

PROPOSED COMMITTEE SUBSTITUTE FOR COMMITTEE PURPOSES

Bill No. PCS for HB 161

**COUNCIL/COMMITTEE ACTION**

ADOPTED                                         (Y/N)  
ADOPTED AS AMENDED                         (Y/N)  
ADOPTED W/O OBJECTION                     (Y/N)  
FAILED TO ADOPT                             (Y/N)  
WITHDRAWN                                    (Y/N)  
OTHER                                               

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1 **Committee hearing bill:** Military & Local Affairs Policy  
2 Committee  
3 The Military & Local Affairs Policy Committee offered the  
4 following:

5  
6 **Proposed Committee Substitute**

7 Remove the entire bill and insert:

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9                                    A bill to be entitled  
10 An act relating to affordable housing; amending s.  
11 159.807, F.S.; providing limitations on the Florida  
12 Housing Finance Corporation's access to the state  
13 allocation pool; deleting a provision exempting the  
14 corporation from the applicability of certain uses of the  
15 state allocation pool and revising language relating to  
16 such uses; amending s. 212.055, F.S.; redefining the term  
17 "infrastructure" to allow the proceeds of a local  
18 government infrastructure surtax to be used to purchase  
19 land for certain purposes relating to construction of  
20 affordable housing; amending s. 420.503, F.S.; defining  
21 the term "moderate rehabilitation" for purposes of the  
22 Florida Housing Finance Corporation Act; amending s.  
23 420.507, F.S.; providing the corporation with certain

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24 powers relating to competitive programs; providing  
25 criteria for the evaluation of domicile and experience of  
26 developers and general contractors; requiring the  
27 corporation to adopt rules; providing the corporation with  
28 certain powers relating to developing and administering a  
29 grant program; amending s. 420.5087, F.S.; revising  
30 purposes for which state apartment incentive loans may be  
31 used; amending s. 420.615, F.S.; revising provisions  
32 relating to comprehensive plan amendments; authorizing  
33 certain persons to challenge the compliance of an  
34 amendment; creating s. 420.628, F.S.; providing  
35 legislative findings and intent; requiring certain  
36 governmental entities to develop and implement strategies  
37 and procedures designed to increase affordable housing  
38 opportunities for young adults who are leaving the child  
39 welfare system; amending s. 420.9071, F.S.; revising and  
40 providing definitions; amending s. 420.9072, F.S.;  
41 conforming a cross-reference; amending s. 420.9073, F.S.;  
42 revising the frequency with which local housing  
43 distributions are to be made by the corporation;  
44 authorizing the corporation to withhold funds from the  
45 total distribution annually for specified purposes;  
46 requiring counties and eligible municipalities that  
47 receive local housing distributions to expend those funds  
48 in a specified manner; amending s. 420.9075, F.S.;  
49 requiring that local housing assistance plans address the  
50 special housing needs of persons with disabilities;  
51 authorizing the corporation to define high-cost counties  
52 and eligible municipalities by rule; authorizing high-cost  
53 counties and certain municipalities to assist persons and  
54 households meeting specific income requirements; revising  
55 requirements to be included in the local housing

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56 assistance plan; requiring counties and certain  
57 municipalities to include certain initiatives and  
58 strategies in the local housing assistance plan; revising  
59 criteria that applies to awards made for the purpose of  
60 providing eligible housing; authorizing and limiting the  
61 percentage of funds from the local housing distribution  
62 that may be used for manufactured housing; extending the  
63 expiration date of an exemption from certain income  
64 requirements in specified areas; authorizing the use of  
65 certain funds for preconstruction activities; providing  
66 that certain costs are a program expense; authorizing  
67 counties and certain municipalities to award grant funds  
68 under certain conditions; providing for the repayment of  
69 funds by the local housing assistance trust fund; amending  
70 s. 420.9076, F.S.; revising appointments to a local  
71 affordable housing advisory committee; revising notice  
72 requirements for public hearings of the advisory  
73 committee; requiring the committee's final report,  
74 evaluation, and recommendations to be submitted to the  
75 corporation; deleting cross-references to conform to  
76 changes made by the act; repealing s. 420.9078, F.S.,  
77 relating to state administration of funds remaining in the  
78 Local Government Housing Trust Fund; amending s. 420.9079,  
79 F.S.; conforming cross-references; amending s. 1001.43,  
80 F.S.; revising district school board powers and duties in  
81 relation to use of land for affordable housing in certain  
82 areas for certain personnel; providing an effective date.

83  
84 Section 1. Subsection (4) of section 159.807, Florida Statutes,  
85 is amended to read:

86 159.807 State allocation pool.--

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87 (4) (a) The state allocation pool shall also be used to  
88 provide written confirmations for private activity bonds that  
89 are to be issued by state agencies, which bonds, notwithstanding  
90 any other provisions of this part, shall receive priority in the  
91 use of the pool available at the time the notice of intent to  
92 issue such bonds is filed with the division.

93 (b) Notwithstanding the provisions of paragraph (a), on or  
94 before November 15 of each year, the Florida Housing Finance  
95 Corporation's access to the state allocation pool is limited to  
96 the amount of the corporation's initial allocation under s.  
97 159.804. Thereafter, the corporation may not receive more than  
98 80 percent of the amount in the state allocation pool on  
99 November 16 of each year, and may not receive more than 80  
100 percent of any additional amounts that become available during  
101 the remainder of the calendar year, provided the limitations set  
102 forth in this paragraph shall not apply to the allocation of  
103 state volume limitation to the Florida Housing Finance  
104 Corporation pursuant to s. 159.81(2) (b), (c), or (d). This  
105 subsection does not apply to the Florida Housing Finance  
106 Corporation:

107 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~  
108 ~~exhausted, is unavailable, or is inadequate to provide an~~  
109 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~  
110 ~~volume limitation from prior years for the same carryforward~~  
111 ~~purpose, as that term is defined in s. 146 of the Code, as the~~  
112 ~~bonds it intends to issue have been completely utilized or have~~  
113 ~~expired.~~

114 ~~2. Prior to July 1 of any year, when housing bonds for~~  
115 ~~which the Florida Housing Finance Corporation has made an~~  
116 ~~assignment of its allocation permitted by s. 159.804(3) (c) have~~  
117 ~~not been issued.~~

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118 Section 2. Paragraph (d) of subsection (2) of section  
119 212.055, Florida Statutes, is amended to read:

120 212.055 Discretionary sales surtaxes; legislative intent;  
121 authorization and use of proceeds.--It is the legislative intent  
122 that any authorization for imposition of a discretionary sales  
123 surtax shall be published in the Florida Statutes as a  
124 subsection of this section, irrespective of the duration of the  
125 levy. Each enactment shall specify the types of counties  
126 authorized to levy; the rate or rates which may be imposed; the  
127 maximum length of time the surtax may be imposed, if any; the  
128 procedure which must be followed to secure voter approval, if  
129 required; the purpose for which the proceeds may be expended;  
130 and such other requirements as the Legislature may provide.  
131 Taxable transactions and administrative procedures shall be as  
132 provided in s. 212.054.

133 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

134 (d)~~1~~. The proceeds of the surtax authorized by this  
135 subsection and any accrued interest ~~accrued thereto~~ shall be  
136 expended by the school district, ~~or~~ within the county and  
137 municipalities within the county, or, in the case of a  
138 negotiated joint county agreement, within another county, to  
139 finance, plan, and construct infrastructure; ~~and~~ to acquire land  
140 for public recreation, ~~or~~ conservation, or protection of natural  
141 resources; or ~~and~~ to finance the closure of county-owned or  
142 municipally owned solid waste landfills that have been ~~are~~  
143 ~~already~~ closed or are required to be closed ~~close~~ by order of  
144 the Department of Environmental Protection. Any use of the ~~such~~  
145 proceeds or interest for purposes of landfill closure before  
146 ~~prior to~~ July 1, 1993, is ratified. ~~Neither~~ The proceeds and ~~nor~~  
147 any interest may not ~~accrued thereto shall~~ be used for the  
148 operational expenses of ~~any~~ infrastructure, except that a ~~any~~  
149 county that has ~~with~~ a population of fewer ~~less~~ than 75,000 and

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150 that is required to close a landfill ~~by order of the Department~~  
151 ~~of Environmental Protection~~ may use the proceeds or ~~any~~ interest  
152 ~~accrued thereto~~ for long-term maintenance costs associated with  
153 landfill closure. Counties, as defined in s. 125.011 ~~s.~~  
154 ~~125.011(1)~~, and charter counties may, in addition, use the  
155 proceeds or ~~and any~~ interest ~~accrued thereto~~ to retire or  
156 service indebtedness incurred for bonds issued before ~~prior to~~  
157 July 1, 1987, for infrastructure purposes, and for bonds  
158 subsequently issued to refund such bonds. Any use of the ~~such~~  
159 proceeds or interest for purposes of retiring or servicing  
160 indebtedness incurred for ~~such~~ refunding bonds before ~~prior to~~  
161 July 1, 1999, is ratified.

162 ~~1.2.~~ For the purposes of this paragraph, the term  
163 "infrastructure" means:

164 a. Any fixed capital expenditure or fixed capital outlay  
165 associated with the construction, reconstruction, or improvement  
166 of public facilities that have a life expectancy of 5 or more  
167 years and any related land acquisition, land improvement,  
168 design, and engineering costs ~~related thereto~~.

169 b. A fire department vehicle, an emergency medical service  
170 vehicle, a sheriff's office vehicle, a police department  
171 vehicle, or any other vehicle, and the ~~such~~ equipment necessary  
172 to outfit the vehicle for its official use or equipment that has  
173 a life expectancy of at least 5 years.

174 c. Any expenditure for the construction, lease, or  
175 maintenance of, or provision of utilities or security for,  
176 facilities, as defined in s. 29.008.

177 d. Any fixed capital expenditure or fixed capital outlay  
178 associated with the improvement of private facilities that have  
179 a life expectancy of 5 or more years and that the owner agrees  
180 to make available for use on a temporary basis as needed by a  
181 local government as a public emergency shelter or a staging area

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182 for emergency response equipment during an emergency officially  
183 declared by the state or by the local government under s.  
184 252.38. Such improvements ~~under this sub-subparagraph~~ are  
185 limited to those necessary to comply with current standards for  
186 public emergency evacuation shelters. The owner must ~~shall~~ enter  
187 into a written contract with the local government providing the  
188 improvement funding to make the ~~such~~ private facility available  
189 to the public for purposes of emergency shelter at no cost to  
190 the local government for a minimum ~~period~~ of 10 years after  
191 completion of the improvement, with the provision that the ~~such~~  
192 obligation will transfer to any subsequent owner until the end  
193 of the minimum period.

194 e. Any land expenditure acquisition for a residential  
195 housing project in which at least 30 percent of the units are  
196 affordable to individuals or families whose total annual  
197 household income does not exceed 120 percent of the area median  
198 income adjusted for household size, if the land is owned by a  
199 local government or by a special district that enters into a  
200 written agreement with the local government to provide such  
201 housing. The local government or special district may enter into  
202 a ground lease with a public or private person or entity for  
203 nominal or other consideration for the construction of the  
204 residential housing project on land acquired pursuant to this  
205 sub-subparagraph.

206 ~~2.3.~~ Notwithstanding any other provision of this  
207 subsection, a local government infrastructure discretionary  
208 ~~sales~~ surtax imposed or extended after July 1, 1998, the  
209 ~~effective date of this act~~ may allocate up to ~~provide for an~~  
210 ~~amount not to exceed~~ 15 percent of the ~~local option sales~~ surtax  
211 proceeds ~~to be allocated~~ for deposit in ~~to~~ a trust fund within  
212 the county's accounts created for the purpose of funding  
213 economic development projects having ~~of~~ a general public purpose

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214 of improving ~~targeted to improve~~ local economies, including the  
215 funding of operational costs and incentives related to ~~such~~  
216 economic development. The ballot statement must indicate the  
217 intention to make an allocation under the authority of this  
218 subparagraph.

219 Section 3. Present subsections (25) through (41) of  
220 section 420.503, Florida Statutes, are redesignated as  
221 subsections (26) through (42), respectively, and a new  
222 subsection (25) is added to that section to read:

223 420.503 Definitions.--As used in this part, the term:

224 (25) "Moderate rehabilitation" means repair or restoration  
225 of a dwelling unit when the value of such repair or restoration  
226 is 40 percent or less of the value of the dwelling but not less  
227 than \$10,000 per dwelling unit.

228 Section 4. Subsections (47) and (48) are added to section  
229 420.507, Florida Statutes, to read:

230 420.507 Powers of the corporation.--The corporation shall  
231 have all the powers necessary or convenient to carry out and  
232 effectuate the purposes and provisions of this part, including  
233 the following powers which are in addition to all other powers  
234 granted by other provisions of this part:

235 (47) To provide by rule, in connection with any  
236 corporation competitive program, criteria establishing a  
237 preference for developers and general contractors domiciled in  
238 this state and for developers and general contractors,  
239 regardless of domicile, who have substantial experience in  
240 developing or building affordable housing through the  
241 corporation's programs.

242 (a) In evaluating whether a developer or general  
243 contractor is domiciled in this state, the corporation shall  
244 consider whether the developer's or general contractor's  
245 principal office is located in this state and whether a majority



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246 of the developer's or general contractor's principals and  
247 financial beneficiaries reside in Florida.

248 (b) In evaluating whether a developer or general  
249 contractor has substantial experience, the corporation shall  
250 consider whether the developer or general contractor has  
251 completed at least five developments using funds either provided  
252 by or administered by the corporation.

253 (48) To develop and administer the Florida Public Housing  
254 Authority Preservation Grant Program. In developing and  
255 administering the program, the corporation may:

256 (a) Develop criteria for determining the priority for  
257 expending grants to preserve and rehabilitate 30-year and older  
258 buildings and units under public housing authority control as  
259 defined in chapter 421.

260 (b) Adopt rules for the grant program and exercise the  
261 powers authorized in this section.

262 Section 5. Paragraphs (c) and (l) of subsection (6) and  
263 subsection (12) of section 420.5087, Florida Statutes, are  
264 amended and subsection (16) and (17) are created to read:

265 420.5087 State Apartment Incentive Loan Program.--There is  
266 hereby created the State Apartment Incentive Loan Program for  
267 the purpose of providing first, second, or other subordinated  
268 mortgage loans or loan guarantees to sponsors, including for-  
269 profit, nonprofit, and public entities, to provide housing  
270 affordable to very-low-income persons.

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

276 (c) The corporation shall provide by rule for the  
277 establishment of a review committee composed of the department

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278 and corporation staff and shall establish by rule a scoring  
279 system for evaluation and competitive ranking of applications  
280 submitted in this program, including, but not limited to, the  
281 following criteria:

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

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

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

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

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

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

301 5. Provision for tenant counseling.

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

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

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309 8. Local government contributions and local government  
310 comprehensive planning and activities that promote affordable  
311 housing.

312 9. Project feasibility.

313 10. Economic viability of the project.

314 11. Commitment of first mortgage financing.

315 12. Sponsor's prior experience, including whether the  
316 developer and general contractor have substantial experience, as  
317 provided in s. 420.507(47).

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

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

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

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

327 17. Domicile of the developer and general contractor, as  
328 provided in s. 420.507(47).

329 (1) The proceeds of all loans shall be used for new  
330 construction, moderate rehabilitation, or substantial  
331 rehabilitation which creates or preserves affordable, safe, and  
332 sanitary housing units.

333 Section 6. Subsection (5) of section 420.615, Florida  
334 Statutes, is amended to read:

335 420.615 Affordable housing land donation density bonus  
336 incentives.--

337 (5) The local government, as part of the approval process,  
338 shall adopt a comprehensive plan amendment, pursuant to part II  
339 of chapter 163, for the receiving land that incorporates the  
340 density bonus. Such amendment shall be deemed by operation of

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341 law a small scale amendment, shall be subject only to the  
342 requirements of adopted in the manner as required for small-  
343 scale amendments pursuant to s. 163.3187(1)(c)2. and 3., is not  
344 subject to the requirements of s. 163.3184(3)-(11)(3)-(6), and  
345 is exempt from s. 163.3187(1)(c)1. and the limitation on the  
346 frequency of plan amendments as provided in s. 163.3187. An  
347 affected person, as defined in s. 163.3184(1), may file a  
348 petition for administrative review pursuant to the requirements  
349 of s. 163.3187(3) to challenge the compliance of an adopted plan  
350 amendment.

351 Section 7. Section 420.628, Florida Statutes, is created  
352 to read:

353 420.628 Affordable housing for children and young adults  
354 leaving foster care; legislative findings and intent.--

355 (1) The Legislature finds that there are many young adults  
356 who, through no fault of their own, live in foster families,  
357 group homes, and institutions and who face numerous barriers to  
358 a successful transition to adulthood.

359 (2) These youth in foster care are among those who may  
360 enter adulthood without the knowledge, skills, attitudes,  
361 habits, and relationships that will enable them to be productive  
362 members of society.

363 (3) The main barriers to safe and affordable housing for  
364 youth aging out of the foster care system are cost, lack of  
365 availability, the unwillingness of many landlords to rent to  
366 them, and their own lack of knowledge about how to be good  
367 tenants.

368 (4) The Legislature also finds that young adults who  
369 emancipate from the child welfare system are at risk of becoming  
370 homeless and those who were formerly in foster care are  
371 disproportionately represented in the homeless population.

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372 Without the stability of safe housing, all other services,  
373 training, and opportunities may not be effective.

374 (5) The Legislature further finds that making affordable  
375 housing available for young adults who transition from foster  
376 care decreases their chance of homelessness and may increase  
377 their ability to live independently in the future.

378 (6) The Legislature finds that the Road-to-Independence  
379 Program, as described in s. 409.1451, is similar to the Job  
380 Training Partnership Act for purposes of s. 42(i)(3)(D)(i)(II)  
381 of the Internal Revenue Code.

382 (7) The Legislature affirms that young adults  
383 transitioning out of foster care are to be considered eligible  
384 persons, as defined in ss. 420.503(17) and 420.9071(10), for  
385 affordable housing purposes and shall be encouraged to  
386 participate in state, federal, and local affordable housing  
387 programs.

388 (8) It is therefore the intent of the Legislature to  
389 encourage the Florida Housing Finance Corporation, State Housing  
390 Initiative Partnership Program agencies, local housing finance  
391 agencies, public housing authorities and their agents,  
392 developers, and other providers of affordable housing to make  
393 affordable housing available to youth transitioning out of  
394 foster care whenever and wherever possible.

395 (9) The Florida Housing Finance Corporation, State Housing  
396 Initiative Partnership Program agencies, local housing finance  
397 agencies, and public housing authorities shall coordinate with  
398 the Department of Children and Family Services and their agents  
399 and community-based care providers who are operating pursuant to  
400 s. 409.1671 to develop and implement strategies and procedures  
401 designed to increase affordable housing opportunities for young  
402 adults who are leaving the child welfare system.

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403 Section 8. Subsections (4), (8), (16), and (25) of section  
404 420.9071, Florida Statutes, are amended, and subsections (29)  
405 and (30) are added to that section, to read:

406 420.9071 Definitions.--As used in ss. 420.907-420.9079,  
407 the term:

408 (4) "Annual gross income" means annual income as defined  
409 under the Section 8 housing assistance payments programs in 24  
410 C.F.R. part 5; annual income as reported under the census long  
411 form for the recent available decennial census; or adjusted  
412 gross income as defined for purposes of reporting under Internal  
413 Revenue Service Form 1040 for individual federal annual income  
414 tax purposes or as defined by standard practices used in the  
415 lending industry as detailed in the local housing assistance  
416 plan and approved by the corporation. Counties and eligible  
417 municipalities shall calculate income by annualizing verified  
418 sources of income for the household as the amount of income to  
419 be received in a household during the 12 months following the  
420 effective date of the determination.

421 (8) "Eligible housing" means any real and personal  
422 property located within the county or the eligible municipality  
423 which is designed and intended for the primary purpose of  
424 providing decent, safe, and sanitary residential units that are  
425 designed to meet the standards of the Florida Building Code or a  
426 predecessor building code adopted under chapter 553, or  
427 manufactured housing constructed after June 1994 and installed  
428 in accordance with mobile home installation standards of the  
429 Department of Highway Safety and Motor Vehicles, for home  
430 ownership or rental for eligible persons as designated by each  
431 county or eligible municipality participating in the State  
432 Housing Initiatives Partnership Program.

433 (16) "Local housing incentive strategies" means local  
434 regulatory reform or incentive programs to encourage or

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435 facilitate affordable housing production, which include at a  
436 minimum, assurance that permits as defined in s. 163.3164(7) and  
437 (8) for affordable housing projects are expedited to a greater  
438 degree than other projects; an ongoing process for review of  
439 local policies, ordinances, regulations, and plan provisions  
440 that increase the cost of housing prior to their adoption; and a  
441 schedule for implementing the incentive strategies. Local  
442 housing incentive strategies may also include other regulatory  
443 reforms, such as those enumerated in s. 420.9076 or those  
444 recommended by the affordable housing advisory committee in its  
445 triennial evaluation and adopted by the local governing body.

446 (25) "Recaptured funds" means funds that are recouped by a  
447 county or eligible municipality in accordance with the recapture  
448 provisions of its local housing assistance plan pursuant to s.  
449 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,  
450 which funds were not used for assistance to an eligible  
451 household for an eligible activity, when there is a ~~who~~ default  
452 on the terms of a grant award or loan award.

453 (29) "Assisted housing" or "assisted housing development"  
454 means a rental housing development, including rental housing in  
455 a mixed-use development, that received or currently receives  
456 funding from any federal or state housing program.

457 (30) "Preservation" means actions taken to keep rents in  
458 existing assisted housing affordable for extremely-low-income,  
459 very-low-income, low-income, and moderate-income households  
460 while ensuring that the property stays in good physical and  
461 financial condition for an extended period.

462 Section 9. Subsection (6) of section 420.9072, Florida  
463 Statutes, is amended to read:

464 420.9072 State Housing Initiatives Partnership  
465 Program.--The State Housing Initiatives Partnership Program is  
466 created for the purpose of providing funds to counties and

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467 eligible municipalities as an incentive for the creation of  
468 local housing partnerships, to expand production of and preserve  
469 affordable housing, to further the housing element of the local  
470 government comprehensive plan specific to affordable housing,  
471 and to increase housing-related employment.

472 (6) The moneys that otherwise would be distributed  
473 pursuant to s. 420.9073 to a local government that does not meet  
474 the program's requirements for receipts of such distributions  
475 shall remain in the Local Government Housing Trust Fund to be  
476 administered by the corporation ~~pursuant to s. 420.9078.~~

477 Section 10. Subsections (1) and (2) of section 420.9073,  
478 Florida Statutes, are amended, and subsections (5), (6), and (7)  
479 are added to that section, to read:

480 420.9073 Local housing distributions.--

481 (1) Distributions calculated in this section shall be  
482 disbursed on a quarterly or more frequent ~~monthly~~ basis by the  
483 corporation ~~beginning the first day of the month after program~~  
484 ~~approval~~ pursuant to s. 420.9072, subject to availability of  
485 funds. Each county's share of the funds to be distributed from  
486 the portion of the funds in the Local Government Housing Trust  
487 Fund received pursuant to s. 201.15(9) shall be calculated by  
488 the corporation for each fiscal year as follows:

489 (a) Each county other than a county that has implemented  
490 the provisions of chapter 83-220, Laws of Florida, as amended by  
491 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall  
492 receive the guaranteed amount for each fiscal year.

493 (b) Each county other than a county that has implemented  
494 the provisions of chapter 83-220, Laws of Florida, as amended by  
495 chapters 84-270, 86-152, and 89-252, Laws of Florida, may  
496 receive an additional share calculated as follows:

497 1. Multiply each county's percentage of the total state  
498 population excluding the population of any county that has



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499 implemented the provisions of chapter 83-220, Laws of Florida,  
500 as amended by chapters 84-270, 86-152, and 89-252, Laws of  
501 Florida, by the total funds to be distributed.

502 2. If the result in subparagraph 1. is less than the  
503 guaranteed amount as determined in subsection (3), that county's  
504 additional share shall be zero.

505 3. For each county in which the result in subparagraph 1.  
506 is greater than the guaranteed amount as determined in  
507 subsection (3), the amount calculated in subparagraph 1. shall  
508 be reduced by the guaranteed amount. The result for each such  
509 county shall be expressed as a percentage of the amounts so  
510 determined for all counties. Each such county shall receive an  
511 additional share equal to such percentage multiplied by the  
512 total funds received by the Local Government Housing Trust Fund  
513 pursuant to s. 201.15(9) reduced by the guaranteed amount paid  
514 to all counties.

515 (2) ~~Effective July 1, 1995,~~ Distributions calculated in  
516 this section shall be disbursed on a quarterly or more frequent  
517 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~  
518 ~~month after program approval~~ pursuant to s. 420.9072, subject to  
519 availability of funds. Each county's share of the funds to be  
520 distributed from the portion of the funds in the Local  
521 Government Housing Trust Fund received pursuant to s. 201.15(10)  
522 shall be calculated by the corporation for each fiscal year as  
523 follows:

524 (a) Each county shall receive the guaranteed amount for  
525 each fiscal year.

526 (b) Each county may receive an additional share calculated  
527 as follows:

528 1. Multiply each county's percentage of the total state  
529 population, by the total funds to be distributed.

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530 2. If the result in subparagraph 1. is less than the  
531 guaranteed amount as determined in subsection (3), that county's  
532 additional share shall be zero.

533 3. For each county in which the result in subparagraph 1.  
534 is greater than the guaranteed amount, the amount calculated in  
535 subparagraph 1. shall be reduced by the guaranteed amount. The  
536 result for each such county shall be expressed as a percentage  
537 of the amounts so determined for all counties. Each such county  
538 shall receive an additional share equal to this percentage  
539 multiplied by the total funds received by the Local Government  
540 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the  
541 guaranteed amount paid to all counties.

542 (5) Notwithstanding subsections (1)-(4), the corporation  
543 is authorized to withhold up to \$5 million from the total  
544 distribution each fiscal year to provide additional funding to  
545 counties and eligible municipalities in which a state of  
546 emergency has been declared by the Governor pursuant to chapter  
547 252. Any portion of such funds not distributed under this  
548 subsection by the end of the fiscal year shall be distributed as  
549 provided in this section.

550 (6) Notwithstanding subsections (1)-(4), the corporation  
551 is authorized to withhold up to \$5 million from the total  
552 distribution each fiscal year to provide funding to counties and  
553 eligible municipalities to purchase properties subject to a  
554 State Housing Initiative Partnership Program lien and on which  
555 foreclosure proceedings have been initiated by any mortgagee.  
556 Each county and eligible municipality that receives funds under  
557 this subsection shall repay such funds to the corporation not  
558 later than the expenditure deadline for the fiscal year in which  
559 the funds were awarded. Amounts not repaid shall be withheld  
560 from the subsequent year's distribution. Any portion of such

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561 funds not distributed under this subsection by the end of the  
562 fiscal year shall be distributed as provided in this section.

563 (7) A county or eligible municipality that receives local  
564 housing distributions pursuant to this section shall expend  
565 those funds in accordance with the provisions of ss. 420.907-  
566 420.9079, corporation rule, and its local housing assistance  
567 plan.

568 Section 11. Effective July 1, 2008 subparagraph 2. Of  
569 paragraph (e) of subsection (5) is amended and subsections (1),  
570 (3), (5), and (8), paragraphs (a) and (h) of subsection (10),  
571 and paragraph (b) of subsection (13) of section 420.9075,  
572 Florida Statutes, are amended, and subsection (14) is added to  
573 that section, to read:

574 420.9075 Local housing assistance plans; partnerships.--

575 (1) (a) Each county or eligible municipality participating  
576 in the State Housing Initiatives Partnership Program shall  
577 develop and implement a local housing assistance plan created to  
578 make affordable residential units available to persons of very  
579 low income, low income, or moderate income and to persons who  
580 have special housing needs, including, but not limited to,  
581 homeless people, the elderly, ~~and~~ migrant farmworkers, and  
582 persons with disabilities. High-cost counties or eligible  
583 municipalities as defined by rule of the corporation may include  
584 strategies to assist persons and households having annual  
585 incomes of not more than 140 percent of area median income. The  
586 plans are intended to increase the availability of affordable  
587 residential units by combining local resources and cost-saving  
588 measures into a local housing partnership and using private and  
589 public funds to reduce the cost of housing.

590 (b) Local housing assistance plans may allocate funds to:

591 1. Implement local housing assistance strategies for the  
592 provision of affordable housing.

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593           2. Supplement funds available to the corporation to  
594 provide enhanced funding of state housing programs within the  
595 county or the eligible municipality.

596           3. Provide the local matching share of federal affordable  
597 housing grants or programs.

598           4. Fund emergency repairs, including, but not limited to,  
599 repairs performed by existing service providers under  
600 weatherization assistance programs under ss. 409.509-409.5093.

601           5. Further the housing element of the local government  
602 comprehensive plan adopted pursuant to s. 163.3184, specific to  
603 affordable housing.

604           (3) (a) Each local housing assistance plan shall include a  
605 definition of essential service personnel for the county or  
606 eligible municipality, including, but not limited to, teachers  
607 and educators, other school district, community college, and  
608 university employees, police and fire personnel, health care  
609 personnel, skilled building trades personnel, and other job  
610 categories.

611           (b) Each county and each eligible municipality is  
612 encouraged to develop a strategy within its local housing  
613 assistance plan that emphasizes the recruitment and retention of  
614 essential service personnel. The local government is encouraged  
615 to involve public and private sector employers. Compliance with  
616 the eligibility criteria established under this strategy shall  
617 be verified by the county or eligible municipality.

618           (c) Each county and each eligible municipality is  
619 encouraged to develop a strategy within its local housing  
620 assistance plan that addresses the needs of persons who are  
621 deprived of affordable housing due to the closure of a mobile  
622 home park or the conversion of affordable rental units to  
623 condominiums.

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624 (d) Each county and each eligible municipality shall  
625 describe initiatives in the local housing assistance plan to  
626 encourage or require innovative design, green building  
627 principles, storm-resistant construction, or other elements that  
628 reduce long-term costs relating to maintenance, utilities, or  
629 insurance.

630 (e) Each county and each eligible municipality is  
631 encouraged to develop a strategy within its local housing  
632 assistance plan that provides program funds for the preservation  
633 of assisted housing.

634 (5) The following criteria apply to awards made to  
635 eligible sponsors or eligible persons for the purpose of  
636 providing eligible housing:

637 (a) At least 65 percent of the funds made available in  
638 each county and eligible municipality from the local housing  
639 distribution must be reserved for home ownership for eligible  
640 persons.

641 (b) At least 75 percent of the funds made available in  
642 each county and eligible municipality from the local housing  
643 distribution must be reserved for construction, rehabilitation,  
644 or emergency repair of affordable, eligible housing.

645 (c) Not more than 15 percent of the funds made available  
646 in each county and eligible municipality from the local housing  
647 distribution may be used for manufactured housing.

648 ~~(d)-(e)~~ The sales price or value of new or existing  
649 eligible housing may not exceed 90 percent of the average area  
650 purchase price in the statistical area in which the eligible  
651 housing is located. Such average area purchase price may be that  
652 calculated for any 12-month period beginning not earlier than  
653 the fourth calendar year prior to the year in which the award  
654 occurs or as otherwise established by the United States  
655 Department of the Treasury.

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656            (e)~~(d)~~1. All units constructed, rehabilitated, or  
657 otherwise assisted with the funds provided from the local  
658 housing assistance trust fund must be occupied by very-low-  
659 income persons, low-income persons, and moderate-income persons  
660 except as otherwise provided in this section.

661            2. Effective July 1, 2008, at least 30 percent of the  
662 funds deposited into the local housing assistance trust fund  
663 must be reserved for awards to very-low-income persons or  
664 eligible sponsors who will serve very-low-income persons and at  
665 least an additional 30 percent of the funds deposited into the  
666 local housing assistance trust fund must be reserved for awards  
667 to low-income persons or eligible sponsors who will serve low-  
668 income persons. This subparagraph does not apply to a county or  
669 an eligible municipality that includes, or has included within  
670 the previous 5 years, an area of critical state concern  
671 designated or ratified by the Legislature for which the  
672 Legislature has declared its intent to provide affordable  
673 housing. The exemption created by this act expires on July 1,  
674 2013 ~~2008~~.

675            (f)~~(e)~~ Loans shall be provided for periods not exceeding  
676 30 years, except for deferred payment loans or loans that extend  
677 beyond 30 years which continue to serve eligible persons.

678            (g)~~(f)~~ Loans or grants for eligible rental housing  
679 constructed, rehabilitated, or otherwise assisted from the local  
680 housing assistance trust fund must be subject to recapture  
681 requirements as provided by the county or eligible municipality  
682 in its local housing assistance plan unless reserved for  
683 eligible persons for 15 years or the term of the assistance,  
684 whichever period is longer. Eligible sponsors that offer rental  
685 housing for sale before 15 years or that have remaining  
686 mortgages funded under this program must give a first right of  
687 refusal to eligible nonprofit organizations for purchase at the

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688 current market value for continued occupancy by eligible  
689 persons.

690 ~~(h)(g)~~ Loans or grants for eligible owner-occupied housing  
691 constructed, rehabilitated, or otherwise assisted from proceeds  
692 provided from the local housing assistance trust fund shall be  
693 subject to recapture requirements as provided by the county or  
694 eligible municipality in its local housing assistance plan.

695 ~~(i)(h)~~ The total amount of monthly mortgage payments or  
696 the amount of monthly rent charged by the eligible sponsor or  
697 her or his designee must be made affordable.

698 ~~(j)(i)~~ The maximum sales price or value per unit and the  
699 maximum award per unit for eligible housing benefiting from  
700 awards made pursuant to this section must be established in the  
701 local housing assistance plan.

702 ~~(k)(j)~~ The benefit of assistance provided through the  
703 State Housing Initiatives Partnership Program must accrue to  
704 eligible persons occupying eligible housing. This provision  
705 shall not be construed to prohibit use of the local housing  
706 distribution funds for a mixed income rental development.

707 ~~(l)(k)~~ Funds from the local housing distribution not used  
708 to meet the criteria established in paragraph (a) or paragraph  
709 (b) or not used for the administration of a local housing  
710 assistance plan must be used for housing production and finance  
711 activities, including, but not limited to, financing  
712 preconstruction activities or the purchase of existing units,  
713 providing rental housing, and providing home ownership training  
714 to prospective home buyers and owners of homes assisted through  
715 the local housing assistance plan.

716 1. Notwithstanding the provisions of paragraphs (a) and  
717 (b), program income as defined in s. 420.9071(24) may also be  
718 used to fund activities described in this paragraph.

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719       2. When preconstruction due diligence activities conducted  
720 as part of a preservation strategy show that preservation of the  
721 units is not feasible and will not result in the production of  
722 an eligible unit, such costs shall be deemed a program expense  
723 rather than an administrative expense if such program expenses  
724 do not exceed 3 percent of the annual local housing  
725 distribution.

726       3. If both an award under the local housing assistance  
727 plan and federal low-income housing tax credits are used to  
728 assist a project and there is a conflict between the criteria  
729 prescribed in this subsection and the requirements of s. 42 of  
730 the Internal Revenue Code of 1986, as amended, the county or  
731 eligible municipality may resolve the conflict by giving  
732 precedence to the requirements of s. 42 of the Internal Revenue  
733 Code of 1986, as amended, in lieu of following the criteria  
734 prescribed in this subsection with the exception of paragraphs  
735 (a) and (e) ~~(d)~~ of this subsection.

736       4. Each county and each eligible municipality may award  
737 funds as a grant for construction, rehabilitation, or repair as  
738 part of disaster recovery or emergency repairs or to remedy  
739 accessibility or health and safety deficiencies. Any other  
740 grants must be approved as part of the local housing assistance  
741 plan.

742       (8) Pursuant to s. 420.531, the corporation shall provide  
743 training and technical assistance to local governments regarding  
744 the creation of partnerships, the design of local housing  
745 assistance strategies, the implementation of local housing  
746 incentive strategies, and the provision of support services.

747       (10) Each county or eligible municipality shall submit to  
748 the corporation by September 15 of each year a report of its  
749 affordable housing programs and accomplishments through June 30  
750 immediately preceding submittal of the report. The report shall



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751 be certified as accurate and complete by the local government's  
752 chief elected official or his or her designee. Transmittal of  
753 the annual report by a county's or eligible municipality's chief  
754 elected official, or his or her designee, certifies that the  
755 local housing incentive strategies, or, if applicable, the local  
756 housing incentive plan, have been implemented or are in the  
757 process of being implemented pursuant to the adopted schedule  
758 for implementation. The report must include, but is not limited  
759 to:

760 (a) The number of households served by income category,  
761 age, family size, and race, and data regarding any special needs  
762 populations such as farmworkers, homeless persons, persons with  
763 disabilities, and the elderly. Counties shall report this  
764 information separately for households served in the  
765 unincorporated area and each municipality within the county.

766 (h) Such other data or affordable housing accomplishments  
767 considered significant by the reporting county or eligible  
768 municipality or by the corporation.

769 (13)

770 (b) If, as a result of its review of the annual report,  
771 the corporation determines that a county or eligible  
772 municipality has failed to implement a local housing incentive  
773 strategy, or, if applicable, a local housing incentive plan, it  
774 shall send a notice of termination of the local government's  
775 share of the local housing distribution by certified mail to the  
776 affected county or eligible municipality.

777 1. The notice must specify a date of termination of the  
778 funding if the affected county or eligible municipality does not  
779 implement the plan or strategy and provide for a local response.  
780 A county or eligible municipality shall respond to the  
781 corporation within 30 days after receipt of the notice of  
782 termination.

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783 2. The corporation shall consider the local response that  
784 extenuating circumstances precluded implementation and grant an  
785 extension to the timeframe for implementation. Such an extension  
786 shall be made in the form of an extension agreement that  
787 provides a timeframe for implementation. The chief elected  
788 official of a county or eligible municipality or his or her  
789 designee shall have the authority to enter into the agreement on  
790 behalf of the local government.

791 3. If the county or the eligible municipality has not  
792 implemented the incentive strategy or entered into an extension  
793 agreement by the termination date specified in the notice, the  
794 local housing distribution share terminates, and any uncommitted  
795 local housing distribution funds held by the affected county or  
796 eligible municipality in its local housing assistance trust fund  
797 shall be transferred to the Local Government Housing Trust Fund  
798 to the credit of the corporation to administer ~~pursuant to s.~~  
799 ~~420.9078.~~

800 4.a. If the affected local government fails to meet the  
801 timeframes specified in the agreement, the corporation shall  
802 terminate funds. The corporation shall send a notice of  
803 termination of the local government's share of the local housing  
804 distribution by certified mail to the affected local government.  
805 The notice shall specify the termination date, and any  
806 uncommitted funds held by the affected local government shall be  
807 transferred to the Local Government Housing Trust Fund to the  
808 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

809 b. If the corporation terminates funds to a county, but an  
810 eligible municipality receiving a local housing distribution  
811 pursuant to an interlocal agreement maintains compliance with  
812 program requirements, the corporation shall thereafter  
813 distribute directly to the participating eligible municipality  
814 its share calculated in the manner provided in s. 420.9072.

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815 c. Any county or eligible municipality whose local  
816 distribution share has been terminated may subsequently elect to  
817 receive directly its local distribution share by adopting the  
818 ordinance, resolution, and local housing assistance plan in the  
819 manner and according to the procedures provided in ss. 420.907-  
820 420.9079.

821 (14) If the corporation determines that a county or  
822 eligible municipality has expended program funds for an  
823 ineligible activity, the corporation shall require such funds to  
824 be repaid to the local housing assistance trust fund. Such  
825 repayment may not be made with funds from the State Housing  
826 Initiatives Partnership Program.

827 Section 12. Paragraph (h) of subsection (2), subsections  
828 (5) and (6), and paragraph (a) of subsection (7) of section  
829 420.9076, Florida Statutes, are amended to read:

830 420.9076 Adoption of affordable housing incentive  
831 strategies; committees.--

832 (2) The governing board of a county or municipality shall  
833 appoint the members of the affordable housing advisory committee  
834 by resolution. Pursuant to the terms of any interlocal  
835 agreement, a county and municipality may create and jointly  
836 appoint an advisory committee to prepare a joint plan. The  
837 ordinance adopted pursuant to s. 420.9072 which creates the  
838 advisory committee or the resolution appointing the advisory  
839 committee members must provide for 11 committee members and  
840 their terms. The committee must include:

841 (h) One citizen who actively serves on the local planning  
842 agency pursuant to s. 163.3174. If the local planning agency is  
843 comprised of the governing board of the county or municipality,  
844 the governing board may appoint a designee who is knowledgeable  
845 in the local planning process.

846

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847 If a county or eligible municipality whether due to its small  
848 size, the presence of a conflict of interest by prospective  
849 appointees, or other reasonable factor, is unable to appoint a  
850 citizen actively engaged in these activities in connection with  
851 affordable housing, a citizen engaged in the activity without  
852 regard to affordable housing may be appointed. Local governments  
853 that receive the minimum allocation under the State Housing  
854 Initiatives Partnership Program may elect to appoint an  
855 affordable housing advisory committee with fewer than 11  
856 representatives if they are unable to find representatives who  
857 meet the criteria of paragraphs (a)-(k).

858 (5) The approval by the advisory committee of its local  
859 housing incentive strategies recommendations and its review of  
860 local government implementation of previously recommended  
861 strategies must be made by affirmative vote of a majority of the  
862 membership of the advisory committee taken at a public hearing.  
863 Notice of the time, date, and place of the public hearing of the  
864 advisory committee to adopt its evaluation and final local  
865 housing incentive strategies recommendations must be published  
866 in a newspaper of general paid circulation in the county. The  
867 notice must contain a short and concise summary of the  
868 evaluation and local housing incentives strategies  
869 recommendations to be considered by the advisory committee. The  
870 notice must state the public place where a copy of the  
871 evaluation and tentative advisory committee recommendations can  
872 be obtained by interested persons. The final report, evaluation,  
873 and recommendations shall be submitted to the corporation.

874 (6) Within 90 days after the date of receipt of the  
875 evaluation and local housing incentive strategies  
876 recommendations from the advisory committee, the governing body  
877 of the appointing local government shall adopt an amendment to  
878 its local housing assistance plan to incorporate the local

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879 housing incentive strategies it will implement within its  
880 jurisdiction. The amendment must include, at a minimum, the  
881 local housing incentive strategies required under s.  
882 420.9071(16). The local government must consider the strategies  
883 specified in paragraphs (4) (a)-(k) as recommended by the  
884 advisory committee.

885 (7) The governing board of the county or the eligible  
886 municipality shall notify the corporation by certified mail of  
887 its adoption of an amendment of its local housing assistance  
888 plan to incorporate local housing incentive strategies. The  
889 notice must include a copy of the approved amended plan.

890 (a) If the corporation fails to receive timely the  
891 approved amended local housing assistance plan to incorporate  
892 local housing incentive strategies, a notice of termination of  
893 its share of the local housing distribution shall be sent by  
894 certified mail by the corporation to the affected county or  
895 eligible municipality. The notice of termination must specify a  
896 date of termination of the funding if the affected county or  
897 eligible municipality has not adopted an amended local housing  
898 assistance plan to incorporate local housing incentive  
899 strategies. If the county or the eligible municipality has not  
900 adopted an amended local housing assistance plan to incorporate  
901 local housing incentive strategies by the termination date  
902 specified in the notice of termination, the local distribution  
903 share terminates; and any uncommitted local distribution funds  
904 held by the affected county or eligible municipality in its  
905 local housing assistance trust fund shall be transferred to the  
906 Local Government Housing Trust Fund to the credit of the  
907 corporation to administer the local government housing program  
908 pursuant to s. ~~420.9078~~.

909 Section 13. Section 420.9078, Florida Statutes, is  
910 repealed.

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911 Section 14. Section 420.9079, Florida Statutes, is amended  
912 to read:

913 420.9079 Local Government Housing Trust Fund.--

914 (1) There is created in the State Treasury the Local  
915 Government Housing Trust Fund, which shall be administered by  
916 the corporation on behalf of the department according to the  
917 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this  
918 section. There shall be deposited into the fund a portion of the  
919 documentary stamp tax revenues as provided in s. 201.15, moneys  
920 received from any other source for the purposes of ss. 420.907-  
921 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds  
922 derived from the investment of such moneys. Moneys in the fund  
923 that are not currently needed for the purposes of the programs  
924 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~  
925 and this section shall be deposited to the credit of the fund  
926 and may be invested as provided by law. The interest received on  
927 any such investment shall be credited to the fund.

928 (2) The corporation shall administer the fund exclusively  
929 for the purpose of implementing the programs described in ss.  
930 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the  
931 exception of monitoring the activities of counties and eligible  
932 municipalities to determine local compliance with program  
933 requirements, the corporation shall not receive appropriations  
934 from the fund for administrative or personnel costs. For the  
935 purpose of implementing the compliance monitoring provisions of  
936 s. 420.9075(9), the corporation may request a maximum of one-  
937 quarter of 1 percent of the annual appropriation per state  
938 fiscal year. When such funding is appropriated, the corporation  
939 shall deduct the amount appropriated prior to calculating the  
940 local housing distribution pursuant to ss. 420.9072 and  
941 420.9073.

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942 Section 15. Subsection (12) of section 1001.43, Florida  
943 Statutes, is amended to read:

944 1001.43 Supplemental powers and duties of district school  
945 board.--The district school board may exercise the following  
946 supplemental powers and duties as authorized by this code or  
947 State Board of Education rule.

948 (12) AFFORDABLE HOUSING.--A district school board may use  
949 portions of school sites purchased within the guidelines of the  
950 State Requirements for Educational Facilities, land deemed not  
951 usable for educational purposes because of location or other  
952 factors, or land declared as surplus by the board to provide  
953 sites for affordable housing for teachers and other district  
954 personnel and, in areas of critical state concern, for other  
955 essential services personnel as defined by local affordable  
956 housing eligibility requirements, independently or in  
957 conjunction with other agencies as described in subsection (5).

958 Section 16. This act shall take effect July 1, 2009,  
959 except as otherwise expressly provided in the bill.

960  
961