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	CHAMBER ACTION
	Senate House
1	Representative Rivera offered the following:
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3	Amendment to Amendment (658001) (with title amendment)
4	Between lines 480 and 481, insert:
5	Section 6. <u>Sections 6 through 20 of this act may be</u>
6	referred to by the popular name the "Florida Homeownership Act
7	<u>of 2004."</u>
8	Section 7. Section 193.017, Florida Statutes, is created
9	to read:
10	193.017 Low-income housing tax creditProperty used for
11	affordable housing which has received a low-income housing tax
12	credit from the Florida Housing Finance Corporation, as
13	authorized by s. 420.5099, shall be assessed under s. 193.011
14	and consistent with s. 420.5099(5) and (6), pursuant to this
15	section.

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16 (1) The tax credits and the financing generated by the tax 17 credits may not be considered as income to the property.

18 (2) The actual rental income from rent-restricted units in
 19 such a property shall be recognized by the property appraiser.

20 (3) Any costs paid for by tax credits and costs paid for 21 by additional financing proceeds received under chapter 420 may 22 not be included in the valuation of the property.

23 (4) If an extended low-income housing agreement is filed 24 in the official public records of the county in which the 25 property is located, the agreement and any recorded amendment or 26 supplement thereto shall be considered a land use regulation and 27 a limitation on the highest and best use of the property during 28 the term of the agreement, amendment, or supplement.

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

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253.034 State-owned lands; uses.--

The Board of Trustees of the Internal Improvement 32 (6) 33 Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. For conservation lands, 34 the board shall make a determination that the lands are no 35 36 longer needed for conservation purposes and may dispose of them 37 by an affirmative vote of at least three members. In the case of 38 a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least 39 40 three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall make 41 42 a determination that the lands are no longer needed and may

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43 dispose of them by an affirmative vote of at least three44 members.

45 (f) In reviewing lands owned by the board, the council shall consider whether such lands would be more appropriately 46 47 owned or managed by the county or other unit of local government in which the land is located. The council shall recommend to the 48 49 board whether a sale, lease, or other conveyance to a local 50 government would be in the best interests of the state and local 51 government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be 52 53 offered to the state, county, or local government for a period 54 of 30 days. Permittable uses for such surplus lands may include 55 public schools; public libraries; fire or law enforcement 56 substations; and governmental, judicial, or recreational 57 centers; and affordable housing. County or local government 58 requests for surplus lands shall be expedited throughout the 59 surplusing process. If the county or local government does not 60 elect to purchase such lands in accordance with s. 253.111, then any surplusing determination involving other governmental 61 62 agencies shall be made upon the board deciding the best public 63 use of the lands. Surplus properties in which governmental 64 agencies have expressed no interest shall then be available for 65 sale on the private market.

Section 9. Subsection (5) is added to section 420.0003,
Florida Statutes, to read:

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420.0003 State housing strategy.--

69 <u>(5) HOUSING OPTIONS.--The affordable housing delivery</u> 70 <u>system shall provide for a variety of housing options as</u> 382687

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71 <u>appropriate, including, but not limited to, single family and</u> 72 <u>multifamily housing built according to chapter 553, manufactured</u> 73 <u>housing as defined in s. 320.01(2)(b), and housing coordinated</u> 74 <u>with services for special needs populations.</u>

75 Section 10. Subsection (2) and paragraph (a) of subsection 76 (22) of section 420.507, Florida Statutes, are amended, and 77 subsections (42), (43), and (44) are added to said section, to 78 read:

79 420.507 Powers of the corporation.--The corporation shall 80 have all the powers necessary or convenient to carry out and 81 effectuate the purposes and provisions of this part, including 82 the following powers which are in addition to all other powers 83 granted by other provisions of this part:

84 (2) To undertake and carry out studies and analyses of
85 housing needs within the state and ways of meeting those needs,
86 to determine whether supplies of affordable housing in various
87 markets may exceed future demands.

88 (22) To develop and administer the State Apartment
89 Incentive Loan Program. In developing and administering that
90 program, the corporation may:

(a) Make first, second, and other subordinated mortgage 91 92 loans including variable or fixed rate loans subject to 93 contingent interest for all State Apartment Incentive Loans 94 provided for in this chapter based upon available cash flow of 95 the projects. The corporation shall make loans exceeding 25 percent of project cost available only to nonprofit 96 97 organizations and public bodies which are able to secure grants, 98 donations of land, or contributions from other sources and to 382687

Amendment No. (for drafter's use only) 99 projects meeting the criteria of subparagraph 1. Mortgage loans shall be made available at the following rates of interest: 100 1. Zero to 3 percent interest for sponsors of projects 101 102 that set aside at least maintain an 80 percent occupancy of 103 their total units for residents qualifying as farmworkers as 104 defined in s. $420.503(18)_{\tau}$ or commercial fishing workers as 105 defined in s. 420.503(5), or the homeless as defined in s. 420.621(4) over the life of the loan. 106 107 2. Zero to 3 percent interest for projects that set aside at least 80 percent of the project's total units for the 108 homeless as defined in s. 420.621(4), provided the board may set 109 the interest rate based on the pro rata share of units set aside 110 for homeless residents if the total of such units is less than 111 112 80 percent of the units in the borrower's project. 113 3.2. Three to 9 percent interest for sponsors of projects 114 targeted at populations other than farmworkers, commercial fishing workers, and the homeless. 115 116 (42) To establish procedures by rule whereby the corporation may intervene, negotiate terms, or undertake other 117 actions which the corporation deems necessary to avoid default 118 of a program loan. Such procedures must be fiscally responsible 119 120 and designed to maximize returns to the state. 121 (43) To promote single family homeownership in this state 122 and develop and implement a marketing plan in consultation with 123 local governments and state and federal agencies that includes strategies such as advertising, homebuyer fairs, and homebuyer 124 125 education.

Amendment No. (for drafter's use only) 126 (44) To establish by rule requirements for periodic reporting of data, including, but not limited to, financial 127 data, housing market data, detailed economic and physical 128 129 occupancy on multifamily projects, and demographic data on all housing financed through corporation programs. 130 Section 11. Subsection (8) is added to section 420.508, 131 132 Florida Statutes, to read: 133 420.508 Special powers; multifamily and single-family 134 projects. -- The corporation shall have the special power to: 135 (8) Provide by rule for master lease agreements for 136 farmworker housing developments when and where appropriate to ensure continuity and stability of housing for farmworker 137 138 populations. Section 12. Subsection (3) and paragraph (m) of subsection 139 140 (6) of section 420.5087, Florida Statutes, are amended to read: 141 420.5087 State Apartment Incentive Loan Program.--There is 142 hereby created the State Apartment Incentive Loan Program for 143 the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-144 profit, nonprofit, and public entities, to provide housing 145 146 affordable to very-low-income persons. 147 (3) During the first 6 months of loan or loan guarantee 148 availability, program funds shall be reserved for use by 149 sponsors who provide the housing set-aside required in 150 subsection (2) for the tenant groups designated in this subsection. The reservation of funds to each of these groups 151 152 shall be determined using the most recent statewide very-low-153 income rental housing market study available at the time of 382687

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154 publication of each notice of fund availability required by 155 paragraph (6)(b). The reservation of funds within each notice of fund availability to the tenant groups in paragraphs (a), (b), 156 157 and (d) may not be less than 10 percent of the funds available 158 at that time. Any increase in funding required to reach the 10-159 percent minimum shall be taken from the tenant group that has 160 the largest reservation. The reservation of funds within each 161 notice of fund availability to the tenant group in paragraph (c) 162 may not be less than 5 percent of the funds available at that 163 time. The tenant groups are:

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(a) Commercial fishing workers and farmworkers;

- (b) Families;
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(c) Persons who are homeless; and

167 Elderly persons. Ten percent of the amount reserved (d) for the elderly shall be reserved to provide loans to sponsors 168 169 of housing for the elderly for the purpose of making building 170 preservation, health, or sanitation repairs or improvements 171 which are required by federal, state, or local regulation or 172 code, or lifesafety or security-related repairs or improvements 173 to such housing. Such a loan may not exceed \$500,000 \$200,000 per housing community for the elderly. In order to receive the 174 175 loan, the sponsor of the housing community must make a 176 commitment to match at least 15 percent of the loan amount to 177 pay the cost of such repair or improvement. The corporation 178 shall establish the rate of interest on the loan, which may not 179 exceed 3 percent, and the term of the loan, which may not exceed 180 15 years. The term of the loan shall be established on the basis 181 of a credit analysis of the applicant. The corporation shall

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establish, by rule, the procedure and criteria for receiving, evaluating, and competitively ranking all applications for loans under this paragraph. A loan application must include evidence of the first mortgagee's having reviewed and approved the sponsor's intent to apply for a loan. A nonprofit organization or sponsor may not use the proceeds of the loan to pay for administrative costs, routine maintenance, or new construction.

(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:

194 Sponsors shall annually certify, according to (m) requirements provided by the corporation by rule, the adjusted 195 196 gross income of all persons or families qualified under 197 subsection (2) at the time of initial occupancy, who are 198 residing in a project funded by this program. All persons or 199 families qualified under subsection (2) may continue to qualify under subsection (2) in a project funded by this program if the 200 201 adjusted gross income of those persons or families at the time of annual recertification meets the requirements established in 202 203 s. 142(d)(3)(B) of the Internal Revenue Code of 1986, as 204 amended. If the annual recertification of persons or families 205 qualifying under subsection (2) results in noncompliance with 206 income occupancy requirements, the next available unit must be 207 rented to a person or family qualifying under subsection (2) in 208 order to ensure continuing compliance of the project.

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209 Section 13. Subsection (3) of section 420.511, Florida 210 Statutes, is amended to read:

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420.511 Business plan; strategic plan; annual report.--

(3) The corporation shall submit to the Governor and the presiding officers of each house of the Legislature, within 2 months after the end of its fiscal year, a complete and detailed report setting forth:

(a) Its operations and accomplishments.÷

217 (b) Changes made to the rules of the corporation pursuant 218 to s. 120.54.

219 (c)(b) Its receipts and expenditures during its fiscal 220 year in accordance with the categories or classifications 221 established by the corporation for its operating and capital 222 outlay purposes. \div

223 (d)(c) Its assets and liabilities at the end of its fiscal 224 year and the status of reserve, special, or other funds. \div

 $\begin{array}{c} 225 \\ \underline{(e)(d)} \\ \mbox{A schedule of its bonds outstanding at the end of} \\ 226 \\ \mbox{its fiscal year, together with a statement of the principal} \\ 227 \\ \mbox{amounts of bonds issued and redeemed during the fiscal year}.\\ \hline \\ 228 \\ \mbox{and} \\ \end{array}$

(f)(e) Information relating to the corporation's activities in implementing the provisions of ss. 420.5087 and 420.5088. The report required by this subsection shall include, but not be limited to:

The number of people served, delineated by income, age,
 family size, and racial characteristics.

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2. The number of units produced under each program.

3. The average cost of producing units under each program. 382687

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Affordable Housing Guarantee Program, which includes the city and county, the total number of units constructed, the quarterly occupancy rates expressed as percentages for the fiscal year, the total principal and interest due for the fiscal year, the principal and interest paid for the fiscal year, and the Florida Affordable Housing Guarantee Program's total outstanding obligation at the end of the fiscal year.

272Section 14. Paragraph (a) of subsection (1) of section273420.9072, Florida Statutes, is amended to read:

274 420.9072 State Housing Initiatives Partnership 275 Program.--The State Housing Initiatives Partnership Program is 276 created for the purpose of providing funds to counties and 277 eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve 278 279 affordable housing, to further the housing element of the local 280 government comprehensive plan specific to affordable housing, 281 and to increase housing-related employment.

282 (1)(a) In addition to the legislative findings set forth in s. 420.6015, the Legislature finds that affordable housing is 283 284 most effectively provided by combining available public and 285 private resources to conserve and improve existing housing and 286 provide new housing for very-low-income households, low-income 287 households, and moderate-income households. The Legislature 288 intends to encourage partnerships in order to secure the 289 benefits of cooperation by the public and private sectors and to 290 reduce the cost of housing for the target group by effectively 291 combining all available resources and cost-saving measures. The 292 Legislature further intends that local governments achieve this

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293 combination of resources by encouraging active partnerships 294 between government, lenders, builders and developers, real estate professionals, advocates for low-income persons, and 295 296 community groups to produce affordable housing and provide 297 related services. Extending the partnership concept to encompass 298 cooperative efforts among small counties as defined in s. 299 120.52(17), and among counties and municipalities is 300 specifically encouraged. Local governments are also intended to 301 establish and retain an affordable housing advisory committee to 302 recommend monetary and nonmonetary incentives for affordable 303 housing as provided in s. 420.9076.

Section 15. Subsection (2) of section 420.9076, Florida Statutes, is amended, present subsections (3) through (7) of said section are renumbered as subsections (4) through (8), respectively, new subsections (3) and (9) are added to said section, and paragraphs (k) and (l) are added to present subsection (4) of said section, to read:

310 420.9076 Adoption of affordable housing incentive 311 strategies; committees.--

312 (2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee 313 314 by resolution. Pursuant to the terms of any interlocal 315 agreement, a county and municipality may create and jointly 316 appoint an advisory committee to prepare a joint plan. The 317 ordinance adopted pursuant to s. 420.9072 which creates the 318 advisory committee or the resolution appointing the advisory 319 committee members must provide for a minimum of nine committee 320 members and their terms. The committee must include:

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Amendment No. (for drafter's use only) 321 (a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing. 322 One citizen who is actively engaged in the banking or 323 (b) 324 mortgage banking industry in connection with affordable housing. 325 (c) One citizen who is a representative of those areas of 326 labor actively engaged in home building in connection with 327 affordable housing. 328 One citizen who is actively engaged as an advocate for (d) 329 low-income persons in connection with affordable housing. 330 (e) One citizen who is actively engaged as a for-profit 331 provider of affordable housing. 332 (f) One citizen who is actively engaged as a not-for-333 profit provider of affordable housing. 334 (g) One citizen who is actively engaged as a real estate 335 professional in connection with affordable housing. 336 (h) One citizen who actively serves on the local planning agency pursuant to s. 163.3174. 337 338 (i) One citizen who resides within the jurisdiction of the 339 local governing body making the appointments. 340 Any additional committee members must be citizens within the 341 342 jurisdiction of the local governing body making the 343 appointments. If a county or eligible municipality whether due 344 to its small size, the presence of a conflict of interest by 345 prospective appointees, or other reasonable factor, is unable to 346 appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the 347 348 activity without regard to affordable housing may be appointed.

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349 (3) Each county or eligible municipality participating in
 350 the State Housing Initiatives Partnership Program must maintain
 351 an operational affordable housing advisory committee.

352 (5) (4) The advisory committee shall review the established 353 policies and procedures, ordinances, land development 354 regulations, and adopted local government comprehensive plan of 355 the appointing local government and shall recommend specific 356 initiatives to encourage or facilitate affordable housing while 357 protecting the ability of the property to appreciate in value. Such recommendations may include the modification or repeal of 358 359 existing policies, procedures, ordinances, regulations, or plan 360 provisions; the creation of exceptions applicable to affordable 361 housing; or the adoption of new policies, procedures, 362 regulations, ordinances, or plan provisions. At a minimum, each 363 advisory committee shall make recommendations on affordable 364 housing incentives in the following areas:

365 (k) The review of the housing element of the local 366 government comprehensive plan pursuant to chapter 163 and the 367 Local Housing Assistance Plan.

368 (1) Actions as liaison between local governing councils
 369 and commissions and the general public.

370 371 The advisory committee recommendations must also include other 372 affordable housing incentives identified by the advisory 373 committee.

374 <u>(9) The advisory committee shall have a continuing</u> 375 <u>function as an oversight committee for the implementation of the</u> 376 <u>local housing assistance plan and incentive strategies. The</u> 382687

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377 <u>advisory committee shall meet no less than annually to review</u> 378 <u>the local housing assistance plan and incentive strategies to</u> 379 <u>provide recommendations to the appointing local government in</u> 380 <u>regard to its housing strategies and incentives.</u>

381 Section 16. Subsection (2) of section 421.02, Florida382 Statutes, is amended to read:

383 421.02 Finding and declaration of necessity.--It is hereby384 declared that:

385 (2) <u>Blighted</u> Slum areas in the state cannot be <u>revitalized</u>
386 cleared, nor can the shortage of safe and sanitary dwellings for
387 persons of low income be relieved, through the operation of
388 private enterprise, and that the construction of housing
389 projects for persons of low income, as herein defined, would
390 therefore not be competitive with private enterprise.

391 Section 17. Subsection (8) of section 421.08, Florida
392 Statutes, is renumbered as subsection (10), and new subsections
393 (8) and (9) are added to said section, to read:

394 421.08 Powers of authority.--An authority shall constitute 395 a public body corporate and politic, exercising the public and 396 essential governmental functions set forth in this chapter, and 397 having all the powers necessary or convenient to carry out and 398 effectuate the purpose and provisions of this chapter, including 399 the following powers in addition to others herein granted:

400 (8) To create for-profit and not-for-profit corporations,
 401 limited liability companies, and such other business entities
 402 pursuant to the laws of this state in which housing authorities
 403 may hold an ownership interest or participate in their
 404 governance to engage in the development, acquisition, leasing,

Amendment No. (for drafter's use only) construction, rehabilitation, management, or operation of 405 multifamily and single-family residential projects. These 406 407 projects may include nonresidential uses and may use public and 408 private funds to serve individuals or families who meet the 409 applicable income requirements of the state or federal program involved, whose income does not exceed 150 percent of the 410 411 applicable Area Median Income as established by the United 412 States Department of Housing and Urban Development, and who, in 413 the determination of the housing authority, lack sufficient 414 income or assets to enable them to purchase or rent decent, 415 safe, and sanitary dwelling. These corporations, limited liability companies, or other business entities are authorized 416 and empowered to join partnerships, joint ventures, or limited 417 418 liability companies or to otherwise engage with business entities in the development, acquisition, leasing, construction, 419 420 rehabilitation, management, or operation of such projects. The 421 creation of such corporations, limited liability companies, or 422 other business entities by housing authorities for the purposes set forth in this chapter together with all proceedings, acts, 423 and things theretofor undertaken, performed, or done are hereby 424 425 validated, ratified, confirmed, approved, and declared legal in 426 all respects. 427 (9) Notwithstanding the provisions for per diem and travel expenses of public officers, employees, and authorized persons 428 429 set forth in s. 112.061, the governing board of an authority may 430 approve and implement policies for per diem, travel, and other expenses of its officials, officers, board members, employees, 431

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432 and authorized persons in a manner consistent with federal433 guidelines.

434 Section 18. Section 421.09, Florida Statutes, is amended 435 to read:

436 421.09 Operation not for profit. -- It is the policy of this 437 state that each housing authority shall manage and operate its 438 housing projects in an efficient manner so as to enable it to 439 fix the rentals for dwelling accommodations at the lowest 440 possible rates consistent with its providing decent, safe and 441 sanitary dwelling accommodations, and that no housing authority 442 shall construct or operate any such project for profit, or as a 443 source of revenue to the city. To this end an authority shall fix the rentals for dwellings in its project at no higher rate 444 445 than it shall find to be necessary in order to produce revenues 446 which, together with all other available moneys, revenue, income 447 and receipts of the authority from whatever sources derived, 448 will be sufficient:

(1) To pay, as the same shall become due, the principaland interest on the debentures of the authority;

451 (2) To meet the cost of, and to provide for, maintaining
452 and operating the projects, including the cost of any insurance,
453 and the administrative expenses of the authority; and

(3) To create, during not less than the 6 years immediately succeeding its issuance of any debentures, a reserve sufficient to meet the largest principal and interest payments which will be due on such debentures in any one year thereafter, and to maintain such reserve.

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460 This section shall in no way prohibit or restrict the activities 461 or operations of the business entities created pursuant to s. 462 421.08(8).

463 Section 19. Section 421.23, Florida Statutes, is amended 464 to read:

465 421.23 Liabilities of authority.--In no event shall the 466 liabilities, whether ex contractu or ex delicto, of an authority 467 arising from the operation of its housing projects, be payable 468 from any funds other than the rents, fees, or revenues of such 469 projects and any grants or subsidies paid to such authority by 470 the Federal Government, unless such other funds are lawfully 471 pledged by the authority's governing board.

472 473 Section 20. Section 421.54, Florida Statutes, is repealed.

476 An act relating to the community contribution tax credit 477 program and affordable housing; amending s. 212.08, F.S.; requiring the Office of Tourism, Trade, and Economic 478 479 Development to reserve portions of certain annual tax 480 credits for eligible sponsors of certain low-income 481 housing projects; providing requirements, criteria, and 482 limitations; amending s. 220.03, F.S.; revising a 483 definition to delete a provision authorizing the office to 484 reserve certain portions of available annual tax credits 485 for certain low-income housing purposes; amending s. 486 220.183, F.S.; increasing the amount of available annual 487 community contribution tax credits; revising eligibility

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488 criteria; requiring the Office of Tourism, Trade, and 489 Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income 490 491 housing projects; providing requirements, criteria, and 492 limitations; amending s. 624.5105, F.S.; increasing the 493 amount of available annual community contribution tax 494 credits; revising eligibility criteria; requiring the 495 Office of Tourism, Trade, and Economic Development to 496 reserve portions of certain annual tax credits for 497 eligible sponsors of certain low-income housing projects; 498 providing requirements, criteria, and limitations; 499 amending s. 212.055, F.S., relating to the local government infrastructure surtax; deleting a limitation on 500 issuing bonds; providing a popular name; creating s. 501 193.017, F.S.; providing for a low-income housing tax 502 503 credit for certain property used for affordable housing; 504 providing criteria, restrictions, and limitations; 505 amending s. 253.034, F.S.; including affordable housing 506 under provisions governing permittable uses of certain 507 surplus state-owned lands; amending s. 420.0003, F.S.; providing additional criteria for the affordable housing 508 509 delivery system under the state housing strategy; amending 510 s. 420.507, F.S.; revising powers of the Florida Housing 511 Finance Corporation to provide additional criteria and 512 requirements for certain housing projects; providing 513 additional powers to promote single family homeownership 514 and establish requirements for reporting certain 515 information relating to programs of the corporation;

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516 amending s. 420.508, F.S.; providing the corporation with 517 special powers to provide for master lease agreements for farmworker housing developments for certain purposes; 518 519 amending s. 420.5087, F.S.; increasing a cap for loans per 520 housing community for the elderly; revising a criterion 521 for state apartment incentive loans; amending s. 420.511, 522 F.S.; providing additional requirements for an annual 523 report by the corporation; amending s. 420.9072, F.S.; 524 providing additional legislative intent relating to local government affordable housing advisory committees; 525 526 amending s. 420.9076, F.S.; providing for a minimum number 527 of affordable housing advisory committee members; 528 providing a criterion for additional members; requiring counties and municipalities participating in the State 529 530 Housing Initiative Partnership Program to maintain an 531 operational advisory committee; providing additional 532 recommendation requirements for such advisory committees; 533 providing additional duties of the advisory committees; amending s. 421.02, F.S.; revising a legislative 534 535 declaration relating to blighted areas; amending s. 536 421.08, F.S.; authorizing certain housing authorities to 537 create business entities for certain purposes; providing 538 requirements and limitations; authorizing such authorities 539 to provide for per diem, travel, and other expenses; 540 amending s. 421.09, F.S.; providing construction; amending 541 s. 421.23, F.S.; revising a limitation on financial 542 liabilities of such authorities; repealing s. 421.54,

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543 F.S., relating to housing authorities in Orange County and544 Seminole County; providing an effective date.