

CHAPTER 2012-127

Senate Bill No. 1996

An act relating to the Department of Economic Opportunity; repealing s. 49 of chapter 2011-47, Laws of Florida; abrogating the future expiration of an amendment to s. 163.3247(3)(d), F.S., to nullify the reversion of the text of that paragraph to that in existence on June 30, 2010; repealing s. 51 of chapter 2011-47, Laws of Florida; abrogating the future expiration of an amendment to s. 201.15(1)(c)2., F.S., to nullify the reversion of the text of that subparagraph to that in existence on June 30, 2010; requiring the Auditor General and the Office of Program Policy Analysis and Government Accountability to conduct a joint audit and review of the Florida Housing Finance Corporation; amending s. 420.507, F.S.; revising powers of the Florida Housing Finance Corporation; amending s. 420.5087, F.S.; revising provisions relating to the State Apartment Incentive Loan Program; authorizing the corporation to accept payment of deferred program interest under certain circumstances; providing funding for projects that meet certain criteria; providing for future expiration; amending s. 445.009, F.S.; deleting the future expiration of provisions authorizing workers' compensation coverage for a participant in an adult or youth work experience activity; directing the Department of Economic Opportunity to prepare draft legislation to conform the Florida Statutes to the provisions of the act; requiring that the department submit the draft legislation to the Governor and Legislature by a specified date; authorizing a local governmental entity that is an independent special district providing certain utility services to reduce its rates by resolution for a specified time for a user that will provide a community benefit; providing effective dates.

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

Section 1. Section 49 of chapter 2011-47, Laws of Florida, is repealed.

Section 2. Section 51 of chapter 2011-47, Laws of Florida, is repealed.

Section 3. The Auditor General and the Office of Program Policy Analysis and Government Accountability shall conduct a joint audit and review of the programs and operations of the Florida Housing Finance Corporation, and shall jointly develop a work plan for such audit and review to be submitted to the President of the Senate and the Speaker of the House of Representatives no later than July 1, 2012. The audit and review shall encompass, at a minimum, a review of the corporation's assets, liabilities, income, and operating expenses; the internal management, financial and operational controls employed, and programmatic decisionmaking processes used; the governance, direction, and oversight provided by the Florida Housing Finance Corporation Board of Directors; and the performance outcomes of the programs administered by the Florida Housing Finance Corporation. The audit and review shall also include formulation of recommendations to the

Legislature for changes to the structure, governance, and operational processes of the Florida Housing Finance Corporation. Unless otherwise directed in writing jointly by the President of the Senate and the Speaker of the House of Representatives, a written report on the audit and review shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than December 1, 2012. This section shall take effect upon this act becoming a law.

Section 4. Subsection (48) 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:

(48) To use up to 10 percent of its annual allocation of low-income housing tax credits, nontaxable revenue bonds, and State Apartment Incentive Loan Program funds appropriated by the Legislature and available to allocate by request for proposals or other competitive solicitation funding for high-priority affordable housing projects, such as housing to support economic development and job-creation initiatives, housing for veterans and their families, and other special needs populations in communities throughout the state as determined by the corporation on an annual basis.

Section 5. Subsections (9) and (10) are added to section 420.5087, Florida Statutes, 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.

(9) The corporation is authorized to accept payment of deferred program interest at an interest rate that is consistent with rates currently authorized under this section, if the deferred interest is paid in not more than five equal annual installments, subject to the qualifications contained in this subsection.

(10) Funding under this subsection shall be to preserve existing projects having financing guaranteed under the Florida Affordable Housing Guarantee Program pursuant to s. 420.5092.

(a) A project shall be given priority for funding if:

1. It was approved by the corporation board in calendar year 2011 to provide additional units for extremely-low-income persons as defined in s. 420.0004;

2. The Guarantee Program mortgage note was executed and recorded not later than September 30, 2003;

3. It commits to provide additional units for extremely-low-income persons; and

4. The shareholders, members, or partners of the project owner have funded deficits in an amount that is not less than 20 percent of the State Apartment Incentive Loan not later than closing of any financing made under this subsection.

(b) The maximum amount that may be funded under this subsection is \$2.5 million per project.

(c) This subsection expires June 30, 2013.

Section 6. Subsection (11) of section 445.009, Florida Statutes, is amended to read:

445.009 One-stop delivery system.—

(11) A participant in an adult or youth work experience activity administered under this chapter shall be deemed an employee of the state for purposes of workers' compensation coverage. In determining the average weekly wage, all remuneration received from the employer shall be considered a gratuity, and the participant ~~is shall~~ not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the participant may be receiving wages and remuneration from other employment with another employer and regardless of his or her future wage-earning capacity. ~~This subsection expires July 1, 2012.~~

Section 7. The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in this act. Therefore, the Department of Economic Opportunity is directed to prepare draft legislation to conform the Florida Statutes to the provisions of this act. The department shall submit the draft legislation to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before October 1, 2012.

Section 8. If the governing body of an independent special district that provides water, wastewater, and sanitation services in a disproportionately affected county, as defined in s. 288.106(8), Florida Statutes, determines that a new user or the expansion of an existing user of one or more of its utility systems will provide a significant benefit to the community in terms of increased job opportunities, economies of scale, or economic development in the area, the governing body may authorize a reduction of its rates, fees, or charges for that user for a specified period of time. A governing body that exercises this power must do so by resolution that states the anticipated economic benefit justifying the reduction as well as the period of time that the reduction will remain in place.

Section 9. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

Approved by the Governor April 20, 2012.

Filed in Office Secretary of State April 20, 2012.