

## CHAPTER 2013-106

### Senate Bill No. 1852

An act relating to funding from the National Mortgage Settlement; providing an appropriation from the General Revenue Fund to the Florida Prepaid Tuition Scholarship Program to purchase 2-year dormitory residence advance payment contracts for certain students; providing an appropriation from the General Revenue Fund to the state courts system to provide technology solutions to expedite foreclosure cases through the judicial process; providing an appropriation from the General Revenue Fund to the state courts system to provide certain supplemental resources; providing an appropriation from the General Revenue Fund to the clerks of the court to assist and support the courts in expediting the processing of backlogged foreclosure cases; providing an appropriation from the General Revenue Fund to the Office of the Attorney General to provide legal aid services to low- and moderate-income homeowners facing foreclosure; providing an appropriation from the General Revenue Fund to the Department of Children and Families to fund capital improvement grants for certified domestic violence centers; providing an appropriation from the General Revenue Fund to the Department of Economic Opportunity to provide a grant to Habitat for Humanity of Florida for certain purposes; providing requirements for Habitat for Humanity of Florida; providing financial audit reporting requirements; requiring certain funds to be repaid by Habitat for Humanity of Florida to the Department of Financial Services for deposit into the State Housing Trust Fund; providing an appropriation from the General Revenue Fund to the Florida Housing Finance Corporation to provide funding to reduce rents on new or existing rental units through the State Apartment Incentive Loan Program; providing an appropriation from the General Revenue Fund to the Department of Economic Opportunity for specified purposes; providing requirements for the expenditure, disbursement, and transfer to the State Housing Trust Fund of certain appropriated funds; providing a contingent effective date.

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

Section 1. Notwithstanding the funding match provisions in s. 1009.984(2), Florida Statutes, the nonrecurring sum of \$9,117,895 is appropriated from the General Revenue Fund to the Florida Prepaid Tuition Scholarship Program as established in s. 1009.984, Florida Statutes, in order for Take Stock in Children, Inc., to purchase 2-year dormitory residence advance payment contracts for eligible students who are in grades 10 and 11 during the 2012-2013 school year and have been selected to participate in the scholarship program.

Section 2. The nonrecurring sum of \$5,262,579 is appropriated from the General Revenue Fund to the state courts system to provide technology solutions that expedite foreclosure cases through the judicial process. Such technology solutions must enable judges and staff to effectively use electronic

documents when disposing of foreclosure cases, produce orders electronically, provide for electronic calendaring, serve orders electronically, and generate case management reports. All technology enhancements to expedite mortgage foreclosure cases must be completed in accordance with the standards set by the Florida Court Technology Commission regarding functionality as outlined in the Case Processing Application Standards.

Section 3. The nonrecurring sum of \$16 million is appropriated from the General Revenue Fund to the state courts system to provide supplemental resources, including, but not limited to, additional senior judge days and temporary case management staff in the trial courts to reduce the backlog of pending foreclosure cases.

Section 4. The nonrecurring sum of \$9.7 million is appropriated from the General Revenue Fund to the clerks of the court to enhance levels of service to assist and support the courts in expediting the processing of backlogged foreclosure cases.

Section 5. The nonrecurring sum of \$10 million is appropriated from the General Revenue Fund to the Office of the Attorney General, who must contract directly with regional legal aid service providers to provide legal aid services to low-income and moderate-income homeowners facing foreclosure. Administrative costs or fees may not be collected or used by the Office of the Attorney General, any association, or any foundation for providing services with the funds appropriated in this section.

Section 6. The nonrecurring sum of \$10 million is appropriated from the General Revenue Fund in a fixed capital outlay appropriation category to the Department of Children and Families for capital improvement grants to certified domestic violence centers in accordance with s. 39.9055, Florida Statutes. The Florida Coalition Against Domestic Violence shall serve as the lead entity to create a competitive request for proposals with the primary focus of increasing bed space and expanding capacity of emergency shelter services. Award decisions shall be completed within 60 days after the effective date of this act.

Section 7. (1) The nonrecurring sum of \$20 million is appropriated from the General Revenue Fund to the Department of Economic Opportunity to provide a grant to Habitat for Humanity of Florida for the acquisition and rehabilitation or reconstruction of existing housing stock to provide affordable housing to low-income applicants. Habitat for Humanity of Florida may use up to 1 percent of the grant award for direct administrative costs.

(2) Habitat for Humanity of Florida shall provide compliance and oversight for the grant award and shall:

(a) Provide to the Department of Economic Opportunity the name and contact information for the Habitat for Humanity of Florida compliance officer, to be updated within 10 business days after any change.

(b) Develop a request for proposals to be released to the 58 Habitat for Humanity of Florida affiliates no later than 60 days after the effective date of this act. The request for proposals shall be limited to projects that undertake the acquisition and rehabilitation or reconstruction of existing housing stock and provide affordable housing to low-income applicants.

(c) Use the grant award within 2 years, the start date of which is 30 days after the request for proposals is released to the 58 Habitat for Humanity of Florida affiliates.

(d) Provide the 58 Habitat for Humanity of Florida affiliates a minimum of 30 days to respond to the request for proposals.

(e) Establish a volunteer committee of at least six members from any of the 58 Habitat for Humanity of Florida affiliates to evaluate and rank project proposals received and determine project awards based on that evaluation and ranking.

1. Project awards shall be provided on a cost-reimbursement basis for work completed and paid for by the Habitat for Humanity of Florida affiliate for a qualifying home that was acquired and rehabilitated or reconstructed for a low-income applicant.

2. The Habitat for Humanity of Florida compliance officer is responsible for verifying that all project work is completed and has been paid for by the Habitat for Humanity of Florida affiliate before a cost reimbursement.

3. A Habitat for Humanity of Florida affiliate may not receive cost reimbursements in excess of 10 percent of the total appropriation, except that an affiliate may receive cost reimbursements in excess of 10 percent during the second year if the only project proposals remaining are from Habitat for Humanity of Florida affiliates that have reached the 10-percent cap.

(f) Provide technical support and assistance for the use of grant award funds by the Habitat for Humanity of Florida affiliates, which shall not exceed 2 percent of the grant award.

(g) Submit a quarterly progress report to the Department of Economic Opportunity within 30 days after the end of each quarter until all grant award funds have been expended. The quarterly progress report shall include, but need not be limited to:

1. Events occurring during the quarter, or anticipated to occur in the near future, which affect the ability of Habitat for Humanity of Florida to use the grant award for the intended purpose pursuant to this section.

2. Action plans for addressing any policy and administrative issues.

3. Habitat for Humanity of Florida efforts related to collecting and verifying data.

4. Data collected and verified, such as the number of existing housing stock acquired and rehabilitated or reconstructed for the quarter and to date, the number of requests for proposals received, and income data on applicants who are using the provided housing.

5. Grant award data disaggregated by recipient and activity, such as technical support and assistance, direct administrative costs, housing acquisition, and housing rehabilitation or reconstruction.

6. Activities related to technical support and assistance.

7. The name of each volunteer committee member and his or her Habitat for Humanity of Florida affiliate.

8. Progress toward meeting the goal of spending the full grant award within 2 years, the start date of which is 30 days after the request for proposals is released to the 58 Habitat for Humanity of Florida affiliates.

(h) Submit annually by September 1 to the Department of Economic Opportunity a financial audit performed by an independent certified public accountant for the most recently completed fiscal year which establishes that no material weaknesses or instances of material noncompliance exist.

(3) The Department of Economic Opportunity shall submit a copy of each financial audit from Habitat for Humanity of Florida to the President of the Senate and the Speaker of the House of Representatives within 15 days after its receipt.

(4) Any funds that are not expended or encumbered by June 30, 2015, and any funds that were deemed encumbered on June 30, 2015, and not expended by September 30, 2015, shall be repaid by Habitat for Humanity of Florida to the Department of Financial Services for deposit into the State Housing Trust Fund within the Department of Economic Opportunity. A final audit shall be submitted to the Department of Economic Opportunity by January 30, 2016, for any expenditures made after June 30, 2015.

Section 8. The nonrecurring sum of \$50 million is appropriated from the General Revenue Fund to the Department of Economic Opportunity for transfer to the Florida Housing Finance Corporation (FHFC) to provide funding to reduce rents on new or existing rental units through the State Apartment Incentive Loan Program created under s. 420.5087, Florida Statutes. Notwithstanding s. 420.5087, Florida Statutes, \$25 million of these funds shall be reserved for rental units for the elderly as defined in s. 420.0004, Florida Statutes, and \$25 million shall be reserved for rental units for extremely-low-income persons as defined in s. 420.0004, Florida Statutes.

Section 9. (1) The nonrecurring sum of \$10 million is appropriated from the General Revenue Fund to the Department of Economic Opportunity for transfer to the Florida Housing Finance Corporation (FHFC) to fund the construction or rehabilitation of units through the State Apartment Incentive Loan Program (SAIL).

(2) Each SAIL development that receives funds under this section must include up to 25 percent, but not less than 10 percent, of its units designed, constructed, and targeted for persons with developmental disabilities as defined in s. 393.063, Florida Statutes. Each development shall be required to enter into an agreement with at least one designated supportive services lead agency, such as the local Center for Independent Living, the Agency for Persons with Disabilities, or any other such agency approved by FHFC, for the purpose of coordinating services and housing for persons with disabilities.

Section 10. (1) The nonrecurring sum of \$40 million is appropriated from the General Revenue Trust Fund to the Department of Economic Opportunity for transfer to the Florida Housing Finance Corporation (FHFC) to fund the State Housing Initiative Program (SHIP). The FHFC shall allocate the funding to all eligible counties and cities. Except as otherwise specified in this section, local governments must use this funding according to the SHIP statute and rules and within the parameters of their adopted local housing assistance plan.

(2) All funding appropriated under this section must be targeted for one or more of the following strategies:

(a) Rehabilitating or modifying owner-occupied houses, including blighted homes or neighborhoods.

(b) Assisting with purchases of existing housing, with or without rehabilitation.

(c) Providing housing counseling services.

(d) Providing lease-purchase assistance.

(e) Implementing strategies approved by FHFC which are related to assisting households and communities impacted by foreclosures, using existing housing stock.

(3) Of the funding provided in this section, each local government must use a minimum of 20 percent of its allocation to serve persons with special needs as defined in s. 420.0004, Florida Statutes. Before this portion of the allocation is released by FHFC, a local government must certify that it will meet this requirement through existing approved strategies in the local assistance plan or submit a new local housing assistance plan strategy for this purpose to the FHFC for approval to ensure that it meets these specifications. The first priority of these special needs funds must be to use them for persons with developmental disabilities as defined in s. 393.063, Florida Statutes, with an emphasis on home modifications, including technological enhancements and devices, which will allow homeowners to remain independent in their own homes and maintain their homeownership.

(4) Local governments may not use more than 3 percent of their allocations under this section for administrative costs.

Section 11. The nonrecurring sum of \$10 million is appropriated from the General Revenue Fund to the Department of Economic Opportunity for transfer to the Florida Housing Finance Corporation (FHFC) to fund a competitive grant program to provide housing for homeless persons. The FHFC shall award funds on a competitive basis to private nonprofit organizations to purchase and renovate existing houses and to construct small specialty housing of 15 units or fewer for homeless individuals or families, with priority given to extremely-low-income households.

Section 12. The nonrecurring sum of \$10 million is appropriated from the General Revenue Fund to the Department of Economic Opportunity for transfer to the Florida Housing Finance Corporation (FHFC) to fund a competitive grant program for housing developments designed, constructed, and targeted for persons with developmental disabilities as defined in s. 393.063, Florida Statutes. Private nonprofit organizations whose primary mission includes serving persons with developmental disabilities as defined in s. 393.063, Florida Statutes, shall be eligible for these grant funds. Housing projects funded with these grants may include community residential homes as defined in s. 419.001, Florida Statutes, or individual housing units, and may include new construction and renovation of existing housing units. In evaluating proposals for these funds, the FHFC shall consider: the extent to which funds from local and other sources will be used by the applicant to leverage the grant funds provided under this section; employment opportunities and supports that will be available to residents of the proposed housing; a plan for residents to effectively and efficiently access community-based services, resources, and amenities; and partnerships with other supportive services agencies.

Section 13. Except as otherwise provided in section 7 of this act, notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, entities to which funds are appropriated pursuant to this act may expend such funds through the 2014-2015 fiscal year. Any funds that are encumbered by June 30, 2015, must be disbursed by September 30, 2015. On September 30, 2015, any funds that remain undisbursed must be transferred to the State Housing Trust Fund within the Department of Economic Opportunity.

Section 14. This act shall take effect upon the deposit of \$200,080,474 into the General Revenue Fund from the escrow account created as a result of the consent judgment entered into by the Attorney General on April 4, 2012, in the case of United States of America, et al. v. Bank of America Corp., et al., No. 12-0361-RMC, in the United States District Court for the District of Columbia.

Approved by the Governor June 4, 2013.

Filed in Office Secretary of State June 4, 2013.