

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 mobility fees for  
8           specified period; preempting to the state the right to  
9           impose such fees; amending s. 163.31801, F.S.;  
10          prohibiting local governments from charging impact  
11          fees for specified period; preempting to the state the  
12          right to impose such fees; specifying that additional  
13          information be submitted by specified entities when  
14          submitting their annual financial reports; creating s.  
15          420.0007, F.S.; providing a local permit approval  
16          process; amending s. 420.5087, F.S.; revising the  
17          criteria used by a review committee when evaluating  
18          and selecting specified applications for the state  
19          apartment incentive loans; creating s. 420.56, F.S.;  
20          providing a process for certain entities to dispose of  
21          surplus lands for use as affordable housing; amending  
22          s. 420.9071, F.S.; revising the definition of "local  
23          housing incentive strategies"; amending ss. 253.0341,  
24          337.25, and 373.089, F.S.; revising the procedures  
25          under which the board of trustees, the Department of

26 Transportation, and the water management districts  
27 must dispose of nonconservation surplus lands;  
28 creating the Hurricane Housing Recovery Program to  
29 provide funds for specified purposes related to  
30 affordable housing; specifying that the Florida  
31 Housing Finance Corporation shall administer the  
32 program according to specified procedures; specifying  
33 how program funds are to be used; creating the  
34 Recovery Rental Loan Program; providing legislative  
35 intent; requiring an annual report regarding the  
36 housing recovery program; authorizing emergency rule-  
37 making; exempting the emergency rules from the  
38 requirement for making certain legislative findings;  
39 providing appropriations; providing an effective date.

40  
41 Be It Enacted by the Legislature of the State of Florida:

42  
43 Section 1. Subsection (1) of section 125.379, Florida  
44 Statutes, is amended to read:

45 125.379 Disposition of county property for affordable  
46 housing.—

47 (1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3  
48 years thereafter, each county shall prepare an inventory list of  
49 all real property within its jurisdiction to which the county  
50 holds fee simple title that is appropriate for use as affordable

51 housing. The real property must be evaluated on criteria that  
52 includes environmental suitability for construction, site  
53 characteristics, current land use designation, current or  
54 anticipated zoning, inclusion in at least one special district  
55 meant to revitalize the community, existing infrastructure,  
56 proximity to employment opportunities, proximity to public  
57 transportation, and proximity to existing services. The  
58 inventory list must include the address and legal description of  
59 each such real property and specify whether the property is  
60 vacant or improved. The governing body of the county must review  
61 the inventory list at a public hearing and may revise it at the  
62 conclusion of the public hearing. The governing body of the  
63 county shall adopt a resolution that includes an inventory list  
64 of such property following the public hearing.

65 Section 2. Paragraph (i) of subsection (5) of section  
66 163.3180, Florida Statutes, is amended to read:

67 163.3180 Concurrency.—

68 (5)

69 (i)1. If a local government elects to repeal  
70 transportation concurrency, it is encouraged to adopt an  
71 alternative mobility funding system that uses one or more of the  
72 tools and techniques identified in paragraph (f). Any  
73 alternative mobility funding system adopted may not be used to  
74 deny, time, or phase an application for site plan approval, plat  
75 approval, final subdivision approval, building permits, or the

76 functional equivalent of such approvals provided that the  
77 developer agrees to pay for the development's identified  
78 transportation impacts via the funding mechanism implemented by  
79 the local government. The revenue from the funding mechanism  
80 used in the alternative system must be used to implement the  
81 needs of the local government's plan which serves as the basis  
82 for the fee imposed. A mobility fee-based funding system must  
83 comply with the dual rational nexus test applicable to impact  
84 fees. An alternative system that is not mobility fee-based shall  
85 not be applied in a manner that imposes upon new development any  
86 responsibility for funding an existing transportation deficiency  
87 as defined in paragraph (h).

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

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

94 163.31801 Impact fees; short title; intent; definitions;  
95 ordinances levying impact fees.—

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

100 (b) In addition to the items that must be reported in the

101 annual financial reports under s. 218.32, counties and  
102 municipalities must report the following data on all impact fees  
103 charged:

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

107 2. The Impact Fee Schedule Policy, describing the method  
108 of calculating impact fees, such as flat fee, tiered scale based  
109 on number of bedrooms, and tiered scale based on square footage;

110 3. The amount assessed for each purpose and type of  
111 dwelling;

112 4. The total amount of impact fees charged by type of  
113 dwelling;

114 5. Each exception and waiver provided for affordable  
115 housing developments.

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

118 166.0451 Disposition of municipal property for affordable  
119 housing.—

120 (1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3  
121 years thereafter, each municipality shall prepare an inventory  
122 list of all real property within its jurisdiction to which the  
123 municipality holds fee simple title that is appropriate for use  
124 as affordable housing. Such real property shall be evaluated on  
125 criteria that includes the environmental suitability for

126 construction, site characteristics, currently designated land  
127 use, current or anticipated zoning, inclusion in one or more  
128 special districts meant to revitalize the community, existing  
129 infrastructure, proximity to employment opportunities, proximity  
130 to public transportation, and proximity to existing services.

131 The inventory list must include the address and legal  
132 description of each such property and specify whether the  
133 property is vacant or improved. The governing body of the  
134 municipality must review the inventory list at a public hearing  
135 and may revise it at the conclusion of the public hearing.  
136 Following the public hearing, the governing body of the  
137 municipality shall adopt a resolution that includes an inventory  
138 list of such property.

139 Section 5. Section 420.0007, Florida Statutes, is created  
140 to read:

141 420.0007 Local Permit Approval Process for Affordable  
142 Housing.—

143 (1) A local government has 15 days from the date it  
144 receives an application for a development permit, construction  
145 permit, or certificate of occupancy for affordable housing to  
146 examine the application and notify the applicant of any apparent  
147 errors or omissions and request any additional information the  
148 local government is permitted by law to require.

149 (2) If a local government does not request additional  
150 information within the required time, the local government may

151 not deny a development permit, construction permit, or  
152 certificate of occupancy for affordable housing if the applicant  
153 has failed to correct an error or omission or to supply  
154 additional information.

155 (3) The local government may require any additional  
156 requested information to be submitted no later than 10 days from  
157 the date of the notice specified in subsection (1).

158 (4) For good cause shown, the local government shall grant  
159 a request for an extension of time for submitting the additional  
160 information.

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

165 (6) The local government must approve or deny an  
166 application for a development permit, construction permit, or  
167 certificate of occupancy for affordable housing within 60 days  
168 after receipt of a completed application unless a shorter period  
169 of time for local government action is provided by law.

170 (7) If the local government does not approve or deny  
171 within the 60-day or shorter time period an application for a  
172 development permit, construction permit, or certificate of  
173 occupancy for affordable housing, the permit is considered  
174 approved and the local government must issue the development  
175 permit, construction permit, or certificate of occupancy and may

176 | include such reasonable conditions as authorized by law.

177 |       (8) An applicant for a development permit, construction  
 178 | permit, or certificate of occupancy seeking to receive a permit  
 179 | by default under this section shall notify the local government,  
 180 | in writing, of the intent to rely upon the default approval  
 181 | provision of this section but may not take any action based upon  
 182 | the default development permit, construction permit, or  
 183 | certificate of occupancy until the applicant receives  
 184 | notification or a receipt that the local government received the  
 185 | notice. The applicant must retain the notification or receipt.

186 |       Section 6. Paragraph (c) of subsection (6) of section  
 187 | 420.5087, Florida Statutes, is amended to read:

188 |       420.5087 State Apartment Incentive Loan Program.—There is  
 189 | hereby created the State Apartment Incentive Loan Program for  
 190 | the purpose of providing first, second, or other subordinated  
 191 | mortgage loans or loan guarantees to sponsors, including for-  
 192 | profit, nonprofit, and public entities, to provide housing  
 193 | affordable to very-low-income persons.

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

199 |       (c) The corporation shall provide by rule for the  
 200 | establishment of a review committee for the competitive

201 evaluation and selection of applications submitted in this  
 202 program, including, but not limited to, the following criteria:

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

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

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

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

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

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

221 5. Provision for tenant counseling.

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

224 7. Projects requiring the least amount of a state  
 225 apartment incentive loan compared to overall project cost,

226 | except that the share of the loan attributable to units serving  
227 | extremely-low-income persons must be excluded from this  
228 | requirement.

229 |       8. Local government contributions and local government  
230 | comprehensive planning and activities that promote affordable  
231 | housing, policies that promote access to public transportation,  
232 | reduce the need for on-site parking, and expedite permits for  
233 | affordable housing projects as provided in s. 420.0007.

234 |       9. Project feasibility.

235 |       10. Economic viability of the project.

236 |       11. Commitment of first mortgage financing.

237 |       12. Sponsor's prior experience.

238 |       13. Sponsor's ability to proceed with construction.

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

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

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

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

249 |       Section 7. Section 420.56, Florida Statutes, is created to  
250 | read:

251 420.56 Disposal of surplus lands for use as affordable  
252 housing.—

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

257 (2) The Department of Environmental Protection acting on  
258 the behalf of the Board of Trustees of the Internal Improvement  
259 Trust Fund, the Department of Transportation, and each water  
260 management district shall notify the corporation when  
261 nonconservation land becomes available for surplus as part of  
262 the entity's regular review of lands under the provisions of ss.  
263 253.0341, 337.25, or 373.089 before making the parcel available  
264 for any other use, including for purchase by other governmental  
265 entities or the public. Water management districts must only  
266 identify nonconservation surplus lands originally acquired using  
267 state funds.

268 (3) In consultation with the Department of Environmental  
269 Protection, the Department of Transportation, and the water  
270 management districts, the corporation must evaluate whether  
271 these surplus lands are suitable for affordable housing based on  
272 the property's environmental suitability for construction;  
273 current and anticipated land use and zoning; inclusion in one or  
274 more special districts meant to revitalize the community;  
275 existing infrastructure on the land such as roads, water, sewer,

276 and electricity; access to grocery stores within walking  
277 distance or by public transportation; access to employment  
278 opportunities within walking distance or by public  
279 transportation; access to public transportation within one half  
280 mile; and access to community services such as public libraries,  
281 food kitchens, and employment centers.

282 (4) If the corporation determines that the nonconservation  
283 surplus land is suitable for affordable housing, the entity  
284 seeking to dispose of the parcel must first offer the land to  
285 the county and municipality where the land is located to be used  
286 for affordable housing before the entity offers the land to  
287 other governmental entities or the public. If the county and  
288 municipality where the parcel is located do not wish to use the  
289 parcel for affordable housing, the entity may dispose of the  
290 parcel as otherwise provided by law or herein.

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

298 (6) (a) The Board of Trustees of the Internal Improvement  
299 Trust Fund, the Department of Transportation, and the water  
300 management districts are exempt from the disposal procedures of

301 ss. 253.0341(8) and (9), 337.25(4) and (7), 373.089(1), (2),  
 302 (3), and (8) when disposing of nonconservation surplus lands  
 303 under this section.

304 (b) The sale price of land parcels disposed of pursuant to  
 305 this section shall be determined by the entity disposing of the  
 306 parcel. The Department of Transportation, the Board of Trustees  
 307 of the Internal Improvement Trust Fund, and the water management  
 308 districts must consider at least one appraisal of the property  
 309 or, if the estimated value of the land is \$500,000 or less, a  
 310 comparable sales analysis or a broker's opinion of value.

311 Section 8. Subsection (16) of section 420.9071, Florida  
 312 Statutes, is amended to read:

313 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
 314 term:

315 (16) "Local housing incentive strategies" means local  
 316 regulatory reform or incentive programs to encourage or  
 317 facilitate affordable housing production, which include at a  
 318 minimum, expediting development permits, as defined in s.  
 319 163.3164(16), for affordable housing projects as provided in s.  
 320 420.0007 assurance that permits for affordable housing projects  
 321 are expedited to a greater degree than other projects, as  
 322 provided in s. 163.3177(6)(f)3.; an ongoing process for review  
 323 of local policies, ordinances, regulations, and plan provisions  
 324 that increase the cost of housing prior to their adoption; and a  
 325 schedule for implementing the incentive strategies. Local

326 housing incentive strategies may also include other regulatory  
327 reforms, such as those enumerated in s. 420.9076 or those  
328 recommended by the affordable housing advisory committee in its  
329 triennial evaluation of the implementation of affordable housing  
330 incentives, and adopted by the local governing body.

331 Section 9. Subsections (4) and (7) of section 253.0341,  
332 Florida Statutes, are amended to read:

333 253.0341 Surplus of state-owned lands.—

334 (4) Beginning July 1, 2018, and continuing every 3 years  
335 thereafter, ~~At least every 10 years,~~ as a component of each land  
336 management plan or land use plan and in a form and manner  
337 adopted by rule of the board of trustees, each manager shall  
338 evaluate and indicate to the board of trustees those lands that  
339 are not being used for the purpose for which they were  
340 originally leased. For conservation lands, the Acquisition and  
341 Restoration Council shall review and recommend to the board of  
342 trustees whether such lands should be retained in public  
343 ownership or disposed of by the board of trustees. For  
344 nonconservation lands, the Division of State Lands shall review  
345 and recommend to the board of trustees whether such lands should  
346 be retained in public ownership or disposed of by the board of  
347 trustees.

348 (7) (a) The board of trustees must first offer  
349 nonconservation surplus lands to the county and municipality  
350 where the land is located for use as affordable housing as

351 identified by the Florida Housing Finance Corporation pursuant  
352 to s. 420.56. All surplus buildings or land not needed for  
353 affordable housing ~~Before a building or parcel of land is~~  
354 ~~offered for lease or sale to a local or federal unit of~~  
355 ~~government or a private party, it shall first be offered for~~  
356 lease to state agencies, state universities, and Florida College  
357 System institutions, with priority consideration given to state  
358 universities and Florida College System institutions. If the  
359 surplus building or land is not used for affordable housing or  
360 leased by a state agency, state university, or Florida College  
361 System institution, then the board of trustees shall offer the  
362 building or parcel for lease or sale to a local or federal unit  
363 of government or a private party.

364 (b) Within 60 days after the offer for lease of a surplus  
365 building or parcel, a state university or Florida College System  
366 institution that requests the lease must submit a plan for  
367 review and approval by the Board of Trustees of the Internal  
368 Improvement Trust Fund regarding the intended use, including  
369 future use, of the building or parcel of land before approval of  
370 a lease. Within 60 days after the offer for lease of a surplus  
371 building or parcel, a state agency that requests the lease of  
372 such facility or parcel must submit a plan for review and  
373 approval by the board of trustees regarding the intended use.  
374 The state agency plan must, at a minimum, include the proposed  
375 use of the facility or parcel, the estimated cost of renovation,

376 a capital improvement plan for the building, evidence that the  
377 building or parcel meets an existing need that cannot otherwise  
378 be met, and other criteria developed by rule by the board of  
379 trustees. The board or its designee shall compare the estimated  
380 value of the building or parcel to any submitted business plan  
381 to determine if the lease or sale is in the best interest of the  
382 state. The board of trustees shall adopt rules pursuant to  
383 chapter 120 for the implementation of this section.

384 Section 10. Subsection (3) is amended and subsection (12)  
385 is added to section 337.25, Florida Statutes, to read:

386 337.25 Acquisition, lease, and disposal of real and  
387 personal property.—

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

401 property pursuant to subsection (4).

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

408 Section 11. Subsection (1) is amended and subsection (9)  
409 is added to section 373.089, Florida Statutes, to read:

410 373.089 Sale or exchange of lands, or interests or rights  
411 in lands.—The governing board of the district may sell lands, or  
412 interests or rights in lands, to which the district has acquired  
413 title or to which it may hereafter acquire title in the  
414 following manner:

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

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

432

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

437        Section 12. Hurricane Recovery Programs.—

438        (1) The Hurricane Housing Recovery Program is created to  
439 provide funds to local governments for affordable housing  
440 recovery efforts due to impacts to the affordable housing stock  
441 resulting from Hurricanes Irma and Maria. The Florida Housing  
442 Finance Corporation shall administer the program with resources  
443 allocated to local governments according to a need-based formula  
444 that reflects affordable housing damage estimates. Eligible  
445 local governments must submit a strategy outlining proposed  
446 recovery actions, income levels and number of units to be  
447 served, and funding requests. Program funds shall be used as  
448 follows:

449        (a) To serve households with incomes up to 120 percent of  
450 area median income, except that at least 30 percent of program

451 funds should be reserved for households with incomes up to 50  
452 percent of area median income and an additional 30 percent of  
453 program funds reserved for households with incomes up to 80  
454 percent of area median income.

455 (b) At least 65 percent of funds allocated shall be used  
456 for homeownership as described in paragraph (a).

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

459 (2) The Recovery Rental Loan Program is created to provide  
460 funds to build additional rental housing due to impacts to the  
461 housing stock resulting from Hurricanes Irma and Maria. The  
462 program is intended to allow the state to leverage additional  
463 federal rental financing similar to the State Apartment  
464 Incentive Loan Program as described in s. 420.5087, Florida  
465 Statutes.

466 (3) By September 15, 2019, and each year thereafter, each  
467 participating local entity shall submit a report of its housing  
468 recovery program and accomplishments through June 30, as  
469 specified by the Florida Housing Finance Corporation.

470 (4) Florida Housing Finance Corporation may adopt  
471 emergency rules pursuant to s. 120.54, Florida Statutes. The  
472 Legislature finds that emergency rules adopted pursuant to this  
473 section meet the health, safety, and welfare requirement of s.  
474 120.54(4), Florida Statutes. The Legislature finds that such  
475 emergency rulemaking is necessary to preserve the rights and

476 welfare of the people and to provide additional funds to assist  
477 those areas of the state that sustained impacts to available  
478 affordable housing stock due to Hurricanes Irma and Maria.  
479 Therefore, in adopting such emergency rules, the corporation  
480 need not make the findings required by s. 120.54(4)(a), Florida  
481 Statutes. Emergency rules adopted under this section are exempt  
482 from s. 120.54(4)(c), Florida Statutes.

483       Section 13. For the 2018-2019 fiscal year only, 20 percent  
484 of the most recent revenue estimate from the Revenue Estimating  
485 Conference for the 2018-2019 fiscal year from both the Local  
486 Government Housing Trust Fund and the State Housing Trust Fund  
487 are appropriated to the Florida Housing Finance Corporation for  
488 the purpose of affordable housing hurricane recovery efforts.  
489 Funds from the Local Government Housing Trust Fund shall be used  
490 for the Hurricane Housing Recovery Program and shall be  
491 allocated based on the review of FEMA damage assessment data by  
492 the Florida Housing Finance Corporation. Funds from the State  
493 Housing Trust Fund shall be used for the Rental Recovery Loan  
494 Program to assist with building and rehabilitating affordable  
495 rental housing to help communities respond to hurricane recovery  
496 needs. The Florida Housing Finance Corporation shall use  
497 \$100,000 from the funds appropriated from the State Housing  
498 Trust Fund to provide technical and training assistance.

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