Growth Management Committee

Tuesday, March 21, 2006
2:15 PM – 5:15 PM
212 Knott Building

Committee Action

Allan G. Bense
Speaker

Randy Johnson
Chair

COMMITTEE MEETING REPORT

Growth Management Committee

3/21/2006 2:15:00PM

Location: 212 Knott Building

Summary:

Growth Management Committee

Tuesday March 21, 2006 02:15 pm

HB 683 CS	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 1309	Favorable	Yeas: 10	Nays: 0
HB 1363	Favorable With Committee Substitute	Yeas: 9	Nays: 0
PCB GM 06-01	Favorable	Yeas: 10	Nays: 0

Committee meeting was reported out: Tuesday, March 21, 2006 7:20:12PM

COMMITTEE MEETING REPORT

Growth Management Committee

3/21/2006 2:15:00PM

Location: 212 Knott Building

Attendance:

	Present	*Absent*	*Excused*
Randy Johnson (Chair)	X		
Anna Benson	X		
Jennifer Carroll	X		
Mike Davis	X		
D. Alan Hays	X		
Bob Henriquez	X		
Carlos Lopez-Cantera	X		
Ari Porth	X		
William Proctor	X		
Shelley Vana	X		
Totals:	**10**	**0**	**0**

Committee meeting was reported out: Tuesday, March 21, 2006 7:20:12PM

COMMITTEE MEETING REPORT

Growth Management Committee

3/21/2006 2:15:00PM

Location: 212 Knott Building

HB 683 CS : Growth Management

[X] *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Anna Benson	X				
Jennifer Carroll	X				
Mike Davis	X				
D. Alan Hays	X				
Bob Henriquez	X				
Carlos Lopez-Cantera	X				
Ari Porth	X				
William Proctor	X				
Shelley Vana			X		
Randy Johnson (Chair)	X				
	Total Yeas: 9	**Total Nays: 0**			

Appearances:

HB 683 - Growth Management
Janet Bowman (Lobbyist) (General Public) - Information Only
1000 Friends of Florida
926 E. Park Avenue
Tallahassee FL
Phone: 850-222-6277

HB 683 - Growth Management
Pat Rose (Lobbyist) (General Public) - Opponent
Save the Manatee Club
5171 Widefield Road
Tallahassee FL 32309
Phone: 850-570-1373

HB 683 - Growth Management
Wade Hopping (Lobbyist) (General Public) - Proponent
Association of Florida Community Developers
710 N. Ride Rd.
Tallahassee FL 32303
Phone: 850-222-7500

Committee meeting was reported out: Tuesday, March 21, 2006 7:20:12PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Adopted 3/21/06

Amendment No. 1 (for drafter's use only)

Bill No. **HM 683CS**

COUNCIL/COMMITTEE ACTION

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WITHDRAWN	___	(Y/N)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

---

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) Rep. Traviesa offered the following:
3
4 **Amendment (with title amendment)**
5 Remove everything after the enacting clause and insert:
6
7 Section 1. Paragraphs (a) and (i) of subsection (4) and
8 subsections (15), (19), and (24) of section 380.06, Florida
9 Statutes, are amended, and subsection (28) is added to that
10 section, to read:
11 380.06 Developments of regional impact.--
12 (4) BINDING LETTER.--
13 (a) If any developer is in doubt whether his or her
14 proposed development must undergo development-of-regional-impact
15 review under the guidelines and standards, whether his or her
16 rights have vested pursuant to subsection (20), or whether a
17 proposed substantial change to a development of regional impact
18 concerning which rights had previously vested pursuant to
19 subsection (20) would divest such rights, the developer may
20 request a determination from the state land planning agency. The
21 developer or the appropriate local government having
22 jurisdiction may request that the state land planning agency

23 determine whether the amount of development that remains to be
24 built in an approved development of regional impact meets the
25 criteria of subparagraph (15)(g)3.
26 (i) In response to an inquiry from a developer or the
27 appropriate local government having jurisdiction, the state land
28 planning agency may issue an informal determination in the form
29 of a clearance letter as to whether a development is required to
30 undergo development-of-regional-impact review, or whether the
31 amount of development that remains to be built in an approved
32 development of regional impact meets the criteria of
33 subparagraph (15)(g)3. A clearance letter may be based solely on
34 the information provided by the developer, and the state land
35 planning agency is not required to conduct an investigation of
36 that information. If any material information provided by the
37 developer is incomplete or inaccurate, the clearance letter is
38 not binding upon the state land planning agency. A clearance
39 letter does not constitute final agency action.
40 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.--
41 (a) The appropriate local government shall render a
42 decision on the application within 30 days after the hearing
43 unless an extension is requested by the developer.
44 (b) When possible, local governments shall issue
45 development orders concurrently with any other local permits or
46 development approvals that may be applicable to the proposed
47 development.
48 (c) The development order shall include findings of fact
49 and conclusions of law consistent with subsections (13) and
50 (14). The development order:
51 1. Shall specify the monitoring procedures and the local
52 official responsible for assuring compliance by the developer
53 with the development order.

54 2. Shall establish compliance dates for the development
55 order, including a deadline for commencing physical development
56 and for compliance with conditions of approval or phasing
57 requirements, and shall include a buildout ~~termination~~ date that
58 reasonably reflects the time anticipated ~~required~~ to complete
59 the development.
60 3. Shall establish a date until which the local government
61 agrees that the approved development of regional impact shall
62 not be subject to downzoning, unit density reduction, or
63 intensity reduction, unless the local government can demonstrate
64 that substantial changes in the conditions underlying the
65 approval of the development order have occurred or the
66 development order was based on substantially inaccurate
67 information provided by the developer or that the change is
68 clearly established by local government to be essential to the
69 public health, safety, or welfare. The date established pursuant
70 to this subparagraph shall be no sooner than the buildout date
71 of the project.
72 4. Shall specify the requirements for the biennial report
73 designated under subsection (18), including the date of
74 submission, parties to whom the report is submitted, and
75 contents of the report, based upon the rules adopted by the
76 state land planning agency. Such rules shall specify the scope
77 of any additional local requirements that may be necessary for
78 the report.
79 5. May specify the types of changes to the development
80 which shall require submission for a substantial deviation
81 determination or a notice of proposed change under subsection
82 (19).
83 6. Shall include a legal description of the property.

84 (d) Conditions of a development order that require a
85 developer to contribute land for a public facility or construct,
86 expand, or pay for land acquisition or construction or expansion
87 of a public facility, or portion thereof, shall meet the
88 following criteria:
89 1. The need to construct new facilities or add to the
90 present system of public facilities must be reasonably
91 attributable to the proposed development.
92 2. Any contribution of funds, land, or public facilities
93 required from the developer shall be comparable to the amount of
94 funds, land, or public facilities that the state or the local
95 government would reasonably expect to expend or provide, based
96 on projected costs of comparable projects, to mitigate the
97 impacts reasonably attributable to the proposed development.
98 3. Any funds or lands contributed must be expressly
99 designated and used to mitigate impacts reasonably attributable
100 to the proposed development.
101 4. Construction or expansion of a public facility by a
102 nongovernmental developer as a condition of a development order
103 to mitigate the impacts reasonably attributable to the proposed
104 development is not subject to competitive bidding or competitive
105 negotiation for selection of a contractor or design professional
106 for any part of the construction or design ~~unless required by~~
107 ~~the local government that issues the development order~~.
108 (e)1. ~~Effective July 1, 1986,~~ A local government shall not
109 include, as a development order condition for a development of
110 regional impact, any requirement that a developer contribute or
111 pay for land acquisition or construction or expansion of public
112 facilities or portions thereof unless the local government has
113 enacted a local ordinance which requires other development not
114 subject to this section to contribute its proportionate share of

115 the funds, land, or public facilities necessary to accommodate
116 any impacts having a rational nexus to the proposed development,
117 and the need to construct new facilities or add to the present
118 system of public facilities must be reasonably attributable to
119 the proposed development.
120 2. A local government shall not approve a development of
121 regional impact that does not make adequate provision for the
122 public facilities needed to accommodate the impacts of the
123 proposed development unless the local government includes in the
124 development order a commitment by the local government to
125 provide these facilities consistently with the development
126 schedule approved in the development order; however, a local
127 government's failure to meet the requirements of subparagraph 1.
128 and this subparagraph shall not preclude the issuance of a
129 development order where adequate provision is made by the
130 developer for the public facilities needed to accommodate the
131 impacts of the proposed development. Any funds or lands
132 contributed by a developer must be expressly designated and used
133 to accommodate impacts reasonably attributable to the proposed
134 development.
135 3. The Department of Community Affairs and other state and
136 regional agencies involved in the administration and
137 implementation of this act shall cooperate and work with units
138 of local government in preparing and adopting local impact fee
139 and other contribution ordinances.
140 (f) Notice of the adoption of a development order or the
141 subsequent amendments to an adopted development order shall be
142 recorded by the developer, in accordance with s. 28.222, with
143 the clerk of the circuit court for each county in which the
144 development is located. The notice shall include a legal
145 description of the property covered by the order and shall state

146 which unit of local government adopted the development order,
147 the date of adoption, the date of adoption of any amendments to
148 the development order, the location where the adopted order with
149 any amendments may be examined, and that the development order
150 constitutes a land development regulation applicable to the
151 property. The recording of this notice shall not constitute a
152 lien, cloud, or encumbrance on real property, or actual or
153 constructive notice of any such lien, cloud, or encumbrance.
154 This paragraph applies only to developments initially approved
155 under this section after July 1, 1980.
156 (g) A local government shall not issue permits for
157 development subsequent to the buildout ~~termination date or~~
158 ~~expiration~~ date contained in the development order unless:
159 1. The proposed development has been evaluated
160 cumulatively with existing development under the substantial
161 deviation provisions of subsection (19) subsequent to the
162 termination or expiration date;
163 2. The proposed development is consistent with an
164 abandonment of development order that has been issued in
165 accordance with the provisions of subsection (26); ~~or~~
166 3. The development of regional impact is essentially built
167 out, in that all the mitigation requirements in the development
168 order have been satisfied, all developers are in compliance with
169 all applicable terms and conditions of the development order
170 except the buildout date, and the amount of proposed development
171 that remains to be built is less than 20 percent of any
172 applicable development-of-regional-impact threshold; or
173 4.~~3.~~ The project has been determined to be an essentially
174 built-out development of regional impact through an agreement
175 executed by the developer, the state land planning agency, and
176 the local government, in accordance with s. 380.032, which will

177 establish the terms and conditions under which the development
178 may be continued. If the project is determined to be essentially
179 built out ~~built-out~~, development may proceed pursuant to the s.
180 380.032 agreement after the termination or expiration date
181 contained in the development order without further development-
182 of-regional-impact review subject to the local government
183 comprehensive plan and land development regulations or subject
184 to a modified development-of-regional-impact analysis. As used
185 in this paragraph, an "essentially built-out" development of
186 regional impact means:
187 a. The developers are ~~development is~~ in compliance with
188 all applicable terms and conditions of the development order
189 except the buildout ~~built-out~~ date; and
190 b.(I) The amount of development that remains to be built
191 is less than the substantial deviation threshold specified in
192 paragraph (19)(b) for each individual land use category, or, for
193 a multiuse development, the sum total of all unbuilt land uses
194 as a percentage of the applicable substantial deviation
195 threshold is equal to or less than 100 percent; or
196 (II) The state land planning agency and the local
197 government have agreed in writing that the amount of development
198 to be built does not create the likelihood of any additional
199 regional impact not previously reviewed.
200
201 5. In addition to the requirements of subparagraphs 3. and
202 4.
203 a. The single-family residential portions of a
204 development may be considered "essentially built out" if all of
205 the infrastructure and horizontal development has been
206 completed, at least 50 percent of the dwelling units have been
207 completed, and more than 80 percent of the lots have been

208 conveyed to third-party individual lot owners or to individual
209 builders who own no more than 40 lots at the time of the
210 determination; and
211 b. The mobile home park portions of a development may be
212 considered "essentially built out" if all the infrastructure and
213 horizontal development has been completed, and at least 50
214 percent of the lots are leased to individual mobile home owners.
215 (h) If the property is annexed by another local
216 jurisdiction, the annexing jurisdiction shall adopt a new
217 development order that incorporates all previous rights and
218 obligations specified in the prior development order.
219 (19) SUBSTANTIAL DEVIATIONS.--
220 (a) Any proposed change to a previously approved
221 development which creates a reasonable likelihood of additional
222 regional impact, or any type of regional impact created by the
223 change not previously reviewed by the regional planning agency,
224 shall constitute a substantial deviation and shall cause the
225 proposed change ~~development~~ to be subject to further
226 development-of-regional-impact review. There are a variety of
227 reasons why a developer may wish to propose changes to an
228 approved development of regional impact, including changed
229 market conditions. The procedures set forth in this subsection
230 are for that purpose.
231 (b) Any proposed change to a previously approved
232 development of regional impact or development order condition
233 which, either individually or cumulatively with other changes,
234 exceeds any of the following criteria shall constitute a
235 substantial deviation and shall cause the development to be
236 subject to further development-of-regional-impact review without
237 the necessity for a finding of same by the local government:

238 1. An increase in the number of parking spaces at an
239 attraction or recreational facility by 10 ~~5~~ percent or 330 ~~300~~
240 spaces, whichever is greater, or an increase in the number of
241 spectators that may be accommodated at such a facility by 10 ~~5~~
242 percent or 1,100 ~~1,000~~ spectators, whichever is greater.
243 2. A new runway, a new terminal facility, a 25-percent
244 lengthening of an existing runway, or a 25-percent increase in
245 the number of gates of an existing terminal, but only if the
246 increase adds at least three additional gates.
247 ~~3. An increase in the number of hospital beds by 5 percent~~
248 ~~or 60 beds, whichever is greater.~~
249 3.~~4.~~ An increase in industrial development area by 10 ~~5~~
250 percent or 35 ~~32~~ acres, whichever is greater.
251 4.~~5.~~ An increase in the average annual acreage mined by 10
252 ~~5~~ percent or 11 ~~10~~ acres, whichever is greater, or an increase
253 in the average daily water consumption by a mining operation by
254 10 ~~5~~ percent or 330,000 ~~300,000~~ gallons, whichever is greater.
255 An increase in the size of the mine by 10 ~~5~~ percent or 825 ~~750~~
256 acres, whichever is less. An increase in the size of a heavy
257 mineral mine as defined in s. 378.403(7) will only constitute a
258 substantial deviation if the average annual acreage mined is
259 more than 550 ~~500~~ acres and consumes more than 3.3 ~~3~~ million
260 gallons of water per day.
261 5.~~6.~~ An increase in land area for office development by 10
262 ~~5~~ percent or an increase of gross floor area of office
263 development by 10 ~~5~~ percent or 66,000 ~~60,000~~ gross square feet,
264 whichever is greater.
265 ~~7. An increase in the storage capacity for chemical or~~
266 ~~petroleum storage facilities by 5 percent, 20,000 barrels, or 7~~
267 ~~million pounds, whichever is greater.~~

268 ~~8. An increase of development at a waterport of wet~~
269 ~~storage for 20 watercraft, dry storage for 30 watercraft, or~~
270 ~~wet/dry storage for 60 watercraft in an area identified in the~~
271 ~~state marina siting plan as an appropriate site for additional~~
272 ~~waterport development or a 5-percent increase in watercraft~~
273 ~~storage capacity, whichever is greater.~~
274 7.~~9.~~ An increase in the number of dwelling units by 10 ~~5~~
275 percent or 55 ~~50~~ dwelling units, whichever is greater.
276 8. An increase in the number of dwelling units by 15
277 percent or 100 units, whichever is greater, provided that 20
278 percent of the increase in the number of dwelling units is
279 dedicated to the construction of workforce housing. For purposes
280 of this subparagraph, the term "workforce housing" means housing
281 that is affordable to a person who earns less than 120 percent
282 of the area median income.
283 9.~~10.~~ An increase in commercial development by 55,000
284 ~~50,000~~ square feet of gross floor area or of parking spaces
285 provided for customers for 330 ~~300~~ cars or a 10-percent ~~5-~~
286 ~~percent~~ increase of either of these, whichever is greater.
287 10.~~11.~~ An increase in hotel or motel rooms ~~facility units~~
288 by 10 ~~5~~ percent or 83 rooms ~~75 units~~, whichever is greater.
289 11.~~12.~~ An increase in a recreational vehicle park area by
290 10 ~~5~~ percent or 110 ~~100~~ vehicle spaces, whichever is less.
291 12.~~13.~~ A decrease in the area set aside for open space of
292 5 percent or 20 acres, whichever is less.
293 13.~~14.~~ A proposed increase to an approved multiuse
294 development of regional impact where the sum of the increases of
295 each land use as a percentage of the applicable substantial
296 deviation criteria is equal to or exceeds 110 ~~100~~ percent. The
297 percentage of any decrease in the amount of open space shall be

298 treated as an increase for purposes of determining when 110 ~~100~~
299 percent has been reached or exceeded.
300 14.~~15.~~ A 15-percent increase in the number of external
301 vehicle trips generated by the development above that which was
302 projected during the original development-of-regional-impact
303 review.
304 15.~~16.~~ Any change which would result in development of any
305 area which was specifically set aside in the application for
306 development approval or in the development order for
307 preservation or special protection of endangered or threatened
308 plants or animals designated as endangered, threatened, or
309 species of special concern and their habitat, any species
310 protected by 16 U.S.C. §668a-668d, primary dunes, or
311 archaeological and historical sites designated as significant by
312 the Division of Historical Resources of the Department of State.
313 The ~~further~~ refinement of the boundaries and configuration of
314 such areas ~~by survey~~ shall be considered under sub-subparagraph
315 (e)2.j. ~~(e)5.b.~~
316
317 The substantial deviation numerical standards in subparagraphs
318 3., 5., 9., 10., and 13. ~~4., 6., 10., 14.~~, excluding residential
319 uses, and in subparagraph 14. ~~15.,~~ are increased by 100 percent
320 for a project certified under s. 403.973 which creates jobs and
321 meets criteria established by the Office of Tourism, Trade, and
322 Economic Development as to its impact on an area's economy,
323 employment, and prevailing wage and skill levels. The
324 substantial deviation numerical standards in subparagraphs 3.,
325 5., 7., 8., 9., 10., 13., and 14. ~~4., 6., 9., 10., 11., and 14.~~
326 are increased by 50 percent for a project located wholly within
327 an urban infill and redevelopment area designated on the

328 applicable adopted local comprehensive plan future land use map
329 and not located within the coastal high hazard area.
330 (c) An extension of the date of buildout of a development,
331 or any phase thereof, by more than 7 ~~or more~~ years shall be
332 presumed to create a substantial deviation subject to further
333 development-of-regional-impact review. An extension of the date
334 of buildout, or any phase thereof, of more than 5 years ~~or more~~
335 but less than 7 years shall be presumed not to create a
336 substantial deviation. The extension of the date of buildout of
337 an areawide development of regional impact by more than 5 years
338 but less than 10 years is presumed not to create a substantial
339 deviation. These presumptions may be rebutted by clear and
340 convincing evidence at the public hearing held by the local
341 government. An extension of 5 years or less ~~than 5 years~~ is not
342 a substantial deviation. For the purpose of calculating when a
343 buildout or~~,~~ phase~~, or termination~~ date has been exceeded, the
344 time shall be tolled during the pendency of administrative or
345 judicial proceedings relating to development permits. Any
346 extension of the buildout date of a project or a phase thereof
347 shall automatically extend the commencement date of the project,
348 the termination date of the development order, the expiration
349 date of the development of regional impact, and the phases
350 thereof if applicable by a like period of time.
351 (d) A change in the plan of development of an approved
352 development of regional impact resulting from requirements
353 imposed by the Department of Environmental Protection or any
354 water management district created by s. 373.069 or any of their
355 successor agencies or by any appropriate federal regulatory
356 agency shall be submitted to the local government pursuant to
357 this subsection. The change shall be presumed not to create a
358 substantial deviation subject to further development-of-

359 regional-impact review. The presumption may be rebutted by clear
360 and convincing evidence at the public hearing held by the local
361 government.
362 (e)1. Except for a development order rendered pursuant to
363 subsection (22) or subsection (25), a proposed change to a
364 development order that individually or cumulatively with any
365 previous change is less than any numerical criterion contained
366 in subparagraphs (b)1.-15. and does not exceed any other
367 criterion, or that involves an extension of the buildout date of
368 a development, or any phase thereof, of less than 5 years is not
369 subject to the public hearing requirements of subparagraph
370 (f)3., and is not subject to a determination pursuant to
371 subparagraph (f)5. Notice of the proposed change shall be made
372 to the regional planning council and the state land planning
373 agency. Such notice shall include a description of previous
374 individual changes made to the development, including changes
375 previously approved by the local government, and shall include
376 appropriate amendments to the development order.
377 2. The following changes, individually or cumulatively
378 with any previous changes, are not substantial deviations:
379 a. Changes in the name of the project, developer, owner,
380 or monitoring official.
381 b. Changes to a setback that do not affect noise buffers,
382 environmental protection or mitigation areas, or archaeological
383 or historical resources.
384 c. Changes to minimum lot sizes.
385 d. Changes in the configuration of internal roads that do
386 not affect external access points.
387 e. Changes to the building design or orientation that stay
388 approximately within the approved area designated for such
389 building and parking lot, and which do not affect historical

390 buildings designated as significant by the Division of
391 Historical Resources of the Department of State.
392 f. Changes to increase the acreage in the development,
393 provided that no development is proposed on the acreage to be
394 added.
395 g. Changes to eliminate an approved land use, provided
396 that there are no additional regional impacts.
397 h. Changes required to conform to permits approved by any
398 federal, state, or regional permitting agency, provided that
399 these changes do not create additional regional impacts.
400 i. Any renovation or redevelopment of development within a
401 previously approved development of regional impact which does
402 not change land use or increase density or intensity of use.
403 j. Changes that modify boundaries and configuration of
404 areas described in subparagraph (b)15. due to science-based
405 refinement of such areas by survey, by habitat evaluation, or by
406 other recognized assessment methodology, or by an environmental
407 assessment. In order for changes to qualify under this
408 subparagraph, the survey, habitat evaluation, or assessment must
409 occur prior to the time a conservation easement protecting such
410 lands is recorded and must not result in any net decrease in the
411 total acreage of the lands specifically set aside for permanent
412 preservation in the final development order.
413 k.~~j.~~ Any other change which the state land planning agency
414 agrees in writing is similar in nature, impact, or character to
415 the changes enumerated in sub-subparagraphs a.-j. ~~a.-i.~~ and
416 which does not create the likelihood of any additional regional
417 impact.
418
419 This subsection does not require the filing of a notice of
420 proposed change but shall require an application to the local

421 government to amend the ~~a~~ development order in accordance with
422 the local government's procedures for amendment of a development
423 order. In accordance with the local government's procedures,
424 including requirements for notice to the applicant and the
425 public, the local government shall either deny the application
426 for amendment or adopt an amendment to the development order
427 which approves the application with or without conditions.
428 Following adoption, the local government shall render the
429 amendment to the development order to the state land planning
430 agency. The state land planning agency may appeal, pursuant to
431 s. 380.07(a), the amendment to development order if the
432 amendment involves subparagraphs g, h, j, or k above and it
433 believes the change creates a reasonable likelihood of new or
434 additional regional impacts. ~~amendment for any change listed in~~
435 ~~sub-subparagraphs a.-j. unless such issue is addressed either in~~
436 ~~the existing development order or in the application for~~
437 ~~development approval, but, in the case of the application, only~~
438 ~~if, and in the manner in which, the application is incorporated~~
439 ~~in the development order~~.
440 3. Except for the change authorized by sub-subparagraph
441 2.f., any addition of land not previously reviewed or any change
442 not specified in paragraph (b) or paragraph (c) shall be
443 presumed to create a substantial deviation. This presumption may
444 be rebutted by clear and convincing evidence.
445 4. Any submittal of a proposed change to a previously
446 approved development shall include a description of individual
447 changes previously made to the development, including changes
448 previously approved by the local government. The local
449 government shall consider the previous and current proposed
450 changes in deciding whether such changes cumulatively constitute

451 a substantial deviation requiring further development-of-
452 regional-impact review.
453 5. The following changes to an approved development of
454 regional impact shall be presumed to create a substantial
455 deviation. Such presumption may be rebutted by clear and
456 convincing evidence.
457 a. A change proposed for 15 percent or more of the acreage
458 to a land use not previously approved in the development order.
459 Changes of less than 15 percent shall be presumed not to create
460 a substantial deviation.
461 ~~b. Except for the types of uses listed in subparagraph~~
462 ~~(b)16., any change which would result in the development of any~~
463 ~~area which was specifically set aside in the application for~~
464 ~~development approval or in the development order for~~
465 ~~preservation, buffers, or special protection, including habitat~~
466 ~~for plant and animal species, archaeological and historical~~
467 ~~sites, dunes, and other special areas.~~
468 b.~~c.~~ Notwithstanding any provision of paragraph (b) to the
469 contrary, a proposed change consisting of simultaneous increases
470 and decreases of at least two of the uses within an authorized
471 multiuse development of regional impact which was originally
472 approved with three or more uses specified in s. 380.0651(3)(c),
473 (d), (f), and (g) and residential use.
474 (f)1. The state land planning agency shall establish by
475 rule standard forms for submittal of proposed changes to a
476 previously approved development of regional impact which may
477 require further development-of-regional-impact review. At a
478 minimum, the standard form shall require the developer to
479 provide the precise language that the developer proposes to
480 delete or add as an amendment to the development order.

481 2. The developer shall submit, simultaneously, to the
482 local government, the regional planning agency, and the state
483 land planning agency the request for approval of a proposed
484 change.
485 3. No sooner than 30 days but no later than 45 days after
486 submittal by the developer to the local government, the state
487 land planning agency, and the appropriate regional planning
488 agency, the local government shall give 15 days' notice and
489 schedule a public hearing to consider the change that the
490 developer asserts does not create a substantial deviation. This
491 public hearing shall be held within 60 ~~90~~ days after submittal
492 of the proposed changes, unless that time is extended by the
493 developer.
494 4. The appropriate regional planning agency or the state
495 land planning agency shall review the proposed change and, no
196 later than 45 days after submittal by the developer of the
497 proposed change, unless that time is extended by the developer,
498 and prior to the public hearing at which the proposed change is
499 to be considered, shall advise the local government in writing
500 whether it objects to the proposed change, shall specify the
501 reasons for its objection, if any, and shall provide a copy to
502 the developer.
503 5. At the public hearing, the local government shall
504 determine whether the proposed change requires further
505 development-of-regional-impact review. The provisions of
506 paragraphs (a) and (e), the thresholds set forth in paragraph
507 (b), and the presumptions set forth in paragraphs (c) and (d)
508 and subparagraph (e)3. shall be applicable in determining
509 whether further development-of-regional-impact review is
510 required.

511 6. If the local government determines that the proposed
512 change does not require further development-of-regional-impact
513 review and is otherwise approved, or if the proposed change is
514 not subject to a hearing and determination pursuant to
515 subparagraphs 3. and 5. and is otherwise approved, the local
516 government shall issue an amendment to the development order
517 incorporating the approved change and conditions of approval
518 relating to the change. The decision of the local government to
519 approve, with or without conditions, or to deny the proposed
520 change that the developer asserts does not require further
521 review shall be subject to the appeal provisions of s. 380.07.
522 However, the state land planning agency may not appeal the local
523 government decision if it did not comply with subparagraph 4.
524 The state land planning agency may not appeal a change to a
525 development order made pursuant to subparagraph (e)1. or
526 subparagraph (e)2. for developments of regional impact approved
527 after January 1, 1980, unless the change would result in a
528 significant impact to a regionally significant archaeological,
529 historical, or natural resource not previously identified in the
530 original development-of-regional-impact review.
531 (g) If a proposed change requires further development-of-
532 regional-impact review pursuant to this section, the review
533 shall be conducted subject to the following additional
534 conditions:
535 1. The development-of-regional-impact review conducted by
536 the appropriate regional planning agency shall address only
537 those issues raised by the proposed change except as provided in
538 subparagraph 2.
539 2. The regional planning agency shall consider, and the
540 local government shall determine whether to approve, approve
541 with conditions, or deny the proposed change as it relates to

542 the entire development. If the local government determines that
543 the proposed change, as it relates to the entire development, is
544 unacceptable, the local government shall deny the change.
545 3. If the local government determines that the proposed
546 change~~, as it relates to the entire development,~~ should be
547 approved, any new conditions in the amendment to the development
548 order issued by the local government shall address only those
549 issues raised by the proposed change and require mitigation only
550 for the individual and cumulative impacts of the proposed
551 change.
552 4. Development within the previously approved development
553 of regional impact may continue, as approved, during the
554 development-of-regional-impact review in those portions of the
555 development which are not directly affected by the proposed
556 change.
557 (h) When further development-of-regional-impact review is
558 required because a substantial deviation has been determined or
559 admitted by the developer, the amendment to the development
560 order issued by the local government shall be consistent with
561 the requirements of subsection (15) and shall be subject to the
562 hearing and appeal provisions of s. 380.07. The state land
563 planning agency or the appropriate regional planning agency need
564 not participate at the local hearing in order to appeal a local
565 government development order issued pursuant to this paragraph.
566 (24) STATUTORY EXEMPTIONS.--
567 (a) Any proposed hospital ~~which has a designed capacity of~~
568 ~~not more than 100 beds~~ is exempt from the provisions of this
569 section.
570 (b) Any proposed electrical transmission line or
571 electrical power plant is exempt from the provisions of this
572 section~~, except any steam or solar electrical generating~~

573 ~~facility of less than 50 megawatts in capacity attached to a~~
574 ~~development of regional impact~~.
575 (c) Any proposed addition to an existing sports facility
576 complex is exempt from the provisions of this section if the
577 addition meets the following characteristics:
578 1. It would not operate concurrently with the scheduled
579 hours of operation of the existing facility.
580 2. Its seating capacity would be no more than 75 percent
581 of the capacity of the existing facility.
582 3. The sports facility complex property is owned by a
583 public body prior to July 1, 1983.
584
585 This exemption does not apply to any pari-mutuel facility.
586 (d) Any proposed addition or cumulative additions
587 subsequent to July 1, 1988, to an existing sports facility
588 complex owned by a state university is exempt if the increased
589 seating capacity of the complex is no more than 30 percent of
590 the capacity of the existing facility.
591 (e) Any addition of permanent seats or parking spaces for
592 an existing sports facility located on property owned by a
593 public body prior to July 1, 1973, is exempt from the provisions
594 of this section if future additions do not expand existing
595 permanent seating or parking capacity more than 15 percent
596 annually in excess of the prior year's capacity.
597 (f) Any increase in the seating capacity of an existing
598 sports facility having a permanent seating capacity of at least
599 50,000 spectators is exempt from the provisions of this section,
600 provided that such an increase does not increase permanent
601 seating capacity by more than 5 percent per year and not to
602 exceed a total of 10 percent in any 5-year period, and provided
603 that the sports facility notifies the appropriate local

604 government within which the facility is located of the increase
605 at least 6 months prior to the initial use of the increased
606 seating, in order to permit the appropriate local government to
607 develop a traffic management plan for the traffic generated by
608 the increase. Any traffic management plan shall be consistent
609 with the local comprehensive plan, the regional policy plan, and
610 the state comprehensive plan.
611 (g) Any expansion in the permanent seating capacity or
612 additional improved parking facilities of an existing sports
613 facility is exempt from the provisions of this section, if the
614 following conditions exist:
615 1.a. The sports facility had a permanent seating capacity
616 on January 1, 1991, of at least 41,000 spectator seats;
617 b. The sum of such expansions in permanent seating
618 capacity does not exceed a total of 10 percent in any 5-year
619 period and does not exceed a cumulative total of 20 percent for
620 any such expansions; or
621 c. The increase in additional improved parking facilities
622 is a one-time addition and does not exceed 3,500 parking spaces
623 serving the sports facility; and
624 2. The local government having jurisdiction of the sports
625 facility includes in the development order or development permit
626 approving such expansion under this paragraph a finding of fact
627 that the proposed expansion is consistent with the
628 transportation, water, sewer and stormwater drainage provisions
629 of the approved local comprehensive plan and local land
630 development regulations relating to those provisions.
631
632 Any owner or developer who intends to rely on this statutory
633 exemption shall provide to the department a copy of the local
634 government application for a development permit. Within 45 days

635 of receipt of the application, the department shall render to
636 the local government an advisory and nonbinding opinion, in
637 writing, stating whether, in the department's opinion, the
638 prescribed conditions exist for an exemption under this
639 paragraph. The local government shall render the development
640 order approving each such expansion to the department. The
641 owner, developer, or department may appeal the local government
642 development order pursuant to s. 380.07, within 45 days after
643 the order is rendered. The scope of review shall be limited to
644 the determination of whether the conditions prescribed in this
645 paragraph exist. If any sports facility expansion undergoes
646 development of regional impact review, all previous expansions
647 which were exempt under this paragraph shall be included in the
648 development of regional impact review.
649 (h) Expansion to port harbors, spoil disposal sites,
650 navigation channels, turning basins, harbor berths, and other
651 related inwater harbor facilities of ports listed in s.
652 403.021(9)(b), port transportation facilities and projects
653 listed in s. 311.07(3)(b), and intermodal transportation
654 facilities identified pursuant to s. 311.09(3) are exempt from
655 the provisions of this section when such expansions, projects,
656 or facilities are consistent with comprehensive master plans
657 that are in compliance with the provisions of s. 163.3178.
658 (i) Any proposed facility for the storage of any petroleum
659 product or any expansion of an existing facility is exempt from
660 the provisions of this section.~~, if the facility is consistent~~
661 ~~with a local comprehensive plan that is in compliance with s.~~
662 ~~163.3177 or is consistent with a comprehensive port master plan~~
663 ~~that is in compliance with s. 163.3178.~~

564 (j) Any renovation or redevelopment within the same land
565 parcel which does not change land use or increase density or
566 intensity of use.
567 (k) Waterport and marina development, including dry
568 storage facilities, are exempt from the provisions of this
569 section. ~~(k)1. Any waterport or marina development is exempt~~
570 ~~from the provisions of this section if the relevant county or~~
571 ~~municipality has adopted a boating facility siting plan or~~
572 ~~policy, which includes applicable criteria, considering such~~
573 ~~factors as natural resources, manatee protection needs, and~~
574 ~~recreation and economic demands as generally outlined in the~~
575 ~~Bureau of Protected Species Management Boat Facility Siting~~
576 ~~Guide, dated August 2000, into the coastal management or land~~
577 ~~use element of its comprehensive plan. The adoption of boating~~
578 ~~facility siting plans or policies into the comprehensive plan is~~
579 ~~exempt from the provisions of s. 163.3187(1). Any waterport or~~
580 ~~marina development within the municipalities or counties with~~
581 ~~boating facility siting plans or policies that meet the above~~
582 ~~criteria, adopted prior to April 1, 2002, are exempt from the~~
583 ~~provisions of this section, when their boating facility siting~~
584 ~~plan or policy is adopted as part of the relevant local~~
585 ~~government's comprehensive plan.~~
586 ~~2. Within 6 months of the effective date of this law, The~~
587 ~~Department of Community Affairs, in conjunction with the~~
588 ~~Department of Environmental Protection and the Florida Fish and~~
589 ~~Wildlife Conservation Commission, shall provide technical~~
590 ~~assistance and guidelines, including model plans, policies and~~
591 ~~criteria to local governments for the development of their~~
592 ~~siting plans.~~
593 (l) Any proposed development within an urban service
594 boundary established under s. 163.3177(14) is exempt from the

695 provisions of this section if the local government having
696 jurisdiction over the area where the development is proposed has
697 adopted the urban service boundary, ~~and~~ has entered into a
698 binding agreement with ~~adjacent~~ jurisdictions that would be
699 impacted and with the Department of Transportation regarding the
700 mitigation of impacts on state and regional transportation
701 facilities, and has adopted a proportionate share methodology
702 pursuant to s. 163.3180(16).
703 (m) Any proposed development within a rural land
704 stewardship area created under s. 163.3177(11)(d) is exempt from
705 the provisions of this section if the local government that has
706 adopted the rural land stewardship area has entered into a
707 binding agreement with jurisdictions that would be impacted and
708 the Department of Transportation regarding the mitigation of
709 impacts on state and regional transportation facilities, and has
710 adopted a proportionate share methodology pursuant to s.
711 163.3180(16).
712 (n) Any proposed development or redevelopment within an
713 area designated as an urban infill and redevelopment area under
714 s. 163.2517 is exempt from ~~the provisions of~~ this section if the
715 local government has entered into a binding agreement with
716 jurisdictions that would be impacted and the Department of
717 Transportation regarding the mitigation of impacts on state and
718 regional transportation facilities, and has adopted a
719 proportionate share methodology pursuant to s. 163.3180(16).
720 (o) The establishment, relocation, or expansion of any
721 military installation as defined in s. 163.3175, is exempt from
722 this section.
723 (p) Any self-storage warehousing that does not allow
724 retail or other services is exempt from this section.

725 (q) Any proposed nursing home or assisted living facility
726 is exempt from this section.
727 (r) Any development identified in an airport master plan
728 and adopted into the comprehensive plan pursuant to s.
729 163.3177(6)(k) is exempt from this section.
730 (s) Any development identified in a campus master plan and
731 adopted pursuant to s. 1013.30 is exempt from this section.
732 (t) Any development in a specific area plan which is
733 prepared pursuant to s. 163.3245 and adopted into the
734 comprehensive plan is exempt from this section.
735
736 If a use is exempt from review as a development of regional
737 impact under paragraphs (a)-(t) but will be part of a larger
738 project that is subject to review as a development of regional
739 impact, the impact of the exempt use must be included in the
740 review of the larger project.
741 (28) PARTIAL STATUTORY EXEMPTIONS.--
742 (a) If the binding agreement referenced under paragraph
743 (24)(l) for urban service boundaries is not entered into within
744 12 months after establishment of the urban service boundary, the
745 development-of-regional-impact review for projects within the
746 urban service boundary must address transportation impacts only.
747 (b) If the binding agreement referenced under paragraph
748 (24)(n) for designated urban infill and redevelopment areas is
749 not entered into within 12 months after the designation of the
750 area or July 1, 2007, whichever occurs later, the development-
751 of-regional-impact review for projects within the urban infill
752 and redevelopment area must address transportation impacts only.
753 (c) If the binding agreement referenced under paragraph
754 (24(m) for rural land stewardship areas is not entered into
755 within 12 months after the designation of a rural land

756 stewardship area, the development-of-regional-impact review for
757 projects within the rural land stewardship area must address
758 transportation impacts only.
759
760 (d) A local government that does not wish to enter into a
761 binding agreement or that is unable to agree on the terms of the
762 agreement referenced under paragraph (24)(l), paragraph (24)(m),
763 or paragraph (24)(n) shall provide written notification to the
764 state land planning agency of the desire not to enter into a
765 binding agreement or failure to enter into a bind agreement
766 within the 12-month period referenced in paragraphs (a), (b) and
767 (c). Following the notification of the state land planning
768 agency, the development-of-regional-impact review for projects
769 within the urban service boundary under paragraph (24)(l), a
770 rural land stewardship area under paragraph (24)(m), or for an
771 urban infill and redevelopment area under paragraph (24)(n) must
772 address transportation impacts only.
773 Section 2. Paragraphs (d) and (e) of subsection (3) of
774 section 380.0651, Florida Statutes, are amended, paragraph (k)
775 of subsection (3) is redesignated as paragraph (l), and a new
776 paragraph (k) is added to that subsection, to read:
777 380.0651 Statewide guidelines and standards.--
778 (3) The following statewide guidelines and standards shall
779 be applied in the manner described in s. 380.06(2) to determine
780 whether the following developments shall be required to undergo
781 development-of-regional-impact review:
782 (d) Office development.--Any proposed office building or
783 park operated under common ownership, development plan, or
784 management that:
785 1. Encompasses 300,000 or more square feet of gross floor
786 area; or

787 2. Encompasses more than 600,000 square feet of gross
788 floor area in a county with a population greater than 500,000
789 and only in a geographic area specifically designated as highly
790 suitable for increased threshold intensity in the approved local
791 comprehensive plan ~~and in the strategic regional policy plan~~.
792 ~~(e) Port facilities. The proposed construction of any~~
793 ~~waterport or marina is required to undergo development of~~
794 ~~regional impact review except one designed for:~~
795 ~~1.a. The wet storage or mooring of fewer than 150~~
796 ~~watercraft used exclusively for sport, pleasure, or commercial~~
797 ~~fishing;, or~~
798 ~~b. The dry storage of fewer than 200 watercraft used~~
799 ~~exclusively for sport, pleasure, or commercial fishing, or~~
800 ~~c. The wet or dry storage or mooring of fewer than 150~~
801 ~~watercraft on or adjacent to an inland freshwater lake except~~
302 ~~Lake Okeechobee or any lake which has been designated an~~
803 ~~Outstanding Florida Water, or~~
804 ~~d. The wet or dry storage or mooring of fewer than 50~~
805 ~~watercraft of 40 feet in length or less of any type or purpose.~~
806 ~~The exceptions to this paragraph's requirements for~~
807 ~~development of regional impact review shall not apply to any~~
808 ~~waterport or marina facility located within or which serves~~
809 ~~physical development located within a coastal barrier resource~~
810 ~~unit on an unbridged barrier island designated pursuant to 16~~
811 ~~U.S.C. s. 3501.~~
812
813 ~~In addition to the foregoing, for projects for which no~~
814 ~~environmental resource permit or sovereign submerged land lease~~
815 ~~is required, the Department of Environmental Protection must~~
816 ~~determine in writing that a proposed marina in excess of 75 10~~
'17 ~~slips or storage spaces or a combination of the two is located~~

818 ~~so that it will not adversely impact Outstanding Florida Waters~~
819 ~~or Class II waters and will not contribute boat traffic in a~~
820 ~~manner that will have an adverse impact on an area known to be,~~
821 ~~or likely to be, frequented by manatees. If the Department of~~
822 ~~Environmental Protection fails to issue its determination within~~
823 ~~45 days of receipt of a formal written request, it has waived~~
824 ~~its authority to make such determination. The Department of~~
825 ~~Environmental Protection determination shall constitute final~~
826 ~~agency action pursuant to chapter 120.~~
827 ~~2. The dry storage of fewer than 300 watercraft used~~
828 ~~exclusively for sport, pleasure, or commercial fishing at a~~
829 ~~marina constructed and in operation prior to July 1, 1985.~~
830 ~~3. Any proposed marina development with both wet and dry~~
831 ~~mooring or storage used exclusively for sport, pleasure, or~~
832 ~~commercial fishing, where the sum of percentages of the~~
833 ~~applicable wet and dry mooring or storage thresholds equals 100~~
834 ~~percent. This threshold is in addition to, and does not~~
835 ~~preclude, a development from being required to undergo~~
836 ~~development of regional impact review under sub-subparagraphs~~
837 ~~1.a. and b. and subparagraph 2.~~
838 (k) Workforce housing.--The applicable guidelines for
839 residential development and the residential component for
840 multiuse development shall be increased by 20 percent where the
841 developer demonstrates that at least 15 percent of the
842 residential dwelling units will be dedicated to workforce
843 housing. For purposes of this subparagraph, the term "workforce
844 housing" means housing that is affordable to a person who earns
845 less than 120 percent of the area median income.
846 (l) ~~(k)~~ Schools.--
847 1. The proposed construction of any public, private, or
848 proprietary postsecondary educational campus which provides for

849 a design population of more than 5,000 full-time equivalent
850 students, or the proposed physical expansion of any public,
851 private, or proprietary postsecondary educational campus having
852 such a design population that would increase the population by
853 at least 20 percent of the design population.
854 2. As used in this paragraph, "full-time equivalent
855 student" means enrollment for 15 or more quarter hours during a
856 single academic semester. In career centers or other
857 institutions which do not employ semester hours or quarter hours
858 in accounting for student participation, enrollment for 18
859 contact hours shall be considered equivalent to one quarter
860 hour, and enrollment for 27 contact hours shall be considered
861 equivalent to one semester hour.
862 3. This paragraph does not apply to institutions which are
863 the subject of a campus master plan adopted by the university
864 board of trustees pursuant to s. 1013.30.
865 Section 3. Section 380.07, Florida Statutes, is amended to
866 read:
867 380.07 Florida Land and Water Adjudicatory Commission.--
868 (1) There is hereby created the Florida Land and Water
869 Adjudicatory Commission, which shall consist of the
870 Administration Commission. The commission may adopt rules
871 necessary to ensure compliance with the area of critical state
872 concern program and the requirements for developments of
873 regional impact as set forth in this chapter.
874 (2) Whenever any local government issues any development
875 order in any area of critical state concern, or in regard to any
876 development of regional impact, copies of such orders as
877 prescribed by rule by the state land planning agency shall be
878 transmitted to the state land planning agency, the regional
879 planning agency, and the owner or developer of the property

880 affected by such order. The state land planning agency shall
881 adopt rules describing development order rendition and
882 effectiveness in designated areas of critical state concern.
883 Within 45 days after the order is rendered, the owner, the
884 developer, or the state land planning agency may appeal the
885 order to the Florida Land and Water Adjudicatory Commission by
886 filing a petition alleging that the development order is not
887 consistent with the provisions of this part ~~notice of appeal~~
888 ~~with the commission~~. The appropriate regional planning agency by
889 vote at a regularly scheduled meeting may recommend that the
890 state land planning agency undertake an appeal of a development-
891 of-regional-impact development order. Upon the request of an
892 appropriate regional planning council, affected local
893 government, or any citizen, the state land planning agency shall
894 consider whether to appeal the order and shall respond to the
895 request within the 45-day appeal period. ~~Any appeal taken by a~~
896 ~~regional planning agency between March 1, 1993, and the~~
897 ~~effective date of this section may only be continued if the~~
898 ~~state land planning agency has also filed an appeal. Any appeal~~
899 ~~initiated by a regional planning agency on or before March 1,~~
900 ~~1993, shall continue until completion of the appeal process and~~
901 ~~any subsequent appellate review, as if the regional planning~~
902 ~~agency were authorized to initiate the appeal.~~
903 (3) Notwithstanding any other provision of law, an appeal
904 of a development order by the state land planning agency under
905 this section may include consistency of the development order
906 with the local comprehensive plan. However, if a development
907 order relating to a development of regional impact has been
908 challenged in a proceeding under s. 163.3215 and a party to the
909 proceeding serves notice to the state land planning agency of

910 the pending proceeding under s. 163.3215, the state land
911 planning agency shall:
912 (a) Raise its consistency issues by intervening as a full
913 party in the pending proceeding under s. 163.3215 within 30 days
914 after service of the notice; and
915 (b) Dismiss the consistency issues from the development
916 order appeal.
917 (4) The appellant shall furnish a copy of the petition to
918 the opposing party, as the case may be, and to the local
919 government that issued the order. The filing of the petition
920 stays the effectiveness of the order until after the completion
921 of the appeal process.
922 (5) ~~(3)~~ The 45-day appeal period for a development of
923 regional impact within the jurisdiction of more than one local
924 government shall not commence until after all the local
925 governments having jurisdiction over the proposed development of
926 regional impact have rendered their development orders. The
927 appellant shall furnish a copy of the notice of appeal to the
928 opposing party, as the case may be, and to the local government
929 which issued the order. The filing of the notice of appeal shall
930 stay the effectiveness of the order until after the completion
931 of the appeal process.
932 (6) ~~(4)~~ Prior to issuing an order, the Florida Land and
933 Water Adjudicatory Commission shall hold a hearing pursuant to
934 the provisions of chapter 120. The commission shall encourage
935 the submission of appeals on the record made below in cases in
936 which the development order was issued after a full and complete
937 hearing before the local government or an agency thereof.
938 (7) ~~(5)~~ The Florida Land and Water Adjudicatory Commission
939 shall issue a decision granting or denying permission to develop

940 pursuant to the standards of this chapter and may attach
941 conditions and restrictions to its decisions.
942 ~~(6) If an appeal is filed with respect to any issues~~
943 ~~within the scope of a permitting program authorized by chapter~~
944 ~~161, chapter 373, or chapter 403 and for which a permit or~~
945 ~~conceptual review approval has been obtained prior to the~~
946 ~~issuance of a development order, any such issue shall be~~
947 ~~specifically identified in the notice of appeal which is filed~~
948 ~~pursuant to this section, together with other issues which~~
949 ~~constitute grounds for the appeal. The appeal may proceed with~~
950 ~~respect to issues within the scope of permitting programs for~~
951 ~~which a permit or conceptual review approval has been obtained~~
952 ~~prior to the issuance of a development order only after the~~
953 ~~commission determines by majority vote at a regularly scheduled~~
954 ~~commission meeting that statewide or regional interests may be~~
955 ~~adversely affected by the development. In making this~~
956 ~~determination, there shall be a rebuttable presumption that~~
957 ~~statewide and regional interests relating to issues within the~~
958 ~~scope of the permitting programs for which a permit or~~
959 ~~conceptual approval has been obtained are not adversely~~
960 ~~affected.~~
961 Section 4. Section 380.115, Florida Statutes, is amended
962 to read:
963 380.115 Vested rights and duties; effect of size
964 reduction, changes in guidelines and standards ~~chs. 2002-20 and~~
965 ~~2002-296~~.--
966 (1) A change in a development-of-regional-impact guideline
967 and standard does not abridge ~~Nothing contained in this act~~
968 ~~abridges~~ or modify ~~modifies~~ any vested or other right or any
969 duty or obligation pursuant to any development order or
970 agreement that is applicable to a development of regional impact

971 ~~on the effective date of this act~~. A development that has
972 received a development-of-regional-impact development order
973 pursuant to s. 380.06, but is no longer required to undergo
974 development-of-regional-impact review by operation of a change
975 in the guidelines and standards or has reduced its size below
976 the thresholds in s. 380.0651 ~~of this act~~, shall be governed by
977 the following procedures:
978 (a) The development shall continue to be governed by the
979 development-of-regional-impact development order and may be
980 completed in reliance upon and pursuant to the development order
981 unless the developer or landowner has followed the procedures
982 for rescission in paragraph (b). Any proposed changes to those
983 developments which continue to be governed by a development
984 order shall be approved pursuant to s. 380.06(19) as it existed
985 prior to a change in the development-of-regional-impact
986 guidelines and standards except that all percentage criteria
987 shall be doubled and all other criteria shall be increased by 10
988 percent. The development-of-regional-impact development order
989 may be enforced by the local government as provided by ss.
990 380.06(17) and 380.11.
991 (b) If requested by the developer or landowner, the
992 development-of-regional-impact development order shall ~~may~~ be
993 rescinded by the local government having jurisdiction upon a
994 showing that all required mitigation related to the amount of
995 development that existed on the date of rescission has been
996 completed ~~abandoned pursuant to the process in s. 380.06(26)~~.
997 (2) A development with an application for development
998 approval pending, ~~and determined sufficient~~ pursuant to s.
999 380.06 ~~s. 380.06(10)~~, on the effective date of a change to the
1000 guidelines and standards ~~this act~~, or a notification of proposed
1001 change pending on the effective date of a change to the

1002 guidelines and standards ~~this act~~, may elect to continue such
1003 review pursuant to s. 380.06. At the conclusion of the pending
1004 review, including any appeals pursuant to s. 380.07, the
1005 resulting development order shall be governed by the provisions
1006 of subsection (1).
1007 (3) A landowner that has filed an application for a
1008 development-of-regional-impact review prior to the adoption of
1009 an optional sector plan pursuant to s. 163.3245 may elect to
1010 have the application reviewed pursuant to s. 380.06,
1011 comprehensive plan provisions in force prior to adoption of the
1012 sector plan, and any requested comprehensive plan amendments
1013 that accompany the application.
1014 Section 5. Section 342.07, Florida Statutes, is amended to
1015 read:
1016 342.07 Recreational and commercial working waterfronts;
1017 legislative findings; definitions.--
1018 (1) The Legislature recognizes that there is an important
1019 state interest in facilitating boating and other recreational
1020 access to the state's navigable waters. This access is vital to
1021 tourists and recreational users and the marine industry in the
1022 state, to maintaining or enhancing the $57 billion economic
1023 impact of tourism and the $14 billion economic impact of boating
1024 in the state annually, and to ensuring continued access to all
1025 residents and visitors to the navigable waters of the state. The
1026 Legislature recognizes that there is an important state interest
1027 in maintaining viable water-dependent support facilities, such
1028 as public lodging establishments and boat hauling and repairing
1029 and commercial fishing facilities, and in maintaining the
1030 availability of public access to the navigable waters of the
1031 state. The Legislature further recognizes that the waterways of
1032 the state are important for engaging in commerce and the

1033 transportation of goods and people upon such waterways and that
1034 such commerce and transportation is not feasible unless there is
1035 access to and from the navigable waters of the state through
1036 recreational and commercial working waterfronts.
1037 (2) As used in this section, the term "recreational and
1038 commercial working waterfront" means a parcel or parcels of real
1039 property that provide access for water-dependent commercial and
1040 recreational activities, including public lodging establishments
1041 as defined in chapter 509, or provide access for the public to
1042 the navigable waters of the state. Recreational and commercial
1043 working waterfronts require direct access to or a location on,
1044 over, or adjacent to a navigable body of water. The term
1045 includes water-dependent facilities that are open to the public
1046 and offer public access by vessels to the waters of the state or
1047 that are support facilities for recreational, commercial,
1048 research, or governmental vessels. These facilities include
1049 docks, wharfs, lifts, wet and dry marinas, boat ramps, boat
1050 hauling and repair facilities, commercial fishing facilities,
1051 boat construction facilities, and other support structures over
1052 the water. As used in this section, the term "vessel" has the
1053 same meaning as in s. 327.02(37). Seaports are excluded from the
1054 definition.
1055 Section 6. Section 373.4132, Florida Statutes is created
1056 to read:
1057 The governing board or the department shall require a permit
1058 under this part, including s.373.4145, for the construction,
1059 alteration, operation, maintenance, abandonment or removal of a
1060 dry storage facility for 10 or more vessels, which is
1061 functionally associated with a boat launching area. As part of
1062 an applicant's demonstration that such a facility will not be
1063 harmful to the water resources and will not be inconsistent with

1064 the overall objectives of the district, the governing board or
1065 department shall require the applicant to provide reasonable
1066 assurance that the secondary impacts from the facility will not
1067 cause adverse impacts to the functions of wetlands and surface
1068 waters, including violations of state water quality standards
1069 applicable to water as defined in s. 403.031(1), and will meet
1070 the public interest test of s. 373.414(1)(a), including the
1071 potentials of adverse impacts to manatees. Nothing in this
1072 section shall affect the authority of the governing board or the
1073 department to regulate such secondary impacts under this part
1074 for other regulated activities.
1075 Section 7. 403.813, Florida Statutes paragraph (2)(i) of
1076 subsection 403.813, Florida Statutes is amended to read:
1077 403.813 Permits issued at district centers; exceptions.-
1078 (2) A permit is not required under this chapter, chapter
1079 373, chapter 61-691, Laws of Florida, or chapter 25214 or
1080 chapter 25270, 1949, Laws of Florida, for activities associated
1081 with the following types of projects; however, except as
1082 otherwise provided in this subsection, nothing in this
1083 subsection relieves an applicant from any requirement to obtain
1084 permission to use or occupy lands owned by the Board of Trustees
1085 of the internal Improvement Trust Fund or any water management
1086 district in its governmental or proprietary capacity or from
1087 complying with applicable local pollution control programs
1088 authorized under this chapter or other requirements of county
1089 and municipal governments:
1090 (i) The construction of private docks and seawalls of
1091 1,000 square feet or less of over-water surface area in
1092 artificially created waterways where such construction will not
1093 violate existing water quality standards, impede navigation, or
1094 affect flood control. This exemption does not apply to the

1095 construction of vertical seawalls in estuaries or lagoons unless
1096 the proposed construction is within an existing manmade canal
1097 where the shoreline is currently occupied in whole or part by
1098 vertical seawalls.
1099 Section 8. Section 163.3177(6)(g) is added to read:
1100 As part of this element, affected local governments are
1101 encouraged to adopt a boating facility siting plan or policy
1102 that includes applicable criteria, considering such factors as
1103 natural resources, manatee protection needs, and recreation and
1104 economic demands as generally outlined in the Boat Facility
1105 Siting Guide dated August 2000 and prepared by the Bureau of
1106 Protected Species Management of the Florida Fish and Wildlife
1107 Conservation Commission. The adoption of a boating facility
1108 siting plan or policy into the comprehensive plan is exempt from
1109 the provisions of s. 163.3187(1). Local governments that wish
10 to adopt a boating facility siting plan or policy may be
1111 eligible for assistance with the development of a plan or policy
1112 through the Florida Coastal Management Program.
1113 Section 9. 197.303 Ad valorem tax deferral for
1114 recreational and commercial working waterfront properties is
1115 amended to read
1116 (3) The ordinance shall designate the percentage or amount
1117 of the deferral and the type and location of working, waterfront
1118 property, including the type of public lodging establishments,
1119 for which deferrals may be granted, which may include any
1120 property meeting the provisions, of s. 342.07(2), which property
1121 may be further required to be located within a particular
1122 geographic area or areas of the county or municipality.
1123 Section 10. This act shall take effect July 1, 2006.
1124
25

1126 ========== T I T L E A M E N D M E N T ==========
1127 Remove the entire title and insert:
1128 An act relating to growth management; amending s. 380.06,
1129 F.S.; providing for the state land planning agency to
1130 determine the amount of development that remains to be
1131 built in certain circumstances; specifying certain
1132 requirements for a development order; revising the
1133 circumstances in which a local government may issue
1134 permits for development subsequent to the buildout date;
1135 revising the definition of an essentially built-out
1136 development; revising the criteria under which a proposed
1137 change constitutes a substantial deviation; clarifying the
1138 criteria under which the extension of a buildout date is
1139 presumed to create a substantial deviation; requiring
1140 notice of any change to certain set-aside areas be
1141 submitted to the local government; requiring that notice
1142 of certain changes be given to the state land planning
1143 agency, regional planning agency, and local government;
1144 requiring 45 days' notice to specified entities and
1145 publication of a public notice for certain proposed
1146 changes; requiring that a memorandum of notice of certain
1147 changes be filed with the clerk of court; revising the
1148 requirement for further development-of-regional-impact
1149 review of a proposed change; revising the statutory
1150 exemptions from development-of-regional-impact review for
1151 certain facilities; providing statutory exemptions for the
1152 development of certain facilities; providing that the
1153 impacts from an exempt use that will be part of a larger
1154 project be included in the development-of-regional-impact
1155 review of the larger project; amending s. 380.0651, F.S.;
1156 revising the statewide guidelines and standards for

57 development-of-regional-impact review of certain types of
1158 developments; allowing the state land planning agency to
1159 consider the impacts of independent developments of
1160 regional impact cumulatively under certain circumstances;
1161 amending s. 380.07, F.S.; eliminating the appeal of
1162 development orders within a development of regional impact
1163 to the Florida Land and Water Adjudicatory Commission;
1164 amending s. 380.115, F.S.; providing that a change in a
1165 development-of-regional-impact guideline and standard does
1166 not abridge or modify any vested right or duty under a
1167 development order; providing a process for the rescission
1168 of a development order by the local government in certain
1169 circumstances; providing an exemption for certain
1170 applications for development approval and notices of
1171 proposed changes; amending s. 342.07, F.S.; adding
72 recreational activities as an important state interest;
1173 including public lodging establishments within the
1174 definition of the term "recreational and commercial
1175 working waterfront"; providing an effective date.
1176

Adopted 3/21/06

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 683 CS**

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) M. Davis offered the following:
3
4 **Amendment 1 to Amendment (strike all) by Representative**
5 **Traviesa**
6 Remove line(s) 276-282 and insert:
7
8 8. An increase in the number of dwelling units by 50
9 percent ~~of~~ or 200 units, whichever is greater, provided that 15
10 percent of the increase in the number of dwelling units is
11 dedicated to the construction of workforce housing. For
12 purposes of this subparagraph, the term "workforce housing means
13 housing that is affordable to a person who earns less than 150
14 percent of the area median income.
15

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Adopted 3/21/06

Amendment No. 2 (for drafter's use only)

Bill No. **HB 683 CS**

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) M. Davis offered the following:
3
4 **Amendment 2 to Amendment (strike all) by Representative**
5 **Traviesa**
6 Between lines 864 and 865 insert:
7
8 Section 3. A new paragraph (i) of subsection (19) of
9 section 380.06, Florida Statutes is added to read:
10 (i) An increase in the number of residential dwelling
11 units shall not constitute a substantial deviation and shall not
12 be subject to DRI review for additional impacts provided that
13 all the residential dwelling units are dedicated to workforce
14 housing. For purposes of this subparagraph, the term "workforce
15 housing" means housing that is affordable to a person who earns
16 less than 150 percent of the area median income.
17
18 ========== T I T L E A M E N D M E N T ==========
19 Remove line(s) 1129 and insert:
20 F.S.; creating paragraph (i) of subsection (19) of section
21 380.06; providing for the state land planning agency to

Adopted 3/21/06

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. **HB 683 CS**

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) M. Davis offered the following:
3
4 **Amendment 3 to Amendment (strike all) by Representative**
5 **Traviesa**
6 Remove lines 838 - 845 insert:
7
8 (k) Workforce housing.—The Applicable guidelines for
9 residential development and the residential component for
10 multiuse development shall be increased by 50 percent where the
11 developer demonstrates that at least 15 percent of the
12 residential dwelling units will be dedicated to workforce
13 housing. For purposes of this subparagraph, the term "workforce
14 housing" means housing that is affordable to a person who earns
15 less than 150 percent of the area median income.
16

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Adopted 3/21/06

Amendment No. 4 (for drafter's use only)

Bill No. **683 CS**

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) M. Davis offered the following:
3
4 **Amendment 4 to Amendment (HB 683 Strike-all) by**
5 **Representative Traviesa (with directory amendments)**
6 Remove line(s) 1116 and insert:
7 197.303 Ad valorem tax deferral for recreational and
8 commercial working waterfront properties.–
9 (3) The ordinance shall designate the percentage or amount
10
11 ========== D I R E C T O R Y A M E N D M E N T ==========
12 Remove line(s) 1113 - 1115 and insert:
13 Section 9. Subsection (3) of section 197.303, Florida
14 Statutes is amended to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Adopted 3/21/06

Amendment No. 5

Bill No. **683 CS**

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) M. Davis offered the following:
3
4 **Amendment 5 to Amendment (HB 683 Strike-all) by**
5 **Representative Traviesa**
6 Remove line(s) 1090-1091 and insert:
7 (i) The construction of private docks of 1,000 square feet
8 or less of over-water surface area and seawalls in
9

COMMITTEE MEETING REPORT

Growth Management Committee

3/21/2006 2:15:00PM

Location: 212 Knott Building

HB 1309 : Local Housing Assistance

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Anna Benson	X				
Jennifer Carroll	X				
Mike Davis	X				
D. Alan Hays	X				
Bob Henriquez	X				
Carlos Lopez-Cantera	X				
Ari Porth	X				
William Proctor	X				
Shelley Vana	X				
Randy Johnson (Chair)	X				
	Total Yeas: 10	**Total Nays: 0**			

Committee meeting was reported out: Tuesday, March 21, 2006 7:20:12PM

COMMITTEE MEETING REPORT

Growth Management Committee

3/21/2006 2:15:00PM

Location: 212 Knott Building

HB 1363 : Affordable Housing

[X] *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Anna Benson	X				
Jennifer Carroll				X	
Mike Davis	X				
D. Alan Hays	X				
Bob Henriquez	X				
Carlos Lopez-Cantera	X				
Ari Porth	X				
William Proctor	X				
Shelley Vana	X				
Randy Johnson (Chair)	X				
	Total Yeas: 9	**Total Nays: 0**			

Appearances:

HB 1363 - Affordable Housing
Joyceanna Rautio (General Public) - Proponent
North Naples Fire Control and Rescue District
1885 Veterans Park Drive
Naples FL 34109
Phone: 239-597-3222

HB 1363 - Affordable Housing
Jaimie Ross (Lobbyist) (General Public) - Proponent
1000 Friends of Florida
926 E. Park Avenue
Tallahassee FL 32301
Phone: 850-212-0587

HB 1363 - Affordable Housing
Trey Price (Lobbyist) (General Public) - Proponent
Florida Association of Realtors
200 S.Monroe Street
Tallahassee FL 32301
Phone: 850-224-1400

HB 1363 - Affordable Housing
Jeffery Sharkey (Lobbyist) (General Public) - Proponent
Coliation of Affordable Housing Providers
106 E. College Avenue #640
Tallahassee FL
Phone: 850-224-1660

Committee meeting was reported out: Tuesday, March 21, 2006 7:20:12PM

COMMITTEE MEETING REPORT

Growth Management Committee

3/21/2006 2:15:00PM

Location: 212 Knott Building

HB 1363 - Affordable Housing

Desinda Carper (Lobbyist) - Proponent
Florida League of Cities
P. O. Box 1757
Tallahassee FL 32301
Phone: 850-222-9684

Committee meeting was reported out: Tuesday, March 21, 2006 7:20:12PM

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) M. Davis offered the following:
3
4 **Amendment (with title amendment)**
5 Remove everything after the enacting clause and insert:
6 Section 1. Section 125.379, Florida Statutes, is created
7 to read:
8 125.379 Disposition of county property for affordable
9 housing.--
10 (1) By January 1, 2007, and every 3 years thereafter, each
11 county shall prepare an inventory list of all real property
12 within its jurisdiction to which the county holds fee simple
13 title. The inventory list must include the address and legal
14 description of each real property and specify whether the
15 property is vacant or improved. County planning staff shall
16 review the inventory list and identify each property that is
17 appropriate for use as affordable housing. The time for
18 preparing the inventory list and its review by county planning
19 staff may not exceed 6 months. The properties identified as
20 appropriate for use as affordable housing may be offered for
21 sale and the proceeds used to purchase land for the development
22 of affordable housing or donated to the Local Government Housing

23 Trust Fund, sold with a restriction that requires any
24 development on the property to include a specified percentage of
25 permanently affordable housing, or donated to a nonprofit
26 housing organization for the construction of permanent
27 affordable housing.
28 (2) After completing an inventory list, the board of
29 county commissioners shall hold at least two public hearings to
30 discuss the inventory list and staff's recommendation concerning
31 which properties are appropriate for use as affordable housing.
32 The board shall comply with the provisions of s. 125.66(4)b)1.
33 regarding the advertisement of the public hearings and shall
34 hold the first hearing no later than 30 days after completing
35 the inventory list. The board shall approve the inventory list
36 through the adoption of a resolution at the second hearing no
37 later than 6 months after completing the inventory list.
38 (3) After the inventory list has been approved by
39 resolution, the board of county commissioners shall immediately
40 make available any real property that has been identified in the
41 inventory list as appropriate for use as affordable housing.
42 The county shall make the surplus real property available to:
43 (a) A private developer if the purchase price paid by the
44 developer is not less than the appraised value of the property
45 based on its highest and best use and the real property is sold
46 with deed restriction s that require a specified percentage of
47 any project developed on the real property to provide affordable
48 housing for low-income and moderate-income persons, with a
49 minimum of 10 percent of the units in the project available for
50 low-income persons and another 10 percent of the units for
51 moderate-income persons for a total minimum of 20 percent, or,
52 if providing rental housing or a combination of rental housing

53 and homeownership, an additional 5 percent of the units for
54 very-low-income persons for a total minimum of 25 percent;
55 (b) A private developer without any requirement that a
56 percentage of the units built on the real property be affordable
57 if the purchase price paid by the developer is not less than the
58 appraised value of the property based on its highest and best
59 use, in which case the county must use the funds received from
60 the developer to acquire real property on which affordable
61 housing will be built or donate the funds to the Local
62 Government Housing Trust Fund for the purpose of implementing
63 the programs described in ss. 420.907-420.9079; or
64 (c) A nonprofit housing organization, such as a community
65 land trust, housing authority, or community redevelopment
66 agency to be used for the production and preservation of
67 permanently affordable housing.
68 (4) The deed restrictions required under paragraph (3) (a)
69 for an affordable housing unit must also prohibit the unit from
70 being sold at a price that exceeds the threshold for housing
71 that is affordable for low-income or moderate - income persons
72 or to a buyer who is not eligible due to his or her income under
73 chapter 420. The deed restrictions may allow the affordable
74 housing units created under paragraph (3) (a) to be rented to
75 very-low-income, low-income, or moderate-income persons.
76 (5) For purposes of this section, the terms "affordable,"
77 "low-income persons," "moderate-income persons," and "very-low-
78 income person: have the same meaning as in s. 420.0004.
79 Section 2. Paragraph (c) of subsection (1) of section
80 163.3187, Florida Statutes, is amended to read:
81 163.3187 Amendment of adopted comprehensive plan.--

82 (1) Amendments to comprehensive plans adopted pursuant to
83 this part may be made not more than two times during any
84 calendar year, except:
85 (c) Any local government comprehensive plan amendments
86 directly related to proposed small scale development activities
87 may be approved without regard to statutory limits on the
88 frequency of consideration of amendments to the local
89 comprehensive plan. A small scale development amendment may be
90 adopted only under the following conditions:
91 1. The proposed amendment involves a use of 10 acres or
92 fewer and:
93 a. The cumulative annual effect of the acreage for all
94 small scale development amendments adopted by the local
95 government shall not exceed:
96 (I) A maximum of 120 acres in a local government that
97 contains areas specifically designated in the local
98 comprehensive plan for urban infill, urban redevelopment, or
99 downtown revitalization as defined in s. 163.3164, urban infill
100 and redevelopment areas designated under s. 163.2517,
101 transportation concurrency exception areas approved pursuant to
102 s. 163.3180(5), or regional activity centers and urban central
103 business districts approved pursuant to s. 380.06(2)(e);
104 however, amendments under this paragraph may be applied to no
105 more than 60 acres annually of property outside the designated
106 areas listed in this sub-sub-subparagraph. Amendments adopted
107 pursuant to paragraph (k) shall not be counted toward the
108 acreage limitations for small scale amendments under this
109 paragraph.
110 (II) A maximum of 80 acres in a local government that does
111 not contain any of the designated areas set forth in sub-sub-
112 subparagraph (I).

113 (III) A maximum of 120 acres in a county established
114 pursuant to s. 9, Art. VIII of the State Constitution.
115 b. The proposed amendment does not involve the same
116 property granted a change within the prior 12 months.
117 c. The proposed amendment does not involve the same
118 owner's property within 200 feet of property granted a change
119 within the prior 12 months.
120 d. The proposed amendment does not involve a text change
121 to the goals, policies, and objectives of the local government's
122 comprehensive plan, but only proposes a land use change to the
123 future land use map for a site-specific small scale development
124 activity.
125 e. The property that is the subject of the proposed
126 amendment is not located within an area of critical state
127 concern, unless the project subject to the proposed amendment
28 involves the construction of affordable housing units meeting
129 the criteria of s. 420.0004(3), and is located within an area of
130 critical state concern designated by s. 380.0552 or by the
131 Administration Commission pursuant to s. 380.05(1). Such
132 amendment is not subject to the density limitations of sub-
133 subparagraph f., and shall be reviewed by the state land
134 planning agency for consistency with the principles for guiding
135 development applicable to the area of critical state concern
136 where the amendment is located and shall not become effective
137 until a final order is issued under s. 380.05(6).
138 f. If the proposed amendment involves a residential land
139 use, the residential land use has a density of 10 units or less
140 per acre or the proposed future land use category allows a
141 maximum residential density of the same or less than the maximum
142 residential density allowable under the existing future land use
43 category, except that this limitation does not apply to small

144 scale amendments involving the construction of affordable
145 housing units meeting the criteria of s. 420.0004(3) on property
146 which will be the subject of a land use restriction agreement ~~or~~
147 ~~extended use agreement recorded in conjunction with the issuance~~
148 ~~of tax exempt bond financing or an allocation of federal tax~~
149 ~~credits issued through the Florida Housing Finance Corporation~~
150 ~~or a local housing finance authority authorized by the Division~~
151 ~~of Bond Finance of the State Board of Administration~~, or small
152 scale amendments described in sub-sub-subparagraph a.(I) that
153 are designated in the local comprehensive plan for urban infill,
154 urban redevelopment, or downtown revitalization as defined in s.
155 163.3164, urban infill and redevelopment areas designated under
156 s. 163.2517, transportation concurrency exception areas approved
157 pursuant to s. 163.3180(5), or regional activity centers and
158 urban central business districts approved pursuant to s.
159 380.06(2)(e).
160 2.a. A local government that proposes to consider a plan
161 amendment pursuant to this paragraph is not required to comply
162 with the procedures and public notice requirements of s.
163 163.3184(15)(c) for such plan amendments if the local government
164 complies with the provisions in s. 125.66(4)(a) for a county or
165 in s. 166.041(3)(c) for a municipality. If a request for a plan
166 amendment under this paragraph is initiated by other than the
167 local government, public notice is required.
168 b. The local government shall send copies of the notice
169 and amendment to the state land planning agency, the regional
170 planning council, and any other person or entity requesting a
171 copy. This information shall also include a statement
172 identifying any property subject to the amendment that is
173 located within a coastal high-hazard area as identified in the
174 local comprehensive plan.

175 3. Small scale development amendments adopted pursuant to
176 this paragraph require only one public hearing before the
177 governing board, which shall be an adoption hearing as described
178 in s. 163.3184(7), and are not subject to the requirements of s.
179 163.3184(3)-(6) unless the local government elects to have them
180 subject to those requirements.
181 4. If the small scale development amendment involves a
182 site within an area that is designated by the Governor as a
183 rural area of critical economic concern under s. 288.0656(7) for
184 the duration of such designation, the 10-acre limit listed in
185 subparagraph 1. shall be increased by 100 percent to 20 acres.
186 The local government approving the small scale plan amendment
187 shall certify to the Office of Tourism, Trade, and Economic
188 Development that the plan amendment furthers the economic
189 objectives set forth in the executive order issued under s.
90 288.0656(7), and the property subject to the plan amendment
191 shall undergo public review to ensure that all concurrency
192 requirements and federal, state, and local environmental permit
193 requirements are met.
194 Section 3. Section 166.0451, Florida Statutes, is created
195 to read:
196 166.0451 Disposition of municipal property for affordable
197 housing.--
198 (1) By January 1, 2007, and every 3 year thereafter, each
199 municipality shall prepare an inventory list of all real
200 property within its jurisdiction to which the municipality holds
201 fee simple title. The inventory list must include the address
202 and legal description of each property and specify whether the
203 property is vacant or improved. Municipal planning staff shall
204 review the inventory list and identify each real property that
05 is appropriate for use as affordable housing. The time for

206 preparing the inventory list and its review by municipal
207 planning staff may not exceed 6 months. The properties
208 identified as appropriate for use as affordable housing may be
209 offered for sale and the proceeds used to purchase land for the
210 development of affordable housing or donated to the Local
211 Government Housing Trust Fund, sold with a restriction that
212 requires any development on the property to include a specified
213 percentage of permanently affordable housing, or donated to a
214 nonprofit housing organization for the construction of permanent
215 affordable housing.
216 (2) Upon completing an inventory list in compliance with
217 this section, the governing body of the municipality shall hold
218 at least two public hearings to discuss the inventory list and
219 the recommendation of the staff concerning which properties are
220 appropriate for use as affordable housing. The governing body
221 shall comply with s. 166.041 (3) (c) 2a. regarding the
222 advertisement of the public hearings and shall hold the first
223 hearing no later than 30 days after completing the inventory
224 list. The governing body shall approve the inventory list
225 through the adoption f a resolution at the second hearing no
226 later than 6 months after completing the inventory list.
227 (3) After the inventory list has been approved by
228 resolution, the governing body of the municipality shall
229 immediately make available any real property that has been
230 identified in the inventory list as appropriate for use as
231 affordable housing. The municipality shall make the surplus
232 real property available to:
233 (a) A private developer if the purchase price paid by the
234 developer is not less than the appraised value of the property
235 based on its highest and best use and the real property is sold
236 with deed restrictions that require a specified percentage of

237 any project developed on the real property to provide affordable
238 housing for low-income and moderate-income persons, with a
239 minimum of 10 percent of the units in the project available for
240 low-income persons and another 10 percent of the units for
241 moderate-income persons for a total minimum of 20 percent, or,
242 if providing rental housing or a combination of rental housing
243 and homeownership, an additional 5 percent of the units for
244 very-low-income persons for a total minimum of 25 percent;
245 (b) A private developer without any requirement that a
246 percentage of the units built on the real property be affordable
247 if the purchase price paid by the developer is not less than the
248 appraised value of the property based on its highest and best
249 use, in which case the municipality must use the funds received
250 from the developer to acquire real property on which affordable
251 housing will be built or donate the funds to the Local
252 Government Housing Trust Fund for the purpose of implementing
253 the programs described in ss. 420.907-420.9079; or
254 (c) A nonprofit housing organization, such as a community
255 land trust, housing authority, or community land trust, housing
256 authority, or community redevelopment agency to be used for the
257 production and preservation of permanently affordable housing.
258 (4) The deed restrictions required under paragraph (3) (a)
259 for an affordable housing unit must also prohibit the unit from
260 being sold at a price that exceeds the threshold for housing
261 that is affordable for low-income for moderate-income persons or
262 to a buyer who is not eligible due to his or her income under
263 chapter 420. The deed restrictions may allow the affordable
264 housing units created under paragraph (3) (a) to be rented to
265 very-low-income, low-income, or moderate-income persons.

266 (5) For purposes of this section the terms "affordable,"
267 "low-income persons," "moderate-income persons," and "very-low-
268 income persons" have the same meaning as in s. 420.0004.
269
270 Section 4. Subsection (6) is added to section 189.4155,
271 Florida Statutes, to read:
272 189.4155 Activities of special districts; local government
273 comprehensive planning.--
274 (6) Any independent district created pursuant to special
275 act or general law, including, but not limited to, chapters 189,
276 190, 191, and 298, for the purpose of providing urban
277 infrastructure of services, is authorized to provide housing and
278 housing assistance for its employed personnel.
279 Section 5. Subsection (19) is added to section 191.006,
280 Florida Statutes, to read:
281 191.006 General powers.--The district shall have, and the
282 board may exercise by majority vote, the following powers:
283 (19) To provide housing or housing assistance for its
284 employed personnel.
285 Section 6. Subsection (5) is added to section 193.017,
286 Florida Statutes, to read:
287 193.017 Low-income housing tax credit.--Property used for
288 affordable housing which has received a low-income housing tax
289 credit from the Florida Housing Finance Corporation, as
290 authorized by s. 420.5099, shall be assessed under s. 193.011
291 and, consistent with s. 420.5099(5) and (6), pursuant to this
292 section.
293 (5) If a cap rate is used to assess just valuation for the
294 property, the appraiser shall use a cap rate calculated annually
295 for affordable housing properties authorized by the Florida

296 Housing Finance Corporation and approved by the Department of
297 Revenue.
298 Section 7. Section 196.1978, Florida Statutes, is amended
299 to read:
300 196.1978 Affordable housing property exemption.--Property
301 used to provide affordable housing serving eligible persons as
302 defined by s. 159.603(7) and persons meeting income limits
303 specified in s. 420.0004(9), (10), and (14), which property is
304 owned entirely by a nonprofit entity which is qualified as
305 charitable under s. 501(c)(3) of the Internal Revenue Code and
306 which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall be
307 considered property owned by an exempt entity and used for a
308 charitable purpose, and those portions of the affordable housing
309 property which provide housing to individuals with incomes as
310 defined in s. 420.0004(9) and (14) shall be exempt from ad
311 valorem taxation to the extent authorized in s. 196.196. For the
312 purposes of this section, ownership entirely by a nonprofit
313 entity is classified as ownership by either: (i) a corporation
314 not for profit, or (ii) a Florida limited partnership the sole
315 general partner of which is either a corporation not for profit,
316 or a Florida limited liability company the sole member of which
317 is a corporation not for profit. All property identified in this
318 section shall comply with the criteria for determination of
319 exempt status to be applied by property appraisers on an annual
320 basis as defined in s. 196.195. The Legislature intends that any
321 property owned by a limited liability company which is
322 disregarded as an entity for federal income tax purposes
323 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be
324 treated as owned by its sole member.
325 Section 8. Section 196.1980, Florida Statutes, is created
326 to read:

327 196.1980 Affordable housing property exemption.--For the
328 purpose of assessing just valuation of affordable housing
329 properties serving persons with income limits defined as low,
330 moderate, and very low, as specified in s. 420.0004(9), (10),
331 and (14), the actual rental income from rent-restricted units in
332 such a property shall be recognized by the property appraiser
333 for assessment purposes, and an income approach shall be used
334 for assessment of the rents for the following properties:
335 (1) property that is funded by the United States
336 Department of Housing and Urban Development under s. 8 of the
337 United States Housing Act of 1937, that is used to provide
338 affordable housing serving eligible persons as defined by s.
339 159.603(7), and elderly and very-low-income persons as defined
340 by s. 420.0004(7) and (14), and that has undergone financial
341 restructuring as provided in s. 501, Title V, Subtitle A of the
342 Multifamily Assisted Housing Reform and Affordability Act of
343 1997;
344 (2) multifamily, farmworker, or elderly rental properties
345 that are funded by the Florida Housing Finance Corporation under
346 ss. 420.5087 and 420.5089 and the State Housing Initiatives
347 Partnership Program under ss. 420.9072 and 420.9075, s. 42 of
348 the Internal Revenue Code; the HOME Investment Partnership
349 Program under the Cranston-Gonzalez National Affordable Housing
350 Act, 42 U.S.C. s.12741 et seq.; or the Federal Home Loan Banks
351 Affordable Housing Program established pursuant to the Financial
352 Institutions Reform, Recovery and Enforcement Act of 1989,
353 Public Law 101-73; or
354 (3) multi-family residential rental properties of ten (10)
355 or more units that are certified by the local housing agency or
356 municipal government as providing affordable housing serving

357 eligible persons as defined by s. 159.603(7), and elderly and
358 very-low-income persons as defined by s. 420.0004(7) and (14).
359 Section 9. Effective July 1, 2007, subsections (9) and
360 (10) of section 201.15, Florida Statutes, as amended by chapter
361 2005-92, Laws of Florida, are amended to read:
362 201.15 Distribution of taxes collected.--All taxes
363 collected under this chapter shall be distributed as follows and
364 shall be subject to the service charge imposed in s. 215.20(1),
365 except that such service charge shall not be levied against any
366 portion of taxes pledged to debt service on bonds to the extent
367 that the amount of the service charge is required to pay any
368 amounts relating to the bonds:
369 (9) ~~The lesser of~~ Seven and fifty-three hundredths percent
370 of the remaining taxes collected under this chapter ~~or $107~~
371 ~~million in each fiscal year~~ shall be paid into the State
372 Treasury to the credit of the State Housing Trust Fund and shall
373 be used as follows:
374 (a) Half of that amount shall be used for the purposes for
375 which the State Housing Trust Fund was created and exists by
376 law.
377 (b) Half of that amount shall be paid into the State
378 Treasury to the credit of the Local Government Housing Trust
379 Fund and shall be used for the purposes for which the Local
380 Government Housing Trust Fund was created and exists by law.
381 (10) ~~The lesser of~~ Eight and sixty-six hundredths percent
382 of the remaining taxes collected under this chapter ~~or $136~~
383 ~~million in each fiscal year~~ shall be paid into the State
384 Treasury to the credit of the State Housing Trust Fund and shall
385 be used as follows:
386 (a) Twelve and one-half percent of that amount shall be
387 deposited into the State Housing Trust Fund and be expended by

388 the Department of Community Affairs and by the Florida Housing
389 Finance Corporation for the purposes for which the State Housing
390 Trust Fund was created and exists by law.
391 (b) Eighty-seven and one-half percent of that amount shall
392 be distributed to the Local Government Housing Trust Fund and
393 shall be used for the purposes for which the Local Government
394 Housing Trust Fund was created and exists by law. Funds from
395 this category may also be used to provide for state and local
396 services to assist the homeless.
397 Section 10. Paragraph (q) of subsection (5) of section
398 212.08, Florida Statutes, is amended to read:
399 212.08 Sales, rental, use, consumption, distribution, and
400 storage tax; specified exemptions.--The sale at retail, the
401 rental, the use, the consumption, the distribution, and the
402 storage to be used or consumed in this state of the following
403 are hereby specifically exempt from the tax imposed by this
404 chapter.
405 (5) EXEMPTIONS; ACCOUNT OF USE.--
406 (q) Community contribution tax credit for donations.--
407 1. Authorization.--~~Beginning July 1, 2001,~~ Persons who are
408 registered with the department under s. 212.18 to collect or
409 remit sales or use tax and who make donations to eligible
410 sponsors are eligible for tax credits against their state sales
411 and use tax liabilities as provided in this paragraph:
412 a. The credit shall be computed as 50 percent of the
413 person's approved annual community contribution.~~;~~
414 b. The credit shall be granted as a refund against state
415 sales and use taxes reported on returns and remitted in the 12
416 months preceding the date of application to the department for
417 the credit as required in sub-subparagraph 3.c. If the annual
418 credit is not fully used through such refund because of

119 insufficient tax payments during the applicable 12-month period,
420 the unused amount may be included in an application for a refund
421 made pursuant to sub-subparagraph 3.c. in subsequent years
422 against the total tax payments made for such year. Carryover
423 credits may be applied for a 3-year period without regard to any
424 time limitation that would otherwise apply under s. 215.26.~~;~~
425 c. A person may not receive more than $200,000 in annual
426 tax credits for all approved community contributions made in any
427 one year.~~;~~
428 d. All proposals for the granting of the tax credit
429 require the prior approval of the Office of Tourism, Trade, and
430 Economic Development.~~;~~
431 e. The total amount of tax credits which may be granted
432 for all programs approved under this paragraph, s. 220.183, and
433 s. 624.5105 is $10 ~~$12~~ million annually for projects that
'34 provide homeownership opportunities for low-income or very-low-
435 income households as defined in s. 420.9071(19) and (28) and $3
436 million annually for all other projects.~~; and~~
437 f. A person who is eligible to receive the credit provided
438 for in this paragraph, s. 220.183, or s. 624.5105 may receive
439 the credit only under the one section of the person's choice.
440 2. Eligibility requirements.--
441 a. A community contribution by a person must be in the
442 following form:
443 (I) Cash or other liquid assets;
444 (II) Real property;
445 (III) Goods or inventory; or
446 (IV) Other physical resources as identified by the Office
447 of Tourism, Trade, and Economic Development.
448 b. All community contributions must be reserved
49 exclusively for use in a project. As used in this sub-

450 subparagraph, the term "project" means any activity undertaken
451 by an eligible sponsor which is designed to construct, improve,
452 or substantially rehabilitate housing that is affordable to low-
453 income or very-low-income households as defined in s.
454 420.9071(19) and (28); designed to provide commercial,
455 industrial, or public resources and facilities; or designed to
456 improve entrepreneurial and job-development opportunities for
457 low-income persons. A project may be the investment necessary to
458 increase access to high-speed broadband capability in rural
459 communities with enterprise zones, including projects that
460 result in improvements to communications assets that are owned
461 by a business. A project may include the provision of museum
462 educational programs and materials that are directly related to
463 any project approved between January 1, 1996, and December 31,
464 1999, and located in an enterprise zone designated pursuant to
465 s. 290.0065. This paragraph does not preclude projects that
466 propose to construct or rehabilitate housing for low-income or
467 very-low-income households on scattered sites. With respect to
468 housing, contributions may be used to pay the following eligible
469 low-income and very-low-income housing-related activities:
470 (I) Project development impact and management fees for
471 low-income or very-low-income housing projects;
472 (II) Down payment and closing costs for eligible persons,
473 as defined in s. 420.9071(19) and (28);
474 (III) Administrative costs, including housing counseling
475 and marketing fees, not to exceed 10 percent of the community
476 contribution, directly related to low-income or very-low-income
477 projects; and
478 (IV) Removal of liens recorded against residential
479 property by municipal, county, or special district local
480 governments when satisfaction of the lien is a necessary

181 precedent to the transfer of the property to an eligible person,
482 as defined in s. 420.9071(19) and (28), for the purpose of
483 promoting home ownership. Contributions for lien removal must be
484 received from a nonrelated third party.
485 c. The project must be undertaken by an "eligible
486 sponsor," which includes:
487 (I) A community action program;
488 (II) A nonprofit community-based development organization
489 whose mission is the provision of housing for low-income or
490 very-low-income households or increasing entrepreneurial and
491 job-development opportunities for low-income persons;
492 (III) A neighborhood housing services corporation;
493 (IV) A local housing authority created under chapter 421;
494 (V) A community redevelopment agency created under s.
495 163.356;
'96 (VI) The Florida Industrial Development Corporation;
497 (VII) A historic preservation district agency or
498 organization;
499 (VIII) A regional workforce board;
500 (IX) A direct-support organization as provided in s.
501 1009.983;
502 (X) An enterprise zone development agency created under s.
503 290.0056;
504 (XI) A community-based organization incorporated under
505 chapter 617 which is recognized as educational, charitable, or
506 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
507 and whose bylaws and articles of incorporation include
508 affordable housing, economic development, or community
509 development as the primary mission of the corporation;
510 (XII) Units of local government;
'11 (XIII) Units of state government; or

512 (XIV) Any other agency that the Office of Tourism, Trade,
513 and Economic Development designates by rule.
514
515 In no event may a contributing person have a financial interest
516 in the eligible sponsor.
517 d. The project must be located in an area designated an
518 enterprise zone or a Front Porch Florida Community pursuant to
519 s. 20.18(6), unless the project increases access to high-speed
520 broadband capability for rural communities with enterprise zones
521 but is physically located outside the designated rural zone
522 boundaries. Any project designed to construct or rehabilitate
523 housing for low-income or very-low-income households as defined
524 in s. 420.0971(19) and (28) is exempt from the area requirement
525 of this sub-subparagraph.
526 e.~~(I) For the first 6 months of the fiscal year, the~~
527 ~~Office of Tourism, Trade, and Economic Development shall reserve~~
528 ~~80 percent of the first $10 million in available annual tax~~
529 ~~credits and 70 percent of any available annual tax credits in~~
530 ~~excess of $10 million for donations made to eligible sponsors~~
531 ~~for projects that provide homeownership opportunities for low-~~
532 ~~income or very-low-income households as defined in s.~~
533 ~~420.9071(19) and (28). If any such reserved annual tax credits~~
534 ~~remain after the first 6 months of the fiscal year, the office~~
535 ~~may approve the balance of these available credits for donations~~
536 ~~made to eligible sponsors for projects other than those that~~
537 ~~provide homeownership opportunities for low-income or very-low-~~
538 ~~income households.~~
539 ~~(II) For the first 6 months of the fiscal year, the office~~
540 ~~shall reserve 20 percent of the first $10 million in available~~
541 ~~annual tax credits and 30 percent of any available annual tax~~
542 ~~credits in excess of $10 million for donations made to eligible~~

543 ~~sponsors for projects other than those that provide~~
544 ~~homeownership opportunities for low-income or very-low-income~~
545 ~~households as defined in s. 420.9071(19) and (28). If any~~
546 ~~reserved annual tax credits remain after the first 6 months of~~
547 ~~the fiscal year, the office may approve the balance of these~~
548 ~~available credits for donations made to eligible sponsors for~~
549 ~~projects that provide homeownership opportunities for low-income~~
550 ~~or very-low-income households.~~

551 (I) ~~(III)~~ If, during the first 10 business days of the
552 state fiscal year, eligible tax credit applications for projects
553 that provide homeownership opportunities for low-income or very-
554 low-income households as defined in s. 420.9071(19) and (28) are
555 received for less than the ~~available~~ annual tax credits
556 available for those projects ~~reserved under sub-sub-subparagraph~~
557 ~~(I)~~, the office shall grant tax credits for those applications
558 and shall grant remaining tax credits on a first-come, first-
559 served basis for any subsequent eligible applications received
560 before the end of the ~~first 6 months of the~~ state fiscal year.
561 If, during the first 10 business days of the state fiscal year,
562 eligible tax credit applications for projects that provide
563 homeownership opportunities for low-income or very-low-income
564 households as defined in s. 420.9071(19) and (28) are received
565 for more than the ~~available~~ annual tax credits available for
566 those projects ~~reserved under sub-sub-subparagraph (I)~~, the
567 office shall grant the tax credits for those ~~the~~ applications as
568 follows:

569 (A) If tax credit applications submitted for approved
570 projects of an eligible sponsor do not exceed $200,000 in total,
571 the credits shall be granted in full if the tax credit
572 applications are approved~~, subject to sub-sub-subparagraph (I)~~.

573 (B) If tax credit applications submitted for approved
574 projects of an eligible sponsor exceed $200,000 in total, the
575 amount of tax credits granted pursuant to sub-sub-sub-
576 subparagraph (A) shall be subtracted from the amount of
577 available tax credits ~~under sub-sub-subparagraph (I)~~, and the
578 remaining credits shall be granted to each approved tax credit
579 application on a pro rata basis.

580 ~~(C) If, after the first 6 months of the fiscal year,~~
581 ~~additional credits become available under sub-sub-subparagraph~~
582 ~~(II), the office shall grant the tax credits by first granting~~
583 ~~to those who received a pro rata reduction up to the full amount~~
584 ~~of their request and, if there are remaining credits, granting~~
585 ~~credits to those who applied on or after the 11th business day~~
586 ~~of the state fiscal year on a first-come, first-served basis.~~

587 (II) ~~(IV)~~ If, during the first 10 business days of the
588 state fiscal year, eligible tax credit applications for projects
589 other than those that provide homeownership opportunities for
590 low-income or very-low-income households as defined in s.
591 420.9071(19) and (28) are received for less than the ~~available~~
592 annual tax credits available for those projects ~~reserved under~~
593 ~~sub-sub-subparagraph (II)~~, the office shall grant tax credits
594 for those applications and shall grant remaining tax credits on
595 a first-come, first-served basis for any subsequent eligible
596 applications received before the end of ~~the first 6 months of~~
597 the state fiscal year. If, during the first 10 business days of
598 the state fiscal year, eligible tax credit applications for
599 projects other than those that provide homeownership
600 opportunities for low-income or very-low-income households as
601 defined in s. 420.9071(19) and (28) are received for more than
602 the ~~available~~ annual tax credits available for those projects
603 ~~reserved under sub-sub-subparagraph (II)~~, the office shall grant

604 the tax credits for those ~~the~~ applications on a pro rata basis.
605 ~~If, after the first 6 months of the fiscal year, additional~~
606 ~~credits become available under sub-sub-subparagraph (I), the~~
607 ~~office shall grant the tax credits by first granting to those~~
608 ~~who received a pro rata reduction up to the full amount of their~~
609 ~~request and, if there are remaining credits, granting credits to~~
610 ~~those who applied on or after the 11th business day of the state~~
611 ~~fiscal year on a first-come, first-served basis.~~
612 3. Application requirements.--
613 a. Any eligible sponsor seeking to participate in this
614 program must submit a proposal to the Office of Tourism, Trade,
615 and Economic Development which sets forth the name of the
616 sponsor, a description of the project, and the area in which the
617 project is located, together with such supporting information as
618 is prescribed by rule. The proposal must also contain a
619 resolution from the local governmental unit in which the project
620 is located certifying that the project is consistent with local
621 plans and regulations.
622 b. Any person seeking to participate in this program must
623 submit an application for tax credit to the office ~~of Tourism,~~
624 ~~Trade, and Economic Development~~ which sets forth the name of the
625 sponsor, a description of the project, and the type, value, and
626 purpose of the contribution. The sponsor shall verify the terms
627 of the application and indicate its receipt of the contribution,
628 which verification must be in writing and accompany the
629 application for tax credit. The person must submit a separate
630 tax credit application to the office for each individual
631 contribution that it makes to each individual project.
632 c. Any person who has received notification from the
633 office ~~of Tourism, Trade, and Economic Development~~ that a tax
634 credit has been approved must apply to the department to receive

635 the refund. Application must be made on the form prescribed for
636 claiming refunds of sales and use taxes and be accompanied by a
637 copy of the notification. A person may submit only one
638 application for refund to the department within any 12-month
639 period.
640 4. Administration.--
641 a. The Office of Tourism, Trade, and Economic Development
642 may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary
643 to administer this paragraph, including rules for the approval
644 or disapproval of proposals by a person.
645 b. The decision of the office ~~of Tourism, Trade, and~~
646 ~~Economic Development~~ must be in writing, and, if approved, the
647 notification shall state the maximum credit allowable to the
648 person. Upon approval, the office shall transmit a copy of the
649 decision to the Department of Revenue.
650 c. The office ~~of Tourism, Trade, and Economic Development~~
651 shall periodically monitor all projects in a manner consistent
652 with available resources to ensure that resources are used in
653 accordance with this paragraph; however, each project must be
654 reviewed at least once every 2 years.
655 d. The office ~~of Tourism, Trade, and Economic Development~~
656 shall, in consultation with the Department of Community Affairs~~,~~
657 ~~the Florida Housing Finance Corporation,~~ and the statewide and
658 regional housing and financial intermediaries, market the
659 availability of the community contribution tax credit program to
660 community-based organizations.
661 5. Expiration.--This paragraph expires June 30, 2015;
662 however, any accrued credit carryover that is unused on that
663 date may be used until the expiration of the 3-year carryover
664 period for such credit.
665

66 Section 11. Paragraph (c) of subsection (1) and paragraph
667 (b) of subsection (2) and of section 220.183, Florida Statutes,
668 are amended to read:
669 220.183 Community contribution tax credit.--
670 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
671 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
672 SPENDING.--
673 (c) The total amount of tax credit which may be granted
674 for all programs approved under this section, s. 212.08(5)(q),
675 and s. 624.5105 is $10 ~~$12~~ million annually for projects that
676 provide homeownership opportunities for low-income or very-low-
677 income households as defined in s. 420.9071(19) and (28) and $3
678 million annually for all other projects.
679 (2) ELIGIBILITY REQUIREMENTS.--
680 (b)1. All community contributions must be reserved
81 exclusively for use in projects as defined in s. 220.03(1)(t).
682 ~~2. For the first 6 months of the fiscal year, the Office~~
683 ~~of Tourism, Trade, and Economic Development shall reserve 80~~
684 ~~percent of the first $10 million in available annual tax~~
685 ~~credits, and 70 percent of any available annual tax credits in~~
686 ~~excess of $10 million, for donations made to eligible sponsors~~
687 ~~for projects that provide homeownership opportunities for low-~~
688 ~~income or very-low-income households as defined in s.~~
689 ~~420.9071(19) and (28). If any reserved annual tax credits remain~~
690 ~~after the first 6 months of the fiscal year, the office may~~
691 ~~approve the balance of these available credits for donations~~
692 ~~made to eligible sponsors for projects other than those that~~
693 ~~provide homeownership opportunities for low-income or very-low-~~
694 ~~income households.~~
695 ~~3. For the first 6 months of the fiscal year, the office~~
96 ~~shall reserve 20 percent of the first $10 million in available~~

697 ~~annual tax credits, and 30 percent of any available annual tax~~
698 ~~credits in excess of $10 million, for donations made to eligible~~
699 ~~sponsors for projects other than those that provide~~
700 ~~homeownership opportunities for low-income or very-low-income~~
701 ~~households as defined in s. 420.9071(19) and (28). If any~~
702 ~~reserved annual tax credits remain after the first 6 months of~~
703 ~~the fiscal year, the office may approve the balance of these~~
704 ~~available credits for donations made to eligible sponsors for~~
705 ~~projects that provide homeownership opportunities for low-income~~
706 ~~or very-low-income households.~~
707 2.~~4.~~ If, during the first 10 business days of the state
708 fiscal year, eligible tax credit applications for projects that
709 provide homeownership opportunities for low-income or very-low-
710 income households as defined in s. 420.9071(19) and (28) are
711 received for less than the ~~available~~ annual tax credits
712 available for those projects ~~reserved under subparagraph 2.~~, the
713 office shall grant tax credits for those applications and shall
714 grant remaining tax credits on a first-come, first-served basis
715 for any subsequent eligible applications received before the end
716 of the ~~first 6 months of the~~ state fiscal year. If, during the
717 first 10 business days of the state fiscal year, eligible tax
718 credit applications for projects that provide homeownership
719 opportunities for low-income or very-low-income households as
720 defined in s. 420.9071(19) and (28) are received for more than
721 the ~~available~~ annual tax credits available for those projects
722 ~~reserved under subparagraph 2.~~, the office shall grant the tax
723 credits for those ~~such~~ applications as follows:
724 a. If tax credit applications submitted for approved
725 projects of an eligible sponsor do not exceed $200,000 in total,
726 the credit shall be granted in full if the tax credit

27 applications are approved~~, subject to the provisions of~~
728 ~~subparagraph 2~~.
729 b. If tax credit applications submitted for approved
730 projects of an eligible sponsor exceed $200,000 in total, the
731 amount of tax credits granted under sub-subparagraph a. shall be
732 subtracted from the amount of available tax credits ~~under~~
733 ~~subparagraph 2.~~, and the remaining credits shall be granted to
734 each approved tax credit application on a pro rata basis.
735 ~~c. If, after the first 6 months of the fiscal year,~~
736 ~~additional credits become available pursuant to subparagraph 3.,~~
737 ~~the office shall grant the tax credits by first granting to~~
738 ~~those who received a pro rata reduction up to the full amount of~~
739 ~~their request and, if there are remaining credits, granting~~
740 ~~credits to those who applied on or after the 11th business day~~
741 ~~of the state fiscal year on a first-come, first-served basis.~~
42 3.~~5.~~ If, during the first 10 business days of the state
743 fiscal year, eligible tax credit applications for projects other
744 than those that provide homeownership opportunities for low-
745 income or very-low-income households as defined in s.
746 420.9071(19) and (28) are received for less than the ~~available~~
747 annual tax credits available for those projects ~~reserved under~~
748 ~~subparagraph 3.~~, the office shall grant tax credits for those
749 applications and shall grant remaining tax credits on a first-
750 come, first-served basis for any subsequent eligible
751 applications received before the end of the ~~first 6 months of~~
752 ~~the~~ state fiscal year. If, during the first 10 business days of
753 the state fiscal year, eligible tax credit applications for
754 projects other than those that provide homeownership
755 opportunities for low-income or very-low-income households as
756 defined in s. 420.9071(19) and (28) are received for more than
57 the ~~available~~ annual tax credits available for those projects

758 ~~reserved under subparagraph 3.~~, the office shall grant the tax
759 credits for those ~~such~~ applications on a pro rata basis. ~~If,~~
760 ~~after the first 6 months of the fiscal year, additional credits~~
761 ~~become available under subparagraph 2., the office shall grant~~
762 ~~the tax credits by first granting to those who received a pro~~
763 ~~rata reduction up to the full amount of their request and, if~~
764 ~~there are remaining credits, granting credits to those who~~
765 ~~applied on or after the 11th business day of the state fiscal~~
766 ~~year on a first-come, first-served basis.~~
767 Section 12. Paragraph (f) of subsection (6) of section
768 253.034, Florida Statutes, is amended to read:
769 253.034 State-owned lands; uses.--
770 (6) The Board of Trustees of the Internal Improvement
771 Trust Fund shall determine which lands, the title to which is
772 vested in the board, may be surplused. For conservation lands,
773 the board shall make a determination that the lands are no
774 longer needed for conservation purposes and may dispose of them
775 by an affirmative vote of at least three members. In the case of
776 a land exchange involving the disposition of conservation lands,
777 the board must determine by an affirmative vote of at least
778 three members that the exchange will result in a net positive
779 conservation benefit. For all other lands, the board shall make
780 a determination that the lands are no longer needed and may
781 dispose of them by an affirmative vote of at least three
782 members.
783 (f)~~1.~~ In reviewing lands owned by the board, the council
784 shall consider whether such lands would be more appropriately
785 owned or managed by the county or other unit of local government
786 in which the land is located. A local government may request
787 that state lands be specifically declared to be surplus lands
788 for the purpose of providing affordable housing. The council

789 shall recommend to the board whether a sale, lease, or other
790 conveyance to a local government would be in the best interests
791 of the state and local government. The provisions of this
792 paragraph in no way limit the provisions of ss. 253.111 and
793 253.115. Such lands shall be offered to the state, county, or
794 local government for a period of 30 days. Permittable uses for
795 such surplus lands may include public schools; public libraries;
796 fire or law enforcement substations; and governmental, judicial,
797 or recreational centers; and affordable housing. County or local
798 government requests for surplus lands shall be expedited
799 throughout the surplusing process. Surplus lands that are
800 conveyed to a local government for affordable housing shall be
801 disposed of under the provisions of s. 125.379 or s. 166.0451.
802 If the county or local government does not elect to purchase
803 such lands in accordance with s. 253.111, then any surplusing
804 determination involving other governmental agencies shall be
805 made upon the board deciding the best public use of the lands.
806 Surplus properties in which governmental agencies have expressed
807 no interest shall then be available for sale on the private
808 market.
809 2. Notwithstanding subparagraph 1., any surplus lands that
810 were acquired by the state prior to 1958 by a gift or other
811 conveyance for no consideration from a municipality, and which
812 the department has filed by July 1, 2006, a notice of its intent
813 to surplus, shall be first offered for reconveyance to such
814 municipality at no cost, but for the fair market value of any
815 building or other improvements to the land, unless otherwise
816 provided in a deed restriction of record. This subparagraph
817 expires July 1, 2006.
818
819

820 Section 13. Section 295.16, Florida Statutes, is amended
821 to read:
822 295.16 Disabled veterans exempt from certain license or
823 permit fee.--No totally and permanently disabled veteran who is
824 a resident of Florida and honorably discharged from the Armed
825 Forces, who has been issued a valid identification card by the
826 Department of Veterans' Affairs in accordance with s. 295.17 or
827 has been determined by the United States Department of Veterans
828 Affairs or its predecessor to have a service-connected 100-
829 percent disability rating for compensation, or who has been
830 determined to have a service-connected disability rating of 100
831 percent and is in receipt of disability retirement pay from any
832 branch of the uniformed armed services, shall be required to pay
833 any license or permit fee, by whatever name known, to any county
834 or municipality in order to make improvements upon a dwelling
835 ~~mobile home~~ owned by the veteran which is used as the veteran's
836 residence, provided such improvements are limited to ramps,
837 widening of doors, and similar improvements for the purpose of
838 making the dwelling ~~mobile home~~ habitable for veterans confined
839 to wheelchairs.
840 Section 14. Paragraph (b) of subsection (19) of section
841 380.06, Florida Statutes, is amended to read:
842 380.06 Developments of regional impact.--
843 (19) SUBSTANTIAL DEVIATIONS.--
844 (b) Any proposed change to a previously approved
845 development of regional impact or development order condition
846 which, either individually or cumulatively with other changes,
847 exceeds any of the following criteria shall constitute a
848 substantial deviation and shall cause the development to be
849 subject to further development-of-regional-impact review without
850 the necessity for a finding of same by the local government:

51 1. An increase in the number of parking spaces at an
852 attraction or recreational facility by 5 percent or 300 spaces,
853 whichever is greater, or an increase in the number of spectators
854 that may be accommodated at such a facility by 5 percent or
855 1,000 spectators, whichever is greater.
856 2. A new runway, a new terminal facility, a 25-percent
857 lengthening of an existing runway, or a 25-percent increase in
858 the number of gates of an existing terminal, but only if the
859 increase adds at least three additional gates.
860 3. An increase in the number of hospital beds by 5 percent
861 or 60 beds, whichever is greater.
862 4. An increase in industrial development area by 5 percent
863 or 32 acres, whichever is greater.
864 5. An increase in the average annual acreage mined by 5
865 percent or 10 acres, whichever is greater, or an increase in the
866 average daily water consumption by a mining operation by 5
867 percent or 300,000 gallons, whichever is greater. An increase in
868 the size of the mine by 5 percent or 750 acres, whichever is
869 less. An increase in the size of a heavy mineral mine as defined
870 in s. 378.403(7) will only constitute a substantial deviation if
871 the average annual acreage mined is more than 500 acres and
872 consumes more than 3 million gallons of water per day.
873 6. An increase in land area for office development by 5
874 percent or an increase of gross floor area of office development
875 by 5 percent or 60,000 gross square feet, whichever is greater.
876 7. An increase in the storage capacity for chemical or
877 petroleum storage facilities by 5 percent, 20,000 barrels, or 7
878 million pounds, whichever is greater.
879 8. An increase of development at a waterport of wet
880 storage for 20 watercraft, dry storage for 30 watercraft, or
881 wet/dry storage for 60 watercraft in an area identified in the

882 state marina siting plan as an appropriate site for additional
883 waterport development or a 5-percent increase in watercraft
884 storage capacity, whichever is greater.
885 9. An increase in the number of dwelling units by 5
886 percent or 50 dwelling units, whichever is greater.
887 10. An increase in the number of dwelling units by 15
888 percent or 100 units, whichever is greater, provided that 20
889 percent of the increase in the number of dwelling units is
890 dedicated to the construction of workforce housing. For purposes
891 of this subparagraph, the term "workforce housing" means housing
892 that is affordable to a person who earns less than 120 percent
893 of the area median income.
894 11 ~~10~~. An increase in commercial development by 50,000
895 square feet of gross floor area or of parking spaces provided
896 for customers for 300 cars or a 5-percent increase of either of
897 these, whichever is greater.
898 12 ~~11~~. An increase in hotel or motel facility units by 5
899 percent or 75 units, whichever is greater.
900 13 ~~12~~. An increase in a recreational vehicle park area by
901 5 percent or 100 vehicle spaces, whichever is less.
902 14 ~~13~~. A decrease in the area set aside for open space of
903 5 percent or 20 acres, whichever is less.
904 15 ~~14~~. A proposed increase to an approved multiuse
905 development of regional impact where the sum of the increases of
906 each land use as a percentage of the applicable substantial
907 deviation criteria is equal to or exceeds 100 percent. The
908 percentage of any decrease in the amount of open space shall be
909 treated as an increase for purposes of determining when 100
910 percent has been reached or exceeded.
911 16 ~~15~~. A 15-percent increase in the number of external
912 vehicle trips generated by the development above that which was

913 projected during the original development-of-regional-impact
914 review.
915 17 ~~16~~. Any change which would result in development of any
916 area which was specifically set aside in the application for
917 development approval or in the development order for
918 preservation or special protection of endangered or threatened
919 plants or animals designated as endangered, threatened, or
920 species of special concern and their habitat, primary dunes, or
921 archaeological and historical sites designated as significant by
922 the Division of Historical Resources of the Department of State.
923 The further refinement of such areas by survey shall be
924 considered under sub-subparagraph (e)5.b.
925
926 The substantial deviation numerical standards in subparagraphs
927 4., 6., 10., 14., excluding residential uses, and 15., are
928 increased by 100 percent for a project certified under s.
929 403.973 which creates jobs and meets criteria established by the
930 Office of Tourism, Trade, and Economic Development as to its
931 impact on an area's economy, employment, and prevailing wage and
932 skill levels. The substantial deviation numerical standards in
933 subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50
934 percent for a project located wholly within an urban infill and
935 redevelopment area designated on the applicable adopted local
936 comprehensive plan future land use map and not located within
937 the coastal high hazard area.
938 Section 15. Paragraph (k) of subsection (3) of section
939 380.0651, Florida Statutes, is amended to read:
940 380.0651 Statewide guidelines and standards.--
941 (3) The following statewide guidelines and standards shall
942 be applied in the manner described in s. 380.06(2) to determine

943 whether the following developments shall be required to undergo
944 development-of-regional-impact review:
945 (k) Workforce housing.-- The applicable guidelines for
946 residential development and the residential component for
947 multiuse development shall be increased by 20 percent where the
948 developer demonstrates that at least 15 percent of the
949 residential dwelling units will be dedicated to workforce
950 housing. For purposes of this subparagraph, the term "workforce
951 housing" means housing that is affordable to a person who earns
952 less than 120 percent of the area median income.
953 (l) ~~(k)~~ Schools.--
954 1. The proposed construction of any public, private, or
955 proprietary postsecondary educational campus which provides for
956 a design population of more than 5,000 full-time equivalent
957 students, or the proposed physical expansion of any public,
958 private, or proprietary postsecondary educational campus having
959 such a design population that would increase the population by
960 at least 20 percent of the design population.
961 2. As used in this paragraph, "full-time equivalent
962 student" means enrollment for 15 or more quarter hours during a
963 single academic semester. In career centers or other
964 institutions which do not employ semester hours or quarter hours
965 in accounting for student participation, enrollment for 18
966 contact hours shall be considered equivalent to one quarter
967 hour, and enrollment for 27 contact hours shall be considered
968 equivalent to one semester hour.
969 3. This paragraph does not apply to institutions which are
970 the subject of a campus master plan adopted by the university
971 board of trustees pursuant to s. 1013.30.
972 Section 16. Subsection (8), subsection (9), subsection
973 (10), subsection (11), subsection (12), subsection (13), and

974 subsection (14) of section 420.0004, Florida Statutes, are
975 amended to read:
976 420.0004 Definitions.--As used in this part, unless the
977 context otherwise indicates:
978 (8) "Extremely low income persons" means one or more
979 natural persons or a family whose total annual household income
980 does not exceed 30% of the median annual adjusted gross income
981 for households within the state. Florida Housing Finance
982 Corporation may adjust this amount annually by rule to provide
983 that in lower income counties extremely low income may exceed
984 30% of area median income, and that in higher income counties
985 extremely low income may be less than 30% of area median income.
986 (9) ~~(8)~~ "Local public body" means any county,
987 municipality, or other political subdivision, or any housing
988 authority as provided by chapter 421, which is eligible to
989 sponsor or develop housing for farmworkers and very-low-income
990 and low-income persons within its jurisdiction.
991 (10) ~~(9)~~ "Low-income persons" means one or more natural
992 persons or a family, the total annual adjusted gross household
993 income of which does not exceed 80 percent of the median annual
994 adjusted gross income for households within the state, or 80
995 percent of the median annual adjusted gross income for
996 households within the metropolitan statistical area (MSA) or, if
997 not within an MSA, within the county in which the person or
998 family resides, whichever is greater.
999 (11) ~~(10)~~ "Moderate-income persons" means one or more
1000 natural persons or a family, the total annual adjusted gross
1001 household income of which is less than 120 percent of the median
1002 annual adjusted gross income for households within the state, or
1003 120 percent of the median annual adjusted gross income for
04 households within the metropolitan statistical area (MSA) or, if

1005 not within an MSA, within the county in which the person or
1006 family resides, whichever is greater.
1007 (12) ~~(11)~~ "Student" means any person not living with his
1008 or her parent or guardian who is eligible to be claimed by his
1009 or her parent or guardian as a dependent under the federal
1010 income tax code and who is enrolled on at least a half-time
1011 basis in a secondary school, career center, community college,
1012 college, or university.
1013 (13) ~~(12)~~ "Substandard" means:
1014 (a) Any unit lacking complete plumbing or sanitary
1015 facilities for the exclusive use of the occupants;
1016 (b) A unit which is in violation of one or more major
1017 sections of an applicable housing code and where such violation
1018 poses a serious threat to the health of the occupant; or
1019 (c) A unit that has been declared unfit for human
1020 habitation but that could be rehabilitated for less than 50
1021 percent of the property value.
1022 (14) ~~(13)~~ "Substantial rehabilitation" means repair or
1023 restoration of a dwelling unit where the value of such repair or
1024 restoration exceeds 40 percent of the value of the dwelling.
1025 (15) ~~(14)~~ "Very-low-income persons" means one or more
1026 natural persons or a family, not including students, the total
1027 annual adjusted gross household income of which does not exceed
1028 50 percent of the median annual adjusted gross income for
1029 households within the state, or 50 percent of the median annual
1030 adjusted gross income for households within the metropolitan
1031 statistical area (MSA) or, if not within an MSA, within the
1032 county in which the person or family resides, whichever is
1033 greater.
1034 Section 17. Section 420.37, Florida Statutes, is repealed.

35 Section 18. Subsection (18) of section 420.503, Florida
1036 Statutes, is amended to read:
1037 420.503 Definitions.--As used in this part, the term:
1038 (18)(a) "Farmworker" means a laborer who is employed on a
1039 seasonal, temporary, or permanent basis in the planting,
1040 cultivating, harvesting, or processing of agricultural or
1041 aquacultural products and who derived at least 50 percent of her
1042 or his income in the immediately preceding 12 months from such
1043 employment.
1044 (b) "Farmworker" ~~also~~ includes a person who has retired as
1045 a laborer due to age, disability, or illness. In order to be
1046 considered retired as a farmworker due to age under this part, a
1047 person must be 50 years of age or older and must have been
1048 employed for a minimum of 5 years as a farmworker before
1049 retirement. In order to be considered retired as a farmworker
50 due to disability or illness, a person must:
1051 1. ~~(a)~~ Establish medically that she or he is unable to be
1052 employed as a farmworker due to that disability or illness.
1053 2. ~~(b)~~ Establish that she or he was previously employed as
1054 a farmworker.
1055 (c) Notwithstanding paragraphs (a) and (b), when
1056 corporation-administered funds are used in conjunction with
1057 United States Department of Agriculture Rural Development funds,
1058 the term "farmworker" may mean a laborer who meets, at a
1059 minimum, the definition of "domestic farm laborer" as found in 7
1060 C.F.R. s. 3560.11, as amended. The corporation may establish
1061 additional criteria by rule.
1062 Section 19. Subsection (22), subsection (23), and
1063 subsection (40) of section 420.507, Florida Statutes are
1064 amended; and subsection (44), subsection (45), and subsection
65 (46) of section 420.507, Florida Statutes, are created to read:

1066 420.507 Powers of the corporation.--The corporation shall
1067 have all the powers necessary or convenient to carry out and
1068 effectuate the purposes and provisions of this part, including
1069 the following powers which are in addition to all other powers
1070 granted by other provisions of this part:
1071 (22) To develop and administer the State Apartment
1072 Incentive Loan Program. In developing and administering that
1073 program, the corporation may:
1074 (a) Make first, second, and other subordinated mortgage
1075 loans including variable or fixed rate loans subject to
1076 contingent interest for all State Apartment Incentive Loans
1077 provided for in this chapter based upon available cash flow of
1078 the projects. The corporation shall make loans exceeding 25
1079 percent of project cost available only to nonprofit
1080 organizations and public bodies which are able to secure grants,
1081 donations of land, or contributions from other sources and to
1082 projects meeting the criteria of subparagraph 1. Mortgage loans
1083 shall be made available at the following rates of interest:
1084 1. Zero to three percent interest for sponsors of projects
1085 that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~ of
1086 their total units for residents qualifying as farm workers as
1087 defined in this part, ~~s.420.503 (18)~~ or commercial fishing
1088 workers as defined in this part, ~~s.420.503 (5)~~ or the homeless
1089 as defined in s. 420.621(4) over the life of the loan.
1090 2. The board may set the interest rate based on the pro
1091 rata share of units set aside for homeless residents if the
1092 total of such units is less than 80 percent of the units in the
1093 borrower's project.
1094 3. ~~2.~~ One ~~Three~~ to 9 percent interest for sponsors of
1095 projects targeted at populations other than farmworkers,
1096 commercial fishing workers, and the homeless.

1097 (b) The corporation may make loans exceeding 25% of
1098 project cost where the project serves extremely low income
1099 families.
1100 (c) The corporation may forgive indebtedness for a pro
1101 rata share of the loan based on the number of units in a project
1102 reserved for extremely low income families.
1103 ~~(b)~~ (d) Geographically and demographically target the
1104 utilization of loans.
1105 ~~(c)~~ (e) Underwrite credit, and reject projects which do not
1106 meet the established standards of the corporation.
1107 ~~(d)~~ (f) Negotiate with governing bodies within the state
1108 after a loan has been awarded to obtain local government
1109 contributions.
1110 ~~(e)~~ (g) Inspect any records of a sponsor at any time during
1111 the life of the loan or the agreed period for maintaining the
1112 provisions of s. 420.5087.
1113 ~~(f)~~ (h) Establish, by rule, the procedure for evaluating,
1114 scoring, and competitively ranking all applications based on the
1115 criteria set forth in s. 420.5087(6)(c); determining actual loan
1116 amounts; making and servicing loans; and exercising the powers
1117 authorized in this subsection.
1118 ~~(g)~~ (i) Establish a loan loss insurance reserve to be used
1119 to protect the outstanding program investment in case of a
1120 default, deed in lieu of foreclosure, or foreclosure of a
1121 program loan.
1122 (23) To develop and administer the Florida Homeownership
1123 Assistance Program. In developing and administering the program,
1124 the corporation may:
1125 (a)1. Make subordinated loans to eligible borrowers for
1126 down payments or closing costs related to the purchase of the
1127 borrower's primary residence.

1128 2. Make permanent loans to eligible borrowers related to
1129 the purchase of the borrower's primary residence.
1130 3. Make subordinated loans to nonprofit sponsors or
1131 developers of housing for purchase of property, for
1132 construction, or for financing of housing to be offered for sale
1133 to eligible borrowers as a primary residence at an affordable
1134 price.
1135 (b) Establish a loan loss insurance reserve to supplement
1136 existing sources of mortgage insurance with appropriated funds.
1137 (c) Geographically and demographically target the
1138 utilization of loans.
1139 (d) Defer repayment of loans for the term of the first
1140 mortgage.
1141 (e) Establish flexible terms for loans with an interest
1142 rate not to exceed 3 percent per annum and which are
1143 nonamortizing for the term of the first mortgage.
1144 (f) Require repayment of loans upon sale, transfer,
1145 refinancing, or rental of secured property.
1146 (g) Accelerate a loan for monetary default, for failure to
1147 provide the benefits of the loans to eligible borrowers, or for
1148 violation of any other restriction placed upon the loan.
1149 (h) Adopt rules for the program and exercise the powers
1150 authorized in this subsection.
1151 (40) To establish subsidiary business entities
1152 ~~corporations~~ for the purpose of taking title to and managing and
1153 disposing of property acquired by the corporation. Such
1154 subsidiary business entities ~~corporations~~ shall be public
1155 business entities ~~corporations~~ wholly owned by the corporation;
1156 shall be entitled to own, mortgage, and sell property on the
1157 same basis as the corporation; and shall be deemed business
1158 entities ~~corporations~~ primarily acting as an agent of the state,

1159 within the meaning of s. 768.28, on the same basis as the
1160 corporation. Any subsidiary business entity created by the
1161 corporation shall be subject to chapters 119, 120, and 286 to
1162 the same extent as the corporation. The subsidiary business
1163 entities shall have authority to make rules necessary to conduct
1164 business and to carry out the purposes of this subsection.
1165 (44) To adopt rules whereby the corporation may
1166 intervene, negotiate terms, or undertake other actions which the
1167 corporation deems necessary to further program goals or avoid
1168 default of a program loan. Such rules must consider fiscal
1169 program goals and the preservation or advancement of affordable
1170 housing for the state.
1171 (45) To establish by rule requirements for periodic
1172 reporting of data, including, but not limited to, financial
1173 data, housing market data, detailed economic and physical
74 occupancy on multifamily projects, and demographic data on all
1175 housing financed through corporation programs.
1176 (46) In order to administer funds appropriated for
1177 disaster recovery and reconstruction following a declaration of
1178 emergency pursuant to s. 252.36, the corporation may create
1179 programs to repair, rehabilitate, and construct multifamily and
1180 single family dwellings. To administer this subsection, the
1181 corporation may adopt emergency rules pursuant to s. 120.54. The
1182 Legislature finds that emergency rules adopted pursuant to this
1183 section meet the health, safety, and welfare requirement of s.
1184 120.54(4). The Legislature finds that such emergency rulemaking
1185 power is necessary for the preservation of the rights and
1186 welfare of the people in order to provide additional funds to
1187 assist those areas of the state which sustained housing damage
1188 due to the occurrence of a disaster, as defined in s.

1189 252.34(1). Emergency rules adopted under this section are
1190 exempt from s. 120.54(4)(a) and (c).
1191 Section 20. Subsection (1), subsection (3), subsection (5)
1192 and subsection (6) of section 420.5087, Florida Statutes, are
1193 amended to read:
1194 420.5087 State Apartment Incentive Loan Program.--There is
1195 hereby created the State Apartment Incentive Loan Program for
1196 the purpose of providing first, second, or other subordinated
1197 mortgage loans or loan guarantees to sponsors, including for-
1198 profit, nonprofit, and public entities, to provide housing
1199 affordable to very-low-income persons.
1200 (1) Program funds shall be distributed over successive 3-
1201 year periods in a manner that meets the need and demand for
1202 very-low-income housing throughout the state. That need and
1203 demand must be determined by using the most recent statewide
1204 low-income rental housing market studies available at the
1205 beginning of each 3-year period. However, at least 10 percent of
1206 the program funds distributed during a 3-year period must be
1207 allocated to each of the following categories of counties, as
1208 determined by using the population statistics published in the
1209 most recent edition of the Florida Statistical Abstract:
1210 (a) Counties that have a population of 825,000 or more.
1211 ~~than 500,000 people;~~
1212 (b) Counties that have a population of more than ~~between~~
1213 100,000 but less than, 825,000. ~~and 500,000 people; and~~
1214 (c) Counties that have a population of 100,000 or less.
1215
1216 Any increase in funding required to reach the 10-percent minimum
1217 shall be taken from the county category that has the largest
1218 allocation. The corporation shall adopt rules which establish an
1219 equitable process for distributing any portion of the 10 percent

20 of program funds allocated to the county categories specified in
1221 this subsection which remains unallocated at the end of a 3-year
1222 period. Counties that have a population of 100,000 or less shall
1223 be given preference under these rules.
1224 (3) During the first 6 months of loan or loan guarantee
1225 availability, program funds shall be reserved for use by
1226 sponsors who provide the housing set-aside required in
1227 subsection (2) for the tenant groups designated in this
1228 subsection. The reservation of funds to each of these groups
1229 shall be determined using the most recent statewide very-low-
1230 income rental housing market study available at the time of
1231 publication of each notice of fund availability required by
1232 paragraph (6)(b). The reservation of funds within each notice of
1233 fund availability to the tenant groups in paragraphs (a), (b),
1234 and (d) may not be less than 10 percent of the funds available
35 at that time. Any increase in funding required to reach the 10-
1236 percent minimum shall be taken from the tenant group that has
1237 the largest reservation. The reservation of funds within each
1238 notice of fund availability to the tenant group in paragraph (c)
1239 may not be less than 5 percent of the funds available at that
1240 time. The tenant groups are:
1241 (a) Commercial fishing workers and farmworkers;
1242 (b) Families;
1243 (c) Persons who are homeless; and
1244 (d) Elderly persons. Ten percent of the amount reserved
1245 for the elderly shall be reserved to provide loans to sponsors
1246 of housing for the elderly for the purpose of making building
1247 preservation, health, or sanitation repairs or improvements
1248 which are required by federal, state, or local regulation or
1249 code, or life safety or security-related repairs or improvements
50 to such housing. Such a loan may not exceed $750,000 per housing

1251 community for the elderly. In order to receive the loan, the
1252 sponsor of the housing community must make a commitment to match
1253 at least 5 ~~15~~ percent of the loan amount to pay the cost of such
1254 repair or improvement. The corporation shall establish the rate
1255 of interest on the loan, which may not exceed 3 percent, and the
1256 term of the loan, which may not exceed 15 years, however, if the
1257 lien of the corporation's encumbrance is subordinate to the lien
1258 of another mortgagee, then the term may be made coterminous with
1259 the longest term of the superior lien. The term of the loan
1260 shall be established on the basis of a credit analysis of the
1261 applicant. The corporation shall establish, by rule, the
1262 procedure and criteria for receiving, evaluating, and
1263 competitively ranking all applications for loans under this
1264 paragraph. A loan application must include evidence of the
1265 first mortgagee's having reviewed and approved the sponsor's
1266 intent to apply for a loan. A nonprofit organization or sponsor
1267 may not use the proceeds of the loan to pay for administrative
1268 costs, routine maintenance, or new construction.
1269 (5) The amount of the mortgage provided under this
1270 program combined with any other mortgage in a superior position
1271 shall be less than the value of the project without the housing
1272 set-aside required by subsection (2). However, the corporation
1273 may waive this requirement for projects in rural areas or urban
1274 infill areas which have market rate rents that are less than the
1275 allowable rents pursuant to applicable state and federal
1276 guidelines, and for projects which reserve units for extremely
1277 low income families. In no event shall the mortgage provided
1278 under this program combined with any other mortgage in a
1279 superior position exceed total project cost.
1280 (6) On all state apartment incentive loans, except loans
1281 made to housing communities for the elderly to provide for

1282 lifesafety, building preservation, health, sanitation, or
1283 security-related repairs or improvements, the following
1284 provisions shall apply:
1285 (a) The corporation shall establish two interest rates in
1286 accordance with s. 420.507(22)(a)1. and 2.
1287 (b) The corporation shall publish a notice of fund
1288 availability in a publication of general circulation throughout
1289 the state. Such notice shall be published at least 60 days prior
1290 to the application deadline and shall provide notice of the
1291 temporary reservations of funds established in subsection (3).
1292 (c) The corporation shall provide by rule for the
1293 establishment of a review committee composed of the department
1294 and corporation staff and shall establish by rule a scoring
1295 system for evaluation and competitive ranking of applications
1296 submitted in this program, including, but not limited to, the
1297 following criteria:
1298 1. Tenant income and demographic targeting objectives of
1299 the corporation.
1300 2. Targeting objectives of the corporation which will
1301 ensure an equitable distribution of loans between rural and
1302 urban areas.
1303 3. Sponsor's agreement to reserve the units for persons or
1304 families who have incomes below 50 percent of the state or local
1305 median income, whichever is higher, for a time period to exceed
1306 the minimum required by federal law or the provisions of this
1307 part.
1308 4. Sponsor's agreement to reserve more than:
1309 a. Twenty percent of the units in the project for persons
1310 or families who have incomes that do not exceed 50 percent of
1311 the state or local median income, whichever is higher; or

1312 b. Forty percent of the units in the project for persons
1313 or families who have incomes that do not exceed 60 percent of
1314 the state or local median income, whichever is higher, without
1315 requiring a greater amount of the loans as provided in this
1316 section.
1317 5. Provision for tenant counseling.
1318 ~~6. Sponsor's agreement to accept rental assistance~~
1319 ~~certificates or vouchers as payment for rent; however, when~~
1320 ~~certificates or vouchers are accepted as payment for rent on~~
1321 ~~units set aside pursuant to subsection (2), the benefit must be~~
1322 ~~divided between the corporation and the sponsor, as provided by~~
1323 ~~corporation rule.~~
1324 6 ~~7~~. Projects requiring the least amount of a state
1325 apartment incentive loan compared to overall project cost except
1326 that the share of the loan attributable to the extremely low
1327 income units shall be excluded from this requirement.
1328 7 ~~8~~. Local government contributions and local government
1329 comprehensive planning and activities that promote affordable
1330 housing.
1331 8 ~~9~~. Project feasibility.
1332 9 ~~10~~. Economic viability of the project.
1333 10 ~~11~~. Commitment of first mortgage financing.
1334 11 ~~12~~. Sponsor's prior experience.
1335 12 ~~13~~. Sponsor's ability to proceed with construction.
1336 13 ~~14~~. Projects that directly implement or assist welfare-
1337 to-work transitioning.
1338 14. Projects which reserve units for extremely low income
1339 families.
1340 (d) The corporation may reject any and all applications.
1341 (e) The corporation may approve and reject applications
1342 for the purpose of achieving geographic targeting.

1343 (f) The review committee established by corporation rule
1344 pursuant to this subsection shall make recommendations to the
1345 board of directors of the corporation regarding program
1346 participation under the State Apartment Incentive Loan Program.
1347 The corporation board shall make the final ranking and the
1348 decisions regarding which applicants shall become program
1349 participants based on the scores received in the competitive
1350 ranking, further review of applications, and the recommendations
1351 of the review committee. The corporation board shall approve or
1352 reject applications for loans and shall determine the tentative
1353 loan amount available to each applicant selected for
1354 participation in the program. The actual loan amount shall be
1355 determined pursuant to rule adopted pursuant to s.
1356 420.507(22)(f).
1357 (g) The loan term shall be for a period of not more than
1358 15 years; however, if both a program loan and federal low-income
1359 housing tax credits are to be used to assist a project, the
1360 corporation may set the loan term for a period commensurate with
1361 the investment requirements associated with the tax credit
1362 syndication. The term of the loan may also exceed 15 years if
1363 necessary to conform to requirements of the Federal National
1364 Mortgage Association. The corporation may renegotiate and extend
1365 the loan in order to extend the availability of housing for the
1366 targeted population. The term of a loan may not extend beyond
1367 the period for which the sponsor agrees to provide the housing
1368 set-aside required by subsection (2).
1369 (h) The loan shall be subject to sale, transfer, or
1370 refinancing. ~~However, all requirements and conditions of the~~
1371 ~~loan shall remain following sale, transfer, or refinancing.~~ The
1372 sale, transfer, or refinancing of the loan shall be consistent

1373 with fiscal program goals and the preservation or advancement of
1374 affordable housing for the state.
1375 (i) The discrimination provisions of s. 420.516 shall
1376 apply to all loans.
1377 (j) The corporation may require units dedicated for the
1378 elderly.
1379 (k) Rent controls shall not be allowed on any project
1380 except as required in conjunction with the issuance of tax-
1381 exempt bonds or federal low-income housing tax credits.
1382 (l) The proceeds of all loans shall be used for new
1383 construction or substantial rehabilitation which creates
1384 affordable, safe, and sanitary housing units.
1385 (m) Sponsors shall annually certify the adjusted gross
1386 income of all persons or families qualified under subsection (2)
1387 at the time of initial occupancy, who are residing in a project
1388 funded by this program. All persons or families qualified under
1389 subsection (2) may continue to qualify under subsection (2) in a
1390 project funded by this program if the adjusted gross income of
1391 those persons or families at the time of annual recertification
1392 meets the requirements established in s. 142(d)(3)(B) of the
1393 Internal Revenue Code of 1986, as amended. If the annual
1394 recertification of persons or families qualifying under
1395 subsection (2) results in noncompliance with income occupancy
1396 requirements, the next available unit must be rented to a person
1397 or family qualifying under subsection (2) in order to ensure
1398 continuing compliance of the project. The corporation may waive
1399 the annual recertification if 100 percent of the units are set
1400 aside as affordable.
1401 (n) Upon submission and approval of a marketing plan which
1402 demonstrates a good faith effort of a sponsor to rent a unit or
1403 units to persons or families reserved under subsection (3) and

1404 qualified under subsection (2), the sponsor may rent such unit
1405 or units to any person or family qualified under subsection (2)
1406 notwithstanding the reservation.
1407 (o) Sponsors may participate in federal mortgage insurance
1408 programs and must abide by the requirements of those programs.
1409 If a conflict occurs between the requirements of federal
1410 mortgage insurance programs and the requirements of this
1411 section, the requirements of federal mortgage insurance programs
1412 shall take precedence.
1413 Section 21. Subsection (1), subsection (2), subsection
1414 (3), and subsection (4) of section 420.5088, Florida Statutes,
1415 are amended to read:
1416 420.5088 Florida Homeownership Assistance Program.--There
1417 is created the Florida Homeownership Assistance Program for the
1418 purpose of assisting low and moderate-income persons in
1419 purchasing a home as their primary residence by reducing the
1420 cost of the home with below-market construction financing, by
1421 reducing the amount of down payment and closing costs paid by
1422 the borrower to a maximum of 5 percent of the purchase price, or
1423 by reducing the monthly payment to an affordable amount for the
1424 purchaser. Loans shall be made available at an interest rate
1425 that does not exceed 3 percent. The balance of any loan is due
1426 at closing if the property is sold, refinanced or transferred,
1427 unless otherwise approved by the corporation.
1428 (1) For loans made available pursuant to s.
1429 420.507(23)(a)1. or 2.:
1430 (a) The corporation may underwrite and make those mortgage
1431 loans through the program to persons or families who have
1432 incomes that do not exceed 120 ~~80~~ percent of the state or local
1433 median income, whichever is greater, adjusted for family size.

1434 (b) Loans shall be made available for the term of the
1435 first mortgage.
1436 (c) Loans may not exceed ~~are limited to~~ the lesser of 35
1437 ~~25~~ percent of the purchase price of the home or the amount
1438 necessary to enable the purchaser to meet credit underwriting
1439 criteria.
1440 (2) For loans made pursuant to s. 420.507(23)(a)3.:
1441 (a) Availability is limited to nonprofit sponsors or
1442 developers who are selected for program participation pursuant
1443 to this subsection.
1444 (b) Preference must be given ~~to community development~~
1445 ~~corporations as defined in s. 290.033 and~~ to community-based
1446 organizations as defined in s. 420.503.
1447 (c) Priority must be given to projects that have received
1448 state assistance in funding project predevelopment costs.
1449 (d) The benefits of making such loans shall be
1450 contractually provided to the persons or families purchasing
1451 homes financed under this subsection.
1452 (e) At least 30 percent of the units in a project financed
1453 pursuant to this subsection must be sold to persons or families
1454 who have incomes that do not exceed 80 percent of the state or
1455 local median income, whichever amount is greater, adjusted for
1456 family size; and at least another 30 percent of the units in a
1457 project financed pursuant to this subsection must be sold to
1458 persons or families who have incomes that do not exceed 65 ~~50~~
1459 percent of the state or local median income, whichever amount is
1460 greater, adjusted for family size.
1461 (f) The maximum loan amount may not exceed 33 percent of
1462 the total project cost.
1463 (g) A person who purchases a home in a project financed
1464 under this subsection is eligible for a loan authorized by s.

1465 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the
1466 construction loan made pursuant to this subsection. The home
1467 purchaser must meet all the requirements for loan recipients
1468 established pursuant to the applicable loan program.
1469 (h) The corporation shall provide, by rule, for the
1470 establishment of a review committee composed of corporation
1471 staff and shall establish, by rule, a scoring system for
1472 evaluating and ranking applications submitted for construction
1473 loans under this subsection, including, but not limited to, the
1474 following criteria:
1475 1. The affordability of the housing proposed to be built.
1476 2. The direct benefits of the assistance to the persons
1477 who will reside in the proposed housing.
1478 3. The demonstrated capacity of the applicant to carry out
1479 the proposal, including the experience of the development team.
1480 4. The economic feasibility of the proposal.
1481 5. The extent to which the applicant demonstrates
1482 potential cost savings by combining the benefits of different
1483 governmental programs and private initiatives, including the
1484 local government contributions and local government
1485 comprehensive planning and activities that promote affordable
1486 housing.
1487 6. The use of the least amount of program loan funds
1488 compared to overall project cost.
1489 7. The provision of homeownership counseling.
1490 8. The applicant's agreement to exceed the requirements of
1491 paragraph (e).
1492 9. The commitment of first mortgage financing for the
1493 balance of the construction loan and for the permanent loans to
1494 the purchasers of the housing.
1495 10. The applicant's ability to proceed with construction.

1496 11. The targeting objectives of the corporation which will
1497 ensure an equitable distribution of loans between rural and
1498 urban areas.
1499 12. The extent to which the proposal will further the
1500 purposes of this program.
1501 (i) The corporation may reject any and all applications.
1502 (j) The review committee established by corporation rule
1503 pursuant to this subsection shall make recommendations to the
1504 corporation board regarding program participation under this
1505 subsection. The corporation board shall make the final ranking
1506 for participation based on the scores received in the ranking,
1507 further review of the applications, and the recommendations of
1508 the review committee. The corporation board shall approve or
1509 reject applicants for loans and shall determine the tentative
1510 loan amount available to each program participant. The final
1511 loan amount shall be determined pursuant to rule adopted under
1512 s. 420.507(23)(h).
1513 (3) The corporation shall publish a notice of fund
1514 availability in a publication of general circulation throughout
1515 the state at least 60 days prior to the anticipated availability
1516 of funds.
1517 ~~(4) During the first 9 months of fund availability:~~
1518 ~~(a) Sixty percent of the program funds shall be reserved~~
1519 ~~for use by borrowers pursuant to s. 420.507(23)(a)1.;~~
1520 ~~(b) Twenty percent of the program funds shall be reserved~~
1521 ~~for use by borrowers pursuant to s. 420.507(23)(a)2.; and~~
1522 ~~(c) Twenty percent of the program funds shall be reserved~~
1523 ~~for use by borrowers pursuant to s. 420.507(23)(a)3.~~
1524 ~~If the application of these percentages would cause the~~
1525 ~~reservation of program funds under paragraph (a) to be less than~~
1526 ~~$1 million, the reservation for paragraph (a) shall be increased~~

1527 ~~to $1 million or all available funds, whichever amount is less,~~
1528 ~~with the increase to be accomplished by reducing the reservation~~
1529 ~~for paragraph (b) and, if necessary, paragraph (c).~~
1530 Section 22. Florida Statutes s. 420.5095, Florida
1531 Statutes, is created to read:
1532 420.5095 Community Workforce Housing Innovation Program.--
1533 (1) The Community Workforce Housing Innovation Program is
1534 created for the purpose of providing regulatory incentives and
1535 state and local funds to promote local public-private
1536 partnerships and leverage government and private resources to
1537 provide affordable rental and single-family community workforce
1538 housing for essential services personnel with medium incomes in
1539 high-cost and high-growth counties in this state.
1540 (2) The Florida Housing Finance Corporation shall be
1541 responsible for implementing and creating an incentive program
1542 for the Community Workforce Housing Innovation Program by
1543 providing financial and regulatory incentives to the public and
1544 private sectors to develop and finance innovative rental and
1545 home-ownership housing solutions to meet the needs of eligible
1546 Floridians. The corporation shall utilize the State Housing
1547 Initiatives Partnership, governed by ss. 420.907-420.9079 for
1548 assistance with administration of this program.
1549 (3) The corporation shall develop selection criteria by
1550 rule for requests for proposal to provide funding for
1551 multifamily rental or single-family community workforce housing
1552 innovation projects in targeted high-cost and high-growth
1553 counties or areas of critical state concern. The corporation
1554 shall provide incentives for local governments in these counties
1555 to use local affordable housing State Housing Initiatives
1556 Partnership Program funds under s. 420.9072, Florida Statutes,

1557 for meeting the affordable housing needs of persons eligible
1558 under this program.
1559 (4) The Community Workforce Housing Innovation Program
1560 projects shall target:
1561 (a) "High-cost counties" are defined as those counties in
1562 which the median purchase price of a single-family home is above
1563 the state median purchase price of a single-family home, and
1564 areas of critical state concern designated under s. 380.05,
1565 Florida Statutes, for which the Legislature has declared its
1566 intent to provide affordable housing. The Florida Housing
1567 Finance Corporation shall develop the list of high-cost counties
1568 on an annual basis.
1569 (b) "High-growth counties" are those that demonstrate
1570 significantly high rates of growth in K - 12 public school
1571 students and a substantial number of open teaching positions
1572 currently and projected for the next school year. To qualify
1573 under these criteria of high-growth and need to fill public
1574 school teaching positions, a county's school district must have
1575 been in the top 10 school districts in the state for the
1576 fastest student population growth as a percentage rate of
1577 increase for the previous five years, as defined by the
1578 Department of Education. Counties whose school district have the
1579 greatest number of teaching position vacancies shall be
1580 prioritized.
1581 (b) Project partnerships that include substantial
1582 involvement of public sector entities, such as local
1583 municipalities, counties, school districts, special districts,
1584 and other units of local government, and private sector entities
1585 that donate land or other tangible value worth at least 15
1586 percent of the project value.

1587 (c) Persons in households with income levels of up to 150
1588 percent of the area median income, adjusted for household size
1589 in prioritized areas included in this subsection or a higher
1590 adjusted median income percentage in areas of critical state
1591 concern.
1592 (d) Persons in need of affordable housing who are employed
1593 in areas in which they are considered essential services
1594 personnel, such as teachers and educators, police and fire
1595 personnel, and health care personnel, and in other job
1596 categories in which the personnel are defined as essential
1597 services personnel within the annual local State Housing
1598 Initiatives Partnership Program under s. 420.9072, Florida
1599 Statutes.
1600 (e) Innovative projects that include new construction or
1601 rehabilitation of existing housing, mixed-income housing, or
1602 commercial and housing mixed-use elements.
1603 (5) The Community Workforce Housing Innovation Program
1604 shall supplement and not supplant the existing affordable
1605 housing programs funded under chapter 420, Florida Statutes.
1606 (6) On an annual basis, the corporation shall review the
1607 success of the Community Workforce Housing Innovation Program to
1608 determine how the program supports traditional affordable
1609 housing programs as defined in chapter 420, Florida Statutes,
1610 and to ascertain whether the program is meeting the housing
1611 needs of high-cost and high-growth counties. The corporation
1612 shall submit any recommendations for strengthening the program
1613 to the Governor, the Speaker of the House of Representatives,
1614 and the President of the Senate by January 1 of each year.
1615 (7) On an annual basis, the corporation shall review ways
1616 to improve public and private sector incentives and barriers to
1617 affordable and community workforce housing and make any

1618 recommendations necessary to improve these incentives in a
1619 report to the Governor, the Speaker of the House of
1620 Representatives, and the President of the Senate by January 1 of
1621 each year. The corporation may request the assistance of the
1622 Department of Community Affairs or the Affordable Housing Study
1623 Commission in these efforts.
1624 (8)(a) Applicants whose projects are approved or funded by
1625 the Community Workforce Housing Innovation Program as Community
1626 Workforce Housing Innovation Program projects shall be eligible
1627 for the following workforce housing incentives to ensure the
1628 financial viability, successful development, and ongoing
1629 maintenance of these housing developments:
1630 1. The processing of approvals of development orders or
1631 development permits, as defined in s. 163.3164(7) and (8),
1632 Florida Statutes, for affordable housing projects shall be
1633 expedited to a greater degree than other projects.
1634 2. Impact fees shall be reduced by 50 percent or may be
1635 waived entirely by the local governments, or applicants shall be
1636 provided with an alternative method of fee payment.
1637 3. Increased density levels of up to 16 units or higher
1638 density per acre shall be allowed, except in coastal high-hazard
1639 areas, if approved by the local government, for community
1640 workforce housing.
1641 4. The infrastructure capacity in the local comprehensive
1642 plan for affordable housing shall be reserved for these
1643 communities.
1644 5. Additional affordable residential units in residential
1645 zoning districts shall be allowed.
1646 6. Open space and setback requirements for affordable
1647 housing shall be reduced by 50 percent.
1648 7. Zero-lot-line configurations shall be allowed.

1649 8. Traffic concurrency requirements shall be modified or
1650 reduced by up to 25 percent.
1651 9. Local transportation infrastructure funding shall have
1652 priority eligibility from metropolitan planning organizations.
1653 (b) The regulatory incentives for approved Community
1654 Workforce Housing Innovation Program projects shall be
1655 considered acceptable by the respective local government
1656 maintaining jurisdiction over the site of the project, if:
1657 1. The applicant receives a letter of support from the
1658 local government for the project application submitted to the
1659 corporation; or
1660 2. Within 60 days after receipt of the applicant's plan by
1661 the local government, no formal vote is taken by that body to
1662 object to the project.
1663
1664 However, if that local government entity votes not to accept the
1665 Community Workforce Housing Innovation Program project in its
1666 county, the corporation shall remove the application from the
1667 project approval list.
1668 (9) Subject to the availability of funds appropriated by
1669 the Legislature to fund the Community Workforce Housing
1670 Innovation Program, the Florida Housing Finance Corporation
1671 shall have the authority to provide Community Workforce Housing
1672 Innovation Program grants to an applicant for construction or
1673 rehabilitation of rental or single-family community workforce
1674 housing, provided the sponsor of such appropriation:
1675 (a) Sets aside at least 80 percent of the units for
1676 eligible persons whose household income does not exceed 150
1677 percent of the adjusted local median income;
1678 (b) Sets aside at least 50 percent of the units as
1679 prioritized for households whose family members are employed in

1680 areas deemed essential public service, such as education, health
1681 care, and other areas defined by the local community in its
1682 State Housing Initiatives Partnership Program plan. Such
1683 projects shall identify sales and leasing strategies to
1684 accomplish this set-aside priority for essential services
1685 personnel as well as alternative strategies to sell or lease
1686 units to other qualified individuals if essential services
1687 personnel are not immediately available or qualified for the
1688 units;
1689 (c) For rental projects, limits rents to no more than 40
1690 percent of the maximum household income adjusted to unit size;
1691 or
1692 (d) For home ownership, limits the sales price to the
1693 price for which an eligible applicant at 150 percent of the
1694 median income may qualify.
1695 (10) The corporation shall issue a request for proposals
1696 to solicit applications for program approval and grants offered
1697 under this section and shall establish a funding process to
1698 distribute annually appropriated funds under this section. The
1699 corporation may approve a project under this program that does
1700 not require grant funding as long as the project proves it
1701 financial viability. Grant funding shall be based on
1702 demonstrated financial need of the project. The corporation
1703 shall prioritize projects in those high-cost counties with the
1704 highest real estate cost burdens for housing, including those
1705 counties with designated areas of critical state concern and
1706 those counties with the highest median price of single-family
1707 homes. The Corporation shall also approve and fund projects in
1708 one high-growth county. As an annual goal, the Corporation shall
1709 seek to achieve a 70 percent high-cost, 30 percent high-growth
1710 ratio in its approval and funding of projects.

11 (11) All eligible applications shall:

1712 (a) Demonstrate that the program applicant consists of a
1713 public-private partnership of at least one local government or
1714 special district public entity and one private not-for-profit or
1715 for-profit development partner.

1716 (b) Demonstrate how the applicant will use the regulatory
1717 incentives outlined in subsection (8) of section 1 and include,
1718 if available, any letters of support from the local government
1719 partner for the incentives.

1720 (c) Demonstrate that the applicant possesses title to or
1721 firm site control of land and evidences availability of required
1722 infrastructure.

1723 (d) Provide any research or facts available supporting the
1724 demand and need for rental or home ownership workforce housing
1725 for qualified workforce residents in the county in which the
26 project is proposed.

1727 (e) Have grants, donations of land, or contributions from
1728 other sources collectively totaling at least 15 percent of the
1729 total development cost. Such grants, donations of land, or
1730 contributions must only be evidenced by a letter of commitment
1731 at the time of application.

1732 (f) Demonstrate accessibility to commercial businesses,
1733 services, and employment opportunities needed to serve the needs
1734 of the residents or include a viable plan to provide
1735 transportation access to those commercial businesses, services,
1736 and jobs.

1737 (g) Demonstrate a marketing and sales plan to ensure that
1738 residents fit the income requirements and workforce employment
1739 demand for essential services.

1740 (h) Provide a viable pro forma financial statement for the
41 development costs and revenues for the project.

1742 (12) The corporation shall establish a review committee
1743 composed of staff of the corporation and shall establish a
1744 scoring system for evaluation and competitive ranking of
1745 applications submitted to the program.
1746 (13) The corporation shall develop evaluation and ranking
1747 criteria that use the eligibility criteria of subsection (3) and
1748 emphasize the following: innovative planning concepts,
1749 innovative building design, local government participation,
1750 public-private partnerships, the ability to proceed with
1751 construction, the feasibility and economic viability of the
1752 project, the applicant's affordable housing development and
1753 management experience, the ability to meet essential service
1754 personnel needs, a management plan to attract, serve, and keep
1755 eligible workforce tenants and ensure the long-term
1756 affordability of the rental or ownership units, and the quality
1757 of project design.
1758 (14) The corporation shall develop rules and procedures
1759 for the awarding and accountability of Community Workforce
1760 Housing Innovation Program grants and approvals to selected
1761 applicants. Grants may be used with other corporation and
1762 private-sector resources. The proceeds of all grants shall be
1763 used for new construction or substantial rehabilitation that
1764 creates affordable, safe, and sanitary rental or ownership
1765 workforce housing units. The corporation shall expedite the
1766 review, evaluation, and awarding of program grants.
1767 (15) If a default on a grant occurs, the corporation may
1768 foreclose on any mortgage or security interest or commence any
1769 legal action to protect the interest of the corporation and
1770 recover the amount of the grant principal, accrued interest, and
1771 fees. The corporation may acquire real or personal property or
1772 any interest in such property when that acquisition is necessary

73 or appropriate to protect any grant or sell, transfer, and
1774 convey any such property to a buyer without regard to the
1775 provisions of chapters 253 and 270, Florida Statutes.
1776 (16) The corporation shall develop and implement a
1777 Community Workforce Housing Innovation Program down payment
1778 assistance program with available funds consistent with all the
1779 requisite financial guidelines to meet the needs of eligible
1780 individuals to purchase workforce housing. The corporation shall
1781 encourage local governments to accomplish the same goals through
1782 their housing assistance plans provided in s. 420.9075, Florida
1783 Statutes.
1784 (17)(a) The corporation shall develop recommendations for
1785 increasing the development of innovative affordable home
1786 ownership projects serving very low, low, and moderate income
1787 residents in Florida, which may including expansion of support
88 for non-profit home builders, such as Habitat for Humanity and
1789 other charitable housing organizations, Public Housing
1790 Authorities, and for profit housing developers. Recommendations
1791 shall assess the value of public-private partnerships, increased
1792 local and state funding for non-profit housing organizations,
1793 and the possible conversion of existing affordable multifamily
1794 rental apartments to affordable home ownership units for
1795 projects in high-cost counties and counties with areas
1796 designated as areas of critical state concern. Recommendations
1797 shall examine how to guarantee long term affordability for home
1798 ownership and an affordable home ownership purchase price
1799 (18) The corporation shall require all program applicants
1800 to obtain and document local public input on the proposed
1801 project. The corporation shall establish criteria for what local
1802 public input the applicants shall be required to obtain.

1803 Section 23. Paragraph (a) of subsection (4) of section
1804 420.9075, Florida Statutes, is amended to read:
1805 420.9075 Local housing assistance plans; partnerships.--
1806 (4) The following criteria apply to awards made to
1807 eligible sponsors or eligible persons for the purpose of
1808 providing eligible housing:
1809 (a) At least 65 percent of the funds made available in
1810 each county and eligible municipality from the local housing
1811 distribution must be reserved for home ownership for eligible
1812 persons <u>with at least one third of those funds going to home</u>
1813 <u>ownership for very low income persons</u>.
1814
1815 If both an award under the local housing assistance plan and
1816 federal low-income housing tax credits are used to assist a
1817 project and there is a conflict between the criteria prescribed
1818 in this subsection and the requirements of s. 42 of the Internal
1819 Revenue Code of 1986, as amended, the county or eligible
1820 municipality may resolve the conflict by giving precedence to
1821 the requirements of s. 42 of the Internal Revenue Code of 1986,
1822 as amended, in lieu of following the criteria prescribed in this
1823 subsection with the exception of paragraphs (a) and (d) of this
1824 subsection.
1825 Section 24. Subsection (4), subsection (5), subsection
1826 (6), subsection (7), subsection (8), subsection (9), subsection
1827 (10), subsection (11), and subsection (12) of section 420.9075,
1828 Florida Statutes, are amended to read:
1829 420.9075 Local housing assistance plans; partnerships.--
1830 (4) The following criteria apply to awards made to eligible
1831 sponsors or eligible persons for the purpose of providing
1832 eligible housing:

1833 (a) At least 65 percent of the funds made available in
1834 each county and eligible municipality from the local housing
1835 distribution must be reserved for home ownership for eligible
1836 persons with at least one third of those funds going to home
1837 ownership for very low income persons.
1838
1839 If both an award under the local housing assistance plan and
1840 federal low-income housing tax credits are used to assist a
1841 project and there is a conflict between the criteria prescribed
1842 in this subsection and the requirements of s. 42 of the Internal
1843 Revenue Code of 1986, as amended, the county or eligible
1844 municipality may resolve the conflict by giving precedence to
1845 the requirements of s. 42 of the Internal Revenue Code of 1986,
1846 as amended, in lieu of following the criteria prescribed in this
1847 subsection with the exception of paragraphs (a) and (d) of this
48 subsection.
1849 (5) In order to assist in the recruitment and retention of
1850 essential service personnel such as teachers and educators,
1851 police and fire personnel, health care personnel, skilled
1852 building trades personnel and other job categories in which the
1853 personnel are defined as essential services personnel within the
1854 annual local State Housing Initiatives Partnership Program under
1855 s. 420.9072, Florida Statutes as defined in s. 420.5059(4)(d),
1856 the following shall be included in the local housing assistance
1857 plan:
1858 (a) Down payment assistance shall be provided to an
1859 eligible person who meets the following criteria, in addition to
1860 other requirements of the plan. The person:
1861 1. Shall be employed full time in an essential service
1862 occupation or skilled building trade.

1863 2. Shall declare his or her homestead and maintain
1864 residency at his or her homestead.
1865 3. Shall demonstrate a 5-year minimum commitment to
1866 continued employment in an essential service occupation or
1867 skilled building trade within the county of current employment.
1868 (b) Compliance with the eligibility criteria established
1869 under this subsection shall be verified during the life of the
1870 loan by the county or eligible municipality.
1871 (c) The program shall provide down payment assistance in
1872 an amount to be determined by rule, not to exceed 25 percent of
1873 purchase price, if the county or eligible municipality within
1874 which an eligible recipient is employed provides funding through
1875 the State Housing Initiatives Partnership Program to the
1876 eligible recipient under ss. 420.907-420.9079, whether solely or
1877 in conjunction with a local housing finance agency or a private
1878 sector partner.
1879 (d) Any lien on the recipient's property securing the
1880 assistance provided under this subsection shall be released if
1881 the recipient fulfills the 5-year commitment specified in
1882 subparagraph (a)3.
1883 (e) Each county and each eligible municipality is
1884 encouraged to develop an element within its local housing
1885 assistance plan that emphasizes the recruitment and retention of
1886 essential service personnel and persons skilled in the building
1887 trades.
1888 (f) Notwithstanding the distribution formula in s.
1889 420.9073, the corporation is authorized to allocate funds to
1890 implement this subsection and may allocate funds to projects
1891 that are regional or statewide in scope.
1892 (g) The corporation is authorized to make rules to
1893 implement this subsection, including, but not limited to, the

1894 allocation of funds and selection of projects for funding under
1895 this subsection.
1896 (6) ~~(5)~~ Each county or eligible municipality receiving
1897 local housing distribution moneys shall establish and maintain a
1898 local housing assistance trust fund. All moneys of a county or
1899 an eligible municipality received from its share of the local
1900 housing distribution, program income, recaptured funds, and
1901 other funds received or budgeted to implement the local housing
1902 assistance plan shall be deposited into the trust fund; however,
1903 local housing distribution moneys used to match federal HOME
1904 program moneys may be repaid to the HOME program fund if
1905 required by federal law or regulations. Expenditures other than
1906 for the administration and implementation of the local housing
1907 assistance plan may not be made from the fund.
1908 (7) ~~(6)~~ The moneys deposited in the local housing
1909 assistance trust fund shall be used to administer and implement
1910 the local housing assistance plan. The cost of administering the
1911 plan may not exceed 5 percent of the local housing distribution
1912 moneys and program income deposited into the trust fund. A
1913 county or an eligible municipality may not exceed the 5-percent
1914 limitation on administrative costs, unless its governing body
1915 finds, by resolution, that 5 percent of the local housing
1916 distribution plus 5 percent of program income is insufficient to
1917 adequately pay the necessary costs of administering the local
1918 housing assistance plan. The cost of administering the program
1919 may not exceed 10 percent of the local housing distribution plus
1920 5 percent of program income deposited into the trust fund,
1921 except that small counties, as defined in s. 120.52(17), and
1922 eligible municipalities receiving a local housing distribution
1923 of up to $350,000 may use up to 10 percent of program income for
1924 administrative costs.

1925 (8) ~~(7)~~ Pursuant to s. 420.531, the corporation shall
1926 provide technical assistance to local governments regarding the
1927 creation of partnerships, the design of local housing assistance
1928 strategies, the implementation of local housing incentive
1929 strategies, and the provision of support services.
1930 (9) ~~(8)~~ The corporation shall monitor the activities of
1931 local governments to determine compliance with program
1932 requirements and shall collect data on the operation and
1933 achievements of housing partnerships.
1934 (10) ~~(9)~~ Each county or eligible municipality shall submit
1935 to the corporation by September 15 of each year a report of its
1936 affordable housing programs and accomplishments through June 30
1937 immediately preceding submittal of the report. The report shall
1938 be certified as accurate and complete by the local government's
1939 chief elected official or his or her designee. Transmittal of
1940 the annual report by a county's or eligible municipality's chief
1941 elected official, or his or her designee, certifies that the
1942 local housing incentive strategies, or, if applicable, the local
1943 housing incentive plan, have been implemented or are in the
1944 process of being implemented pursuant to the adopted schedule
1945 for implementation. The report must include, but is not limited
1946 to:
1947 (a) The number of households served by income category,
1948 age, family size, and race, and data regarding any special needs
1949 populations such as farmworkers, homeless persons, and the
1950 elderly. Counties shall report this information separately for
1951 households served in the unincorporated area and each
1952 municipality within the county.
1953 (b) The number of units and the average cost of producing
1954 units under each local housing assistance strategy.

1955 (c) The average area purchase price of single-family units
1956 and the amount of rent charged for a rental unit based on unit
1957 size.
1958 (d) By income category, the number of mortgages made, the
1959 average mortgage amount, and the rate of default.
1960 (e) A description of the status of implementation of each
1961 local housing incentive strategy, or if applicable, the local
1962 housing incentive plan as set forth in the local government's
1963 adopted schedule for implementation.
1964 (f) A concise description of the support services that are
1965 available to the residents of affordable housing provided by
1966 local programs.
1967 (g) The sales price or value of housing produced and an
1968 accounting of what percentage was financed by the local housing
1969 distribution, other public moneys, and private resources.
1970 (h) Such other data or affordable housing accomplishments
1971 considered significant by the reporting county or eligible
1972 municipality.
1973 (11) ~~(10)~~ The report shall be made available by the county
1974 or eligible municipality for public inspection and comment prior
1975 to certifying the report and transmitting it to the corporation.
1976 The county or eligible municipality shall provide notice of the
1977 availability of the proposed report and solicit public comment.
1978 The notice must state the public place where a copy of the
1979 proposed report can be obtained by interested persons. Members
1980 of the public may submit written comments on the report to the
1981 county or eligible municipality and the corporation. Written
1982 public comments shall identify the author by name, address, and
1983 interest affected. The county or eligible municipality shall
1984 attach a copy of all such written comments and its responses to
1985 the annual report submitted to the corporation.

1986 (12) ~~(11)~~ The corporation shall review the report of each
1987 county or eligible municipality and any written comments from
1988 the public and include any comments concerning the effectiveness
1989 of local programs in the report required by s. 420.511.
1990 (13) ~~(12)~~(a) If, as a result of the review of the annual
1991 report or public comment and written response from the county or
1992 eligible municipality, or at any other time, the corporation
1993 determines that a county or eligible municipality may have
1994 established a pattern of violation of the criteria for a local
1995 housing assistance plan established under ss. 420.907-420.9079
1996 or that an eligible sponsor or eligible person has violated the
1997 applicable award conditions, the corporation shall report such
1998 pattern of violation of criteria or violation of award
1999 conditions to its compliance monitoring agent and the Executive
2000 Office of the Governor. The corporation's compliance monitoring
2001 agent must determine within 60 days whether the county or
2002 eligible municipality has violated program criteria and shall
2003 issue a written report thereon. If a violation has occurred, the
2004 distribution of program funds to the county or eligible
2005 municipality must be suspended until the violation is corrected.
2006 (b) If, as a result of its review of the annual report,
2007 the corporation determines that a county or eligible
2008 municipality has failed to implement a local housing incentive
2009 strategy, or, if applicable, a local housing incentive plan, it
2010 shall send a notice of termination of the local government's
2011 share of the local housing distribution by certified mail to the
2012 affected county or eligible municipality.
2013 1. The notice must specify a date of termination of the
2014 funding if the affected county or eligible municipality does not
2015 implement the plan or strategy and provide for a local response.
2016 A county or eligible municipality shall respond to the

2017 corporation within 30 days after receipt of the notice of
2018 termination.
2019 2. The corporation shall consider the local response that
2020 extenuating circumstances precluded implementation and grant an
2021 extension to the timeframe for implementation. Such an extension
2022 shall be made in the form of an extension agreement that
2023 provides a timeframe for implementation. The chief elected
2024 official of a county or eligible municipality or his or her
2025 designee shall have the authority to enter into the agreement on
2026 behalf of the local government.
2027 3. If the county or the eligible municipality has not
2028 implemented the incentive strategy or entered into an extension
2029 agreement by the termination date specified in the notice, the
2030 local housing distribution share terminates, and any uncommitted
2031 local housing distribution funds held by the affected county or
2032 eligible municipality in its local housing assistance trust fund
2033 shall be transferred to the Local Government Housing Trust Fund
2034 to the credit of the corporation to administer pursuant to s.
2035 420.9078.
2036 4.a. If the affected local government fails to meet the
2037 timeframes specified in the agreement, the corporation shall
2038 terminate funds. The corporation shall send a notice of
2039 termination of the local government's share of the local housing
2040 distribution by certified mail to the affected local government.
2041 The notice shall specify the termination date, and any
2042 uncommitted funds held by the affected local government shall be
2043 transferred to the Local Government Housing Trust Fund to the
2044 credit of the corporation to administer pursuant to s. 420.9078.
2045 b. If the corporation terminates funds to a county, but an
2046 eligible municipality receiving a local housing distribution
2047 pursuant to an interlocal agreement maintains compliance with

2048 program requirements, the corporation shall thereafter
2049 distribute directly to the participating eligible municipality
2050 its share calculated in the manner provided in s. 420.9072.
2051 c. Any county or eligible municipality whose local
2052 distribution share has been terminated may subsequently elect to
2053 receive directly its local distribution share by adopting the
2054 ordinance, resolution, and local housing assistance plan in the
2055 manner and according to the procedures provided in ss. 420.907-
2056 420.9079.
2057 Section 25. Subsection (6) of section 420.9076, Florida
2058 Statutes, is amended to read:
2059 420.9076 Adoption of affordable housing incentive
2060 strategies; committees.--
2061 (6) Within 90 days after the date of receipt of the local
2062 housing incentive strategies recommendations from the advisory
2063 committee, the governing body of the appointing local government
2064 shall adopt an amendment to its local housing assistance plan to
2065 incorporate the local housing incentive strategies it will
2066 implement within its jurisdiction. The amendment must include,
2067 at a minimum, the local housing incentive strategies as defined
2068 in s. **420.9076(4)(a) through (j)** ~~420.9071(16)~~.
2069 Section 26. Subsection (2) of section 420.9079, Florida
2070 Statutes, is amended to read:
2071 420.9079 Local Government Housing Trust Fund.--
2072 (2) The corporation shall administer the fund exclusively
2073 for the purpose of implementing the programs described in ss.
2074 420.907-420.9078 and this section. With the exception of
2075 monitoring the activities of counties and eligible
2076 municipalities to determine local compliance with program
2077 requirements, the corporation shall not receive appropriations
2078 from the fund for administrative or personnel costs. For the

purpose of implementing the compliance monitoring provisions of s. 420.9075(8), the corporation may request a maximum of one quarter of one percent of the annual appropriation ~~$200,000~~ per state fiscal year. When such funding is appropriated, the corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072 and 420.9073.

Section 27. Paragraph (c) of subsection (1) and paragraph (e) of subsection (2) and of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.--

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(q) and 220.183 is $10 ~~$12~~ million annually for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) and $3 million annually for all other projects.

(2) ELIGIBILITY REQUIREMENTS.--

(e)~~1. For the first 6 months of the fiscal year, the Office of Tourism, Trade, and Economic Development shall reserve 80 percent of the first $10 million in available annual tax credits, and 70 percent of any available annual tax credits in excess of $10 million, for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28). If any such reserved annual tax credits remain after the first 6 months of the fiscal year, the office may approve the balance of these available credits for donations~~

2110 ~~made to eligible sponsors for projects other than those that~~
2111 ~~provide homeownership opportunities for low-income or very-low-~~
2112 ~~income households.~~
2113 ~~2. For the first 6 months of the fiscal year, the office~~
2114 ~~shall reserve 20 percent of the first $10 million in available~~
2115 ~~annual tax credits, and 30 percent of any available annual tax~~
2116 ~~credits in excess of $10 million, for donations made to eligible~~
2117 ~~sponsors for projects other than those that provide~~
2118 ~~homeownership opportunities for low-income or very-low-income~~
2119 ~~households as defined in s. 420.9071(19) and (28). If any~~
2120 ~~reserved annual tax credits remain after the first 6 months of~~
2121 ~~the fiscal year, the office may approve the balance of these~~
2122 ~~available credits for donations made to eligible sponsors for~~
2123 ~~projects that provide homeownership opportunities for low-income~~
2124 ~~or very-low-income households.~~
2125 1.~~3.~~ If, during the first 10 business days of the state
2126 fiscal year, eligible tax credit applications for projects that
2127 provide homeownership opportunities for low-income or very-low-
2128 income households as defined in s. 420.9071(19) and (28) are
2129 received for less than the ~~available~~ annual tax credits
2130 available for those projects ~~reserved under subparagraph 1.~~, the
2131 office shall grant tax credits for those applications and shall
2132 grant remaining tax credits on a first-come, first-served basis
2133 for any subsequent eligible applications received before the end
2134 of the ~~first 6 months of the~~ state fiscal year. If, during the
2135 first 10 business days of the state fiscal year, eligible tax
2136 credit applications for projects that provide homeownership
2137 opportunities for low-income or very-low-income households as
2138 defined in s. 420.9071(19) and (28) are received for more than
2139 the ~~available~~ annual tax credits available for those projects

40 ~~reserved under subparagraph 1.~~, the office shall grant the tax
2141 credits for those ~~the~~ applications as follows:
2142 a. If tax credit applications submitted for approved
2143 projects of an eligible sponsor do not exceed $200,000 in total,
2144 the credits shall be granted in full if the tax credit
2145 applications are approved~~, subject to subparagraph 1~~.
2146 b. If tax credit applications submitted for approved
2147 projects of an eligible sponsor exceed $200,000 in total, the
2148 amount of tax credits granted under sub-subparagraph a. shall be
2149 subtracted from the amount of available tax credits ~~under~~
2150 ~~subparagraph 1.~~, and the remaining credits shall be granted to
2151 each approved tax credit application on a pro rata basis.
2152 ~~c. If, after the first 6 months of the fiscal year,~~
2153 ~~additional credits become available under subparagraph 2., the~~
2154 ~~office shall grant the tax credits by first granting to those~~
55 ~~who received a pro rata reduction up to the full amount of their~~
2156 ~~request and, if there are remaining credits, granting credits to~~
2157 ~~those who applied on or after the 11th business day of the state~~
2158 ~~fiscal year on a first-come, first-served basis.~~
2159 2.~~4.~~ If, during the first 10 business days of the state
2160 fiscal year, eligible tax credit applications for projects other
2161 than those that provide homeownership opportunities for low-
2162 income or very-low-income households as defined in s.
2163 420.9071(19) and (28) are received for less than the ~~available~~
2164 annual tax credits available for those projects ~~reserved under~~
2165 ~~subparagraph 2.~~, the office shall grant tax credits for those
2166 applications and shall grant remaining tax credits on a first-
2167 come, first-served basis for any subsequent eligible
2168 applications received before the end of the ~~first 6 months of~~
2169 ~~the~~ state fiscal year. If, during the first 10 business days of
70 the state fiscal year, eligible tax credit applications for

2171 projects other than those that provide homeownership
2172 opportunities for low-income or very-low-income households as
2173 defined in s. 420.9071(19) and (28) are received for more than
2174 the ~~available~~ annual tax credits available for those projects
2175 ~~reserved under subparagraph 2.~~, the office shall grant the tax
2176 credits for those ~~the~~ applications on a pro rata basis. ~~If,~~
2177 ~~after the first 6 months of the fiscal year, additional credits~~
2178 ~~become available under subparagraph 1., the office shall grant~~
2179 ~~the tax credits by first granting to those who received a pro~~
2180 ~~rata reduction up to the full amount of their request and, if~~
2181 ~~there are remaining credits, granting credits to those who~~
2182 ~~applied on or after the 11th business day of the state fiscal~~
2183 ~~year on a first-come, first-served basis.~~
2184 Section 28. Paragraph (b) of subsection (9) of section
2185 1001.42, Florida Statutes, is amended to read:
2186 1001.42 Powers and duties of district school board.--The
2187 district school board, acting as a board, shall exercise all
2188 powers and perform all duties listed below:
2189 (9) SCHOOL PLANT.--Approve plans for locating, planning,
2190 constructing, sanitating, insuring, maintaining, protecting, and
2191 condemning school property as prescribed in chapter 1013 and as
2192 follows:
2193 (b) Sites, buildings, and equipment.--
2194 1. Select and purchase school sites, playgrounds, and
2195 recreational areas located at centers at which schools are to be
2196 constructed, of adequate size to meet the needs of projected
2197 students to be accommodated.
2198 2. Approve the proposed purchase of any site, playground,
2199 or recreational area for which district funds are to be used.
2200 3. Expand existing sites.
2201 4. Rent buildings when necessary.

2202 5. Enter into leases or lease-purchase arrangements, in
2203 accordance with the requirements and conditions provided in s.
2204 1013.15(2), with private individuals or corporations for the
2205 rental of necessary grounds and educational facilities for
2206 school purposes or of educational facilities to be erected for
2207 school purposes. Current or other funds authorized by law may be
2208 used to make payments under a lease-purchase agreement.
2209 Notwithstanding any other statutes, if the rental is to be paid
2210 from funds received from ad valorem taxation and the agreement
2211 is for a period greater than 12 months, an approving referendum
2212 must be held. The provisions of such contracts, including
2213 building plans, shall be subject to approval by the Department
2214 of Education, and no such contract shall be entered into without
2215 such approval. As used in this section, "educational facilities"
2216 means the buildings and equipment that are built, installed, or
2217 established to serve educational purposes and that may lawfully
2218 be used. The State Board of Education may adopt such rules as
2219 are necessary to implement these provisions.
2220 6. Provide for the proper supervision of construction.
2221 7. Make or contract for additions, alterations, and
2222 repairs on buildings and other school properties.
2223 8. Ensure that all plans and specifications for buildings
2224 provide adequately for the safety and well-being of students, as
2225 well as for economy of construction.
2226 9. Provide affordable housing for teachers an other
2227 instructional personnel independently or in conjunction with
2228 other agencies as described in s. 1001.43(5).
2229 Section 29. The sum of $20 million is appropriated from
2230 the State Housing Trust Fund to the Florida Housing Finance
2231 Corporation for the 2006-2007 fiscal year to provide funds to
2232 teachers eligible for affordable housing pursuant to s. 420.5088

2233 or s. 420.5089, Florida Statutes, and to assist in teacher
2234 retention and recruitment as a response to the state's teacher
2235 shortage.
2236 Section 30. The Florida Housing Finance Corporation may
2237 adopt rules pursuant to ss. 120.536(1) and 120.54, Florida
2238 Statutes, as necessary to implement the provisions of ~~section 6~~
2239 ~~of~~ this act.
2240 Section 31. There is hereby appropriated from the Local
2241 Government Housing Trust Fund the sum of thirty-two million
2242 dollars, the the Florida Housing Finance Corporation, to assist
2243 in production of housing units for extremely low income persons.
2244 Section 32. Except as otherwise expressly provided in this
2245 act, this act shall take effect July 1, 2006.
2246
2247
2248 ========== T I T L E A M E N D M E N T ==========
2249 Remove the entire title and insert:
2250 An act relating to affordable housing; creating s.
2251 125.379, F.S.; providing for disposition of county
2252 property for affordable housing; amending s.
2253 163.3187(1)(c), F.S.; deleting a requirement; creating s.
2254 166.0451, F.S.; providing for disposition of municipal
2255 property for affordable housing; amending s. 189.4155,
2256 F.S.; authorizing independent special districts to provide
2257 for employee housing assistance; amending 191.006, F.S.;
2258 amends powers of independent special districts; amends
2259 193.017, F.S.; authorizes the Florida Housing Finance
2260 Corporation and the Department of Revenue to annually set
2261 the cap rate used for assessing just valuation of
2262 affordable housing properties; amending s. 196.1978, F.S.;
2263 providing for an affordable housing ad valorem property

`64 exemption; creating s. 196.1980, F.S.; creates an
2265 affordable housing ad valorem property exemption; amending
2266 s. 201.15, F.S.; removing a cap on the State Housing Trust
2267 Fund; amending s. 212.08, F.S.; lowering the amount of
2268 total tax credits available for the provision of housing
2269 for low and very low income individuals; amending s.
2270 220.183, F.S.; providing authorization to grant community
2271 contribution tax credits; amending s. 253.034, F.S.;
2272 providing for the disposition of state lands for
2273 affordable housing; amending s. 295.16, F.S.; expanding
2274 the disabled veteran exemption from certain license and
2275 permit fees; amending s. 380.06, F.S.; providing a greater
2276 substantial deviation threshold for the provision of
2277 affordable housing in a development of regional impact;
2278 amending s. 380.0651, F.S.; providing a statewide
79 guidelines and standards bonus for the provision of
2280 affordable housing; amending s. 420.0004, F.S.; providing
2281 definition; repealing s. 420.37, F.S.; amending s.
2282 420.503, F.S.; expanding the definition of "farmworker"
2283 and authorizing the Florida Housing Finance Corporation
2284 rulemaking; amending s. 420.507, F.S.; expanding the
2285 powers fo the Florida Housing Finance Corporation;
2286 amending s. 420.5087, F.S.; increasing the population
2287 criteria for the State Apartment Incentive Loan Program;
2288 revising criteria for loans; amending s. 420.5088, F.S.;
2289 expands the scope of the Florida Homeownership Assistance
2290 Program; creating s. 420.5095, F.S.; creating the
2291 Community Workforce Housing Innovation Program; amending
2292 s. 420.9075, F.S.; providing a percentage of funds for
2293 homeownership for very low income individuals; providing
94 components to be included in the local housing assistance

2295 plan; amending 420.9076, F.S.; adding a cross-reference;
2296 adjusting the maximum appropriation applicable to the
2297 Florida Housing Finance Corporation; amending s. 624.5105,
2298 F.S.; increasing the amount of available tax credits
2299 against the sales tax, corporate income tax, and insurance
2300 premium tax, respectively, for projects under the
2301 community contribution tax credit program and providing
2302 separate annual limitations for certain projects; revising
2303 requirements and procedures for the Office of Tourism,
2304 Trade, and Economic Development in granting tax credits
2305 under the program; amending s. 1001.42, F.S.; providing
2306 authority for school boards to provide affordable housing
2307 for teachers and instructional personnel; providing
2308 appropriations; providing for effective dates.

a|D 3/21/06

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB** 1363

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) Johnson offered the following:
3
4 **Amendment 1 to Strike-all Amendment by Representative Davis**
5 **(with directory and title amendments)**
6 Remove line(s) 1732-1736 and insert:
7 (f) When ownership of the land or property utilized for
8 development in conjunction with the Community Workforce Housing
9 Innovation Program grant is to be held by any public sector
10 entity, as described in this section, the applicant may choose
11 to use a nonprofit or public entity to manage the resulting
12 housing program. The applicant must demonstrate that the
13 management entity:
14 1. Have experience and proficiency in the management of
15 affordable housing programs; and
16 2. Have regularly conducted independent audits; and
17 3. Have a publicly appointed oversight board of directors
18 or commissioners; and
19 4. Have experience in the provision of resident programs
20 and services, such as child care, transportation, and job
21 training.
22
23

Adopted 3/21/06

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. **HB** 1363

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) Johnson offered the following:
3
4 **Amendment 2 to Strike-all Amendment by Representative Davis**
5 Remove line(s) 327-358 and insert:
6 196.1980 "The Manny Diaz Affordable Housing Property Tax
7 Relief Initiative" .--For the purpose of assessing just
8 valuation of affordable housing properties serving persons with
9 income limits defined as low, moderate, and very low, as
10 specified in s. 420.0004(9), (10), and (14), the actual rental
11 income from rent-restricted units in such a property shall be
12 recognized by the property appraiser for assessment purposes,
13 and an income approach shall be used for assessment of the rents
14 for the following properties:
15 (1) property that is funded by the United States
16 Department of Housing and Urban Development under s. 8 of the
17 United States Housing Act of 1937, that is used to provide
18 affordable housing serving eligible persons as defined by s.
19 159.603(7), and elderly and very-low-income persons as defined
20 by s. 420.0004(7) and (14), and that has undergone financial
21 restructuring as provided in s. 501, Title V, Subtitle A of the
22 Multifamily Assisted Housing Reform and Affordability Act of
23 1997;

24 (2) multifamily, farmworker, or elderly rental properties
25 that are funded by the Florida Housing Finance Corporation under
26 ss. 420.5087 and 420.5089 and the State Housing Initatives
27 Partnership Program under ss. 420.9072 and 420.9075, s. 42 of
28 the Internal Revenue Code; the HOME Investment Partnership
29 Program under the Cranston-Gonzalez National Affordable Housing
30 Act, 42 U.S.C. s.12741 et seq.; or the Federal Home Loan Banks
31 Affordable Housing Program established pursuant to the Financial
32 Institutions Reform, Recovery and Enforcement Act of 1989,
33 Public Law 101-73; or
34 (3) multi-family residential rental properties of ten (10)
35 or more units that is certified by the local housing agency as
36 having at least ninety-five percent (95%) of it's units
37 providing affordable housing to very-low, low, and moderate
38 income persons as defined by s. 420.0004(9), (0) and (14).
39
40
41

Adopted 3/21/06

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. ~~1~~ 3 (for drafter's use only)

Bill No. **HB** 1363

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) Johnson offered the following:
3
4 **Amendment ~~1~~ 3 to Strike-all Amendment by Representative Davis**
5
6 Remove line(s) 1742 and insert:
7 Development costs and revenues for the project.
8 (i) When ownership of the land or property utilized for
9 development in conjunction with the Community Workforce Housing
10 Innovation Program grant is to be held by any public sector
11 entity, as described in this section, the applicant may choose
12 to use a nonprofit or public entity to manage the resulting
13 housing program. The applicant must demonstrate that the
14 management entity:
15 1. Have experience and proficiency in the management of
16 affordable housing programs; and
17 2. Have regularly conducted independent audits; and
18 3. Have a publicly appointed oversight board of directors
19 or commissioners; and
20 4. Have experience in the provision of resident programs
21 and services, such as child care, transportation, and job
22 training.
23 (12) The corporation shall establish a review committee

COMMITTEE MEETING REPORT

Growth Management Committee

3/21/2006 2:15:00PM

Location: 212 Knott Building

PCB GM 06-01 : Growth Management

[X] *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Anna Benson	X				
Jennifer Carroll	X				
Mike Davis	X				
D. Alan Hays	X				
Bob Henriquez	X				
Carlos Lopez-Cantera	X				
Ari Porth	X				
William Proctor	X				
Shelley Vana	X				
Randy Johnson (Chair)	X				
	Total Yeas: 10	**Total Nays: 0**			

Appearances:

PCB GM 06-01 - Growth Management
Valerie Hubbard, Director, Division of Community Planning (Lobbyist) (State Employee) (General Public) - Information Only
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee FL
Phone: 850-487-4545

PCB GM 06-01 - Growth Management
Keith Arnold (Lobbyist) - Information Only
1401 River Road
Ft. Myers FL 33905
Phone: 850-222-8188

PCB GM 06-01 - Growth Management
Rebecca O'Hara (Lobbyist) (General Public) - Opponent
Florida League of Cities
P. O. Box 1757
Tallahassee FL 32301
Phone: 850-222-9684

PCB GM 06-01 - Growth Management
Eric Poole (Lobbyist) (General Public) - Information Only
Florida Association of Counties
100 S. Monroe Street
Tallahassee FL 32301
Phone: 850-922-4300

Committee meeting was reported out: Tuesday, March 21, 2006 7:20:12PM

COMMITTEE MEETING REPORT

Growth Management Committee

3/21/2006 2:15:00PM

Location: 212 Knott Building

PCB GM 06-01 - Growth Management

Denise Layne (Lobbyist) (General Public) - Opponent
Coalition for Responsible Growth
2504 Ayers Hill Court
Tallahassee FL 33559
Phone: 850-813-246-0485

Committee meeting was reported out: Tuesday, March 21, 2006 7:20:12PM

Committee on GROWTH MANAGEMENT

Date 3/21/06

Adopted 3/21/06

Action _____

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY
(may be used in Committee, but not on House Floor)

Amendment No. 1

Bill No. PCB GM 06-C

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

Representative(s)/The Committee on ~~JOHNSON~~ HENRIQUEZ

offered the following amendment:

Amendment REMOVE LINES 289 through 322.

on page _____, line _____,

Copy to Committee Administrative Assistant