

Council Substitute for House Bill No. 1375

An act relating to affordable housing; amending s. 163.3177, F.S., relating to the housing element of a local government comprehensive plan; requiring certain counties to adopt a plan for ensuring affordable workforce housing; providing that a local government that fails to comply with such requirement is ineligible to receive state housing assistance grants; amending s. 163.3180, F.S.; providing an exemption from transportation concurrency for certain workforce housing units; amending s. 163.3184, F.S.; authorizing certain local government comprehensive plan amendments to be expedited; providing requirements for amendment notices; requiring a public hearing; amending s. 163.3187, F.S.; authorizing certain local government comprehensive plan amendments to be made more than twice a year; amending s. 163.3191, F.S.; authorizing a local government to adopt amendments to the local comprehensive plan in order to integrate a port master plan with the local comprehensive plan; providing a limitation; creating ss. 197.307, 197.3071, 197.3072, 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078, and 197.3079, F.S.; authorizing a county commission or municipality to adopt an ordinance providing for the deferral of ad valorem taxes and non-ad valorem assessments for affordable rental housing property under certain conditions; requiring the tax collector to provide certain notices to taxpayers about deferrals; providing specifications for such ordinances; providing eligibility requirements; authorizing a property owner to defer payment of ad valorem taxes and certain assessments; providing circumstances in which taxes and assessments may not be deferred; specifying the rate for deferment; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements for applications that are not approved for deferment; providing an appeals process; requiring applications for deferral to contain a list of outstanding liens; providing the date for calculating taxes due and payable; requiring that a property owner furnish proof of certain insurance coverage under certain conditions; requiring the tax collector and the property owner to notify the property appraiser of parcels for which taxes and assessments have been deferred; requiring the property appraiser to notify the tax collector of changes in ownership or use of tax-deferred properties; providing requirements for tax certificates for deferred payment; providing the rate of interest; providing circumstances in which deferrals cease; requiring the property appraiser to notify the tax collector of deferrals that have ceased; requiring the tax collector to collect taxes, assessments and interest due; requiring the tax collector to notify the property owner of due taxes on tax-deferred property under certain conditions; requiring the tax collector to sell a tax certificate under certain circumstances; specifying persons who may pay deferred taxes, assessments and accrued interest; requiring the tax collector to maintain a record of payment and to distribute payments; providing for construction of provisions authorizing the de-

ferments; providing penalties; amending s. 253.0341, F.S., requiring the Board of Trustees of the Internal Improvement Trust Fund to convey certain property; restricting the use of property to be conveyed; providing a consideration for conveyance; amending s. 380.06, F.S.; providing that all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on a specified date are extended for 3 years; providing an exemption from further development-of-regional-impact review; amending s. 380.0651, F.S.; revising certain developments of regional impact statewide guidelines and standards; amending s. 420.504, F.S.; providing that the corporation is a state agency for purposes of the state allocation pool; authorizing the corporation to provide notice of internal review committee meetings by publication on an Internet website; providing that the corporation is not governed by certain provisions relating to corporations not for profit; amending s. 420.506, F.S.; deleting a provision relating to lease of certain state employees; amending s. 420.5061, F.S.; deleting obsolete provisions; removing a provision requiring all assets and liabilities and rights and obligations of the Florida Housing Finance Agency to be transferred to the corporation; providing that the corporation is the legal successor to the agency; removing a provision requiring all state property in use by the agency to be transferred to and become the property of the corporation; amending s. 420.507, F.S.; requiring that an agreement financing affordable housing be recorded in the official records of the county where the real property is located; providing that such agreement is a state land use regulation; amending s. 420.5087, F.S.; authorizing the Florida Housing Finance Corporation to provide partially forgivable loans to nonprofit organizations that serve extremely-low-income elderly tenants; providing criteria; amending s. 420.5095, F.S.; specifying the content of rules for reviewing loan applications for workforce housing projects; requiring the corporation to establish a committee for reviewing loan applications; providing for membership; providing powers and duties of the committee; requiring the corporation's board of directors to make the final decisions concerning ranking and program participants; specifying areas where local governments may use program funds; expanding the types of projects that may receive priority funding; requiring that the processing of certain approvals of development orders or development permits be expedited; providing loan applicant requirements; revising reporting requirements; amending s. 420.511, F.S.; requiring that the corporation's annual report include information on the Community Workforce Housing Innovation Pilot Program; amending s. 420.513, F.S.; providing exemption from taxes for certain instruments issued in connection with the financing of certain housing; amending s. 420.526, F.S.; revising the cap on predevelopment loans; amending s. 420.9076, F.S.; increasing affordable housing advisory committee membership; revising membership criteria; authorizing the use of fewer members under certain circumstances; revising and providing duties of the advisory committee; creating s. 624.46226, F.S.; authorizing certain public housing authorities to create a self-insurance

fund; exempting such public housing authorities that create a self-insurance fund from certain assessments; providing an effective date.

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

Section 1. Paragraph (f) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:

(f)1. A housing element consisting of standards, plans, and principles to be followed in:

a. The provision of housing for all current and anticipated future residents of the jurisdiction.

b. The elimination of substandard dwelling conditions.

c. The structural and aesthetic improvement of existing housing.

d. The provision of adequate sites for future housing, including affordable workforce housing as defined in s. 380.0651(3)(j), housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.

f. The formulation of housing implementation programs.

g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

h. By July 1, 2008, each county in which the gap between the buying power of a family of four and the median county home sale price exceeds \$170,000, as determined by the Florida Housing Finance Corporation, and which is not designated as an area of critical state concern shall adopt a plan for ensuring affordable workforce housing. At a minimum, the plan shall identify adequate sites for such housing. For purposes of this subparagraph, the term “workforce housing” means housing that is affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.

i. Failure by a local government to comply with the requirement in subparagraph h. will result in the local government being ineligible to re-

ceive any state housing assistance grants until the requirement of sub-subparagraph h. is met.

The goals, objectives, and policies of the housing element must be based on the data and analysis prepared on housing needs, including the affordable housing needs assessment. State and federal housing plans prepared on behalf of the local government must be consistent with the goals, objectives, and policies of the housing element. Local governments are encouraged to utilize job training, job creation, and economic solutions to address a portion of their affordable housing concerns.

2. To assist local governments in housing data collection and analysis and assure uniform and consistent information regarding the state's housing needs, the state land planning agency shall conduct an affordable housing needs assessment for all local jurisdictions on a schedule that coordinates the implementation of the needs assessment with the evaluation and appraisal reports required by s. 163.3191. Each local government shall utilize the data and analysis from the needs assessment as one basis for the housing element of its local comprehensive plan. The agency shall allow a local government the option to perform its own needs assessment, if it uses the methodology established by the agency by rule.

Section 2. Subsection (17) is added to section 163.3180, Florida Statutes, to read:

163.3180 Concurrency.—

(17) A local government and the developer of affordable workforce housing units developed in accordance with s. 380.06(19) or s. 380.0651(3) may identify an employment center or centers in close proximity to the affordable workforce housing units. If at least 50 percent of the units are occupied by an employee or employees of an identified employment center or centers, all of the affordable workforce housing units are exempt from transportation concurrency requirements and the local government may not reduce any transportation trip-generation entitlements of an approved development-of-regional-impact development order. As used in this subsection, the term "close proximity" means 5 miles from the nearest point of the development of regional impact to the nearest point of the employment center and the term "employment center" means a place of employment that employs at least 25 or more full-time employees.

Section 3. Subsection (19) is added to section 163.3184, Florida Statutes, to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(19) Any local government that identifies in its comprehensive plan the types of housing developments and conditions for which it will consider plan amendments that are consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government, may expedite consideration of such plan amendments. At least 30 days prior to adopting a plan amendment pursuant to this subsection, the local government

shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include the local government's evaluation of site suitability and availability of facilities and services. A plan amendment considered under this subsection shall require only a single public hearing before the local governing body, which shall be a plan amendment adoption hearing as described in subsection (7). The public notice of the hearing required under subparagraph (15)(b)2. must include a statement that the local government intends to use the expedited adoption process authorized under this subsection. The state land planning agency shall issue its notice of intent required under subsection (8) within 30 days after determining that the amendment package is complete. Any further proceedings shall be governed by subsections (9) through (16).

Section 4. Paragraph (p) is added to subsection (1) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(p) Any local government comprehensive plan amendment that is consistent with the local housing incentive strategies identified in s. 420.9076 and authorized by the local government.

Section 5. Subsection (14) is added to section 163.3191, Florida Statutes, to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(14) The requirement of subsection (10) prohibiting a local government from adopting amendments to the local comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency does not apply to a plan amendment proposed for adoption by the appropriate local government as defined in s. 163.3178(2)(k) in order to integrate a port comprehensive master plan with the coastal management element of the local comprehensive plan as required by s. 163.3178(2)(k) if the port comprehensive master plan or the proposed plan amendment does not cause or contribute to the failure of the local government to comply with the requirements of the evaluation and appraisal report.

Section 6. Sections 197.307, 197.3071, 197.3072, 197.3073, 197.3074, 197.3075, 197.3076, 197.3077, 197.3078, and 197.3079, Florida Statutes, are created to read:

197.307 Deferrals for ad valorem taxes and non-ad valorem assessments on affordable rental housing property.—

(1) A board of county commissioners or the governing authority of a municipality may adopt an ordinance to allow for ad valorem tax deferrals on affordable rental housing if the owners are engaging in the operation, rehabilitation, or renovation of such properties in accordance with the guidelines provided in part VI of chapter 420.

(2) The board of county commissioners or the governing authority of a municipality may also, by ordinance, authorize the deferral of non-ad valorem assessments, as defined in s. 197.3632, on affordable rental housing.

(3) The ordinance must designate the percentage or amount of the deferral and the type and location of affordable rental housing property for which a deferral may be granted. The ordinance may also require the property to be located within a particular geographic area or areas of the county or municipality.

(4) The ordinance must specify that the deferral applies only to taxes and assessments levied by the unit of government granting the deferral. However, a deferral may not be granted for taxes or non-ad valorem assessments levied for the payment of bonds or for taxes authorized by a vote of the electors pursuant to s. 9(b) or s. 12, Art. VII of the State Constitution.

(5) The ordinance must specify that any deferral granted remains in effect for the period for which it is granted regardless of any change in the authority of the county or municipality to grant the deferral. In order to retain the deferral, however, the use and ownership of the property as affordable rental housing must be maintained over the period for which the deferral is granted.

(6) If an application for tax deferral is granted on property that is located in a community redevelopment area as defined in s. 163.340:

(a) The amount of taxes eligible for deferral must be reduced, as provided for in paragraph (b), if:

1. The community redevelopment agency has previously issued instruments of indebtedness which are secured by increment revenues on deposit in the community redevelopment trust fund; and

2. The instruments of indebtedness are associated with the real property applying for the deferral.

(b) The tax deferral does not apply to an amount of taxes equal to the amount that must be deposited into the community redevelopment trust fund by the entity granting the deferral based upon the taxable value of the property upon which the deferral is being granted. Once all instruments of indebtedness that existed at the time the deferral was originally granted are no longer outstanding or have otherwise been defeased, this paragraph no longer applies.

(c) If a portion of the taxes on a property are not eligible for deferral as provided under paragraph (b), the community redevelopment agency shall notify the property owner and the tax collector 1 year before the debt instruments that prevented such taxes from being deferred are no longer outstanding or otherwise defeased.

(d) The tax collector shall notify a community redevelopment agency of any tax deferral that has been granted on property located within the agency's community redevelopment area.

(e) Issuance of debt obligation after the date a deferral has been granted does not reduce the amount of taxes eligible for deferral.

(7) The tax collector shall notify:

(a) The taxpayer of each parcel appearing on the real property assessment roll of the law allowing the deferral of taxes, non-ad valorem assessments, and interest under ss. 197.307-197.3079. Such notice shall be printed on the back of envelopes used to mail the notice of taxes as provided under s. 197.322(3). Such notice shall read:

NOTICE TO TAXPAYERS OWNING
AFFORDABLE RENTAL HOUSING PROPERTY

If your property meets certain conditions you may qualify for a deferred tax payment plan on your affordable rental housing property. An application to determine your eligibility is available in the county tax collector's office.

(b) On or before November 1 of each year, the tax collector shall notify each taxpayer for whom a tax deferral has been previously granted of the accumulated sum of deferred taxes, non-ad valorem assessments, and interest outstanding.

197.3071 Eligibility for tax deferral.—The tax deferral authorized by this section is applicable only on a prorata basis to the ad valorem taxes levied on residential units within a property which meet the following conditions:

(1) Units for which the monthly rent along with taxes, insurance, and utilities does not exceed 30 percent of the median adjusted gross annual income as defined in s. 420.0004 for the households described in subsection (2).

(2) Units that are occupied by extremely-low-income persons, very-low-income persons, low-income persons, or moderate-income persons as these terms are defined in s. 420.0004.

197.3072 Deferral for affordable rental housing properties.—

(1) Any property owner in a jurisdiction that has adopted an ad valorem tax-deferral ordinance or a deferral of non-ad valorem assessments ordinance pursuant to s. 197.307 and who owns an eligible affordable rental housing property as described in s. 197.3071 may apply for a deferral of payment by filing an annual application for deferral with the county tax collector on or before January 31 following the year in which the taxes and non-ad valorem assessments are assessed. The property owner has the burden to affirmatively demonstrate compliance with the requirements of this section.

(2) Approval by the tax collector defers that portion of the combined total of ad valorem taxes and any non-ad valorem assessments plus interest that are authorized to be deferred by an ordinance enacted pursuant to s. 197.307.

(3) Deferral may not be granted if:

(a) The total amount of deferred taxes, non-ad valorem assessments, and interest plus the total amount of all other unsatisfied liens on the property exceeds 85 percent of the assessed value of the property; or

(b) The primary financing on the affordable rental housing property is for an amount that exceeds 70 percent of the assessed value of the property.

(4) The amount of taxes deferred, non-ad valorem assessments, and interest shall accrue interest at a rate equal to the annually compounded rate of 3 percent plus the Consumer Price Index for All Urban Consumers; however, the interest rate may not exceed 9.5 percent.

(5) The deferred taxes, non-ad valorem assessments, and interest constitute a prior lien on the affordable rental housing property and shall attach as of the date and in the same manner and be collected as other liens for taxes as provided for under this chapter, but such deferred taxes, non-ad valorem assessments, and interest are due, payable, and delinquent as provided in ss. 197.307-197.3079.

197.3073 Deferral application.—

(1) The application for a deferral of ad valorem taxes and non-ad valorem assessments must be made annually upon a form prescribed by the department and furnished by the county tax collector. The application form must be signed under oath by the property owner applying for the deferral before an officer authorized by the state to administer oaths. The application form must provide notice to the property owner of the manner in which interest is computed. The application form must contain an explanation of the conditions to be met for approval of the deferral and the conditions under which deferred taxes, non-ad valorem assessments, and interest become due, payable, and delinquent. Each application must clearly state that all deferrals pursuant to this section constitute a lien on the property for which the deferral is granted. The tax collector may require the property owner to submit any other evidence and documentation considered necessary by the tax collector in reviewing the application.

(2) The tax collector shall consider and render his or her findings, determinations, and decision on each annual application for a deferral for affordable rental housing within 45 days after the date the application is filed. The tax collector shall exercise reasonable discretion based upon applicable information available under this section. The determinations and findings of the tax collector are not quasi judicial and are subject exclusively to review by the value adjustment board as provided by this section. A tax collector who finds that a property owner is entitled to the deferral shall approve the application and file the application in the permanent records.

(a) A tax collector who finds that a property owner is not entitled to the deferral shall send a notice of disapproval within 45 days after the date the application is filed, giving reasons for the disapproval. The notice must be sent by personal delivery or registered mail to the mailing address given by the property owner in the manner in which the original notice was served

upon the property owner and must be filed among the permanent records of the tax collector's office. The original notice of disapproval sent to the property owner shall advise the property owner of the right to appeal the decision of the tax collector to the value adjustment board and provide the procedures for filing an appeal.

(b) An appeal by the property owner of the decision of the tax collector to deny the deferral must be submitted to the value adjustment board on a form prescribed by the department and furnished by the tax collector. The appeal must be filed with the value adjustment board within 20 days after the applicant's receipt of the notice of disapproval, and the board must approve or disapprove the appeal within 30 days after receipt of the appeal. The value adjustment board shall review the application and the evidence presented to the tax collector upon which the property owner based a claim for deferral and, at the election of the property owner, shall hear the property owner in person, or by agent on the property owner's behalf, concerning his or her right to the deferral. The value adjustment board shall reverse the decision of the tax collector and grant a deferral to the property owner if, in its judgment, the property owner is entitled to the deferral or shall affirm the decision of the tax collector. Action by the value adjustment board is final unless the property owner or tax collector or other lienholder, within 15 days after the date of disapproval of the application by the board, files for a de novo proceeding for a declaratory judgment or other appropriate proceeding in the circuit court of the county in which the property is located.

(3) Each application for deferral must contain a list of, and the current value of, all outstanding liens on the property for which a deferral is requested.

(4) For approved applications, the date the deferral application is received by the tax collector shall be the date used in calculating taxes due and payable at the expiration of the tax deferral net of discounts for early payment.

(5) If proof has not been furnished with a prior application, each property owner shall furnish proof of fire and extended coverage insurance in an amount that is in excess of the sum of all outstanding liens including a lien for the deferred taxes, non-ad valorem assessments, and interest with a loss payable clause to the county tax collector.

(6) The tax collector shall notify the property appraiser in writing of those parcels for which taxes or assessments have been deferred.

(7) The property appraiser shall promptly notify the tax collector of changes in ownership or use of properties that have been granted a deferral.

(8) The property owner shall promptly notify the tax collector of changes in ownership or use of properties that have been granted tax deferrals.

197.3074 Deferred payment tax certificates.—

(1) The tax collector shall notify each local governing body of the amount of taxes and non-ad valorem assessments deferred which would otherwise

have been collected for the governing body. The tax collector shall, at the time of the tax certificate sale held under s. 197.432 strike each certificate off to the county. Certificates issued under this section are exempt from the public sale of tax certificates held pursuant to s. 197.432.

(2) The certificates held by the county shall bear interest at a rate equal to the annually compounded rate of 3 percent plus the Consumer Price Index for All Urban Consumers; however, the interest rate may not exceed 9.5 percent.

197.3075 Change in use or ownership of property.—

(1) If there is a change in use or ownership of the property that has been granted an ad valorem tax or non-ad valorem assessment deferral such that the property owner is no longer entitled to claim the property as an affordable rental housing property, or if there is a change in the legal or beneficial ownership of the property, or if the owner fails to maintain the required fire and extended insurance coverage, the total amount of deferred taxes, non-ad valorem assessments, and interest for all previous years becomes due and payable November 1 of the year in which the change in use or ownership occurs or on the date failure to maintain insurance occurs, and is delinquent on April 1 of the year following the year in which the change in use or ownership or failure to maintain insurance occurs.

(2) Whenever the property appraiser discovers that there has been a change in the use or ownership of the property that has been granted a deferral, the property appraiser shall notify the tax collector in writing of the date such change occurs, and the tax collector shall collect any taxes, non-ad valorem assessments, and interest due or delinquent.

(3) During any year in which the total amount of deferred taxes, non-ad valorem assessments, interest, and all other unsatisfied liens on the property exceeds 85 percent of the assessed value of the property, the tax collector shall immediately notify the property owner that the portion of taxes, non-ad valorem assessments, and interest which exceeds 85 percent of the assessed value of the property is due and payable within 30 days after receipt of the notice. Failure to pay the amount due shall cause the total amount of deferred taxes, non-ad valorem assessments, and interest to become delinquent.

(4) If on or before June 1 following the date the taxes deferred under this subsection become delinquent, the tax collector shall sell a tax certificate for the delinquent taxes and interest in the manner provided by s. 197.432.

197.3076 Prepayment of deferred taxes and non-ad valorem assessments.—

(1) All or part of the deferred taxes, non-ad valorem assessments, and accrued interest may at any time be paid to the tax collector by:

(a) The property owner; or

(b) The property owner's next of kin, heir, child, or any person having or claiming a legal or equitable interest in the property, if an objection is not

made by the owner within 30 days after the tax collector notifies the property owner of the fact that such payment has been tendered.

(2) Any partial payment made pursuant to this section shall be applied first to accrued interest.

197.3077 Distribution of payments.—When any deferred tax, non-ad valorem assessment, or interest is collected, the tax collector shall maintain a record of the payment, setting forth a description of the property and the amount of taxes or interest collected for the property. The tax collector shall distribute payments received in accordance with the procedures for distributing ad valorem taxes, non-ad valorem assessments, or redemption moneys as prescribed in this chapter.

197.3078 Construction.—This section does not prevent the collection of personal property taxes that become a lien against tax-deferred property, or defer payment of special assessments to benefited property other than those specifically allowed to be deferred, or affect any provision of any mortgage or other instrument relating to property requiring a person to pay ad valorem taxes or non-ad valorem assessments.

197.3079 Penalties.—

(1) The following penalties shall be imposed on any person who willfully files information required under this section which is incorrect:

(a) The person shall pay the total amount of deferred taxes, non-ad valorem assessments, and interest which shall immediately become due;

(b) The person shall be disqualified from filing a tax-deferral application for the next 3 years; and

(c) The person shall pay a penalty of 25 percent of the total amount of taxes, non-ad valorem assessments, and interest deferred.

(2) Any person against whom penalties have been imposed may appeal to the value adjustment board within 30 days after the date the penalties were imposed.

Section 7. Subsection (4) is added to section 253.0341, Florida Statutes, to read:

253.0341 Surplus of state-owned lands to counties or local governments.—Counties and local governments may submit surplus requests for state-owned lands directly to the board of trustees. County or local government requests for the state to surplus conservation or nonconservation lands, whether for purchase or exchange, shall be expedited throughout the surplus process. Property jointly acquired by the state and other entities shall not be surplus without the consent of all joint owners.

(4) Notwithstanding the requirements of this section and the requirements of s. 253.034 which provides a surplus process for the disposal of state lands, the board shall convey to Miami-Dade County title to the property on which the Graham Building, which houses the offices of the Miami-Dade

State Attorney, is located. By January 1, 2008, the board shall convey fee simple title to the property to Miami-Dade County for a consideration of one dollar. The deed conveying title to Miami-Dade County must contain restrictions that limit the use of the property for the purpose of providing workforce housing as defined in s. 420.5095, and to house the offices of the Miami-Dade State Attorney. Employees of the Miami-Dade State Attorney and the Miami-Dade Public Defender who apply for and meet the income qualifications for workforce housing shall receive preference over other qualified applicants.

Section 8. Paragraphs (c) and (e) of subsection (19) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(19) SUBSTANTIAL DEVIATIONS.—

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years shall be presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years shall be presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation. For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. In recognition of the 2007 real estate market conditions, all phase, buildout, and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and must not be considered when determining whether a subsequent extension is a substantial deviation under this subsection.

Section 9. Paragraph (f) of subsection (3) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(f) Hotel or motel development.—

1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or

2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000, ~~and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and in the strategic regional policy plan.~~

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-13. and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

a. Changes in the name of the project, developer, owner, or monitoring official.

b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.

c. Changes to minimum lot sizes.

d. Changes in the configuration of internal roads that do not affect external access points.

e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.

f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.

g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.

h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.

i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.

j. Changes that modify boundaries and configuration of areas described in subparagraph (b)14. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.

k. Changes to permit the sale of an affordable housing unit to a person who earns less than 120 percent of the area median income, provided the developer actively markets the unit for a minimum period of 6 months, is unable to close a sale to a qualified buyer in a lower income qualified income class, a certificate of occupancy is issued for the unit, and the developer proposes to sell the unit to a person who earns less than 120 percent of the area median income at a purchase price that is no greater than the purchase price at which the unit was originally marketed to a lower income qualified class. This provision may not be applied to residential units approved pursuant to subparagraph (b)7. or paragraph (i), and shall expire on July 1, 2009.

~~l.k.~~ Any other change which the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-j. and which does not create the likelihood of any additional regional impact.

This subsection does not require the filing of a notice of proposed change but shall require an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., ~~or~~ sub-subparagraph k., or sub-subparagraph l., and it believes the change creates a reasonable likelihood of new or additional regional impacts.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to

the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (e), and (f) and residential use.

Section 10. Subsection (2) of section 420.504, Florida Statutes, is amended to read:

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

(2) The corporation is constituted as a public instrumentality, and the exercise by the corporation of the power conferred by this act is considered to be the performance of an essential public function. The corporation is shall constitute an agency for the purposes of s. 120.52 and is a state agency for purposes of s. 159.807(4). The corporation is subject to chapter 119, subject to exceptions applicable to the corporation, and to the provisions of chapter 286; however, the corporation shall be entitled to provide notice of internal review committee meetings for competitive proposals or procurement to applicants by mail, ~~or facsimile, or publication on an Internet website,~~ rather than by means of publication. The corporation is not governed by chapter 607 ~~or chapter 617~~, but by the provisions of this part. If for any reason the establishment of the corporation is deemed in violation of law, such provision is severable and the remainder of this act remains in full force and effect.

Section 11. Section 420.506, Florida Statutes, is amended to read:

420.506 Executive director; agents and employees.—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 corporation is authorized to enter into a lease agreement with the Department of Management Services or the~~

Department of Community Affairs for the lease of state employees from such entities, wherein an employee shall retain his or her status as a state employee but shall work under the direct supervision of the corporation, and shall retain the right to participate in the Florida Retirement System. The board of directors of the corporation is entitled to establish travel procedures and guidelines for employees of the corporation. The executive director's office and the corporation's files and records must be located in Leon County.

Section 12. Section 420.5061, Florida Statutes, is amended to read:

420.5061 Transfer of agency assets and liabilities.—~~Effective January 1, 1998, all assets and liabilities and rights and obligations, including any outstanding contractual obligations, of the agency shall be transferred to The corporation is the~~ as legal successor in all respects to the agency, ~~is~~ the corporation shall thereupon become obligated to the same extent as the agency under any existing agreements existing on December 31, 1997, and ~~is~~ be entitled to any rights and remedies previously afforded the agency by law or contract, including specifically the rights of the agency under chapter 201 and part VI of chapter 159. ~~The corporation is a state agency for purposes of s. 159.807(4)(a).~~ Effective January 1, 1998, all references under Florida law to the agency are deemed to mean the corporation. The corporation shall transfer to the General Revenue Fund an amount which otherwise would have been deducted as a service charge pursuant to s. 215.20(1) if the Florida Housing Finance Corporation Fund established by s. 420.508(5), the State Apartment Incentive Loan Fund established by s. 420.5087(7), the Florida Homeownership Assistance Fund established by s. 420.5088(4), the HOME Investment Partnership Fund established by s. 420.5089(1), and the Housing Predevelopment Loan Fund established by s. 420.525(1) were each trust funds. For purposes of s. 112.313, the corporation is deemed to be a continuation of the agency, and the provisions thereof are deemed to apply as if the same entity remained in place. Any employees of the agency and agency board members covered by s. 112.313(9)(a)6. shall continue to be entitled to the exemption in that subparagraph, notwithstanding being hired by the corporation or appointed as board members of the corporation. ~~Effective January 1, 1998, all state property in use by the agency shall be transferred to and become the property of the corporation.~~

Section 13. Subsection (46) is added to section 420.507, Florida Statutes, to read:

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

(46) To require, as a condition of financing a multifamily rental project, that an agreement be recorded in the official records of the county where the real property is located, which requires that the project be used for housing defined as affordable in s. 420.0004(3) by persons defined in 420.0004(8), (10), (11), and (15). Such an agreement is a state land use regulation that limits the highest and best use of the property within the meaning of s. 193.011(2).

Section 14. Subsection (3) of section 420.5087, Florida Statutes, is amended to read:

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

(3) During the first 6 months of loan or loan guarantee availability, program funds shall be reserved for use by sponsors who provide the housing set-aside required in subsection (2) for the tenant groups designated in this subsection. The reservation of funds to each of these groups shall be determined using the most recent statewide very-low-income rental housing market study available at the time of publication of each notice of fund availability required by paragraph (6)(b). The reservation of funds within each notice of fund availability to the tenant groups in paragraphs (a), (b), and (d) may not be less than 10 percent of the funds available at that time. Any increase in funding required to reach the 10-percent minimum must shall be taken from the tenant group that has the largest reservation. The reservation of funds within each notice of fund availability to the tenant group in paragraph (c) may not be less than 5 percent of the funds available at that time. The tenant groups are:

- (a) Commercial fishing workers and farmworkers;
- (b) Families;
- (c) Persons who are homeless; and

(d) Elderly persons. Ten percent of the amount reserved for the elderly shall be reserved to provide loans to sponsors of housing for the elderly for the purpose of making building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or lifesafety or security-related repairs or improvements to such housing. Such a loan may not exceed \$750,000 per housing community for the elderly. In order to receive the loan, the sponsor of the housing community must make a commitment to match at least 5 percent of the loan amount to pay the cost of such repair or improvement. The corporation shall establish the rate of interest on the loan, which may not exceed 3 percent, and the term of the loan, which may not exceed 15 years; however, if the lien of the corporation's encumbrance is subordinate to the lien of another mortgage, then the term may be made coterminous with the longest term of the superior lien. The term of the loan shall be based on established on the basis of a credit analysis of the applicant. The corporation may forgive indebtedness for a share of the loan attributable to the units in a project reserved for extremely-low-income elderly by nonprofit organizations, as defined in s. 420.0004(5), where the project has provided affordable housing to the elderly for 15 years or more. The corporation shall 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.

Section 15. Section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(1) The Legislature finds and declares that recent rapid increases in the median purchase price of a home and the cost of rental housing have far outstripped the increases in median income in the state, preventing essential services personnel from living in the communities where they serve and thereby creating the need for innovative solutions for the provision of housing opportunities for essential services personnel.

(2) The Community Workforce Housing Innovation Pilot Program is created to provide affordable rental and home ownership community workforce housing for essential services personnel affected by the high cost of housing, using regulatory incentives and state and local funds to promote local public-private partnerships and leverage government and private resources.

(3) For purposes of this section, the term ~~following definitions apply~~:

(a) “Workforce housing” means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size, or 150 percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation.

(b) “Essential services personnel” means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to s. 420.9075(3)(a).

(c) “Public-private partnership” means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.

(4) The Florida Housing Finance Corporation is authorized to provide Community Workforce Housing Innovation Pilot Program loans to an applicant for construction or rehabilitation of workforce housing in eligible areas. ~~The corporation shall establish a funding process and selection criteria by rule or request for proposals.~~ This funding is intended to be used with other public and private sector resources.

(5) The corporation shall establish a loan application process by rule which includes selection criteria, an application review process, and a fund-

ing process. The corporation shall also establish an application review committee that may include up to three private citizens representing the areas of housing or real estate development, banking, community planning, or other areas related to the development or financing of workforce and affordable housing.

(a) The selection criteria and application review process must include a procedure for curing errors in the loan applications which do not make a substantial change to the proposed project.

(b) To achieve the goals of the pilot program, the application review committee may approve or reject loan applications or responses to questions raised during the review of an application due to the insufficiency of information provided.

(c) The application review committee shall make recommendations concerning program participation and funding to the corporation's board of directors.

(d) The board of directors shall approve or reject loan applications, determine the tentative loan amount available to each applicant, and rank all approved applications.

(e) The board of directors shall decide which approved applicants will become program participants and determine the maximum loan amount for each program participant.

(6)(5) The corporation shall provide incentives for local governments in eligible areas to use local affordable housing funds, such as those from the State Housing Initiatives Partnership Program, to assist in meeting the affordable housing needs of persons eligible under this program. Local governments are authorized to use State Housing Initiative Partnership Program funds for persons or families whose total annual household income does not exceed:

(a) One hundred and forty percent of the area median income, adjusted for household size; or

(b) One hundred and fifty percent of the area median income, adjusted for household size, in areas that were designated as areas of critical state concern for at least 20 consecutive years prior to the removal of the designation and in areas of critical state concern, designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing.

(7)(6) Funding shall be targeted to innovative projects in areas where the disparity between the area median income and the median sales price for a single-family home is greatest, and ~~for projects in areas~~ where population growth as a percentage rate of increase is greatest. The corporation may also fund projects in areas where innovative regulatory and financial incentives are made available. The corporation shall fund at least one eligible project in as many counties and regions of the state as is practicable, consistent with program goals as possible.

(8)(7) Projects shall receive priority consideration for funding where:

(a) The local jurisdiction has adopted, or is committed to adopting, ~~adopts~~ appropriate regulatory incentives, or the local jurisdiction or public-private partnership has adopted or is committed to adopting local contributions or financial strategies, or other funding sources to promote the development and ongoing financial viability of such projects. Local incentives include such actions as expediting review of development orders and permits, supporting development near transportation hubs and major employment centers, and adopting land development regulations designed to allow flexibility in densities, use of accessory units, mixed-use developments, and flexible lot configurations. Financial strategies include such actions as promoting employer-assisted housing programs, providing tax increment financing, and providing land.

(b) Projects are innovative and include new construction or rehabilitation; ~~mixed-income housing; or commercial and housing mixed-use elements; innovative design, green building principles; storm-resistant construction; or other elements that reduce long-term costs relating to maintenance, utilities, or insurance~~ and ~~those that~~ promote homeownership. The program funding may ~~shall~~ not exceed the costs attributable to the portion of the project that is set aside to provide housing for the targeted population.

(c) Projects that set aside at least 80 percent of units for workforce housing and at least 50 percent for essential services personnel and for projects that require the least amount of program funding compared to the overall housing costs for the project.

~~(9)(8)~~ Notwithstanding ~~the provisions of s. 163.3184(3)-(6),~~ any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with the provisions of this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment under pursuant ~~to~~ this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184(15)(b)2. ~~s. 163.3184(15)(e)~~ shall include a statement that the local government intends to use ~~utilize~~ the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), ~~and~~ The state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8) within 30 days after determining that the amendment package is complete. Any further proceedings shall be governed by ss. 163.3184(9)-(16). ~~Amendments proposed under this section are not subject to s. 163.3187(1), which limits the adoption of a comprehensive plan amendment to no more than two times during any calendar year.~~

(10) The processing of approvals of development orders or development permits, as defined in s. 163.3164(7) and (8), for innovative community workforce housing projects shall be expedited.

~~(11)~~(9) The corporation shall award loans with interest rates set at 1 to 3 percent, which may be made forgivable when long-term affordability is provided and when at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services personnel.

~~(12)~~(10) All eligible applications shall:

(a) For home ownership, limit the sales price of a detached unit, town-home, or condominium unit to not more than ~~90~~ 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all eligible purchasers of home ownership units occupy the homes as their primary residence.

(b) For rental units, restrict rents for all workforce housing serving those with incomes at or below 120 percent of area median income at the appropriate income level using the restricted rents for the federal low-income housing tax credit program and, for workforce housing units serving those with incomes above 120 percent of area median income, restrict rents to those established by the corporation, not to exceed 30 percent of the maximum household income adjusted to unit size.

(c) Demonstrate that the applicant is a public-private partnership in an agreement, contract, partnership agreement, memorandum of understanding, or other written instrument signed by all the project partners.

(d) Have grants, donations of land, or contributions from the public-private partnership or other sources collectively totaling at least ~~10~~ 15 percent of the total development cost or \$2 million, whichever is less. Such grants, donations of land, or contributions must be evidenced by a letter of commitment, an agreement, contract, deed, memorandum of understanding, or other written instrument only at the time of application. Grants, donations of land, or contributions in excess of ~~10~~ 15 percent of the development cost shall increase the application score.

(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in ~~subsection (8) paragraph (7)(a)~~ from the local jurisdiction in which the proposed project is to be located. The corporation may consult with the Department of Community Affairs in evaluating the use of regulatory incentives by applicants.

(f) Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.

(g) Demonstrate the applicant's affordable housing development and management experience.

(h) Provide any research or facts available supporting the demand and need for rental or home ownership workforce housing for eligible persons in the market in which the project is proposed.

~~(13)~~(11) Projects may include manufactured housing constructed after June 1994 and installed in accordance with mobile home installation standards of the Department of Highway Safety and Motor Vehicles.

~~(14)~~(12) The corporation may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of this section.~~

~~(15)~~(13) The corporation may use a maximum of 2 percent of the annual program appropriation for administration and compliance monitoring.

~~(16)~~(14) The corporation shall review the success of the Community Workforce Housing Innovation Pilot Program to ascertain whether the projects financed by the program are useful in meeting the housing needs of eligible areas and shall include its findings in the annual report required under s. 420.511(3). ~~The corporation shall submit its report and any recommendations regarding the program to the Governor, the Speaker of the House of Representatives, and the President of the Senate not later than 2 months after the end of the corporation's fiscal year.~~

Section 16. Subsection (3) of section 420.511, Florida Statutes, is amended to read:

420.511 Business plan; strategic plan; annual report.—

(3)(a) 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:

1.(a) Its operations and accomplishments;

2.(b) Its receipts and expenditures during its fiscal year in accordance with the categories or classifications established by the corporation for its operating and capital outlay purposes;

3.(c) Its assets and liabilities at the end of its fiscal year and the status of reserve, special, or other funds;

4.(d) A schedule of its bonds outstanding at the end of its fiscal year, together with a statement of the principal amounts of bonds issued and redeemed during the fiscal year; and

5.(e) Information relating to the corporation's activities in implementing the provisions of ss. 420.5087, and 420.5088, and 420.5095.

~~(b)~~ The report ~~required by this subsection~~ shall include, but not be limited to:

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

2. The number of units produced under each program.

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

4. The average sales price of single-family units financed under s. 420.5088.

5. The average amount of rent charged based on unit size on units financed under s. 420.5087.

6. The number of persons in rural communities served under each program.
7. The number of farmworkers served under each program.
8. The number of homeless persons served under each program.
9. The number of elderly persons served under each program.
10. The extent to which geographic distribution has been achieved in accordance with the provisions of s. 420.5087.

11. The success of the Community Workforce Housing Innovation Pilot Program in meeting the housing needs of eligible areas.

12.11. Any other information the corporation deems appropriate.

Section 17. Subsection (1) of section 420.513, Florida Statutes, is amended to read:

420.513 Exemption from taxes and eligibility as investment.—

(1) The property of the corporation, the transactions and operations thereof, the income therefrom, and the bonds of the corporation issued under this act, together with all notes, mortgages, security agreements, letters of credit, or other instruments that arise out of or are given to secure the repayment of bonds issued in connection with the financing of any housing development under this part, and all notes, mortgages, security agreements, letters of credit, or other instruments that arise out of or are given to secure the repayment of loans issued in connection with the financing of any housing under this part, as well as the interest thereon and income therefrom, regardless of the status of any party thereto as a private party, shall be exempt from taxation by the state and its political subdivisions. The exemption granted by this subsection shall not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 18. Subsection (7) of section 420.526, Florida Statutes, is amended to read:

420.526 Predevelopment Loan Program; loans and grants authorized; activities eligible for support.—

(7) No predevelopment loan made under this section shall exceed the lesser of:

(a) The development and acquisition costs for the project, as determined by rule of the corporation; or

(b) Seven hundred and fifty ~~Five hundred~~ thousand dollars.

Section 19. Subsections (2), (4), (5), and (6) of section 420.9076, Florida Statutes, are amended, and subsections (8) and (9) are added to that section, to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

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

(a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.

(b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

(c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.

(d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.

(e) One citizen who is actively engaged as a for-profit provider of affordable housing.

(f) One citizen who is actively engaged as a not-for-profit provider of affordable housing.

(g) One citizen who is actively engaged as a real estate professional in connection with affordable housing.

(h) One citizen who actively serves on the local planning agency pursuant to s. 163.3174.

(i) One citizen who resides within the jurisdiction of the local governing body making the appointments.

(j) One citizen who represents employers within the jurisdiction.

(k) One citizen who represents essential services personnel, as defined in the local housing assistance plan.

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

(4) Triennially, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. ~~The Such~~ recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit a report to the local governing body that includes ~~make~~ recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

(a) The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.

(b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

(c) The allowance of flexibility in densities ~~increased density levels~~ for affordable housing.

(d) The reservation of infrastructure capacity for housing for very-low-income persons, ~~and low-income persons, and moderate-income persons~~.

(e) The allowance of affordable accessory residential units in residential zoning districts.

(f) The reduction of parking and setback requirements for affordable housing.

(g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

(h) The modification of street requirements for affordable housing.

(i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

(j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

(k) The support of development near transportation hubs and major employment centers and mixed-use developments.

The advisory committee recommendations ~~may~~ must also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing

Initiatives Partnership Program shall perform the initial review, but may elect to not perform the triennial review.

(5) The approval by the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing. Notice of the time, date, and place of the public hearing of the advisory committee to adopt final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in the county. The Such notice must contain a short and concise summary of the local housing incentives strategies recommendations to be considered by the advisory committee. The notice must state the public place where a copy of the tentative advisory committee recommendations can be obtained by interested persons.

(6) Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies required under s. 420.9071(16). The local government must consider the strategies specified in paragraphs (4)(a)-(k) as recommended by the advisory committee (4)(a)-(j).

(8) The advisory committee may perform other duties at the request of the local government, including:

(a) The provision of mentoring services to affordable housing partners including developers, banking institutions, employers, and others to identify available incentives, assist with applications for funding requests, and develop partnerships between various parties.

(b) The creation of best practices for the development of affordable housing in the community.

(9) The advisory committee shall be cooperatively staffed by the local government department or division having authority to administer local planning or housing programs to ensure an integrated approach to the work of the advisory committee.

Section 20. Section 624.46226, Florida Statutes, is created to read:

624.46226 Public housing authorities self-insurance funds; exemption for taxation and assessments.—

(1) Any two or more public housing authorities in the state as defined in chapter 421 may also create a self-insurance fund for the purpose of self-insuring real or personal property of every kind and every interest in such property against loss or damage from any hazard or cause and against any loss consequential to such loss or damage, provided all the provisions of s. 624.4622 are met.

(2) Any public housing authority in the state as defined in chapter 421 that is a member of a self-insurance fund pursuant to this section shall be exempt from the assessments imposed under ss. 627.351, 631.57, and 215.555.

Section 21. This act shall take effect July 1, 2007.

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.