

HB 933

2012

1 A bill to be entitled
2 An act relating to public housing; amending s. 421.02,
3 F.S.; revising a declaration of necessity; providing
4 that access to essential commercial goods and services
5 for persons of low income served by housing
6 authorities is a public use; amending s. 421.03, F.S.;
7 reordering and revising definitions applicable to the
8 Housing Authorities Law; revising the definition of
9 the term "housing project"; defining the term
10 "essential commercial goods and services"; amending s.
11 421.08, F.S.; prohibiting the use of eminent domain
12 for certain purposes; expanding certain powers of
13 housing authorities to include certain commercial
14 projects providing essential goods and services;
15 providing for the use of revenues received from such
16 projects; amending s. 421.09, F.S.; conforming a
17 cross-reference; reenacting and amending s. 421.21,
18 F.S., relating to tax exemptions applicable to housing
19 authorities created pursuant to certain federal
20 programs; amending s. 421.32, F.S.; conforming a
21 cross-reference; amending s. 422.02, F.S.; revising a
22 declaration of necessity; providing that there exists
23 a shortage of access to essential commercial goods and
24 services necessary for daily living for persons of low
25 income; amending s. 422.04, F.S.; expanding certain
26 powers of state public bodies to include certain
27 commercial projects providing essential goods and
28 services; amending s. 423.01, F.S.; revising and

Page 1 of 21

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0933-00

29 providing findings and declarations of property of tax
 30 exemption for housing authorities relating to access
 31 to essential commercial goods and services necessary
 32 for daily living for persons of low income; amending
 33 s. 423.02, F.S.; exempting certain commercial projects
 34 that allow access to essential goods and services for
 35 persons of low income residing in such housing
 36 projects from certain taxes and special assessments;
 37 providing organizational and editorial changes for
 38 purposes of clarifying various provisions; providing
 39 an effective date.

40

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

42

43 Section 1. Section 421.02, Florida Statutes, is amended to
 44 read:

45 421.02 Finding and declaration of necessity.—It is hereby
 46 declared that:

47 (1) There exist in the state insanitary or unsafe dwelling
 48 accommodations and that persons of low income are forced to
 49 reside in such insanitary or unsafe accommodations; that within
 50 the state there is a shortage of safe or sanitary dwelling
 51 accommodations available at rents which persons of low income
 52 can afford and that such persons are forced to occupy
 53 overcrowded and congested dwelling accommodations; that such ~~the~~
 54 ~~aforsaid~~ conditions cause an increase in and spread of disease
 55 and crime and constitute a menace to the health, safety, morals,
 56 and welfare of the residents of the state and impair economic

HB 933

2012

57 values; and that these conditions necessitate excessive and
58 disproportionate expenditures of public funds for crime
59 prevention and punishment, public health, welfare and safety,
60 fire and accident protection, and other public services and
61 facilities.

62 (2) Blighted areas in the state cannot be revitalized, nor
63 can the shortage of safe and sanitary dwellings for persons of
64 low income be relieved, solely through the operation of private
65 enterprise.

66 (3) The clearance, replanning, and reconstruction of the
67 areas in which insanitary or unsafe housing conditions exist, and
68 and the providing of safe and sanitary dwelling accommodations, and
69 and the access to essential commercial goods and services
70 necessary for daily living for persons of low income, including
71 the acquisition by a housing authority of property to be used
72 for or in connection with housing projects or appurtenant
73 thereto, are exclusively public uses and purposes for which
74 public money may be spent and private property acquired and are
75 governmental functions of public concern.

76 (4) An important public purpose is served by providing
77 access to essential commercial goods and services necessary for
78 daily living for persons served by public housing authorities as
79 those persons often have limited transportation capacity and
80 significant family demands. Issues such as limited
81 transportation capacity and significant family demands
82 complicate daily living and make access to essential commercial
83 goods and services difficult.

84 (5)~~(4)~~ The necessity in the public interest for the

HB 933

2012

85 provisions hereinafter enacted, is hereby declared as a matter
 86 of legislative determination.

87 Section 2. Section 421.03, Florida Statutes, is amended to
 88 read:

89 421.03 Definitions.—As used ~~The following terms, wherever~~
 90 ~~used or referred to~~ in this part, except where the context
 91 clearly indicates otherwise, the term shall have the following
 92 ~~respective meanings for the purposes of this part, unless a~~
 93 ~~different meaning clearly appears from the context:~~

94 (1)~~(6)~~ "Area of operation":

95 (a) In the case of a housing authority of a city having a
 96 population of less than 25,000, includes ~~shall include~~ such city
 97 and the area within 5 miles of its ~~the~~ territorial boundaries
 98 ~~thereof.~~; and

99 (b) In the case of a housing authority of a city having a
 100 population of 25,000 or more includes ~~shall include~~ such city
 101 and the area within 10 miles from its ~~the~~ territorial
 102 boundaries. ~~thereof; provided~~ However, ~~that~~ the area of
 103 operation of a housing authority of a ~~any~~ city may ~~shall~~ not
 104 include any area that ~~which~~ lies within the territorial
 105 boundaries of another ~~some other~~ city ~~as herein defined;~~ and may
 106 ~~further provided that the area of operation shall not extend~~
 107 ~~outside of~~ the boundaries of the county in which the city is
 108 located, and a ~~no~~ housing authority has no ~~shall have~~ any power
 109 or jurisdiction outside ~~of~~ the county in which the city is
 110 located.

111 (2)~~(1)~~ "Authority" or "housing authority" means a ~~shall~~
 112 ~~mean any of the public~~ corporation ~~corporations~~ created pursuant

HB 933

2012

113 to ~~by~~ s. 421.04.

114 (3)~~(2)~~ "City" means ~~shall mean~~ any city or town of the
 115 state having a population of more than 2,500, according to the
 116 last preceding federal or state census. The term means ~~"The~~
 117 ~~city"~~ ~~shall mean~~ the particular city for which a particular
 118 housing authority is created.

119 (4)~~(5)~~ "Clerk" means ~~shall mean~~ the clerk of the city or
 120 the officer of the city charged with the duties customarily
 121 imposed on the clerk ~~thereof~~.

122 (5)~~(11)~~ "Debentures" means ~~shall mean~~ any notes, interim
 123 certificates, debentures, revenue certificates, or other
 124 obligations issued by an authority pursuant to this chapter.

125 (6) "Essential commercial goods and services" means goods,
 126 such as groceries and clothing, and services, such as child
 127 care, K-12 education, financial services, job training and
 128 placement, and laundry facilities, that are necessary for daily
 129 living and that may be difficult for persons of low income to
 130 access unless collocated with the housing project where they
 131 live and substantially serving persons of low income.

132 (7) "Federal Government" means ~~shall include~~ the United
 133 States Government, ~~the Federal Emergency Administration of~~
 134 ~~Public Works~~ or any department, commission, other agency, or
 135 other instrumentality thereof, ~~corporate or otherwise, of the~~
 136 ~~United States.~~

137 (8)~~(3)~~ "Governing body" means ~~shall mean~~ the city council,
 138 the commission, or other legislative body charged with governing
 139 the city, as the case may be.

140 (9) "Housing project" means ~~shall mean~~ any work or

141 undertaking:

142 (a) To demolish, clear, or remove buildings from any slum
 143 area, which; ~~such work or undertaking~~ may embrace the adaption
 144 of such area to public purposes, including parks or other
 145 recreational or community purposes; ~~or~~

146 (b) To provide decent, safe, and sanitary urban or rural
 147 dwellings, apartments, or other living accommodations for
 148 persons of low income, which; ~~such work or undertaking~~ may
 149 include buildings, land, equipment, facilities, and other real
 150 or personal property for necessary, convenient, or desirable
 151 appurtenances, streets, sewers, water service, parks, site
 152 preparation, gardening, administrative, community, health,
 153 recreational, educational, welfare, or other purposes; ~~or~~

154 (c) To provide access to essential commercial goods and
 155 services; or

156 (d) ~~(e)~~ To accomplish a combination of the foregoing.

157

158 The term "~~housing project~~" also applies ~~may be applied~~ to the
 159 planning of the buildings and improvements, the acquisition of
 160 property, the demolition of existing structures, the
 161 construction, reconstruction, alteration, and repair of the
 162 improvements, and all other work in connection therewith.

163 (10) ~~(4)~~ "Mayor" means ~~shall mean~~ the mayor of the city or
 164 the officer thereof charged with the duties customarily imposed
 165 on the mayor or executive head of the city.

166 (11) ~~(13)~~ "Obligee of the authority" or "obligee" includes
 167 ~~shall include~~ any holder of debentures, trustee or trustees for
 168 any such holders, or lessor demising to the authority property

HB 933

2012

169 used in connection with a housing project, or any assignee or
 170 assignees of such lessor's interest or any part thereof, and the
 171 Federal Government when it is a party to any contract with the
 172 authority.

173 (12)~~(10)~~ "Persons of low income" means ~~shall mean~~ persons
 174 or families who lack the amount of income which is necessary, as
 175 determined by the authority undertaking the housing project, to
 176 enable them, without financial assistance, to live in decent,
 177 safe and sanitary dwellings, without overcrowding.

178 (13)~~(12)~~ "Real property" includes ~~shall include~~ all lands,
 179 including improvements and fixtures thereon, and property of any
 180 nature appurtenant thereto, or used in connection therewith, and
 181 every estate, interest and right, legal or equitable, therein,
 182 including terms for years and liens by way of judgment, mortgage
 183 or otherwise and the indebtedness secured by such liens.

184 (14)~~(8)~~ "Slum" means ~~shall mean~~ any area where dwellings
 185 predominate which, by reason of dilapidation, overcrowding,
 186 faulty arrangement or design, lack of ventilation, light or
 187 sanitary facilities, or any combination of these factors, are
 188 detrimental to safety, health and morals.

189 Section 3. Section 421.08, Florida Statutes, is amended to
 190 read:

191 421.08 Powers of authority.—

192 (1) An authority shall constitute a public body corporate
 193 and politic, exercising the public and essential governmental
 194 functions set forth in this chapter, and having all the powers
 195 necessary or convenient to carry out and effectuate the purpose
 196 and provisions of this chapter, including the following powers

197 in addition to others ~~herein~~ granted in this chapter:

198 (a)~~(1)~~ To sue and be sued; to have a seal and to alter it
 199 ~~the same~~ at pleasure; to have perpetual succession; to make and
 200 execute contracts and other instruments necessary or convenient
 201 to the exercise of the powers of the authority; to appear in
 202 court through any of its officers, agents, or employees, for the
 203 exclusive purpose of filing eviction papers; and to make and
 204 from time to time amend and repeal bylaws, rules and
 205 regulations, not inconsistent with this chapter, to carry into
 206 effect the powers and purposes of the authority.

207 (b)~~(2)~~ Within its area of operation, to prepare, carry
 208 out, acquire, lease, and operate housing projects and~~;~~ to
 209 provide for the construction, reconstruction, improvement,
 210 alteration, or repair of any housing project or any part
 211 thereof.

212 (c)~~(3)~~ To arrange or contract for the furnishing by any
 213 person or agency, public or private, of services, privileges,
 214 works, or facilities for, or in connection with, a housing
 215 project or the occupants thereof.~~;~~ ~~provided, however, that~~

216 1. Notwithstanding any other power or provision in this
 217 chapter, the authority may ~~shall~~ not construct, lease, control,
 218 purchase, or otherwise establish, in connection with or as a
 219 part of any housing project or any other real or any other
 220 property under its control, any system, work, facilities,
 221 plants, or other equipment for the purpose of furnishing utility
 222 service of any kind to such projects or to any tenant or
 223 occupant thereof if ~~in the event that~~ a system, work, facility,
 224 plant, or other equipment for the furnishing of the same utility

HB 933

2012

225 service is being ~~actually~~ operated by a municipality or private
 226 concern in the area of operation or the city or the territory
 227 immediately adjacent thereto; ~~provided, further,~~ but this does
 228 not ~~that nothing herein shall be construed to~~ prohibit the
 229 construction or acquisition by the authority of any system,
 230 work, facilities, or other equipment for the sole and only
 231 purpose of receiving utility services from any such municipality
 232 or such private concern and then distributing such utility
 233 services to the project and to the tenants and occupants
 234 thereof. ~~;~~ ~~and,~~

235 2. Notwithstanding ~~anything to the contrary contained in~~
 236 ~~this chapter or in~~ any other provision of law, the authority may
 237 ~~to~~ include, in any contract let in connection with a project,
 238 stipulations requiring that the contractor and any
 239 subcontractors comply with requirements as to minimum wages and
 240 maximum hours of labor, ~~and comply~~ with any conditions which the
 241 Federal Government may have attached to its financial aid of the
 242 project.

243 (d)(4) To lease or rent any dwellings, houses,
 244 accommodations, lands, buildings, structures, or facilities
 245 embraced in any housing project and, subject to the limitations
 246 contained in this chapter, to establish and revise the rents or
 247 charges therefor; to own, hold, and improve real or personal
 248 property; to purchase, lease, obtain options upon, acquire by
 249 gift, grant, bequest, devise, or otherwise any real or personal
 250 property or any interest therein; to acquire by the exercise of
 251 the power of eminent domain any real property, except real
 252 property to be used to provide access to essential commercial

253 goods and services; to sell, lease, exchange, transfer, assign,
 254 pledge, or dispose of any real or personal property or any
 255 interest therein; to insure or provide for the insurance of any
 256 real or personal property or operations of the authority against
 257 any risks or hazards; and to procure or agree to the procurement
 258 of insurance or guarantees from the Federal Government of the
 259 payment of any such debts or parts thereof, whether or not
 260 incurred by the ~~said~~ authority, including the power to pay
 261 premiums on any such insurance.

262 (e) ~~(5)~~ To invest any funds held in reserves or sinking
 263 funds, or any funds not required for immediate disbursement, in
 264 property or securities in which savings banks may legally invest
 265 funds subject to their control and ~~to~~ purchase its debentures
 266 at a price not exceeding ~~more than~~ the principal amount thereof
 267 and accrued interest, with all debentures so purchased to be
 268 canceled.

269 (f) ~~(6)~~ Within its area of operation: to investigate into
 270 living, dwelling, and housing conditions and into the means and
 271 methods of improving such conditions; to determine where slum
 272 areas exist or where there is a shortage of decent, safe, and
 273 sanitary dwelling accommodations for persons of low income; to
 274 make studies and recommendations relating to the problem of
 275 clearing, replanning, and reconstruction of slum areas and the
 276 problem of providing dwelling accommodations for persons of low
 277 income; to administer fair housing ordinances and other
 278 ordinances as adopted by cities, counties, or other authorities
 279 who wish to contract for administrative services and to
 280 cooperate with the city, the county, or the state or any

281 political subdivision thereof in action taken in connection with
 282 such problems; and to engage in research, studies, and
 283 experimentation on the subject of housing.

284 (g) ~~(7)~~ Acting through one or more commissioners or other
 285 person or persons designated by the authority: ; ~~;~~ to conduct
 286 examinations and investigations and to hear testimony and take
 287 proof under oath at public or private hearings on any matter
 288 material for its information; to administer oaths, issue
 289 subpoenas requiring the attendance of witnesses or the
 290 production of books and papers, and ~~to~~ issue commissions for the
 291 examination of witnesses who are outside ~~of~~ the state, and ~~or~~ unable
 292 to attend before the authority, or excused from attendance; and
 293 to make available to appropriate agencies, including those
 294 charged with the duty of abating or requiring the correction of
 295 nuisances or like conditions, or of demolishing unsafe or
 296 insanitary structures within its area of operation, its findings
 297 and recommendations with regard to any building or property
 298 where conditions exist which are dangerous to the public health,
 299 morals, safety, or welfare.

300 (h) ~~(8)~~ (a) To organize for the purpose of creating a for-
 301 profit or not-for-profit corporation, limited liability company,
 302 or other similar business entity pursuant to all applicable laws
 303 of this state in which the housing authority may hold an
 304 ownership interest or participate in its governance in order to
 305 develop, acquire, lease, construct, rehabilitate, manage, or
 306 operate multifamily or single-family residential projects and
 307 commercial projects that allow access to essential goods and
 308 services for persons of low income residing in such residential

HB 933

2012

309 projects.

310 1. These projects may include nonresidential uses and may
311 use public and private funds to serve individuals or families
312 who meet the applicable income requirements of the state or
313 federal program involved; whose income does not exceed 150
314 percent of the applicable median income for the area, as
315 established by the United States Department of Housing and Urban
316 Development; and who, in the determination of the housing
317 authority, lack sufficient income or assets to enable them to
318 purchase or rent a decent, safe, and sanitary dwelling. These
319 corporations, limited liability companies, or other business
320 entities may join partnerships, joint ventures, or limited
321 liability companies pursuant to applicable laws or may otherwise
322 engage with business entities in developing, acquiring, leasing,
323 constructing, rehabilitating, managing, or operating such
324 projects.

325 2.~~(b)~~ The creation by a housing authority of such a
326 corporation, limited liability company, or other business entity
327 that is properly registered pursuant to all applicable laws
328 before the effective date of this act is ratified and validated
329 if the creation of such corporation, limited liability company,
330 or other business entity would have been valid had this act been
331 in effect at the time such corporation, limited liability
332 company, or other business entity was created and registered.

333 3.~~(e)~~ Proceedings or acts performed by a housing authority
334 or a corporation, limited liability company, or other business
335 entity authorized pursuant to subparagraph 2. ~~paragraph (b)~~ are
336 ratified and validated if such proceedings or acts were in

HB 933

2012

337 furtherance of the purposes set forth in this chapter and would
338 have been valid had this act been in effect at the time such
339 proceedings or acts were performed.

340 (i)~~(9)~~ Notwithstanding s. 112.061, to the governing board
341 ~~of an authority may~~ approve and implement policies for per diem,
342 travel, and other expenses of its officials, officers, board
343 members, employees, and authorized persons in a manner
344 consistent with federal guidelines.

345 (j)~~(10)~~ To exercise all or any part or combination of
346 powers ~~herein granted~~ in this section. ~~No~~ Provisions of law
347 relating with respect to acquisition, operation, or disposition
348 of property by other public bodies do not apply ~~shall be~~
349 ~~applicable~~ to an authority unless the Legislature ~~shall~~
350 specifically states so ~~state~~.

351 (2) Any revenue received by a housing authority from
352 commercial projects that provide access to essential goods and
353 services necessary for daily living of persons residing in
354 housing projects must be used exclusively to upgrade and improve
355 living conditions in the housing project or to preserve and
356 rehabilitate public or affordable housing managed by the housing
357 authority.

358 Section 4. Subsection (2) of section 421.09, Florida
359 Statutes, is amended to read:

360 421.09 Operation not for profit.—

361 (2) This section does not prohibit or restrict the
362 activities or operations of a business entity created under s.
363 421.08(1)(h) ~~421.08(8)~~.

364 Section 5. Section 421.21, Florida Statutes, is reenacted
 365 and amended to read:

366 421.21 Aid from Federal Government; tax exemptions.—

367 (1) In addition to the powers conferred upon an authority
 368 by other provisions of this chapter, an authority is empowered
 369 to borrow money or accept grants or other financial assistance
 370 from the Federal Government for or in aid of any housing project
 371 within its area of operation, to take over or lease or manage
 372 any housing project or undertaking constructed or owned by the
 373 Federal Government, and to these ends, to comply with such
 374 conditions and enter into such trust indentures, leases or
 375 agreements as may be necessary, convenient or desirable. It is
 376 the purpose and intent of this chapter to authorize every
 377 authority to do any and all things necessary or desirable to
 378 secure the financial aid or cooperation of the Federal
 379 Government in the undertaking, construction, maintenance, or
 380 operation of any housing project by such authority.

381 (2) In addition to the powers conferred upon an authority
 382 by subsection (1) and other provisions of this chapter, an
 383 authority is empowered to borrow money or accept grants or other
 384 financial assistance from the Federal Government under s. 202 of
 385 the Housing Act of 1959 (Pub. L. No. 86-372) or any law or
 386 program of the United States Department of Housing and Urban
 387 Development, which provides for direct federal loans in the
 388 maximum amount, as defined therein, for the purpose of assisting
 389 certain nonprofit corporations to provide housing and related
 390 facilities for elderly families and elderly persons.

391 (a) Housing authorities created under this section are

HB 933

2012

392 authorized to execute mortgages, notes, bills, or other forms of
 393 indebtedness together with any agreements, contracts, or other
 394 instruments required by the United States Department of Housing
 395 and Urban Development in connection with loans made for the
 396 purposes set forth in this subsection.

397 (b) This provision relating to housing facilities for the
 398 elderly is cumulative and in addition to the powers given to
 399 housing authorities under this chapter. All powers granted
 400 generally by law to housing authorities in Florida relating to
 401 issuance of trust indentures, debentures, and other methods of
 402 raising capital ~~shall~~ apply also to housing authorities in
 403 connection with their participation in programs of the United
 404 States Department of Housing and Urban Development.

405 (3) It is the legislative intent that the tax exemption of
 406 housing authorities provided by chapter 423, ~~shall~~ specifically
 407 applies ~~apply~~ to any housing authority created under this
 408 section.

409 Section 6. Section 421.32, Florida Statutes, is amended to
 410 read:

411 421.32 Rural housing projects.—County housing authorities
 412 and regional housing authorities are specifically empowered and
 413 authorized to borrow money, accept grants, and exercise their
 414 other powers to provide housing for farmers of low income and
 415 domestic farm labor as defined in s. 514 of the Federal Housing
 416 Act of 1949. In connection with such projects, any such housing
 417 authority may enter into such leases or purchase agreements,
 418 accept such conveyances and rent or sell dwellings forming part
 419 of such projects to or for farmers of low income, as such

420 housing authority deems necessary in order to ensure ~~assure~~ the
 421 achievement of the objectives of this law. Such leases,
 422 agreements, or conveyances may include such covenants as the
 423 housing authority deems appropriate regarding such dwellings and
 424 the tracts of land described in any such instrument, which
 425 covenants shall be deemed to run with the land where the housing
 426 authority deems it necessary and the parties to such instrument
 427 so stipulate. In providing housing for farmers of low income,
 428 county housing authorities and regional housing authorities are
 429 ~~shall not be~~ subject to the limitations provided in ss.
 430 421.08(1)(c) ~~421.08(3)~~ and 421.10(3). ~~Nothing contained in~~ This
 431 section may not ~~shall~~ be construed as limiting any other powers
 432 of any housing authority.

433 Section 7. Section 422.02, Florida Statutes, is amended to
 434 read:

435 422.02 Finding and declaration of necessity.—It has been
 436 found and declared in the Housing Authorities Law that there
 437 exist in the state unsafe and insanitary housing conditions and
 438 a shortage of safe and sanitary dwelling accommodations and
 439 access to essential commercial goods and services necessary for
 440 daily living for persons of low income; that these conditions
 441 necessitate excessive and disproportionate expenditures of
 442 public funds for crime prevention and punishment, public health,
 443 welfare and safety, fire and accident protection, and other
 444 public services and facilities; and that the public interest
 445 requires the remedying of these conditions. It is found and
 446 declared that the assistance herein provided for the remedying
 447 of the conditions set forth in the Housing Authorities Law

HB 933

2012

448 constitutes a public use and purpose and an essential
 449 governmental function for which public moneys may be spent and
 450 other aid given; that it is a proper public purpose for any
 451 state public body to aid any housing authority operating within
 452 its boundaries or jurisdiction or any housing project located
 453 therein, as the state public body derives immediate benefits and
 454 advantages from such an authority or project; and that the
 455 provisions hereinafter enacted are necessary in the public
 456 interest.

457 Section 8. Section 422.04, Florida Statutes, is amended to
 458 read:

459 422.04 Cooperation in undertaking housing projects.—

460 (1) For the purpose of aiding and cooperating in the
 461 planning, undertaking, construction, or operation of housing
 462 projects located within the area in which it is authorized to
 463 act, any state public body may, upon such terms, with or without
 464 consideration, as it may determine:

465 (a) Dedicate, sell, convey, or lease any of its property
 466 to a housing authority or the Federal Government. ~~†~~

467 (b) Cause parks; ~~†~~ playgrounds; ~~†~~ recreational, community,
 468 educational, water, sewer, or drainage facilities; commercial
 469 projects that allow access to essential goods and services for
 470 persons of low income residing in housing projects; or any other
 471 works, ~~which~~ it is otherwise empowered to undertake, ~~†~~ to be
 472 furnished adjacent to or in connection with housing projects. ~~†~~

473 (c) Furnish, dedicate, close, pave, install, grade,
 474 regrade, plan, or replan streets, roads, roadways, alleys,
 475 sidewalks, or other places ~~which~~ it is otherwise empowered to

HB 933

2012

476 undertake.~~†~~

477 (d) Plan or replan, zone or rezone any part of such state
 478 public body; make exceptions from building regulations and
 479 ordinances; and, with respect to any city or town, ~~also may~~
 480 change its map.~~†~~

481 (e) Enter into agreements, which may extend over any
 482 period, notwithstanding any provision or rule of law to the
 483 contrary, with a housing authority or the Federal Government
 484 respecting action to be taken by such state public body pursuant
 485 to any of the powers granted by this chapter.~~†~~

486 (f) Do any and all things, necessary, or convenient to aid
 487 and cooperate in the planning, undertaking, construction, or
 488 operation of such housing projects.~~†~~

489 (g) Purchase or legally invest in any of the debentures of
 490 a housing authority and exercise all of the rights of any holder
 491 of such debentures.~~†~~

492 (h) Not require any changes to be made in a housing
 493 project or the manner of its construction or take any other
 494 action relating to such construction with respect to any housing
 495 project which a housing authority has acquired or taken over
 496 from the Federal Government and which the housing authority by
 497 resolution has found and declared to have been constructed in a
 498 manner that will promote the public interest and afford
 499 necessary safety, sanitation, and other protection.~~† no state~~
 500 ~~public body shall require any changes to be made in the housing~~
 501 ~~project or the manner of its construction or take any other~~
 502 ~~action relating to such construction;~~

503 (i) Incur the entire expense of ~~In connection with~~ any

504 public improvements made by the a state public body in
 505 exercising the powers herein granted, ~~such state public body may~~
 506 ~~incur the entire expense thereof.~~

507 (2) Any law or statute to the contrary notwithstanding,
 508 any sale, conveyance, lease, or agreement provided for in this
 509 section may be made by a state public body without appraisal,
 510 public notice, advertisement, or public bidding.

511 Section 9. Section 423.01, Florida Statutes, is amended to
 512 read:

513 423.01 Finding and declaration of property of tax
 514 exemption for housing authorities.—It has been found and
 515 declared in the Housing Authorities Law and the Housing
 516 Cooperation Law that:

517 (1) There exist in the state housing conditions that ~~which~~
 518 constitute a menace to the health, safety, morals, and welfare
 519 of the residents of the state;

520 (2) These conditions necessitate excessive and
 521 disproportionate expenditures of public funds for crime
 522 prevention and punishment, public health, welfare and safety,
 523 fire and accident prevention, and other public services and
 524 facilities;

525 (3) The public interest requires the remedying of these
 526 conditions by the creation of housing authorities to undertake
 527 projects for slum clearance and for providing safe and sanitary
 528 dwelling accommodations and access to essential commercial goods
 529 and services necessary for daily living for persons who lack
 530 sufficient income to enable them to live in decent, safe, and
 531 sanitary dwellings without overcrowding; ~~and~~

HB 933

2012

532 (4) Facilities made available by housing authorities to
533 provide access to essential goods and services necessary for
534 daily living for persons residing in housing projects are a
535 critical component of those housing projects and constitute a
536 public use and a governmental function; and

537 ~~(5)-(4)~~ Such housing projects, including all property of a
538 housing authority used for or in connection therewith or
539 appurtenant thereto and all property used to provide access to
540 essential goods and services necessary for daily living for
541 persons residing in such housing projects, are exclusively for
542 public uses and municipal purposes and not for profit, and are
543 governmental functions of state concern. As a matter of
544 legislative determination, it is found and declared that the
545 property and debentures of a housing authority are of such
546 character as may be exempt from taxation.

547 Section 10. Section 423.02, Florida Statutes, is amended
548 to read:

549 423.02 Housing projects exempted from taxes and
550 assessments; payments in lieu thereof.—The housing projects,
551 including all property of housing authorities used for or in
552 connection therewith or appurtenant thereto and all commercial
553 projects that allow access to essential goods and services for
554 persons of low income residing in such housing projects, of
555 housing authorities shall be exempt from all taxes and special
556 assessments of the state or any city, town, county, or political
557 subdivision of the state. ~~—provided,~~ However, ~~that~~ in lieu of
558 such taxes or special assessments, a housing authority may agree
559 to make payments to any city, town, county, or political

HB 933

2012

560 subdivision of the state for services, improvements, or
561 facilities furnished by such city, town, county, or political
562 subdivision for the benefit of a housing project owned by the
563 housing authority, but ~~in no event shall~~ such payments may not
564 exceed the estimated cost to such city, town, county, or
565 political subdivision of the services, improvements, or
566 facilities to be so furnished.

567 Section 11. This act shall take effect July 1, 2012.