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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 86 - 397
and insert:
services. As long as a parcel is in an area suitable for
residential development, it may be found to be suitable for use
as affordable housing, even if the parcel does not meet one or
more of these other criteria. The inventory list must include
the address and legal description of each such real property and
specify whether the property is vacant or improved. The



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governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing.

Section 2. Subsection (6) is added to section 163.31801, Florida Statutes, to read:

163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.—

(6) In addition to the items that must be reported in the annual financial reports under s. 218.32, counties, municipalities, and special districts must report the following data on all impact fees charged:

(a) The specific purpose of the impact fee, including the specific infrastructure need to be met, such as transportation, parks, water, sewer, and schools.

(b) The Impact Fee Schedule Policy, describing the method of calculating impact fees, such as flat fee, tiered scale based on number of bedrooms, and tiered scale based on square footage.

(c) The amount assessed for each purpose and type of dwelling.

(d) The total amount of impact fees charged by type of dwelling.

(e) Each exception and waiver provided for affordable housing developments.

Section 3. Subsection (1) of section 166.0451, Florida Statutes, is amended to read:

166.0451 Disposition of municipal property for affordable housing.—



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(1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title that is appropriate for use as affordable housing. Such real property shall be evaluated on criteria that include the environmental suitability for construction, site characteristics, currently designated land use, current or anticipated zoning, inclusion in one or more special districts, existing infrastructure, proximity to employment opportunities, proximity to public transportation, and proximity to existing services. As long as a parcel is in an area suitable for residential development, it may be found to be suitable for use as affordable housing, even if the parcel does not meet one or more of these other criteria. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.

Section 4. Subsection (7) of section 253.0341, Florida Statutes, is amended to read:

253.0341 Surplus of state-owned lands.—

(7) (a) The board of trustees must first offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56. All surplus buildings or land not needed for



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affordable housing ~~Before a building or parcel of land is offered for lease or sale to a local or federal unit of government or a private party,~~ it shall first be offered for lease to state agencies, state universities, and Florida College System institutions, with priority consideration given to state universities and Florida College System institutions. If a surplus building or land is not used for affordable housing or leased by a state agency, state university, or Florida College System institution, the board of trustees shall offer the building or land for lease or sale to a local or federal unit of government or a private party.

(b) Within 60 days after the offer for lease of a surplus building or parcel, a state university or Florida College System institution that requests the lease must submit a plan for review and approval by the Board of Trustees of the Internal Improvement Trust Fund regarding the intended use, including future use, of the building or parcel of land before approval of a lease. Within 60 days after the offer for lease of a surplus building or parcel, a state agency that requests the lease of such facility or parcel must submit a plan for review and approval by the board of trustees regarding the intended use. The state agency plan must, at a minimum, include the proposed use of the facility or parcel, the estimated cost of renovation, a capital improvement plan for the building, evidence that the building or parcel meets an existing need that cannot otherwise be met, and other criteria developed by rule by the board of trustees. The board or its designee shall compare the estimated value of the building or parcel to any submitted business plan to determine if the lease or sale is in the best interest of the



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state. The board of trustees shall adopt rules pursuant to chapter 120 for the implementation of this section.

Section 5. Subsection (3) is amended, and subsection (12) is added to section 337.25, Florida Statutes, to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(3) Beginning July 1, 2018, the department shall evaluate all of its land not within a transportation corridor or within the right-of-way of a transportation facility at least every 10 years, on a rotating basis, to determine whether the property should be retained. ~~The inventory of real property that was acquired by the state after December 31, 1988, that has been owned by the state for 10 or more years, and that is not within a transportation corridor or within the right-of-way of a transportation facility shall be evaluated to determine the necessity for retaining the property.~~ If the property is not needed for the construction, operation, and maintenance of a transportation facility or is not located within a transportation corridor, the department may dispose of the property pursuant to subsection (4).

(12) Except in a conveyance transacted under paragraphs (4)(a), (c), and (e), the department must first offer parcels of nonconservation surplus land to the county and municipality where the land is located for use as affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56.

Section 6. Subsection (1) is amended, and subsection (9) is added to section 373.089, Florida Statutes, to read:

373.089 Sale or exchange of lands, or interests or rights



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in lands.—The governing board of the district may sell lands, or interests or rights in lands, to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(1) Beginning on July 1, 2018, the district shall review all lands and interests or rights in lands every 10 years, on a rotating basis, to determine whether the lands are still needed for the purpose for which they were acquired. Any lands, or interests or rights in lands, determined by the governing board to be surplus may be sold by the district, at any time, for the highest price obtainable; however, in no case shall the selling price be less than the appraised value of the lands, or interests or rights in lands, as determined by a certified appraisal obtained within 360 days before the effective date of a contract for sale.

(9) The governing board must first offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56. Districts must only offer nonconservation surplus lands originally acquired using state funds.

If the Board of Trustees of the Internal Improvement Trust Fund declines to accept title to the lands offered under this section, the land may be disposed of by the district under the provisions of this section.

Section 7. Subsections (35) and (46) of section 420.507, Florida Statutes, are amended to read:

420.507 Powers of the corporation.—The corporation shall



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have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(35) Upon a determination of good cause and after service of an administrative complaint and adequate notice, to take one or more of the following actions against any applicant or affiliate of an applicant:

(a) Preclude such applicant or affiliate from applying for funding from any corporation program for a specified period;

(b) Revoke any funding previously awarded by the corporation for any development for which construction or rehabilitation has not commenced; and

(c) Suspend any funding, credit underwriting procedures, or application review for any development for which construction or rehabilitation has not commenced, from the time an administrative complaint is filed until a final order is issued in regard to that complaint. For purposes of this subsection, the term "good cause" means that the applicant or affiliate of an applicant:

1. Has made a material misrepresentation or engaged in fraudulent actions in connection with any application for a corporation program;

2. Has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds. The record of a conviction certified or authenticated in such form as to be



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admissible in evidence under the laws of this state shall be
admissible as prima facie evidence of such guilt;

3. Has been excluded from federal or state procurement
programs for any reason; or

4. Has offered or given consideration with respect to a
local contribution in violation of corporation rules ~~To preclude
from further participation in any of the corporation's programs,
any applicant or affiliate of an applicant which has made a
material misrepresentation or engaged in fraudulent actions in
connection with any application for a corporation program.~~

(46) To require, as a condition of financing a multifamily
rental project, which may include allocating competitive low-
income housing tax credits, that an agreement be recorded in the
official records of the county where the real property is
located, which requires that the project be used for housing
defined as affordable in s. 420.0004(3) by persons defined in s.
420.0004(9), (11), (12), and (17). The term of such agreement
may not extend beyond the period of time required by 26 U.S.C.
42(h)(6)(D)(ii)(II), unless the corporation affirms at the time
of the initial credit underwriting that the project will remain
economically feasible beyond such period. Such an agreement is a
state land use regulation that limits the highest and best use
of the property within the meaning of s. 193.011(2).

Section 8. Paragraph (c) of subsection (6) of section
420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is
hereby created the State Apartment Incentive Loan Program for
the purpose of providing first, second, or other subordinated
mortgage loans or loan guarantees to sponsors, including for-



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profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

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

(c) The corporation shall provide by rule for the establishment of a review committee for the competitive evaluation and selection of applications submitted in this program, including, but not limited to, the following criteria:

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

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

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period that exceeds the minimum required by federal law or this part.

4. Sponsor's agreement to reserve more than:

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

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



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5. Provision for tenant counseling.

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

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

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing and policies that promote access to public transportation, reduce the need for onsite parking where appropriate, and expedite permits for affordable housing projects as provided in s. 553.7923.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

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

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

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

17. Job-creation rate of the developer and general contractor, as provided in s. 420.507(47).

Section 9. Section 420.56, Florida Statutes, is created to read:



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420.56 Disposal of surplus lands for use as affordable housing.—

(1) It is intent of the Legislature to make all suitable surplus lands designated as nonconservation available for affordable housing before making the parcels available for purchase by other governmental entities or the public.

(2) The Department of Environmental Protection acting on the behalf of the Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and each water management district shall notify the corporation when nonconservation land becomes available for surplus as part of the entity's regular review of lands under the provisions of s. 253.0341, s. 337.25, or s. 373.089 before making the parcel available for any other use, including for purchase by other governmental entities or the public. Water management districts must only identify nonconservation surplus lands originally acquired using state funds.

(3) In consultation with the Department of Environmental Protection, the Department of Transportation, and the water management districts, the corporation must issue an advisory opinion as to whether these surplus lands may be suitable for affordable housing. The corporation shall first determine whether the parcel is within a special district set up to revitalize a community. Only parcels determined to be outside these areas will be further evaluated for suitability. The corporation's evaluation shall consider at least the following criteria: the property's environmental suitability for construction; current and anticipated land use and zoning; existing and anticipated infrastructure on the land, such as



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roads, water, sewer, and electricity; access to grocery stores; access to employment opportunities; access to public transportation; and access to community services, such as public libraries, health care, and employment centers. As long as a parcel is in an area suitable for residential development, it may be found by the corporation to be suitable for use as affordable housing, even if the parcel does not meet one or more of these or other criteria.

(4) If the corporation issues an advisory opinion finding that the nonconservation surplus land may be suitable for affordable housing, the entity seeking to dispose of the parcel must first offer the land to the county and municipality where the land is located, to be used for affordable housing, before the entity offers the land to other governmental entities or the public. If the county and municipality where the parcel is located do not wish to use the parcel for affordable housing, the entity may dispose of the parcel as otherwise provided by law or herein.

(5) The Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and the water management districts may sell the parcels identified by the corporation for affordable housing for less than the appraised value to any party so long as the agency places an encumbrance on the parcels to ensure the purchaser uses the land for affordable housing for a period of not less than 99 years.

(6) (a) The Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and the water management districts are exempt from the disposal procedures of ss. 253.0341(8) and (9), 337.25(4) and (7), 373.089(1), (2),



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(3), and (8) when disposing of nonconservation surplus lands
under this section.

(b) The sale price of land parcels disposed of pursuant to
this section shall be determined by the entity disposing of the
parcels. The Department of Transportation, the Board of Trustees
of the Internal Improvement Trust Fund, and the water management
districts must consider at least one appraisal of the property
or, if the estimated value of the land is \$500,000 or less, a
comparable sales analysis or a broker's opinion of value;
however, if a property owned by the Department of Transportation
was acquired with federal participation and the estimated value
of the property is more than \$25,000, an appraisal of the
property must be considered.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete lines 6 - 18
and insert:
of lands; providing that, as long as a parcel is in an
area suitable for residential development, it may be
found to be suitable for use as affordable housing,
even if the parcel does not meet certain other
criteria; amending s. 163.31801, F.S.; requiring that
additional information be submitted by specified
entities when submitting their annual financial
reports; amending ss. 253.0341, 337.25, and 373.089,
F.S.; revising the procedures under which the Board of
Trustees of the Internal Improvement Trust Fund, the
Department of Transportation, and the water management



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359 districts must dispose of nonconservation surplus
360 lands; amending s. 420.507, F.S.; authorizing the
361 Florida Housing Finance Corporation to take one or
362 more specified actions against any applicant or
363 affiliate of an applicant upon a determination of good
364 cause and after service of an administrative complaint
365 and adequate notice; defining the term "good cause";
366 authorizing the corporation to require, as a condition
367 of financing a multifamily rental project, which may
368 include