

By Senator Perry

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1                                   A bill to be entitled  
2       An act relating to affordable housing; amending ss.  
3       125.379 and 166.0451, F.S.; revising the criteria that  
4       counties and municipalities must use when evaluating  
5       real property as part of their inventory for disposal  
6       of lands; amending s. 163.3180, F.S.; prohibiting  
7       local governments from charging certain mobility fees  
8       for a specified period; preempting to the state the  
9       right to impose such fees; amending s. 163.31801,  
10      F.S.; prohibiting local governments from charging  
11      certain impact fees for a specified period; preempting  
12      to the state the right to impose such fees; specifying  
13      additional information that must be submitted by  
14      specified entities when submitting their annual  
15      financial reports; creating s. 420.0007, F.S.;  
16      providing a local permit approval process for  
17      affordable housing; amending s. 420.5087, F.S.;  
18      revising the criteria used by a review committee when  
19      evaluating and selecting specified applications for  
20      state apartment incentive loans; creating s. 420.54,  
21      F.S.; creating the Hurricane Housing Recovery Program  
22      to provide funds for specified purposes related to  
23      affordable housing; requiring that the Florida Housing  
24      Finance Corporation administer the program according  
25      to specified procedures; specifying how program funds  
26      are to be used; creating the Recovery Rental Loan  
27      Program to provide funds for specified purposes  
28      related to rental housing; providing legislative  
29      intent; requiring an annual report regarding the

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30 housing recovery program; authorizing the corporation  
31 to adopt emergency rules to implement the programs;  
32 providing legislative findings regarding such  
33 emergency rulemaking; exempting the emergency rules  
34 from specified requirements; providing appropriations;  
35 creating s. 420.56, F.S.; providing a process for  
36 certain entities to dispose of surplus lands for use  
37 for the construction of affordable housing; amending  
38 s. 420.9071, F.S.; revising the definition of "local  
39 housing incentive strategies"; amending ss. 253.0341,  
40 337.25, and 373.089, F.S.; revising the procedures  
41 under which the board of trustees, the Department of  
42 Transportation, and the water management districts  
43 must dispose of nonconservation surplus lands;  
44 providing an effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Subsection (1) of section 125.379, Florida  
49 Statutes, is amended to read:

50 125.379 Disposition of county property for affordable  
51 housing.—

52 (1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3  
53 years thereafter, each county shall prepare an inventory list of  
54 all real property within its jurisdiction to which the county  
55 holds fee simple title which ~~that~~ is appropriate for use as  
56 affordable housing. The real property must be evaluated on  
57 criteria including environmental suitability for construction,  
58 site characteristics, current land use designation, current or

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59 anticipated zoning, whether the property is included in at least  
60 one special district, existing infrastructure, proximity to  
61 employment opportunities, proximity to public transportation,  
62 and proximity to existing services. The inventory list must  
63 include the address and legal description of each such real  
64 property and specify whether the property is vacant or improved.  
65 The governing body of the county must review the inventory list  
66 at a public hearing and may revise it at the conclusion of the  
67 public hearing. The governing body of the county shall adopt a  
68 resolution that includes an inventory list of such property  
69 following the public hearing.

70 Section 2. Paragraph (i) of subsection (5) of section  
71 163.3180, Florida Statutes, is amended to read:

72 163.3180 Concurrency.—

73 (5)

74 (i)1. If a local government elects to repeal transportation  
75 concurrency, it is encouraged to adopt an alternative mobility  
76 funding system that uses one or more of the tools and techniques  
77 identified in paragraph (f). Any alternative mobility funding  
78 system adopted may not be used to deny, time, or phase an  
79 application for site plan approval, plat approval, final  
80 subdivision approval, building permits, or the functional  
81 equivalent of such approvals provided that the developer agrees  
82 to pay for the development's identified transportation impacts  
83 via the funding mechanism implemented by the local government.  
84 The revenue from the funding mechanism used in the alternative  
85 system must be used to implement the needs of the local  
86 government's plan which serves as the basis for the fee imposed.  
87 A mobility fee-based funding system must comply with the dual

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88 rational nexus test applicable to impact fees. An alternative  
89 system that is not mobility fee-based shall not be applied in a  
90 manner that imposes upon new development any responsibility for  
91 funding an existing transportation deficiency as defined in  
92 paragraph (h).

93 2. Beginning July 1, 2018, and ending June 20, 2023, a  
94 local government may not charge a mobility fee for the  
95 development or construction of housing that is affordable, as  
96 defined in s. 420.9071.

97 Section 3. Subsection (6) is added to section 163.31801,  
98 Florida Statutes, to read:

99 163.31801 Impact fees; short title; intent; definitions;  
100 ordinances levying impact fees.—

101 (6) (a) Beginning July 1, 2018, and ending June 20, 2023, a  
102 local government may not charge an impact fee for the  
103 development or construction of housing that is affordable, as  
104 defined in s. 420.9071.

105 (b) In addition to the items that must be reported in the  
106 annual financial reports required under s. 218.32, counties and  
107 municipalities shall report the following data on all impact  
108 fees charged:

109 1. The specific purpose of the impact fee, including the  
110 specific infrastructure need to be met, such as transportation,  
111 parks, water, sewer, and schools;

112 2. The impact fee schedule policy, describing the method of  
113 calculating impact fees, such as a flat fee, a tiered scale  
114 based on number of bedrooms, and a tiered scale based on square  
115 footage;

116 3. The amount assessed for each purpose and type of

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117 dwelling;

118 4. The total amount of impact fees charged by type of  
119 dwelling; and

120 5. Each exception and waiver provided for affordable  
121 housing developments.

122 Section 4. Subsection (1) of section 166.0451, Florida  
123 Statutes, is amended to read:

124 166.0451 Disposition of municipal property for affordable  
125 housing.—

126 (1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3  
127 years thereafter, each municipality shall prepare an inventory  
128 list of all real property within its jurisdiction to which the  
129 municipality holds fee simple title which ~~that~~ is appropriate  
130 for use as affordable housing. Such real property shall be  
131 evaluated on criteria that include the environmental suitability  
132 for construction, site characteristics, currently designated  
133 land use, current or anticipated zoning, whether the property is  
134 included in one or more special districts, existing  
135 infrastructure, proximity to employment opportunities, proximity  
136 to public transportation, and proximity to services. The  
137 inventory list must include the address and legal description of  
138 each such property and specify whether the property is vacant or  
139 improved. The governing body of the municipality must review the  
140 inventory list at a public hearing and may revise it at the  
141 conclusion of the public hearing. Following the public hearing,  
142 the governing body of the municipality shall adopt a resolution  
143 that includes an inventory list of such property.

144 Section 5. Section 420.0007, Florida Statutes, is created  
145 to read:

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146 420.0007 Local permit approval process for affordable  
147 housing.-

148 (1) A local government has 15 days from the date it  
149 receives an application for a development permit, construction  
150 permit, or certificate of occupancy for affordable housing to  
151 examine the application, notify the applicant of any apparent  
152 errors or omissions, and request any additional information the  
153 local government is authorized by law to require.

154 (2) If a local government does not timely request  
155 additional information, it may not deny a development permit,  
156 construction permit, or certificate of occupancy for affordable  
157 housing if the applicant fails to correct an error or omission  
158 or to supply additional information.

159 (3) The local government may require any additional  
160 requested information to be submitted no later than 10 days  
161 after the date that it gives notice to the applicant, as  
162 specified in subsection (1).

163 (4) For good cause shown, the local government must grant a  
164 request for an extension of time for submitting the additional  
165 information.

166 (5) An application is complete upon receipt of all  
167 requested information and the correction of any error or  
168 omission of which the applicant was timely notified or when the  
169 time for notification has expired.

170 (6) The local government must approve or deny an  
171 application for a development permit, construction permit, or  
172 certificate of occupancy for affordable housing within 60 days  
173 after receipt of a completed application, unless a shorter  
174 period of time for local government action is provided by law.

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175       (7) If the local government does not approve or deny within  
176 the 60-day or shorter time period, as appropriate, an  
177 application for a development permit, construction permit, or  
178 certificate of occupancy for affordable housing, the permit is  
179 considered approved and the local government must issue the  
180 development permit, construction permit, or certificate of  
181 occupancy, which may include such reasonable conditions as  
182 authorized by law.

183       (8) An applicant for a development permit, construction  
184 permit, or certificate of occupancy seeking to receive a permit  
185 by default under this section shall notify the local government,  
186 in writing, of its intent to rely upon the default approval  
187 under this section but may not take any action based upon the  
188 default development permit, construction permit, or certificate  
189 of occupancy until the applicant receives notification or a  
190 receipt acknowledging that the local government received the  
191 notice. The applicant must retain the notification or receipt.

192       Section 6. Paragraph (c) of subsection (6) of section  
193 420.5087, Florida Statutes, is amended to read:

194       420.5087 State Apartment Incentive Loan Program.—There is  
195 hereby created the State Apartment Incentive Loan Program for  
196 the purpose of providing first, second, or other subordinated  
197 mortgage loans or loan guarantees to sponsors, including for-  
198 profit, nonprofit, and public entities, to provide housing  
199 affordable to very-low-income persons.

200       (6) On all state apartment incentive loans, except loans  
201 made to housing communities for the elderly to provide for  
202 lifesafety, building preservation, health, sanitation, or  
203 security-related repairs or improvements, the following

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204 provisions shall apply:

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

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

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

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

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

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

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

227 5. Provision for tenant counseling.

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

230 7. Projects requiring the least amount of a state apartment  
231 incentive loan compared to overall project cost, except that the  
232 share of the loan attributable to units serving extremely-low-



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233 income persons must be excluded from this requirement.

234 8. Local government contributions and local government  
235 comprehensive planning and activities that promote affordable  
236 housing, and policies that promote access to public  
237 transportation, reduce the need for onsite parking, and expedite  
238 permits for affordable housing projects as provided in s.  
239 420.0007.

240 9. Project feasibility.

241 10. Economic viability of the project.

242 11. Commitment of first mortgage financing.

243 12. Sponsor's prior experience.

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

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

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

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

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

254 Section 7. Section 420.54, Florida Statutes, is created to  
255 read:

256 420.54 Hurricane recovery programs.—

257 (1) The Hurricane Housing Recovery Program is created to  
258 provide funding to local governments for recovery efforts  
259 related to the impact of Hurricanes Irma and Maria during the  
260 2017 Atlantic hurricane season on the affordable housing  
261 inventory. The corporation shall administer the program,

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262 allocating resources to local governments according to a need-  
263 based formula that reflects affordable housing damage estimates.  
264 Eligible local governments must submit a strategy outlining  
265 proposed recovery actions, income levels, number of units to be  
266 served, and funding requests. Program funds must be used as  
267 follows:

268 (a) To serve households with incomes of up to 120 percent  
269 of area median income; however, at least 30 percent of program  
270 funds must be reserved for households with incomes of up to 50  
271 percent of area median income, and an additional 30 percent of  
272 program funds must be reserved for households with incomes of up  
273 to 80 percent of area median income.

274 (b) At least 65 percent of funds allocated must be used for  
275 homeownership and distributed as provided in paragraph (a).

276 (c) Up to 15 percent of the allocation may be used for  
277 administrative expenses to ensure expeditious use of funds.

278 (2) The Recovery Rental Loan Program is created to provide  
279 funds to build additional rental housing in light of the impact  
280 of Hurricanes Irma and Maria during the 2017 Atlantic hurricane  
281 season on the rental housing inventory. The program is intended  
282 to allow the state to leverage federal funds as it does in the  
283 State Apartment Incentive Loan Program described in s. 420.5087.

284 (3) By September 15, 2019, and each year thereafter, each  
285 participating local entity shall submit a report of its housing  
286 recovery program and accomplishments through June 30 of that  
287 year, as specified by the corporation.

288 (4) The corporation may adopt emergency rules pursuant to  
289 s. 120.54 to implement this section. The Legislature finds that  
290 emergency rules adopted pursuant to this section meet the

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291 immediate danger to the public health, safety, and welfare  
292 standard established in s. 120.54(4). The Legislature finds that  
293 such emergency rulemaking is necessary to preserve the rights  
294 and welfare of the people and to provide additional funds to  
295 assist those areas of the state which sustained impacts to  
296 available affordable housing inventory due to Hurricanes Irma  
297 and Maria. Therefore, in adopting such emergency rules, the  
298 corporation need not establish that the standard established in  
299 s. 120.54(4) (a) has been met. Emergency rules adopted under this  
300 section are exempt from s. 120.54(4) (c).

301 Section 8. For the 2018-2019 fiscal year, 20 percent of the  
302 most recent revenue estimate from the Revenue Estimating  
303 Conference for the 2018-2019 fiscal year for both the Local  
304 Government Housing Trust Fund and the State Housing Trust Fund  
305 is appropriated to the Florida Housing Finance Corporation for  
306 the purpose of affordable housing hurricane recovery efforts.  
307 Funds from the Local Government Housing Trust Fund must be used  
308 for the Hurricane Housing Recovery Program created in s. 420.54,  
309 Florida Statutes, and must be allocated based on the review of  
310 Federal Emergency Management Agency damage assessment data by  
311 the Florida Housing Finance Corporation. Funds from the State  
312 Housing Trust Fund must be used for the Recovery Rental Loan  
313 Program created in s. 420.54, Florida Statutes, to assist with  
314 building and rehabilitating affordable rental housing to help  
315 communities respond to hurricane recovery needs. The Florida  
316 Housing Finance Corporation shall use \$100,000 from the funds  
317 appropriated from the State Housing Trust Fund to provide  
318 technical and training assistance.

319 Section 9. Section 420.56, Florida Statutes, is created to

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320 read:

321 420.56 Disposal of surplus lands for use as affordable  
322 housing.-

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

327 (2) The Department of Environmental Protection, acting on  
328 the behalf of the Board of Trustees of the Internal Improvement  
329 Trust Fund; the Department of Transportation; and each water  
330 management district shall notify the corporation when  
331 nonconservation land becomes available for surplus as part of  
332 the entity's regular review of lands under s. 253.0341, s.  
333 337.25, or s. 373.089 before making the parcel available for any  
334 other use, including for purchase by other governmental entities  
335 or the public. Water management districts must identify only  
336 nonconservation surplus lands originally acquired using state  
337 funds.

338 (3) In consultation with the Department of Environmental  
339 Protection, the Department of Transportation, and the water  
340 management districts, the corporation must evaluate whether  
341 these surplus lands are suitable for the construction of  
342 affordable housing based on the property's environmental  
343 suitability for such construction; current and anticipated land  
344 use and zoning; inclusion in one or more special districts  
345 intended to revitalize the community; existing infrastructure on  
346 the land such as roads, water, sewer, and electricity; access to  
347 grocery stores within walking distance or by public  
348 transportation; access to employment opportunities within

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349 walking distance or by public transportation; access to public  
350 transportation within one-half mile; and access to community  
351 services such as public libraries, food kitchens, and employment  
352 centers.

353 (4) If the corporation determines that the nonconservation  
354 surplus land is suitable for the construction of affordable  
355 housing, the entity seeking to dispose of the parcel must first  
356 offer the land to the county and any municipality in which the  
357 land is located to be used for the construction of affordable  
358 housing before the entity offers the land to other governmental  
359 entities or the public. If the county and any municipality where  
360 the parcel is located do not wish to use the parcel for  
361 affordable housing, the entity may dispose of the parcel as  
362 otherwise provided by law or this section.

363 (5) The Board of Trustees of the Internal Improvement Trust  
364 Fund, the Department of Transportation, and the water management  
365 districts may sell the parcels identified by the corporation as  
366 suitable for affordable housing for less than the appraised  
367 value to any party so long as the agency places an encumbrance  
368 on the parcels to ensure that the purchaser uses the land for  
369 the construction and maintenance of affordable housing for a  
370 period of at least 99 years.

371 (6) (a) The Board of Trustees of the Internal Improvement  
372 Trust Fund, the Department of Transportation, and the water  
373 management districts are exempt from the disposal procedures  
374 provided in ss. 253.0341(8) and (9), 337.25(4) and (7), and  
375 373.089(1), (2), (3), and (8) when disposing of nonconservation  
376 surplus lands under this section.

377 (b) The sale price of land parcels disposed of pursuant to

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378 this section shall be determined by the entity disposing of the  
379 parcel. The Department of Transportation, the Board of Trustees  
380 of the Internal Improvement Trust Fund, and the water management  
381 districts must consider at least one appraisal of the property  
382 or, if the estimated value of the land is \$500,000 or less, a  
383 comparable sales analysis or a broker's opinion of value.

384 Section 10. Subsection (16) of section 420.9071, Florida  
385 Statutes, is amended to read:

386 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
387 term:

388 (16) "Local housing incentive strategies" means local  
389 regulatory reform or incentive programs to encourage or  
390 facilitate affordable housing production, which include at a  
391 minimum, expediting permits for affordable housing projects as  
392 provided in s. 420.0007 ~~assurance that permits for affordable~~  
393 ~~housing projects are expedited to a greater degree than other~~  
394 ~~projects, as provided in s. 163.3177(6)(f)3.;~~ an ongoing process  
395 for review of local policies, ordinances, regulations, and plan  
396 provisions that increase the cost of housing prior to their  
397 adoption; and a schedule for implementing the incentive  
398 strategies. Local housing incentive strategies may also include  
399 other regulatory reforms, such as those enumerated in s.  
400 420.9076 or those recommended by the affordable housing advisory  
401 committee in its triennial evaluation of the implementation of  
402 affordable housing incentives, and adopted by the local  
403 governing body.

404 Section 11. Subsections (4) and (7) of section 253.0341,  
405 Florida Statutes, are amended to read:

406 253.0341 Surplus of state-owned lands.—

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407           (4) Beginning July 1, 2018, and continuing every 3 years  
408 thereafter, ~~At least every 10 years,~~ as a component of each land  
409 management plan or land use plan and in a form and manner  
410 adopted by rule of the board of trustees, each manager shall  
411 evaluate and indicate to the board of trustees those lands that  
412 are not being used for the purpose for which they were  
413 originally leased. For conservation lands, the Acquisition and  
414 Restoration Council shall review and recommend to the board of  
415 trustees whether such lands should be retained in public  
416 ownership or disposed of by the board of trustees. For  
417 nonconservation lands, the Division of State Lands shall review  
418 and recommend to the board of trustees whether such lands should  
419 be retained in public ownership or disposed of by the board of  
420 trustees.

421           (7) (a) The board of trustees must first offer  
422 nonconservation surplus lands to the county and any municipality  
423 in which the land is located for use for the construction of  
424 affordable housing as identified by the Florida Housing Finance  
425 Corporation pursuant to s. 420.56. All surplus buildings or land  
426 not needed for affordable housing ~~Before a building or parcel of~~  
427 land is offered for lease or sale to a local or federal unit of  
428 government or a private party, it shall first be offered for  
429 lease to state agencies, state universities, and Florida College  
430 System institutions, with priority consideration given to state  
431 universities and Florida College System institutions. If the  
432 surplus building or land is not used for the construction of  
433 affordable housing or leased by a state agency, state  
434 university, or Florida College System institution, the board of  
435 trustees shall offer the building or parcel for lease or sale to

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436 a local or federal unit of government or a private party.

437 (b) Within 60 days after the offer for lease of a surplus  
438 building or parcel, a state university or Florida College System  
439 institution that requests the lease must submit a plan for  
440 review and approval by the Board of Trustees of the Internal  
441 Improvement Trust Fund regarding the intended use, including  
442 future use, of the building or parcel of land before approval of  
443 a lease. Within 60 days after the offer for lease of a surplus  
444 building or parcel, a state agency that requests the lease of  
445 such facility or parcel must submit a plan for review and  
446 approval by the board of trustees regarding the intended use.  
447 The state agency plan must, at a minimum, include the proposed  
448 use of the facility or parcel, the estimated cost of renovation,  
449 a capital improvement plan for the building, evidence that the  
450 building or parcel meets an existing need that cannot otherwise  
451 be met, and other criteria developed by rule by the board of  
452 trustees. The board or its designee shall compare the estimated  
453 value of the building or parcel to any submitted business plan  
454 to determine if the lease or sale is in the best interest of the  
455 state. The board of trustees shall adopt rules pursuant to  
456 chapter 120 for the implementation of this section.

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

459 337.25 Acquisition, lease, and disposal of real and  
460 personal property.—

461 (3) Beginning July 1, 2018, the department shall evaluate  
462 all of its land not within a transportation corridor or within  
463 the right-of-way of a transportation facility at least every 10  
464 years on a rotating basis to determine whether the property



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465 ~~should be retained. The inventory of real property that was~~  
466 ~~acquired by the state after December 31, 1988, that has been~~  
467 ~~owned by the state for 10 or more years, and that is not within~~  
468 ~~a transportation corridor or within the right-of-way of a~~  
469 ~~transportation facility shall be evaluated to determine the~~  
470 ~~necessity for retaining the property.~~ If the property is not  
471 needed for the construction, operation, and maintenance of a  
472 transportation facility or is not located within a  
473 transportation corridor, the department may dispose of the  
474 property pursuant to subsection (4).

475 (12) Except in a conveyance transacted under paragraphs  
476 (4) (a), (c), and (e), the department must first offer  
477 nonconservation surplus lands to the county and any municipality  
478 in which the lands are located for use as affordable housing as  
479 identified by the Florida Housing Finance Corporation pursuant  
480 to s. 420.56.

481 Section 13. Subsection (1) is amended and subsection (9) is  
482 added to section 373.089, Florida Statutes, to read:

483 373.089 Sale or exchange of lands, or interests or rights  
484 in lands.—The governing board of the district may sell lands, or  
485 interests or rights in lands, to which the district has acquired  
486 title or to which it may hereafter acquire title in the  
487 following manner:

488 (1) Beginning on July 1, 2018, the district shall review  
489 all lands and interests or rights in lands every 10 years on a  
490 rotating basis to determine whether the lands are still needed  
491 for the purpose for which they were acquired. Any lands, or  
492 interests or rights in lands, determined by the governing board  
493 to be surplus may be sold by the district, at any time, for the

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494 highest price obtainable; however, in no case shall the selling  
495 price be less than the appraised value of the lands, or  
496 interests or rights in lands, as determined by a certified  
497 appraisal obtained within 360 days before the effective date of  
498 a contract for sale.

499 (9) The governing board must first offer nonconservation  
500 surplus lands to the county and any municipality in which the  
501 land is located for use for the construction of affordable  
502 housing as identified by the Florida Housing Finance Corporation  
503 pursuant to s. 420.56. Districts must only offer nonconservation  
504 surplus lands originally acquired using state funds.

505

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

510 Section 14. This act shall take effect July 1, 2018.