rehabilitation, or repair as  
878 part of disaster recovery or emergency repairs or to remedy  
879 accessibility or health and safety deficiencies. Any other  
880 grants must be approved as part of the local housing assistance  
881 plan.

882 (8) Pursuant to s. 420.531, the corporation shall provide  
883 training and technical assistance to local governments regarding  
884 the creation of partnerships, the design of local housing  
885 assistance strategies, the implementation of local housing  
886 incentive strategies, and the provision of support services.

887 (10) Each county or eligible municipality shall submit to  
888 the corporation by September 15 of each year a report of its  
889 affordable housing programs and accomplishments through June 30  
890 immediately preceding submittal of the report. The report shall  
891 be certified as accurate and complete by the local government's  
892 chief elected official or his or her designee. Transmittal of  
893 the annual report by a county's or eligible municipality's chief  
894 elected official, or his or her designee, certifies that the  
895 local housing incentive strategies, or, if applicable, the local  
896 housing incentive plan, have been implemented or are in the



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897 | process of being implemented pursuant to the adopted schedule  
898 | for implementation. The report must include, but is not limited  
899 | to:

900 |       (a) The number of households served by income category,  
901 | age, family size, and race, and data regarding any special needs  
902 | populations such as farmworkers, homeless persons, persons with  
903 | disabilities, and the elderly. Counties shall report this  
904 | information separately for households served in the  
905 | unincorporated area and each municipality within the county.

906 |       (h) Such other data or affordable housing accomplishments  
907 | considered significant by the reporting county or eligible  
908 | municipality or by the corporation.

909 |       (13)

910 |       (b) If, as a result of its review of the annual report,  
911 | the corporation determines that a county or eligible  
912 | municipality has failed to implement a local housing incentive  
913 | strategy, or, if applicable, a local housing incentive plan, it  
914 | shall send a notice of termination of the local government's  
915 | share of the local housing distribution by certified mail to the  
916 | affected county or eligible municipality.

917 |       1. The notice must specify a date of termination of the  
918 | funding if the affected county or eligible municipality does not  
919 | implement the plan or strategy and provide for a local response.  
920 | A county or eligible municipality shall respond to the  
921 | corporation within 30 days after receipt of the notice of  
922 | termination.

923 |       2. The corporation shall consider the local response that  
924 | extenuating circumstances precluded implementation and grant an

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925 extension to the timeframe for implementation. Such an extension  
926 shall be made in the form of an extension agreement that  
927 provides a timeframe for implementation. The chief elected  
928 official of a county or eligible municipality or his or her  
929 designee shall have the authority to enter into the agreement on  
930 behalf of the local government.

931 3. If the county or the eligible municipality has not  
932 implemented the incentive strategy or entered into an extension  
933 agreement by the termination date specified in the notice, the  
934 local housing distribution share terminates, and any uncommitted  
935 local housing distribution funds held by the affected county or  
936 eligible municipality in its local housing assistance trust fund  
937 shall be transferred to the Local Government Housing Trust Fund  
938 to the credit of the corporation to administer.

939 4.a. If the affected local government fails to meet the  
940 timeframes specified in the agreement, the corporation shall  
941 terminate funds. The corporation shall send a notice of  
942 termination of the local government's share of the local housing  
943 distribution by certified mail to the affected local government.  
944 The notice shall specify the termination date, and any  
945 uncommitted funds held by the affected local government shall be  
946 transferred to the Local Government Housing Trust Fund to the  
947 credit of the corporation to administer.

948 b. If the corporation terminates funds to a county, but an  
949 eligible municipality receiving a local housing distribution  
950 pursuant to an interlocal agreement maintains compliance with  
951 program requirements, the corporation shall thereafter  
952 distribute directly to the participating eligible municipality

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953 | its share calculated in the manner provided in s. 420.9072.

954 |       c. Any county or eligible municipality whose local  
955 | distribution share has been terminated may subsequently elect to  
956 | receive directly its local distribution share by adopting the  
957 | ordinance, resolution, and local housing assistance plan in the  
958 | manner and according to the procedures provided in ss. 420.907-  
959 | 420.9079.

960 |       (14) If the corporation determines that a county or  
961 | eligible municipality has expended program funds for an  
962 | ineligible activity, the corporation shall require such funds to  
963 | be repaid to the local housing assistance trust fund. Such  
964 | repayment may not be made with funds from the State Housing  
965 | Initiatives Partnership Program.

966 |       Section 16. Paragraph (h) of subsection (2), subsections  
967 | (5) and (6), and paragraph (a) of subsection (7) of section  
968 | 420.9076, Florida Statutes, are reenacted to read:

969 |       420.9076 Adoption of affordable housing incentive  
970 | strategies; committees.—

971 |       (2) The governing board of a county or municipality shall  
972 | appoint the members of the affordable housing advisory committee  
973 | by resolution. Pursuant to the terms of any interlocal  
974 | agreement, a county and municipality may create and jointly  
975 | appoint an advisory committee to prepare a joint plan. The  
976 | ordinance adopted pursuant to s. 420.9072 which creates the  
977 | advisory committee or the resolution appointing the advisory  
978 | committee members must provide for 11 committee members and  
979 | their terms. The committee must include:

980 |       (h) One citizen who actively serves on the local planning

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981 agency pursuant to s. 163.3174. If the local planning agency is  
982 comprised of the governing board of the county or municipality,  
983 the governing board may appoint a designee who is knowledgeable  
984 in the local planning process.

985  
986 If a county or eligible municipality whether due to its small  
987 size, the presence of a conflict of interest by prospective  
988 appointees, or other reasonable factor, is unable to appoint a  
989 citizen actively engaged in these activities in connection with  
990 affordable housing, a citizen engaged in the activity without  
991 regard to affordable housing may be appointed. Local governments  
992 that receive the minimum allocation under the State Housing  
993 Initiatives Partnership Program may elect to appoint an  
994 affordable housing advisory committee with fewer than 11  
995 representatives if they are unable to find representatives who  
996 meet the criteria of paragraphs (a)-(k).

997 (5) The approval by the advisory committee of its local  
998 housing incentive strategies recommendations and its review of  
999 local government implementation of previously recommended  
1000 strategies must be made by affirmative vote of a majority of the  
1001 membership of the advisory committee taken at a public hearing.  
1002 Notice of the time, date, and place of the public hearing of the  
1003 advisory committee to adopt its evaluation and final local  
1004 housing incentive strategies recommendations must be published  
1005 in a newspaper of general paid circulation in the county. The  
1006 notice must contain a short and concise summary of the  
1007 evaluation and local housing incentives strategies  
1008 recommendations to be considered by the advisory committee. The

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1009 notice must state the public place where a copy of the  
1010 evaluation and tentative advisory committee recommendations can  
1011 be obtained by interested persons. The final report, evaluation,  
1012 and recommendations shall be submitted to the corporation.

1013 (6) Within 90 days after the date of receipt of the  
1014 evaluation and local housing incentive strategies  
1015 recommendations from the advisory committee, the governing body  
1016 of the appointing local government shall adopt an amendment to  
1017 its local housing assistance plan to incorporate the local  
1018 housing incentive strategies it will implement within its  
1019 jurisdiction. The amendment must include, at a minimum, the  
1020 local housing incentive strategies required under s.  
1021 420.9071(16). The local government must consider the strategies  
1022 specified in paragraphs (4)(a)-(k) as recommended by the  
1023 advisory committee.

1024 (7) The governing board of the county or the eligible  
1025 municipality shall notify the corporation by certified mail of  
1026 its adoption of an amendment of its local housing assistance  
1027 plan to incorporate local housing incentive strategies. The  
1028 notice must include a copy of the approved amended plan.

1029 (a) If the corporation fails to receive timely the  
1030 approved amended local housing assistance plan to incorporate  
1031 local housing incentive strategies, a notice of termination of  
1032 its share of the local housing distribution shall be sent by  
1033 certified mail by the corporation to the affected county or  
1034 eligible municipality. The notice of termination must specify a  
1035 date of termination of the funding if the affected county or  
1036 eligible municipality has not adopted an amended local housing

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1037 assistance plan to incorporate local housing incentive  
 1038 strategies. If the county or the eligible municipality has not  
 1039 adopted an amended local housing assistance plan to incorporate  
 1040 local housing incentive strategies by the termination date  
 1041 specified in the notice of termination, the local distribution  
 1042 share terminates; and any uncommitted local distribution funds  
 1043 held by the affected county or eligible municipality in its  
 1044 local housing assistance trust fund shall be transferred to the  
 1045 Local Government Housing Trust Fund to the credit of the  
 1046 corporation to administer the local government housing program.

1047 Section 17. Section 420.9078, Florida Statutes, is  
 1048 repealed.

1049 Section 18. Section 420.9079, Florida Statutes, is  
 1050 reenacted to read:

1051 420.9079 Local Government Housing Trust Fund.—

1052 (1) There is created in the State Treasury the Local  
 1053 Government Housing Trust Fund, which shall be administered by  
 1054 the corporation on behalf of the department according to the  
 1055 provisions of ss. 420.907-420.9076 and this section. There shall  
 1056 be deposited into the fund a portion of the documentary stamp  
 1057 tax revenues as provided in s. 201.15, moneys received from any  
 1058 other source for the purposes of ss. 420.907-420.9076 and this  
 1059 section, and all proceeds derived from the investment of such  
 1060 moneys. Moneys in the fund that are not currently needed for the  
 1061 purposes of the programs administered pursuant to ss. 420.907-  
 1062 420.9076 and this section shall be deposited to the credit of  
 1063 the fund and may be invested as provided by law. The interest  
 1064 received on any such investment shall be credited to the fund.

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1065           (2) The corporation shall administer the fund exclusively  
1066 for the purpose of implementing the programs described in ss.  
1067 420.907-420.9076 and this section. With the exception of  
1068 monitoring the activities of counties and eligible  
1069 municipalities to determine local compliance with program  
1070 requirements, the corporation shall not receive appropriations  
1071 from the fund for administrative or personnel costs. For the  
1072 purpose of implementing the compliance monitoring provisions of  
1073 s. 420.9075(9), the corporation may request a maximum of one-  
1074 quarter of 1 percent of the annual appropriation per state  
1075 fiscal year. When such funding is appropriated, the corporation  
1076 shall deduct the amount appropriated prior to calculating the  
1077 local housing distribution pursuant to ss. 420.9072 and  
1078 420.9073.

1079           Section 19. Subsection (12) of section 1001.43, Florida  
1080 Statutes, is reenacted to read:

1081           1001.43 Supplemental powers and duties of district school  
1082 board.—The district school board may exercise the following  
1083 supplemental powers and duties as authorized by this code or  
1084 State Board of Education rule.

1085           (12) AFFORDABLE HOUSING.—A district school board may use  
1086 portions of school sites purchased within the guidelines of the  
1087 State Requirements for Educational Facilities, land deemed not  
1088 usable for educational purposes because of location or other  
1089 factors, or land declared as surplus by the board to provide  
1090 sites for affordable housing for teachers and other district  
1091 personnel and, in areas of critical state concern, for other  
1092 essential services personnel as defined by local affordable

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1093 housing eligibility requirements, independently or in  
1094 conjunction with other agencies as described in subsection (5).

1095 Section 20. This act shall take effect upon becoming a  
1096 law, and those portions of this act which were amended, created,  
1097 or repealed by chapter 2009-96, Laws of Florida, shall operate  
1098 retroactively to June 1, 2009. If such retroactive application  
1099 is held by a court of last resort to be unconstitutional, this  
1100 act shall apply prospectively from the date that this act  
1101 becomes a law.