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1                                   A bill to be entitled  
 2           An act relating to review of the Department of Community  
 3           Affairs under the Florida Government Accountability Act;  
 4           reenacting pt. V of ch. 420, F.S., the "Florida Housing  
 5           Finance Corporation Act," consisting of ss. 420.501,  
 6           420.502, 420.503, 420.504, 420.505, 420.506, 420.5061,  
 7           420.507, 420.508, 420.5087, 420.5088, 420.5089, 420.509,  
 8           420.5091, 420.5092, 420.5093, 420.5095, 420.5099, 420.51,  
 9           420.511, 420.512, 420.513, 420.514, 420.515, 420.516,  
 10          420.517, 420.521, 420.522, 420.523, 420.524, 420.525,  
 11          420.526, 420.527, 420.528, 420.529, 420.5295, 420.531, and  
 12          420.55, F.S.; amending s. 420.506, F.S.; providing for the  
 13          appointment of an inspector general of the Florida Housing  
 14          Finance Corporation; providing appointing authority  
 15          thereof; providing duties and responsibilities of the  
 16          inspector general; amending s. 420.0006, F.S.; removing an  
 17          obsolete reference; replacing references to the inspector  
 18          general of the Department of Community Affairs with  
 19          references to the inspector general of the Florida Housing  
 20          Finance Corporation, to conform; amending s. 20.055, F.S.;;  
 21          revising the definitions of "state agency" and "agency  
 22          head" to include the Florida Housing Finance Corporation  
 23          within the state agencies within which the Office of  
 24          Inspector General is established; amending s. 420.504,  
 25          F.S.; authorizing the Secretary of Community Affairs to  
 26          designate a senior-level agency employee to serve on the  
 27          board of directors of the Florida Housing Finance  
 28          Corporation; providing an effective date.

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

Section 1. Part V of chapter 420, Florida Statutes, the "Florida Housing Finance Corporation Act," consisting of sections 420.501, 420.502, 420.503, 420.504, 420.505, 420.506, 420.5061, 420.507, 420.508, 420.5087, 420.5088, 420.5089, 420.509, 420.5091, 420.5092, 420.5093, 420.5095, 420.5099, 420.51, 420.511, 420.512, 420.513, 420.514, 420.515, 420.516, 420.517, 420.521, 420.522, 420.523, 420.524, 420.525, 420.526, 420.527, 420.528, 420.529, 420.5295, 420.531, and 420.55, Florida Statutes, is reenacted.

Section 2. Section 420.506, Florida Statutes, as reenacted, is amended to read:

420.506 Executive director; agents and employees; inspector general.—

(1) The appointment and removal of an executive director shall be by the Secretary of Community Affairs, with the advice and consent of the corporation's board of directors. The executive director shall employ legal and technical experts and such other agents and employees, permanent and temporary, as the corporation may require, and shall communicate with and provide information to the Legislature with respect to the corporation's activities. The board is authorized, notwithstanding the provisions of s. 216.262, to develop and implement rules regarding the employment of employees of the corporation and service providers, including legal counsel. The board of directors of the corporation is entitled to establish travel

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57 | procedures and guidelines for employees of the corporation. The  
 58 | executive director's office and the corporation's files and  
 59 | records must be located in Leon County.

60 |       (2) The executive director shall appoint an inspector  
 61 | general with the advice and consent of the corporation's board  
 62 | of directors, who shall be the inspector general as required in  
 63 | s. 20.055, who shall be directly responsible to the executive  
 64 | director, and who shall serve at the pleasure of the executive  
 65 | director. The corporation's inspector general shall perform for  
 66 | the corporation the functions set forth in s. 20.055 and report  
 67 | to the executive director. The corporation shall be deemed an  
 68 | agency for the purposes of s. 20.055. The inspector general  
 69 | shall be responsible for carrying out the responsibilities set  
 70 | forth in s. 420.0006, internal affairs investigations,  
 71 | management reviews, and grievances and any other investigations  
 72 | as necessary. The inspector general shall see that all the rules  
 73 | issued by the corporation are strictly observed by all persons  
 74 | connected with the corporation. The inspector general and  
 75 | inspectors may enter any place where the corporation has an  
 76 | office and may review files, consult with employees, or obtain  
 77 | any information as necessary to conduct an investigation. The  
 78 | inspector general and inspectors shall be responsible for  
 79 | criminal and administrative investigation of matters relating to  
 80 | the corporation.

81 |       Section 3. Section 420.0006, Florida Statutes, is  
 82 | reenacted and amended to read:

83 |       420.0006 Authority to contract with corporation; contract  
 84 | requirements; nonperformance.—The secretary of the department

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85 shall contract, notwithstanding the provisions of part I of  
 86 chapter 287, with the Florida Housing Finance Corporation on a  
 87 multiyear basis to stimulate, provide, and foster affordable  
 88 housing in the state. The contract must incorporate the  
 89 performance measures required by s. 420.511 and must be  
 90 consistent with the provisions of the corporation's strategic  
 91 plan prepared in accordance with s. 420.511 ~~and compatible with~~  
 92 ~~s. 216.0166~~. The contract must provide that, in the event the  
 93 corporation fails to comply with any of the performance measures  
 94 required by s. 420.511, the secretary shall notify the Governor  
 95 and shall refer the nonperformance to the corporation's  
 96 ~~department's~~ inspector general for review and determination as  
 97 to whether such failure is due to forces beyond the  
 98 corporation's control or whether such failure is due to  
 99 inadequate management of the corporation's resources. Advances  
 100 shall continue to be made pursuant to s. 420.0005 during the  
 101 pendency of the review by the corporation's ~~department's~~  
 102 inspector general. If such failure is due to outside forces, it  
 103 shall not be deemed a violation of the contract. If such failure  
 104 is due to inadequate management, the corporation's ~~department's~~  
 105 inspector general shall provide recommendations regarding  
 106 solutions. The Governor is authorized to resolve any differences  
 107 of opinion with respect to performance under the contract and  
 108 may request that advances continue in the event of a failure  
 109 under the contract due to inadequate management. The Chief  
 110 Financial Officer shall approve the request absent a finding by  
 111 the Chief Financial Officer that continuing such advances would  
 112 adversely impact the state; however, in any event the Chief

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113 Financial Officer shall provide advances sufficient to meet the  
 114 debt service requirements of the corporation and sufficient to  
 115 fund contracts committing funds from the State Housing Trust  
 116 Fund so long as such contracts are in accordance with the laws  
 117 of this state. ~~The department inspector general shall perform~~  
 118 ~~for the corporation the functions set forth in s. 20.055 and~~  
 119 ~~report to the secretary of the department. The corporation shall~~  
 120 ~~be deemed an agency for the purposes of s. 20.055.~~

121 Section 4. Paragraphs (a) and (b) of subsection (1) of  
 122 section 20.055, Florida Statutes, are amended to read:

123 20.055 Agency inspectors general.—

124 (1) For the purposes of this section:

125 (a) "State agency" means each department created pursuant  
 126 to this chapter, and also includes the Executive Office of the  
 127 Governor, the Department of Military Affairs, the Fish and  
 128 Wildlife Conservation Commission, the Office of Insurance  
 129 Regulation of the Financial Services Commission, the Office of  
 130 Financial Regulation of the Financial Services Commission, the  
 131 Public Service Commission, the Board of Governors of the State  
 132 University System, the Florida Housing Finance Corporation, and  
 133 the state courts system.

134 (b) "Agency head" means the Governor, a Cabinet officer, a  
 135 secretary as defined in s. 20.03(5), or an executive director as  
 136 defined in s. 20.03(6). It also includes the chair of the Public  
 137 Service Commission, the Director of the Office of Insurance  
 138 Regulation of the Financial Services Commission, the Director of  
 139 the Office of Financial Regulation of the Financial Services  
 140 Commission, the executive director of the Florida Housing

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141 Finance Corporation, and the Chief Justice of the State Supreme  
 142 Court.

143 Section 5. Subsection (3) of section 420.504, Florida  
 144 Statutes, as reenacted, is amended to read:

145 420.504 Public corporation; creation, membership, terms,  
 146 expenses.—

147 (3) The corporation is a separate budget entity and is not  
 148 subject to control, supervision, or direction by the Department  
 149 of Community Affairs in any manner, including, but not limited  
 150 to, personnel, purchasing, transactions involving real or  
 151 personal property, and budgetary matters. The corporation shall  
 152 consist of a board of directors composed of the Secretary of  
 153 Community Affairs as an ex officio and voting member, or a  
 154 senior-level agency employee designated by the secretary, and  
 155 eight members appointed by the Governor subject to confirmation  
 156 by the Senate from the following:

157 (a) One citizen actively engaged in the residential home  
 158 building industry.

159 (b) One citizen actively engaged in the banking or  
 160 mortgage banking industry.

161 (c) One citizen who is a representative of those areas of  
 162 labor engaged in home building.

163 (d) One citizen with experience in housing development who  
 164 is an advocate for low-income persons.

165 (e) One citizen actively engaged in the commercial  
 166 building industry.

167 (f) One citizen who is a former local government elected  
 168 official.

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169 (g) Two citizens of the state who are not principally  
170 employed as members or representatives of any of the groups  
171 specified in paragraphs (a)-(f).

172 Section 6. This act shall take effect July 1, 2010.