ACTION PACKET

Fiscal Council

Joe Negron, Chair
Fred Brummer, Vice Chair

Monday, April 17, 2006
4:15 p.m.– 5:15 p.m.
212 Knott

Allan G. Bense
Speaker

Joe Negron
Chair

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

Attendance:

	Present	*Absent*	*Excused*
Joe Negron (Chair)	X		
Loranne Ausley			X
Gustavo Barreiro	X		
Aaron Bean	X		
Anna Benson	X		
Kim Berfield	X		
Donald Brown	X		
Frederick Brummer	X		
Don Davis	X		
Nancy Detert			X
Ron Greenstein	X		
Wilbert Holloway	X		
Jeffrey Kottkamp			X
Stan Mayfield	X		
Sheri McInvale	X		
Joe Pickens	X		
Juan-Carlos Planas	X		
Curtis Richardson	X		
Marco Rubio			X
John Seiler	X		
David Simmons	X		
Leslie Waters	X		
Juan Zapata	X		
Totals:	**19**	**0**	**4**

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 995 : Agency Inspectors General

X *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Loranne Ausley			X		
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert			X		
Ron Greenstein	X				
Wilbert Holloway			X		
Jeffrey Kottkamp			X		
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio			X		
John Seiler		X			
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
	Total Yeas: 17	**Total Nays: 1**			

Appearances:

HB 995
Derry Harper (State Employee) - Information Only
EOG Chief Inspector General
Capitol Rm 2103
Tallahassee FL 32399
Phone: 922-4637

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. **995**

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WITHDRAWN	__	(Y/N)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: Fiscal Council
2 Representative(s) Bean offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Remove line(s) 35-52 and insert:
6 4.~~(d)~~ Conduct investigations and other inquiries free of
7 actual or perceived impairment to the independence of the
8 inspector general or the inspector general's office. This shall
9 include freedom from any interference with investigations and
10 timely access to records and other sources of information.
11 5.~~(e)~~ Submit in a timely fashion final reports on
12 investigations conducted by the inspector general to the agency
13 head, except for whistle-blower's investigations, which shall be
14 conducted and reported pursuant to s. 112.3189.
15 6. Submit preliminary findings and recommendations of any
16 inquiry, investigation, audit, or review conducted by the
17 inspector general, except for whistle-blower's investigations,
18 to any agency, corporation, or any individual who is the subject
19 of the investigation, inquiry, audit, or review or the work
20 performed by such agency, corporation, or individual is
21 addressed in any of the findings or recommendations so such may

22 respond within 20 working days to any adverse findings or
23 recommendations. Any such response shall be included in the
24 final report and delivered to any party requesting such report.
25 7. Ensure a meaningful opportunity including the right to
26 an impartial hearing, to challenge findings, conclusions, and
27 recommendations contained in a report resulting from an inquiry,
28 investigation, audit or review following the issuance of the
29 final report. This right to an impartial hearing shall be
30 available to any agency, corporation, or any individual who is
31 the subject of the resulting report, or the work performed by
32 such agency, corporation, or individual is addressed in any of
33 the findings or recommendations.
34

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 1123 CS : Government Accountability

X *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Loranne Ausley			X		
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson			X		
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert			X		
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp			X		
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson		X			
Marco Rubio			X		
John Seiler		X			
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
	Total Yeas: 16	**Total Nays: 2**			

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

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: Fiscal Council
2 Representative(s) Brown offered the following:
3
4 **Amendment (with title amendment)**
5 Remove everything after the enacting clause and insert:
6 Section 1. Chapter 21, Florida Statutes, consisting of
7 sections 21.001, 21.002, 21.003, 21.004, 21.005, 21.006, 21.007,
8 21.008, 21.009, 21.0111, 21.012, 21.0125, 21.0126, 21.013,
9 21.015, 21.016, 21.017, 21.018, 21.019, 21.0211, and 21.022, is
10 created to read:
11 CHAPTER 21
12 GOVERNMENT ACCOUNTABILITY
13
14 21.001 Short title.--This chapter may be cited as the
15 "Florida Government Accountability Act."
16 21.002 Definitions.--As used in this chapter:
17 (1) "State agency" or "agency" means a department as
18 defined in s. 20.03(2) or any other administrative unit of state
19 government scheduled for termination and prior review under this
20 chapter.

21 (2) "Advisory committee" means any examining and licensing
22 board, council, advisory council, committee, task force,
23 coordinating council, commission, or board of trustees as
24 defined in s. 20.03(3), (7), (8), (9), (10), or (12) or any
25 group, by whatever name, created to provide advice or
26 recommendations to one or more agencies, departments, divisions,
27 bureaus, boards, sections, or other units or entities of state
28 government.
29 (3) "Committee" means the Legislative Sunset Advisory
30 Committee.
31 21.003 Legislative Sunset Advisory Committee.--
32 (1) The Legislative Sunset Advisory Committee is created
33 and shall consist of five members of the Senate, one public
34 member appointed by the President of the Senate, and five
35 members of the House of Representatives, and one public member
36 appointed by the Speaker of the House of Representatives. Each
37 appointing authority may designate himself or herself as one of
38 the legislative appointees.
39 (2) An individual is not eligible for appointment as a
40 public member if the individual or the individual's spouse is:
41 (a) Regulated by a state agency that the committee will
42 review during the term for which the individual would serve; or
43 (b) Employed by, participates in the management of, or
44 directly or indirectly has more than a 10-percent interest in a
45 business entity or other organization regulated by a state
46 agency the committee will review during the term for which the
47 individual would serve.
48 (3) It is a ground for removal of a public member from the
49 committee if the member does not have the qualifications
50 required by subsection (2) for appointment to the committee at

51 the time of appointment or does not maintain the qualifications
52 while serving on the committee. The validity of the committee's
53 action is not affected by the fact that it was taken when a
54 ground for removal of a public member from the committee
55 existed.
56 (4) Legislative and public members shall serve terms of 2
57 years. A public member may not serve more than two consecutive
58 2-year terms; and, for purposes of this prohibition, a member is
59 considered to have served a term only if the member has served
60 more than half of the term.
61 (5) Initial appointments shall be made not later than
62 November 30, 2006, and subsequent appointments shall be made not
63 later than January 15 of the year following each organization
64 session of the Legislature.
65 (6) If a legislative member ceases to be a member of the
66 house from which he or she was appointed, the member vacates his
67 or her membership on the committee.
68 (7) If a vacancy occurs, the appropriate appointing
69 authority shall appoint a person to serve for the remainder of
70 the unexpired term in the same manner as the original
71 appointment.
72 (8) The committee shall have a chair and vice chair as
73 presiding officers. The chair and vice chair must alternate each
74 year between the two membership groups appointed by the
75 President of the Senate and the Speaker of the House of
76 Representatives. The chair and vice chair may not be from the
77 same membership group. The President of the Senate shall
78 designate a presiding officer from his appointed membership
79 group who shall preside as chair during the odd-numbered year
80 and as vice chair during the even-numbered year, and the Speaker

81 of the House of Representatives shall designate the other
82 presiding officer from his appointed membership group who shall
83 preside as chair during the even-numbered year and as vice chair
84 during the odd-numbered year.
85 (9) Seven members of the committee constitute a quorum. A
86 final action or recommendation may not be made unless approved
87 by a recorded vote of a majority of the committee's full
88 membership.
89 (10) Each member of the committee is entitled to
90 reimbursement for actual and necessary expenses incurred in
91 performing committee duties. Each legislative member is entitled
92 to reimbursement from the appropriate fund of the member's
93 respective house. Each public member is entitled to
94 reimbursement from funds appropriated for use by the committee.
95 21.004 Staff.--The Senate and the House of Representatives
96 may each employ staff to work for the chair and vice chair of
97 the committee on matters related to committee activities. The
98 Auditor General and the Office of Program Policy Analysis and
99 Government Accountability shall assist the committee in
100 conducting its review under s. 21.0111.
101 21.005 Schedule for abolishing state agencies and advisory
102 committees.--The following state agencies, including their
103 advisory committees, or the following advisory committees of
104 agencies are abolished according to the following schedule:
105 (1) Abolished July 1, 2008:
106 (a) Advisory committees for the Fish and Wildlife
107 Conservation Commission.
108 (b) Department of Agriculture and Consumer Services.
109 (c) Department of Citrus, including the Citrus Commission.
110 (d) Department of Environmental Protection.

111 (e) Department of Highway Safety and Motor Vehicles.
112 (f) Water management districts.
113 (2) Abolished July 1, 2009:
114 (a) Department of Children and Family Services.
115 (b) Department of Community Affairs.
116 (c) Department of Management Services.
117 (d) Department of State.
118 (3) Abolished July 1, 2010:
119 (a) Advisory committees for the Florida Community College
120 System.
121 (b) Advisory committees for the State University System.
122 (c) Agency for Workforce Innovation.
123 (d) Department of Education.
124 (e) Department of the Lottery.
125 (4) Abolished July 1, 2011:
126 (a) Agency for Health Care Administration.
127 (b) Agency for Persons with Disabilities.
128 (c) Department of Elderly Affairs.
129 (d) Department of Health.
130 (5) Abolished July 1, 2012:
131 (a) Department of Business and Professional Regulation.
132 (b) Department of Transportation.
133 (c) Department of Veterans' Affairs.
134 (6) Abolished July 1, 2013:
135 (a) Advisory committees for the State Board of
136 Administration.
137 (b) Department of Financial Services, including the
138 Financial Services Commission.
139 (c) Department of Revenue.
140 (7) Abolished July 1, 2014:

141 (a) Department of Corrections.
142 (b) Department of Juvenile Justice.
143 (c) Department of Law Enforcement.
144 (d) Department of Legal Affairs.
145 (e) Justice Administrative Commission.
146 (f) Parole Commission.
147 (8) Abolished July 1, 2015:
148 (a) Executive Office of the Governor.
149 (b) Florida Public Service Commission.
150
151 The President of the Senate and Speaker of the House of
152 Representatives may alter this schedule by transferring agencies
153 between review years.
154 21.006 Agency reports to committee.--Not later than
155 January 1 of the year preceding the year in which a state agency
156 and its advisory committees are scheduled to be abolished, the
157 agency shall report to the committee:
158 (1) A list of all agency programs and activities as
159 defined in s. 216.011;
160 (2) Performance measures for each program and activity as
161 provided in s. 216.011 and 3 years of data for each measure
162 (actual results for the prior 2 years and projected results for
163 the current fiscal year);
164 (3) The agency's success in meeting its legislative
165 performance standards for each program and activity and an
166 explanation of factors that have contributed to its success or
167 failure to achieve the legislative standards;
168 (4) The promptness and effectiveness with which the agency
169 disposes of complaints concerning persons affected by the
170 agency;

171 (5) The extent to which the agency has encouraged
172 participation by the public in making its rules and decisions as
173 opposed to participation solely by those it regulates and the
174 extent to which public participation has resulted in rules
175 compatible with the objectives of the agency;
176 (6) The extent to which the agency has complied with
177 applicable requirements of:
178 (a) State and federal provisions relating to equality of
179 employment opportunity and the rights and privacy of
180 individuals; and
181 (b) State law and applicable rules regarding purchasing
182 goals and programs for historically underutilized businesses;
183 (7) A statement of the objectives intended for each
184 program and activity, the problem or need that the program and
185 activity were intended to address, and the extent to which these
186 objectives have been achieved;
187 (8) An assessment of the extent to which the jurisdiction
188 of the agency and its programs and activities overlap or
189 duplicate those of other agencies and the extent to which such
190 programs and activities can be consolidated with those of other
191 agencies;
192 (9) An assessment of less restrictive or alternative
193 methods of providing services for which the agency is
194 responsible which would reduce costs or improve performance
195 while adequately protecting the public;
196 (10) An assessment of the extent to which the agency has
197 corrected deficiencies and implemented recommendations contained
198 in reports of the Auditor General, the Office of Program Policy
199 Analysis and Government Accountability, legislative interim
200 studies, and federal audit entities;

201 (11) The extent to which the agency issues and enforces
202 rules relating to potential conflicts of interest of its
203 employees;
204 (12) The extent to which the agency complies with public
205 records and public meetings requirements under chapters 119 and
206 286 and s. 24, Art. I of the State Constitution and follows
207 records management practices that enable the agency to respond
208 efficiently to requests for public information;
209 (13) The extent to which alternative program delivery
210 options such as privatization have been considered to reduce
211 costs or improve services to citizens;
212 (14) Recommendations to the Legislature for statutory or
213 budgetary changes that would improve program operations, reduce
214 costs, or reduce duplication;
215 (15) The effect of federal intervention or loss of federal
216 funds if the agency, program, or activity is abolished;
217 (16) A list of all advisory committees, including those
218 established in statute and those established by agency
219 initiation; their purpose, activities, membership, and related
220 expenses; the extent to which their purposes have been achieved;
221 and the rationale for continuing or eliminating each advisory
222 committee; and
223 (17) Other information deemed necessary by the committee.
224
225 Information and data reported by the agency shall be validated
226 by its inspector general before submission.
227 21.007 Legislative review.--Upon receipt of an agency
228 report pursuant to s. 21.006, the Office of Program Policy
229 Analysis and Government Accountability shall conduct a program
230 evaluation and justification review of the agency and its

231 advisory committees as defined in s. 11.513. The review shall be
232 comprehensive in its scope and consider the information provided
233 by the agency report in addition to information deemed necessary
234 by the office and the Sunset Advisory Committee. The Office of
235 Program Policy Analysis and Government Accountability shall
236 submit its report to the Sunset Advisory Committee and to the
237 President of the Senate and the Speaker of the House of
238 Representatives by October 31 of the year in which the agency
239 submits its report. The Office of Program Policy Analysis and
240 Government Accountability shall include in its report
241 recommendations for consideration by the Sunset Advisory
242 Committee.
243 21.008 Committee duties.--No later than March 1 of the
244 year in which a state agency or its advisory committees are
245 scheduled to be abolished, the committee shall:
246 (1) Review the information submitted by the agency and the
247 report of the Office of Program Policy Analysis and Government
248 Accountability;
249 (2) Consult with the Legislative Budget Commission,
250 relevant substantive and appropriations committees of the Senate
251 and the House of Representatives, the Governor's Office of
252 Policy and Budgeting, the Auditor General, and the Chief
253 Financial Officer, or their successors, on the application of
254 the criteria provided in s. 21.006 to the agency and its
255 advisory committees;
256 (3) Hold public hearings to consider this information as
257 well as other information and testimony that the committee deems
258 necessary;
259 (4) Present to the President of the Senate, the Speaker of
260 the House of Representatives, and the Governor a report on the

261 agencies and advisory committees scheduled to be abolished that
262 year. In the report the committee shall include its specific
263 findings and recommendations regarding each of the criteria
264 prescribed by s. 21.006 and shall also:
265 (a) Make recommendations on the abolition, continuation,
266 or reorganization of each affected state agency and its advisory
267 committees and on the need for the performance of the functions
268 of the agency and its advisory committees.
269 (b) Make recommendations on the consolidation, transfer,
270 privatization, or reorganization of programs within state
271 agencies not under review when the programs duplicate functions
272 performed in agencies under review.
273 (c) Recommend appropriation levels for each state agency
274 and advisory committee for which abolition or reorganization is
275 recommended.
276 (d) Include drafts of legislation necessary to carry out
277 the committee's recommendations.
278 21.009 Monitoring of recommendations.--During each
279 legislative session, staff of the committee shall monitor
280 legislation affecting agencies that have undergone review under
281 this chapter and shall periodically report to members of the
282 committee on proposed changes that would modify recommendations
283 of the committee. Staff shall also present a report to the
284 committee at the close of each legislative session on the
285 adoption of committee recommendations by the Legislature.
286 21.0111 Criteria for review.--The committee shall consider
287 the following criteria in determining whether a public need
288 exists for the continuation of a state agency or its advisory
289 committees or for the performance of the functions of the agency
290 or its advisory committees:

291 (1) Agency compliance with the accountability measures, as
292 analyzed by the Auditor General, the Office of Program Policy
293 Analysis and Government Accountability, and the Office of Policy
294 and Budget within the Executive Office of the Governor, pursuant
295 to s. 216.023(4) and (5).
296 (2) The efficiency with which the agency or advisory
297 committee operates.
298 (3) An identification of the objectives intended for the
299 agency or advisory committee and the problem or need that the
300 agency or advisory committee was intended to address, the extent
301 to which the objectives have been achieved, and any activities
302 of the agency in addition to those granted by statute and the
303 authority for these activities.
304 (4) An assessment of less restrictive or alternative
305 methods of providing any regulatory function for which the
306 agency is responsible while adequately protecting the public.
307 (5) The extent to which the advisory committee is needed
308 and is used.
309 (6) The extent to which the jurisdiction of the agency and
310 the programs administered by the agency overlap or duplicate
311 those of other agencies and the extent to which the programs
312 administered by the agency can be consolidated with the programs
313 of other state agencies.
314 (7) Whether the agency has recommended to the Legislature
315 statutory changes calculated to be of benefit to the public
316 rather than to an occupation, business, or institution that the
317 agency regulates.
318 (8) The promptness and effectiveness with which the agency
319 disposes of complaints concerning persons affected by the
320 agency.

321 (9) The extent to which the agency has encouraged
322 participation by the public in making its rules and decisions as
323 opposed to participation solely by those it regulates and the
324 extent to which the public participation has resulted in rules
325 compatible with the objectives of the agency.
326 (10) The extent to which the agency has complied with
327 applicable requirements of:
328 (a) An agency of the Federal Government or of this state
329 regarding equality of employment opportunity and the rights and
330 privacy of individuals.
331 (b) State law and applicable rules of any state agency
332 regarding purchasing goals and programs for historically
333 underutilized businesses.
334 (11) The extent to which changes are necessary in the
335 enabling statutes of the agency so that the agency can
336 adequately comply with the criteria listed in this section.
337 (12) The extent to which the agency issues and enforces
338 rules relating to potential conflicts of interest of its
339 employees.
340 (13) The extent to which the agency complies with public
341 records and public meetings requirements under chapters 119 and
342 287 and s. 24, Art. I of the State Constitution and follows
343 records management practices that enable the agency to respond
344 efficiently to requests for public information.
345 (14) The extent to which the agency complies with
346 requirements for maintaining transparency in its budget reports.
347 (15) The extent to which the agency accurately reports
348 performance measures used to justify state spending on each of
349 its activities, services, and programs.

350 (16) The effect of federal intervention or loss of federal
351 funds if the agency is abolished.
352 (17) Whether any advisory committee or any other part of
353 the agency exercises its powers and duties independently of the
354 direct supervision of the agency head in violation of s. 6, Art.
355 IV of the State Constitution.
356 21.012 Recommendations.--In its report on a state agency,
357 the committee shall:
358 (1) Make recommendations on the abolition, continuation,
359 or reorganization of each affected state agency and its advisory
360 committees and on the need for the performance of the functions
361 of the agency and its advisory committees.
362 (2) Make recommendations on the consolidation, transfer,
363 or reorganization of programs within state agencies not under
364 review when the programs duplicate functions performed in
365 agencies under review.
366 (3) Recommend appropriation levels for each state agency
367 and advisory committee for which abolition or reorganization is
368 recommended under subsection (1) or subsection (2).
369 (4) Include drafts of legislation necessary to carry out
370 the committee's recommendations under subsection (1) or
371 subsection (2).
372 21.0125 Review of certain agencies.--In the year preceding
373 the date scheduled for the abolition of a state agency and its
374 advisory committees under this chapter, the committee may
375 recommend exempting certain agencies from the requirements of
376 this chapter relating to staff reports, hearings, and
377 evaluations.
378 21.0126 Monitoring of recommendations.--During each
379 legislative session, the staff of the committee shall monitor

380 legislation affecting agencies that have undergone review under
381 this chapter and shall periodically report to the members of the
382 committee on proposed changes that would modify prior
383 recommendations of the committee.
384 21.013 Abolition of advisory committees.--An advisory
385 committee is abolished on the date set for abolition of the
386 agency unless the advisory committee is expressly continued by
387 law.
388 21.015 Continuation by law.--
389 (1) During the regular session immediately before a state
390 agency and its advisory committees are scheduled to be
391 abolished, the Legislature, by law, may continue the agency or
392 any of its advisory committees for a period not to exceed 8
393 years.
394 (2) This chapter does not prohibit the Legislature from:
395 (a) Abolishing a state agency or advisory committee on a
396 date earlier than that scheduled in this chapter; or
397 (b) Considering any other legislation relative to a state
398 agency or advisory committee scheduled to be abolished under
399 this chapter.
400 21.016 Legislative consideration.--
401 (1) Except as provided by subsection (2), the Legislature
402 may not consider in one bill the continuation, transfer, or
403 modification of more than one state agency and the agency's
404 functions and advisory committees.
405 (2) If more than one agency, advisory committee, or
406 function is to be consolidated, the Legislature may consider in
407 one bill only the agencies or advisory committees to be
408 consolidated.

409 (3) A bill to continue a state agency, to transfer its
410 functions, or to consolidate it with another agency must mention
411 the affected agencies in the title of the bill.
412 21.017 Procedure after termination.--
413 (1) A state agency that is abolished may continue in
414 existence until July 1 of the following year to conclude its
415 business. Unless the law provides otherwise, abolishment does
416 not reduce or otherwise limit the powers and authority of the
417 state agency during the concluding year. A state agency is
418 terminated and shall cease all activities at the expiration of
419 the 1-year period. Unless the law provides otherwise, all rules
420 that have been adopted by the state agency expire at the
421 expiration of the 1-year period.
422 (2) Any unobligated and unexpended appropriations of an
423 abolished agency or advisory committee lapse on July 1 of the
424 year following abolishment.
425 (3) Except as provided by subsection (5) or as otherwise
426 provided by law, all money in a dedicated fund of an abolished
427 state agency or advisory committee on July 1 of the year
428 immediately following abolishment is transferred to the General
429 Revenue Fund. The part of the law dedicating the money to a
430 specific fund of an abolished agency becomes void on July 1 of
431 the year immediately following abolishment.
432 (4) If not otherwise provided by law, property and records
433 in the custody of an abolished state agency or advisory
434 committee on July 1 of the year immediately following
435 abolishment shall be transferred to the Department of Management
436 Services.
437 (5) The Legislature recognizes the state's continuing
438 obligation to pay bonded indebtedness and all other obligations,

439 including lease, contract, and other written obligations,
440 incurred by a state agency abolished under this chapter, and
441 this chapter does not impair or impede the payment of bonded
442 indebtedness and all other obligations, including lease,
443 contract, and other written obligations, in accordance with
444 their terms. If an abolished state agency has outstanding bonded
445 indebtedness or other outstanding obligations, including lease,
446 contract, and other written obligations, the bonds and all other
447 obligations, including lease, contract, and other written
448 obligations, remain valid and enforceable in accordance with
449 their terms and subject to all applicable terms and conditions
450 of the laws and proceedings authorizing the bonds and all other
451 obligations, including lease, contract, and other written
452 obligations. If not otherwise provided by law, the Department of
453 Management Services shall continue to carry out all covenants
454 contained in the bonds and in all other obligations, including
455 lease, contract, and other written obligations, and the
456 proceedings authorizing them, including the issuance of bonds,
457 and the performance of all other obligations, including lease,
458 contract, and other written obligations, to complete the
459 construction of projects or the performance of other
460 obligations, including lease, contract, and other written
461 obligations. The designated state agency shall provide payment
462 from the sources of payment of the bonds in accordance with the
463 terms of the bonds and shall provide payment from the sources of
464 payment of all other obligations, including lease, contract, and
465 other written obligations, in accordance with their terms,
466 whether from taxes, revenues, or otherwise, until the bonds and
467 interest on the bonds are paid in full and all other
468 obligations, including lease, contract, and other written

469 obligations, are performed and paid in full. If the proceedings
470 so provide, all funds established by laws or proceedings
471 authorizing the bonds or authorizing other obligations,
472 including lease, contract, and other written obligations, shall
473 remain with the Chief Financial Officer or the previously
474 designated trustees. If the proceedings do not provide that the
475 funds remain with the Chief Financial Officer or the previously
476 designated trustees, the funds shall be transferred to the
477 designated state agency.
478 21.018 Subpoena power.--
479 (1) The President of the Senate or the Speaker of the
480 House of Representatives may issue process to compel the
481 attendance of witnesses and the production of books, records,
482 papers, and other objects necessary or proper for the purposes
483 of the committee proceedings. The process may be served on a
484 witness at any place in this state.
485 (2) If a majority of the committee directs the issuance of
486 a subpoena, the chair shall request that the President of the
487 Senate or the Speaker of the House of Representatives issue the
488 subpoena.
489 (3) Testimony taken under subpoena must be reduced to
490 writing and given under oath subject to the penalties of
491 perjury.
492 (4) A witness who attends a committee proceeding under
493 process is entitled to the same mileage and per diem as a
494 witness who appears before a grand jury in this state.
495 21.019 Assistance of and access to state agencies.--
496 (1) The committee may request the assistance of state
497 agencies and officers. When assistance is requested, a state
498 agency or officer shall assist the committee.

499 (2) In carrying out its functions under this chapter, the
500 committee or its designated staff member may inspect the
501 records, documents, and files of any state agency.
502 21.0211 Saving provision.--Except as otherwise expressly
503 provided by law, abolishment of a state agency does not affect
504 rights and duties that matured, penalties that were incurred,
505 civil or criminal liabilities that arose, or proceedings that
506 were begun before the effective date of the abolishment.
507 21.022 Review of proposed legislation creating a new
508 agency or advisory committee.--
509 (1) Each bill filed in the Senate or the House of
510 Representatives that would create a new state agency or a new
511 advisory committee to a state agency shall be forwarded by the
512 President of the Senate or the Speaker of the House of
513 Representatives, as applicable, to the committee.
514 (2) The committee shall review the bill to determine
515 whether:
516 (a) The proposed regulatory and other functions of the
517 state agency or advisory committee could be administered by one
518 or more existing state agencies or advisory committees;
519 (b) The form of regulation, if any, proposed by the bill
520 is the least restrictive form of regulation that will adequately
521 protect the public;
522 (c) The bill provides for adequate public input regarding
523 any regulatory function proposed by the bill; and
524 (d) The bill provides for adequate protection against
525 conflicts of interest within the state agency or advisory
526 committee.
527 (3) After reviewing the bill, the committee shall forward
528 a written comment concerning the legislation to the sponsor of

529 the bill and to the chair of the substantive legislative
530 committee to which the bill is referred, and implementation may
531 not take place until a recommendation is made.
532 Section 2. Notwithstanding section 216.351, Florida
533 Statutes, subsection (4) of section 216.023, Florida Statutes,
534 is amended to read:
535 216.023 Legislative budget requests to be furnished to
536 Legislature by agencies.--
537 (4)(a) The legislative budget request must contain for
538 each program:
539 1. The constitutional or statutory authority for a
540 program, a brief purpose statement, and approved program
541 components.
542 2. Information on expenditures for 3 fiscal years (actual
543 prior-year expenditures, current-year estimated expenditures,
544 and agency budget requested expenditures for the next fiscal
545 year) by appropriation category.
546 3. Details on trust funds and fees.
547 4. The total number of positions (authorized, fixed, and
548 requested).
549 5. An issue narrative describing and justifying changes in
550 amounts and positions requested for current and proposed
551 programs for the next fiscal year.
552 6. Information resource requests.
553 7. Legislatively approved output and outcome performance
554 measures and any proposed revisions to measures. Each
555 performance measure must identify the associated activity
556 contributing to the measure from those identified in accordance
557 with paragraph (b).

558 8. Proposed performance standards for each performance
559 measure and justification for the standards and the sources of
560 data to be used for measurement. Performance standards must
561 include standards for each affected activity and be expressed in
562 terms of the associated unit of activity.
563 9. Prior-year performance data on approved performance
564 measures and an explanation of deviation from expected
565 performance. Performance data must be assessed for reliability
566 in accordance with s. 20.055.
567 10. Proposed performance incentives and disincentives.
568 11. Supporting information, including applicable cost-
569 benefit analyses, business case analyses, performance
570 contracting procedures, service comparisons, and impacts on
571 performance standards for any request to outsource or privatize
572 agency functions. The cost-benefit and business case analyses
573 must include an assessment of the impact on each affected
574 activity from those identified in accordance with paragraph (b).
575 Performance standards must include standards for each affected
576 activity and be expressed in terms of the associated unit of
577 activity.
578 12. An evaluation of any major outsourcing and
579 privatization initiatives undertaken during the last 5 fiscal
580 years having aggregate expenditures exceeding $10 million during
581 the term of the contract. The evaluation shall include an
582 assessment of contractor performance, a comparison of
583 anticipated service levels to actual service levels, and a
584 comparison of estimated savings to actual savings achieved.
585 Consolidated reports issued by the Department of Management
586 Services may be used to satisfy this requirement.

587 (b) It is the intent of the Legislature that total
588 accountability measures, including unit-cost data, serve not
589 only as a budgeting tool but also as a policymaking tool and an
590 accountability tool. Therefore, each state agency and the
591 judicial branch must submit a ~~one-page~~ summary of information
592 for the preceding year in accordance with the legislative budget
593 instructions. Each ~~one-page~~ summary must provide a one-page
594 overview and must contain:
595 1. The final budget for the agency and the judicial
596 branch.
597 2. Total funds from the General Appropriations Act.
598 3. Adjustments to the General Appropriations Act.
599 4. The line-item listings of all activities.
600 5. The number of activity units performed or accomplished.
601 6. Total expenditures for each activity, including amounts
602 paid to contractors and subordinate entities. Expenditures
603 related to administrative activities not aligned with output
604 measures must consistently be allocated to activities with
605 output measures prior to computing unit costs.
606 7. The cost per unit for each activity, including the
607 costs allocated to contractors and subordinate entities.
608 8. The total amount of reversions and pass-through
609 expenditures omitted from unit-cost calculations.
610
611 At the regular session immediately following the submission of
612 the agency unit cost summary, the Legislature shall reduce in
613 the General Appropriations Act for the ensuing fiscal year, by
614 an amount equal to at least 10 percent of the allocation for the
615 fiscal year preceding the current fiscal year, the funding of

616 each state agency that fails to submit the report required under
617 this paragraph.
618 Section 3. To assist in the development of legislative
619 budget request instructions for agencies regarding the
620 computation of activity and unit cost information required to be
621 included in legislative budget requests under s. 216.023 (4)(b),
622 Florida Statutes, a working group consisting of representatives
623 from the Executive Office of the Governor, the Office of Program
624 Policy Analysis and Government Accountability, the Auditor
625 General, the Department of Financial Services, and legislative
626 appropriations committees shall be created, effective July 1,
627 2006, to develop a cost-allocation methodology for agencies to
628 use in the computation of activity and unit costs. The cost-
629 allocation methodology shall be based on the standards and
630 guidelines identified in the Federal Office of Management and
631 Budget Circular A-87. In addition, this working group shall
632 produce procedures to ensure that the recommended cost-
633 allocation methodology produces auditable activity and unit cost
634 information that can be used to compare the performance of each
635 reported activity over time and of agencies and private entities
636 that perform similar activities. The working group shall submit
637 its recommendations, including the associated implementation and
638 operating costs, to the Governor, the President of the Senate,
639 and the Speaker of the House of Representatives by December 31,
640 2006.
641 Section 4. This act shall take effect July 1, 2006.
642
643
644
645

646 ========== T I T L E A M E N D M E N T ==========
647 Remove the entire title and insert:
648 A bill to be entitled
649 An act relating to government accountability; creating ch.
650 21, F.S., the Florida Government Accountability Act;
651 providing definitions; creating the Legislative Sunset
652 Advisory Committee; providing for appointment,
653 qualifications, and terms of committee members; providing
654 for vacancies; providing for organization and procedure;
655 authorizing reimbursement for certain expenses; providing
656 for employment of staff; providing a schedule for
657 abolishing state agencies and advisory committees;
658 prescribing required content for agency reports to the
659 committee; providing for review of agencies and their
660 advisory committees by the Office of Program Policy
661 Analysis and Government Accountability; prescribing duties
662 of the committee in reviewing reports, consulting with
663 other legislative entities, holding public hearings, and
664 making a report and recommendations to the legislative
665 leadership with respect to agencies scheduled for
666 abolition; providing for monitoring committee
667 recommendations; providing review criteria; specifying
668 recommendation options; authorizing exemption from certain
669 review for certain agencies; providing for continuation of
670 state agencies and their advisory committees, by law,
671 under certain circumstances; providing for legislative
672 consideration of proposals with respect to such
673 recommendations; providing procedures after termination;
674 providing for issuance of subpoenas; authorizing
675 reimbursement for travel and per diem for witnesses;

676 providing for assistance of and access to state agencies;
677 providing applicability with respect to certain rights,
678 penalties, liabilities, and proceedings; providing for
679 review of proposed legislation creating a new agency or
680 advisory committee; amending s. 216.023, F.S.; requiring
681 that performance measures and standards and outsourcing
682 cost-benefit and business case analyses identify impacts
683 on agency activities; creating a working group to develop
684 instructions for agencies regarding the computation of
685 activity and unit cost information required to be included
686 in legislative budget requests; providing an effective
687 date.
688
689

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 1161 : Okeechobee County

[X] *Not Considered*

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 1315 : Department of Transportation

X *Favorable*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Loranne Ausley			X		
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson			X		
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert			X		
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp			X		
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
	Total Yeas: 18	**Total Nays: 0**			

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 1363 CS : Affordable Housing

X *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Loranne Ausley			X		
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson			X		
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert			X		
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp			X		
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 18		**Total Nays: 0**			

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

Bill No. **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: Fiscal Council
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 housing assistance

23 trust fund, sold with a restriction that requires any
24 development on the property to include a specified percentage of
25 permanent affordable housing, or donated to a nonprofit housing
26 organization for the construction of permanent affordable
27 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. The
42 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 restrictions 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 available
51 for moderate-income persons for a total minimum of 20 percent,
52 or, if providing rental housing or a combination of rental
53 housing and homeownership, an additional 5 percent of the units

54 available for very-low-income persons for a total minimum of 25
55 percent;
56 (b) A private developer without any requirement that a
57 percentage of the units built on the real property be affordable
58 if the purchase price paid by the developer is not less than the
59 appraised value of the property based on its highest and best
60 use, in which case the county must use the funds received from
61 the developer to acquire real property on which affordable
62 housing will be built or donate the funds to the local housing
63 assistance trust fund for the purpose of implementing the
64 programs described in ss. 420.907-420.9079; or
65 (c) A nonprofit housing organization, such as a community
66 land trust, housing authority, or community redevelopment agency
67 to be used for the production and preservation of permanent
68 affordable housing.
69 (4) The deed restrictions required under paragraph (3)(a)
70 for an affordable housing unit must also prohibit the sale of
71 the unit at a price that exceeds the threshold for housing that
72 is affordable for low-income or moderate-income persons or to a
73 buyer who is not eligible due to his or her income under chapter
74 420. The deed restrictions may allow the affordable housing
75 units created under paragraph (3)(a) to be rented to extremely
76 low-income, very-low-income, low-income, or moderate-income
77 persons.
78 (5) For purposes of this section, the terms "affordable,"
79 "low-income persons," "moderate-income persons," "very-low-
80 income persons", and "extremely low-income persons" have the
81 same meaning as in s. 420.0004.
82 Section 2. Subsection (1) and paragraphs (b), (d), (e),
83 and (f) of subsection (2) of section 163.31771, Florida

84 Statutes, are amended, and paragraph (g) is added to subsection
85 (2) to read:
86 163.31771 Accessory dwelling units.--
87 (1) The Legislature finds that the median price of homes
88 in this state has increased steadily over the last decade and at
89 a greater rate of increase than the median income in many urban
90 areas. The Legislature finds that the cost of rental housing has
91 also increased steadily and the cost often exceeds an amount
92 that is affordable to extremely-low-income, very-low-income,
93 low-income, or moderate-income persons and has resulted in a
94 critical shortage of affordable rentals in many urban areas in
95 the state. This shortage of affordable rentals constitutes a
96 threat to the health, safety, and welfare of the residents of
97 the state. Therefore, the Legislature finds that it serves an
98 important public purpose to encourage the permitting of
99 accessory dwelling units in single-family residential areas in
100 order to increase the availability of affordable rentals for
101 extremely-low-income, very-low-income, low-income, or moderate-
102 income persons.
103 (2) As used in this section, the term:
104 (b) "Affordable rental" means that monthly rent and
105 utilities do not exceed 30 percent of that amount which
106 represents the percentage of the median adjusted gross annual
107 income for extremely-low-income, very-low-income, low-income, or
108 moderate-income persons.
109 (d) "Low-income persons" has the same meaning as in s.
110 420.0004(10)~~(9)~~.
111 (e) "Moderate-income persons" has the same meaning as in
112 s. 420.0004(11)~~(10)~~.
113 (f) "Very-low-income persons" has the same meaning as in
114 s. 420.0004(15)~~(14)~~.

115 (g) "Extremely-low-income persons" has the same meaning as
116 in s. 420.0004(8).
117 (4) If the local government adopts an ordinance under this
118 section, an application for a building permit to construct an
119 accessory dwelling unit must include an affidavit from the
120 applicant which attests that the unit will be rented at an
121 affordable rate to a extremely-low-income, very-low-income, low-
122 income, or moderate-income person or persons.
123 Section 3. Paragraph (c) of subsection (1) of section
124 163.3187, Florida Statutes, is amended to read:
125 163.3187 Amendment of adopted comprehensive plan.--
126 (1) Amendments to comprehensive plans adopted pursuant to
127 this part may be made not more than two times during any
128 calendar year, except:
129 (c) Any local government comprehensive plan amendments
130 directly related to proposed small scale development activities
131 may be approved without regard to statutory limits on the
132 frequency of consideration of amendments to the local
133 comprehensive plan. A small scale development amendment may be
134 adopted only under the following conditions:
135 1. The proposed amendment involves a use of 10 acres or
136 fewer and:
137 a. The cumulative annual effect of the acreage for all
138 small scale development amendments adopted by the local
139 government shall not exceed:
140 (I) A maximum of 120 acres in a local government that
141 contains areas specifically designated in the local
142 comprehensive plan for urban infill, urban redevelopment, or
143 downtown revitalization as defined in s. 163.3164, urban infill
144 and redevelopment areas designated under s. 163.2517,
145 transportation concurrency exception areas approved pursuant to

146 s. 163.3180(5), or regional activity centers and urban central
147 business districts approved pursuant to s. 380.06(2)(e);
148 however, amendments under this paragraph may be applied to no
149 more than 60 acres annually of property outside the designated
150 areas listed in this sub-sub-subparagraph. Amendments adopted
151 pursuant to paragraph (k) shall not be counted toward the
152 acreage limitations for small scale amendments under this
153 paragraph.
154 (II) A maximum of 80 acres in a local government that does
155 not contain any of the designated areas set forth in sub-sub-
156 subparagraph (I).
157 (III) A maximum of 120 acres in a county established
158 pursuant to s. 9, Art. VIII of the State Constitution.
159 b. The proposed amendment does not involve the same
160 property granted a change within the prior 12 months.
161 c. The proposed amendment does not involve the same
162 owner's property within 200 feet of property granted a change
163 within the prior 12 months.
164 d. The proposed amendment does not involve a text change
165 to the goals, policies, and objectives of the local government's
166 comprehensive plan, but only proposes a land use change to the
167 future land use map for a site-specific small scale development
168 activity.
169 e. The property that is the subject of the proposed
170 amendment is not located within an area of critical state
171 concern, unless the project subject to the proposed amendment
172 involves the construction of affordable housing units meeting
173 the criteria of s. 420.0004(3), and is located within an area of
174 critical state concern designated by s. 380.0552 or by the
175 Administration Commission pursuant to s. 380.05(1). Such
176 amendment is not subject to the density limitations of sub-

177 subparagraph f., and shall be reviewed by the state land
178 planning agency for consistency with the principles for guiding
179 development applicable to the area of critical state concern
180 where the amendment is located and shall not become effective
181 until a final order is issued under s. 380.05(6).
182 f. If the proposed amendment involves a residential land
183 use, the residential land use has a density of 10 units or less
184 per acre or the proposed future land use category allows a
185 maximum residential density of the same or less than the maximum
186 residential density allowable under the existing future land use
187 category, except that this limitation does not apply to small
188 scale amendments involving the construction of affordable
189 housing units meeting the criteria of s. 420.0004(3) on property
190 which will be the subject of a land use restriction agreement ~~or~~
191 ~~extended use agreement recorded in conjunction with the issuance~~
192 ~~of tax exempt bond financing or an allocation of federal tax~~
193 ~~credits issued through the Florida Housing Finance Corporation~~
194 ~~or a local housing finance authority authorized by the Division~~
195 ~~of Bond Finance of the State Board of Administration~~, or small
196 scale amendments described in sub-sub-subparagraph a.(I) that
197 are designated in the local comprehensive plan for urban infill,
198 urban redevelopment, or downtown revitalization as defined in s.
199 163.3164, urban infill and redevelopment areas designated under
200 s. 163.2517, transportation concurrency exception areas approved
201 pursuant to s. 163.3180(5), or regional activity centers and
202 urban central business districts approved pursuant to s.
203 380.06(2)(e).
204 2.a. A local government that proposes to consider a plan
205 amendment pursuant to this paragraph is not required to comply
206 with the procedures and public notice requirements of s.
207 163.3184(15)(c) for such plan amendments if the local government

208 complies with the provisions in s. 125.66(4)(a) for a county or
209 in s. 166.041(3)(c) for a municipality. If a request for a plan
210 amendment under this paragraph is initiated by other than the
211 local government, public notice is required.
212 b. The local government shall send copies of the notice
213 and amendment to the state land planning agency, the regional
214 planning council, and any other person or entity requesting a
215 copy. This information shall also include a statement
216 identifying any property subject to the amendment that is
217 located within a coastal high-hazard area as identified in the
218 local comprehensive plan.
219 3. Small scale development amendments adopted pursuant to
220 this paragraph require only one public hearing before the
221 governing board, which shall be an adoption hearing as described
222 in s. 163.3184(7), and are not subject to the requirements of s.
223 163.3184(3)-(6) unless the local government elects to have them
224 subject to those requirements.
225 4. If the small scale development amendment involves a
226 site within an area that is designated by the Governor as a
227 rural area of critical economic concern under s. 288.0656(7) for
228 the duration of such designation, the 10-acre limit listed in
229 subparagraph 1. shall be increased by 100 percent to 20 acres.
230 The local government approving the small scale plan amendment
231 shall certify to the Office of Tourism, Trade, and Economic
232 Development that the plan amendment furthers the economic
233 objectives set forth in the executive order issued under s.
234 288.0656(7), and the property subject to the plan amendment
235 shall undergo public review to ensure that all concurrency
236 requirements and federal, state, and local environmental permit
237 requirements are met.

238 Section 4. Section 166.0451, Florida Statutes, is created
239 to read:
240 166.0451 Disposition of municipal property for affordable
241 housing.--
242 (1) By January 1, 2007, and every 3 years thereafter, each
243 municipality shall prepare an inventory list of all real
244 property within its jurisdiction to which the municipality holds
245 fee simple title. The inventory list must include the address
246 and legal description of each property and specify whether the
247 property is vacant or improved. Municipal planning staff shall
248 review the inventory list and identify each real property that
249 is appropriate for use as affordable housing. The time for
250 preparing the inventory list and its review by municipal
251 planning staff may not exceed 6 months. The properties
252 identified as appropriate for use as affordable housing may be
253 offered for sale and the proceeds used to purchase land for the
254 development of affordable housing or donated to the local
255 housing assistance trust fund, sold with a restriction that
256 requires any development on the property to include a specified
257 percentage of permanent affordable housing, or donated to a
258 nonprofit housing organization for the construction of permanent
259 affordable housing.
260 (2) Upon completing an inventory list in compliance with
261 this section, the governing body of the municipality shall hold
262 at least two public hearings to discuss the inventory list and
263 the recommendation of the staff concerning which properties are
264 appropriate for use as affordable housing. The governing body
265 shall comply with s. 166.041(3)(c)2.a. regarding the
266 advertisement of the public hearings and shall hold the first
267 hearing no later than 30 days after completing the inventory
268 list. The governing body shall approve the inventory list

269 through the adoption of a resolution at the second hearing no
270 later than 6 months after completing the inventory list.
271 (3) After the inventory list has been approved by
272 resolution, the governing body of the municipality shall
273 immediately make available any real property that has been
274 identified in the inventory list as appropriate for use as
275 affordable housing. The municipality shall make the surplus real
276 property available to:
277 (a) A private developer if the purchase price paid by the
278 developer is not less than the appraised value of the property
279 based on its highest and best use and the real property is sold
280 with deed restrictions that require a specified percentage of
281 any project developed on the real property to provide affordable
282 housing for low-income and moderate-income persons, with a
283 minimum of 10 percent of the units in the project available for
284 low-income persons and another 10 percent of the units available
285 for moderate-income persons for a total minimum of 20 percent,
286 or, if providing rental housing or a combination of rental
287 housing and homeownership, an additional 5 percent of the units
288 available for very-low-income persons for a total minimum of 25
289 percent;
290 (b) A private developer without any requirement that a
291 percentage of the units built on the real property be affordable
292 if the purchase price paid by the developer is not less than the
293 appraised value of the property based on its highest and best
294 use, in which case the municipality must use the funds received
295 from the developer to acquire real property on which affordable
296 housing will be built or donate the funds to the local housing
297 trust fund for the purpose of implementing the programs
298 described in ss. 420.907-420.9079; or

299 (c) A nonprofit housing organization, such as a community
300 land trust, housing authority, or community land trust, housing
301 authority, or community redevelopment agency to be used for the
302 production and preservation of permanently affordable housing.
303 (4) The deed restrictions required under paragraph (3)(a)
304 for an affordable housing unit must also prohibit the sale of
305 the unit at a price that exceeds the threshold for housing that
306 is affordable for low-income or moderate-income persons or to a
307 buyer who is not eligible due to his or her income under chapter
308 420. The deed restrictions may allow the affordable housing
309 units created under paragraph (3)(a) to be rented to extremely
310 low-income, very-low-income, low-income, or moderate-income
311 persons.
312 (5) For purposes of this section, the terms "affordable,"
313 "extremely low-income persons," "low-income persons," "moderate-
314 income persons," and "very-low-income persons" have the same
315 meaning as in s. 420.0004.
316 Section 5. Subsection(6) is added to section 189.4155,
317 Florida Statutes, to read:
318 189.4155 Activities of special districts; local government
319 comprehensive planning.--
320 (6) Any independent special district created pursuant to
321 chapter 190 is authorized to provide housing and housing
322 assistance for persons whose total annual household income does
323 not exceed 140 percent of the area median income, adjusted for
324 family size.
325 (7) Any independent special district created pursuant to
326 special act or general law, including, but not limited to, this
327 chapter and chapter 298, for the purpose of providing urban
328 infrastructure or services, is authorized to provide housing and
329 housing assistance for its employed personnel whose total annual

330 household income does not exceed 140 percent of the area median
331 income, adjusted for family size.
332 Section 6. Subsection (19) is added to section
333 191.006, Florida Statutes, to read:
334 191.006 General powers.--The district shall have, and the
335 board may exercise by majority vote, the following powers:
336 (19) To provide housing and housing assistance for its
337 employed personnel whose total annual household income does not
338 exceed 140 percent of the area median income, adjusted for
339 family size.
340 Section 7. Subsection (5) is added to section 193.017,
341 Florida Statutes, to read:
342 193.017 Low-income housing tax credit.--Property used for
343 affordable housing which has received a low-income housing tax
344 credit from the Florida Housing Finance Corporation, as
345 authorized by s. 420.5099, shall be assessed under s. 193.011
346 and, consistent with s. 420.5099(5) and (6), pursuant to this
347 section.
348 (5) If a capitalization rate is used to assess just
349 valuation for the affordable housing property, the appraiser
350 shall use a capitalization rate that is comparable to a rate
351 used for nonaffordable market-based properties.
352 Section 8. Section 193.018, Florida Statutes, is created
353 to read:
354 193.018 The Manny Diaz Affordable Housing Property Tax
355 Relief Initiative.--
356 (1) For the purpose of assessing just valuation of
357 affordable housing properties serving persons with income limits
358 defined as extremely low, low, moderate, and very low, as
359 specified in s. 420.0004(8), (10), (11), and (15), the actual
360 rental income from rent-restricted units in such a property

361 shall be recognized by the property appraiser for assessment
362 purposes, and a rental income approach pursuant to s. 193.011(7)
363 shall be used for assessment of the rents for the following
364 affordable housing properties:
365 (a) Property that is funded by the United States
366 Department of Housing and Urban Development under s. 8 of the
367 United States Housing Act of 1937 that is used to provide
368 affordable housing serving eligible persons as defined by s.
369 159.603(7) and elderly persons, extremely low-income persons,
370 and very-low-income persons as defined by s. 420.0004(7), (8),
371 and (15) and that has undergone financial restructuring as
372 provided in s. 501, Title V, Subtitle A of the Multifamily
373 Assisted Housing Reform and Affordability Act of 1997;
374 (b) Multifamily, farmworker, or elderly rental properties
375 that are funded by the Florida Housing Finance Corporation under
376 ss. 420.5087 and 420.5089 and the State Housing Initiatives
377 Partnership Program under ss. 420.9072 and 420.9075, s. 42 of
378 the Internal Revenue Code, 26 U.S.C. § 42; the HOME Investment
379 Partnership Program under the Cranston-Gonzalez National
380 Affordable Housing Act, 42 U.S.C. s. 12741 et seq.; or the
381 Federal Home Loan Banks' Affordable Housing Program established
382 pursuant to the Financial Institutions Reform, Recovery and
383 Enforcement Act of 1989, Pub. L. No. 101-73; or
384 (c) Multifamily residential rental properties of 10 or
385 more units that are deed restricted as affordable housing and
386 certified by the local housing agency as having at least 95
387 percent of its units providing affordable housing to extremely
388 low-income persons, very-low-income persons, low-income persons,
389 and moderate-income persons as defined by s. 420.0004(8), (15),
390 (10), and (11).

391 (2) Properties used for affordable housing which have
392 received a low-income housing tax credit from the Florida
393 Housing Finance Corporation, as authorized by s. 420.5099, shall
394 be assessed with priority consideration given to the rental
395 income approach under s. 193.011(7) and, consistent with s.
396 420.5099(5) and (6), pursuant to this section, the following
397 assumptions shall apply:
398 (a) The tax credits granted and the financing generated by
399 the tax credits may not be considered as income to the property.
400 (b) The actual rental income from rent-restricted units in
401 such a property shall be recognized by the property appraiser as
402 the real rents for assessing just value.
403 (c) Any costs paid for by tax credits and costs paid for
404 by additional financing proceeds received under chapter 420 may
405 not be included in the valuation of the property.
406 (d) If an extended low-income housing agreement is filed
407 in the official public records of the county in which the
408 property is located, the agreement, and any recorded amendment
409 or supplement thereto, shall be considered a land-use regulation
410 and a limitation on the highest and best use of the property
411 during the term of the agreement, amendment, or supplement.
412 Section 9. Section 196.1978, Florida Statutes, is amended
413 to read:
414 196.1978 Affordable housing property exemption.--
415 (1) Property used to provide affordable housing serving
416 eligible persons as defined by s. 159.603(7) and persons meeting
417 income limits specified in s. 420.0004(10)~~(9)~~, (11)~~(10)~~, and
418 (15)~~(14)~~, which property is owned entirely by a nonprofit entity
419 which is qualified as charitable under s. 501(c)(3) of the
420 Internal Revenue Code and which complies with Rev. Proc. 96-32,
421 1996-1 C.B. 717, shall be considered property owned by an exempt

422 entity and used for a charitable purpose, and those portions of
423 the affordable housing property which provide housing to
424 individuals with incomes as defined in s. 420.0004(10)~~(9)~~ and
425 (15)~~(14)~~ shall be exempt from ad valorem taxation to the extent
426 authorized in s. 196.196.
427 (2) For the purposes of this section, ownership entirely
428 by a nonprofit entity is classified as ownership by either:
429 (a) A corporation not for profit; or
430 (b) A Florida limited partnership the sole general partner
431 of which is either a corporation not for profit or a Florida
432 limited liability company or corporation the sole member or
433 shareholder, respectively, of which is a corporation not for
434 profit.
435 (3) All property owned by a nonprofit entity identified in
436 this section shall comply with the criteria for determination of
437 exempt status to be applied by property appraisers on an annual
438 basis as defined in s. 196.195. In order to qualify for exempt
439 status, the non-profit entity must affirmatively demonstrate to
440 the property appraiser that no part of the subject property, or
441 the sale, lease or other disposition of the assets of the
442 property will inure to the benefit of its member, officers,
443 limited liability partners or any person or firm operating for
444 profit of for a nonexempt purpose. The Legislature intends that
445 any property owned by a limited liability company which is
446 disregarded as an entity for federal income tax purposes
447 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be
448 treated as owned by its sole member.
449 Section 10. Paragraphs (o) and (q) of subsection (5) of
450 section 212.08, Florida Statutes, are amended to read:
451 212.08 Sales, rental, use, consumption, distribution, and
452 storage tax; specified exemptions.--The sale at retail, the

453 rental, the use, the consumption, the distribution, and the
454 storage to be used or consumed in this state of the following
455 are hereby specifically exempt from the tax imposed by this
456 chapter.
457 (5) EXEMPTIONS; ACCOUNT OF USE.--
458 (o) Building materials in redevelopment projects.--
459 1. As used in this paragraph, the term:
460 a. "Building materials" means tangible personal property
461 that becomes a component part of a housing project or a mixed-
462 use project.
463 b. "Housing project" means the conversion of an existing
464 manufacturing or industrial building to housing units in an
465 urban high-crime area, enterprise zone, empowerment zone, Front
466 Porch Community, designated brownfield area, or urban infill
467 area and in which the developer agrees to set aside at least 20
468 percent of the housing units in the project for extremely-low-
469 income, low-income and moderate-income persons or the
470 construction in a designated brownfield area of affordable
471 housing for persons described in s. 420.0004(8)~~(9)~~, (11)~~(10)~~, or
472 (15)~~(14)~~, or in s. 159.603(7).
473 c. "Mixed-use project" means the conversion of an existing
474 manufacturing or industrial building to mixed-use units that
475 include artists' studios, art and entertainment services, or
476 other compatible uses. A mixed-use project must be located in an
477 urban high-crime area, enterprise zone, empowerment zone, Front
478 Porch Community, designated brownfield area, or urban infill
479 area, and the developer must agree to set aside at least 20
480 percent of the square footage of the project for low-income and
481 moderate-income housing.
482 d. "Substantially completed" has the same meaning as
483 provided in s. 192.042(1).

484 2. Building materials used in the construction of a
485 housing project or mixed-use project are exempt from the tax
486 imposed by this chapter upon an affirmative showing to the
487 satisfaction of the department that the requirements of this
488 paragraph have been met. This exemption inures to the owner
489 through a refund of previously paid taxes. To receive this
490 refund, the owner must file an application under oath with the
491 department which includes:
492 a. The name and address of the owner.
493 b. The address and assessment roll parcel number of the
494 project for which a refund is sought.
495 c. A copy of the building permit issued for the project.
496 d. A certification by the local building code inspector
497 that the project is substantially completed.
498 e. A sworn statement, under penalty of perjury, from the
499 general contractor licensed in this state with whom the owner
500 contracted to construct the project, which statement lists the
501 building materials used in the construction of the project and
502 the actual cost thereof, and the amount of sales tax paid on
503 these materials. If a general contractor was not used, the owner
504 shall provide this information in a sworn statement, under
505 penalty of perjury. Copies of invoices evidencing payment of
506 sales tax must be attached to the sworn statement.
507 3. An application for a refund under this paragraph must
508 be submitted to the department within 6 months after the date
509 the project is deemed to be substantially completed by the local
510 building code inspector. Within 30 working days after receipt of
511 the application, the department shall determine if it meets the
512 requirements of this paragraph. A refund approved pursuant to
513 this paragraph shall be made within 30 days after formal
514 approval of the application by the department. The provisions of

515 s. 212.095 do not apply to any refund application made under
516 this paragraph.
517 4. The department shall establish by rule an application
518 form and criteria for establishing eligibility for exemption
519 under this paragraph.
520 5. The exemption shall apply to purchases of materials on
521 or after July 1, 2000.
522 (q) Community contribution tax credit for donations.--
523 1. Authorization.--~~Beginning July 1, 2001,~~ Persons who are
524 registered with the department under s. 212.18 to collect or
525 remit sales or use tax and who make donations to eligible
526 sponsors are eligible for tax credits against their state sales
527 and use tax liabilities as provided in this paragraph:
528 a. The credit shall be computed as 50 percent of the
529 person's approved annual community contribution.~~;~~
530 b. The credit shall be granted as a refund against state
531 sales and use taxes reported on returns and remitted in the 12
532 months preceding the date of application to the department for
533 the credit as required in sub-subparagraph 3.c. If the annual
534 credit is not fully used through such refund because of
535 insufficient tax payments during the applicable 12-month period,
536 the unused amount may be included in an application for a refund
537 made pursuant to sub-subparagraph 3.c. in subsequent years
538 against the total tax payments made for such year. Carryover
539 credits may be applied for a 3-year period without regard to any
540 time limitation that would otherwise apply under s. 215.26.~~;~~
541 c. A person may not receive more than $200,000 in annual
542 tax credits for all approved community contributions made in any
543 one year.~~;~~

544 d. All proposals for the granting of the tax credit
545 require the prior approval of the Office of Tourism, Trade, and
546 Economic Development.~~;~~
547 e. The total amount of tax credits which may be granted
548 for all programs approved under this paragraph, s. 220.183, and
549 s. 624.5105 is $10 ~~$12~~ million annually for projects that
550 provide homeownership opportunities for extremely-low-income
551 persons, as defined in s. 420.004(8), or low-income or very-low-
552 income persons as defined in s. 420.9071(19) and (28) and $3
553 million annually for all other projects.~~; and~~
554 f. A person who is eligible to receive the credit provided
555 for in this paragraph, s. 220.183, or s. 624.5105 may receive
556 the credit only under the one section of the person's choice.
557 2. Eligibility requirements.--
558 a. A community contribution by a person must be in the
559 following form:
560 (I) Cash or other liquid assets;
561 (II) Real property;
562 (III) Goods or inventory; or
563 (IV) Other physical resources as identified by the Office
564 of Tourism, Trade, and Economic Development.
565 b. All community contributions must be reserved
566 exclusively for use in a project. As used in this sub-
567 subparagraph, the term "project" means any activity undertaken
568 by an eligible sponsor which is designed to construct, improve,
569 or substantially rehabilitate housing that is affordable to
570 extremely-low-income persons, as defined in s. 420.0004(8), or
571 low-income or very-low-income households as defined in s.
572 420.9071(19) and (28); designed to provide commercial,
573 industrial, or public resources and facilities; or designed to
574 improve entrepreneurial and job-development opportunities for

575 low-income persons. A project may be the investment necessary to
576 increase access to high-speed broadband capability in rural
577 communities with enterprise zones, including projects that
578 result in improvements to communications assets that are owned
579 by a business. A project may include the provision of museum
580 educational programs and materials that are directly related to
581 any project approved between January 1, 1996, and December 31,
582 1999, and located in an enterprise zone designated pursuant to
583 s. 290.0065. This paragraph does not preclude projects that
584 propose to construct or rehabilitate housing for low-income or
585 very-low-income households on scattered sites. With respect to
586 housing, contributions may be used to pay the following eligible
587 low-income and very-low-income housing-related activities:
588 (I) Project development impact and management fees for
589 extremely-low-income, low-income or very-low-income housing
590 projects;
591 (II) Down payment and closing costs for eligible persons,
592 as defined in s. 420.9071(19) and (28);
593 (III) Administrative costs, including housing counseling
594 and marketing fees, not to exceed 10 percent of the community
595 contribution, directly related to extremely-low-income, low-
596 income or very-low-income projects; and
597 (IV) Removal of liens recorded against residential
598 property by municipal, county, or special district local
599 governments when satisfaction of the lien is a necessary
600 precedent to the transfer of the property to an eligible person,
601 as defined in s. 420.9071(19) and (28), for the purpose of
602 promoting home ownership. Contributions for lien removal must be
603 received from a nonrelated third party.
604 c. The project must be undertaken by an "eligible
605 sponsor," which includes:

606 (I) A community action program;
607 (II) A nonprofit community-based development organization
608 whose mission is the provision of housing for extremely-low-
609 income persons, low-income or very-low-income households or
610 increasing entrepreneurial and job-development opportunities for
611 low-income persons;
612 (III) A neighborhood housing services corporation;
613 (IV) A local housing authority created under chapter 421;
614 (V) A community redevelopment agency created under s.
615 163.356;
616 (VI) The Florida Industrial Development Corporation;
617 (VII) A historic preservation district agency or
618 organization;
619 (VIII) A regional workforce board;
620 (IX) A direct-support organization as provided in s.
621 1009.983;
622 (X) An enterprise zone development agency created under s.
623 290.0056;
624 (XI) A community-based organization incorporated under
625 chapter 617 which is recognized as educational, charitable, or
626 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
627 and whose bylaws and articles of incorporation include
628 affordable housing, economic development~~,~~ or community
629 development as the primary mission of the corporation;
630 (XII) Units of local government;
631 (XIII) Units of state government; or
632 (XIV) Any other agency that the Office of Tourism, Trade,
633 and Economic Development designates by rule.
634
635 In no event may a contributing person have a financial interest
636 in the eligible sponsor.

637 d. The project must be located in an area designated an
638 enterprise zone or a Front Porch Florida Community pursuant to
639 s. 20.18(6), unless the project increases access to high-speed
640 broadband capability for rural communities with enterprise zones
641 but is physically located outside the designated rural zone
642 boundaries. Any project designed to construct or rehabilitate
643 housing for low-income or very-low-income households as defined
644 in s. 420.0971(19) and (28) is exempt from the area requirement
645 of this sub-subparagraph.
646 e.(I) ~~For the first 6 months of the fiscal year, the~~
647 ~~Office of Tourism, Trade, and Economic Development shall reserve~~
648 ~~80 percent of the first $10 million in available annual tax~~
649 ~~credits and 70 percent of any available annual tax credits in~~
650 ~~excess of $10 million for donations made to eligible sponsors~~
651 ~~for projects that provide homeownership opportunities for low-~~
652 ~~income or very-low-income households as defined in s.~~
653 ~~420.9071(19) and (28). If any such reserved annual tax credits~~
654 ~~remain after the first 6 months of the fiscal year, the office~~
655 ~~may approve the balance of these available credits for donations~~
656 ~~made to eligible sponsors for projects other than those that~~
657 ~~provide homeownership opportunities for low income or very low-~~
658 ~~income households.~~
659 ~~(II) For the first 6 months of the fiscal year, the office~~
660 ~~shall reserve 20 percent of the first $10 million in available~~
661 ~~annual tax credits and 30 percent of any available annual tax~~
662 ~~credits in excess of $10 million for donations made to eligible~~
663 ~~sponsors for projects other than those that provide~~
664 ~~homeownership opportunities for low income or very low income~~
665 ~~households as defined in s. 420.9071(19) and (28). If any~~
666 ~~reserved annual tax credits remain after the first 6 months of~~
667 ~~the fiscal year, the office may approve the balance of these~~

668 ~~available credits for donations made to eligible sponsors for~~
669 ~~projects that provide homeownership opportunities for low-income~~
670 ~~or very-low-income households.~~
671 ~~(III)~~ If, during the first 10 business days of the state
672 fiscal year, eligible tax credit applications for projects that
673 provide homeownership opportunities for extremely-low-income
674 persons, as defined in s. 420.0004(8),or low-income or very-low-
675 income persons as defined in s. 420.9071(19) and (28) are
676 received for less than the ~~available~~ annual tax credits
677 available for those projects ~~reserved under sub-sub-subparagraph~~
678 ~~(I)~~, the office shall grant tax credits for those applications
679 and shall grant remaining tax credits on a first-come, first-
680 served basis for any subsequent eligible applications received
681 before the end of the ~~first 6 months of the~~ state fiscal year.
682 If, during the first 10 business days of the state fiscal year,
683 eligible tax credit applications for projects that provide
684 homeownership opportunities for extremely-low-income persons, as
685 defined in s. 420.0004(8),or low-income or very-low-income
686 persons as defined in s. 420.9071(19) and (28) are received for
687 more than the ~~available~~ annual tax credits available for those
688 projects ~~reserved under sub-sub-subparagraph (I)~~, the office
689 shall grant the tax credits for those ~~the~~ applications as
690 follows:
691 (A) If tax credit applications submitted for approved
692 projects of an eligible sponsor do not exceed $200,000 in total,
693 the credits shall be granted in full if the tax credit
694 applications are approved~~, subject to sub-sub-subparagraph (I)~~.
695 (B) If tax credit applications submitted for approved
696 projects of an eligible sponsor exceed $200,000 in total, the
697 amount of tax credits granted pursuant to sub-sub-sub-
698 subparagraph (A) shall be subtracted from the amount of

699 available tax credits ~~under sub-sub-subparagraph (I)~~, and the
700 remaining credits shall be granted to each approved tax credit
701 application on a pro rata basis.
702 ~~(C) If, after the first 6 months of the fiscal year,~~
703 ~~additional credits become available under sub-sub-subparagraph~~
704 ~~(II), the office shall grant the tax credits by first granting~~
705 ~~to those who received a pro rata reduction up to the full amount~~
706 ~~of their request and, if there are remaining credits, granting~~
707 ~~credits to those who applied on or after the 11th business day~~
708 ~~of the state fiscal year on a first come, first served basis.~~
709 (II)~~(IV)~~ If, during the first 10 business days of the
710 state fiscal year, eligible tax credit applications for projects
711 other than those that provide homeownership opportunities for
712 extremely-low-income persons, as defined in s. 420.0004(8), or
713 low-income or very-low-income persons as defined in s.
714 420.9071(19) and (28) are received for less than the ~~available~~
715 annual tax credits available for those projects ~~reserved under~~
716 ~~sub-sub-subparagraph (II)~~, the office shall grant tax credits
717 for those applications and shall grant remaining tax credits on
718 a first-come, first-served basis for any subsequent eligible
719 applications received before the end of ~~the first 6 months of~~
720 the state fiscal year. If, during the first 10 business days of
721 the state fiscal year, eligible tax credit applications for
722 projects other than those that provide homeownership
723 opportunities for extremely-low-income persons, as defined in s.
724 420.0004(8), or low-income or very-low-income persons as defined
725 in s. 420.9071(19) and (28) are received for more than the
726 ~~available~~ annual tax credits available for those projects
727 ~~reserved under sub-sub-subparagraph (II)~~, the office shall grant
728 the tax credits for those ~~the~~ applications on a pro rata basis.
729 ~~If, after the first 6 months of the fiscal year, additional~~

730 ~~credits become available under sub-sub-subparagraph (I), the~~
731 ~~office shall grant the tax credits by first granting to those~~
732 ~~who received a pro rata reduction up to the full amount of their~~
733 ~~request and, if there are remaining credits, granting credits to~~
734 ~~those who applied on or after the 11th business day of the state~~
735 ~~fiscal year on a first-come, first-served basis.~~
736 3. Application requirements.--
737 a. Any eligible sponsor seeking to participate in this
738 program must submit a proposal to the Office of Tourism, Trade,
739 and Economic Development which sets forth the name of the
740 sponsor, a description of the project, and the area in which the
741 project is located, together with such supporting information as
742 is prescribed by rule. The proposal must also contain a
743 resolution from the local governmental unit in which the project
744 is located certifying that the project is consistent with local
745 plans and regulations.
746 b. Any person seeking to participate in this program must
747 submit an application for tax credit to the office ~~of Tourism,~~
748 ~~Trade, and Economic Development~~ which sets forth the name of the
749 sponsor, a description of the project, and the type, value, and
750 purpose of the contribution. The sponsor shall verify the terms
751 of the application and indicate its receipt of the contribution,
752 which verification must be in writing and accompany the
753 application for tax credit. The person must submit a separate
754 tax credit application to the office for each individual
755 contribution that it makes to each individual project.
756 c. Any person who has received notification from the
757 office ~~of Tourism, Trade, and Economic Development~~ that a tax
758 credit has been approved must apply to the department to receive
759 the refund. Application must be made on the form prescribed for
760 claiming refunds of sales and use taxes and be accompanied by a

761 copy of the notification. A person may submit only one
762 application for refund to the department within any 12-month
763 period.
764 4. Administration.--
765 a. The Office of Tourism, Trade, and Economic Development
766 may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary
767 to administer this paragraph, including rules for the approval
768 or disapproval of proposals by a person.
769 b. The decision of the office ~~of Tourism, Trade, and~~
770 ~~Economic Development~~ must be in writing, and, if approved, the
771 notification shall state the maximum credit allowable to the
772 person. Upon approval, the office shall transmit a copy of the
773 decision to the Department of Revenue.
774 c. The office ~~of Tourism, Trade, and Economic Development~~
775 shall periodically monitor all projects in a manner consistent
776 with available resources to ensure that resources are used in
777 accordance with this paragraph; however, each project must be
778 reviewed at least once every 2 years.
779 d. The office ~~of Tourism, Trade, and Economic Development~~
780 shall, in consultation with the Department of Community Affairs~~,~~
781 ~~the Florida Housing Finance Corporation,~~ and the statewide and
782 regional housing and financial intermediaries, market the
783 availability of the community contribution tax credit program to
784 community-based organizations.
785 5. Expiration.--This paragraph expires June 30, 2015;
786 however, any accrued credit carryover that is unused on that
787 date may be used until the expiration of the 3-year carryover
788 period for such credit.
789 Section 11. Paragraph (c) of subsection (1) and paragraph
790 (b) of subsection (2) of section 220.183, Florida Statutes, are
791 amended to read:

792 220.183 Community contribution tax credit.--
793 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
794 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
795 SPENDING.--
796 (c) The total amount of tax credit which may be granted
797 for all programs approved under this section, s. 212.08(5)(q),
798 and s. 624.5105 is $10 ~~$12~~ million annually for projects that
799 provide homeownership opportunities for extremely-low-income
800 persons, as defined in s. 420.0004(8),or low-income or very-
801 low-income persons as defined in s. 420.9071(19) and (28) and $3
802 million annually for all other projects.
803 (2) ELIGIBILITY REQUIREMENTS.--
804 (b)1. All community contributions must be reserved
805 exclusively for use in projects as defined in s. 220.03(1)(t).
806 ~~2. For the first 6 months of the fiscal year, the Office~~
807 ~~of Tourism, Trade, and Economic Development shall reserve 80~~
808 ~~percent of the first $10 million in available annual tax~~
809 ~~credits, and 70 percent of any available annual tax credits in~~
810 ~~excess of $10 million, for donations made to eligible sponsors~~
811 ~~for projects that provide homeownership opportunities for low-~~
812 ~~income or very low income households as defined in s.~~
813 ~~420.9071(19) and (28). If any reserved annual tax credits remain~~
814 ~~after the first 6 months of the fiscal year, the office may~~
815 ~~approve the balance of these available credits for donations~~
816 ~~made to eligible sponsors for projects other than those that~~
817 ~~provide homeownership opportunities for low income or very low-~~
818 ~~income households.~~
819 ~~3. For the first 6 months of the fiscal year, the office~~
820 ~~shall reserve 20 percent of the first $10 million in available~~
821 ~~annual tax credits, and 30 percent of any available annual tax~~
822 ~~credits in excess of $10 million, for donations made to eligible~~

823 ~~sponsors for projects other than those that provide~~
824 ~~homeownership opportunities for low income or very low income~~
825 ~~households as defined in s. 420.9071(19) and (28). If any~~
826 ~~reserved annual tax credits remain after the first 6 months of~~
827 ~~the fiscal year, the office may approve the balance of these~~
828 ~~available credits for donations made to eligible sponsors for~~
829 ~~projects that provide homeownership opportunities for low income~~
830 ~~or very low income households.~~
831 2.~~4.~~ If, during the first 10 business days of the state
832 fiscal year, eligible tax credit applications for projects that
833 provide homeownership opportunities for extremely-low-income
834 persons, as defined in s. 420.0004(8), or low-income or very-
835 low-income persons as defined in s. 420.9071(19) and (28) are
836 received for less than the ~~available~~ annual tax credits
837 available for those projects ~~reserved under subparagraph 2.~~, the
838 office shall grant tax credits for those applications and shall
839 grant remaining tax credits on a first-come, first-served basis
840 for any subsequent eligible applications received before the end
841 of the ~~first 6 months of the~~ state fiscal year. If, during the
842 first 10 business days of the state fiscal year, eligible tax
843 credit applications for projects that provide homeownership
844 opportunities for extremely-low-income persons, as defined in s.
845 420.0004(8), or low-income or very-low-income persons as defined
846 in s. 420.9071(19) and (28) are received for more than the
847 ~~available~~ annual tax credits available for those projects
848 ~~reserved under subparagraph 2.~~, the office shall grant the tax
849 credits for those ~~such~~ applications as follows:
850 a. If tax credit applications submitted for approved
851 projects of an eligible sponsor do not exceed $200,000 in total,
852 the credit shall be granted in full if the tax credit

853 applications are approved~~, subject to the provisions of~~
854 ~~subparagraph 2~~.
855 b. If tax credit applications submitted for approved
856 projects of an eligible sponsor exceed $200,000 in total, the
857 amount of tax credits granted under sub-subparagraph a. shall be
858 subtracted from the amount of available tax credits ~~under~~
859 ~~subparagraph 2.~~, and the remaining credits shall be granted to
860 each approved tax credit application on a pro rata basis.
861 ~~c. If, after the first 6 months of the fiscal year,~~
862 ~~additional credits become available pursuant to subparagraph 3.,~~
863 ~~the office shall grant the tax credits by first granting to~~
864 ~~those who received a pro rata reduction up to the full amount of~~
865 ~~their request and, if there are remaining credits, granting~~
866 ~~credits to those who applied on or after the 11th business day~~
867 ~~of the state fiscal year on a first come, first served basis.~~
868 3.~~5.~~ If, during the first 10 business days of the state
869 fiscal year, eligible tax credit applications for projects other
870 than those that provide homeownership opportunities for
871 extremely-low-income persons, as defined in s. 420.0004(8), or
872 low-income or very-low-income persons as defined in s.
873 420.9071(19) and (28) are received for less than the ~~available~~
874 annual tax credits available for those projects ~~reserved under~~
875 ~~subparagraph 3.~~, the office shall grant tax credits for those
876 applications and shall grant remaining tax credits on a first-
877 come, first-served basis for any subsequent eligible
878 applications received before the end of the ~~first 6 months of~~
879 ~~the~~ state fiscal year. If, during the first 10 business days of
880 the state fiscal year, eligible tax credit applications for
881 projects other than those that provide homeownership
882 opportunities for extremely-low-income persons, as defined in s.
883 420.0004(8), or low-income or very-low-income persons as defined

884 in s. 420.9071(19) and (28) are received for more than the
885 ~~available~~ annual tax credits available for those projects
886 ~~reserved under subparagraph 3.~~, the office shall grant the tax
887 credits for those ~~such~~ applications on a pro rata basis. ~~If,~~
888 ~~after the first 6 months of the fiscal year, additional credits~~
889 ~~become available under subparagraph 2., the office shall grant~~
890 ~~the tax credits by first granting to those who received a pro~~
891 ~~rata reduction up to the full amount of their request and, if~~
892 ~~there are remaining credits, granting credits to those who~~
893 ~~applied on or after the 11th business day of the state fiscal~~
894 ~~year on a first come, first served basis.~~
895 Section 12. Paragraph (f) of subsection (6) of section
896 253.034, Florida Statutes, is amended to read:
897 253.034 State-owned lands; uses.--
898 (6) The Board of Trustees of the Internal Improvement
899 Trust Fund shall determine which lands, the title to which is
900 vested in the board, may be surplused. For conservation lands,
901 the board shall make a determination that the lands are no
902 longer needed for conservation purposes and may dispose of them
903 by an affirmative vote of at least three members. In the case of
904 a land exchange involving the disposition of conservation lands,
905 the board must determine by an affirmative vote of at least
906 three members that the exchange will result in a net positive
907 conservation benefit. For all other lands, the board shall make
908 a determination that the lands are no longer needed and may
909 dispose of them by an affirmative vote of at least three
910 members.
911 (f)1. In reviewing lands owned by the board, the council
912 shall consider whether such lands would be more appropriately
913 owned or managed by the county or other unit of local government
914 in which the land is located. The council shall recommend to

915 the board whether a sale, lease, or other conveyance to a local
916 government would be in the best interests of the state and local
917 government. The provisions of this paragraph in no way limit the
918 provisions of ss. 253.111 and 253.115. Such lands shall be
919 offered to the state, county, or local government for a period
920 of 30 days. Permittable uses for such surplus lands may include
921 public schools; public libraries; fire or law enforcement
922 substations; ~~and~~ governmental, judicial, or recreational
923 centers; and affordable housing. County or local government
924 requests for surplus lands shall be expedited throughout the
925 surplusing process. If the county or local government does not
926 elect to purchase such lands in accordance with s. 253.111, then
927 any surplusing determination involving other governmental
928 agencies shall be made upon the board deciding the best public
929 use of the lands. Surplus properties in which governmental
930 agencies have expressed no interest shall then be available for
931 sale on the private market.
932 2. Notwithstanding subparagraph 1., any surplus lands that
933 were acquired by the state prior to 1958 by a gift or other
934 conveyance for no consideration from a municipality, and which
935 the department has filed by July 1, 2006, a notice of its intent
936 to surplus, shall be first offered for reconveyance to such
937 municipality at no cost, but for the fair market value of any
938 building or other improvements to the land, unless otherwise
939 provided in a deed restriction of record. This subparagraph
940 expires July 1, 2006.
941 Section 13. Subsection (3) is added to section 253.0341,
942 Florida Statutes, to read:
943 253.0341 Surplus of state-owned lands to counties or local
944 governments.--Counties and local governments may submit
945 surplusing requests for state-owned lands directly to the board

946 of trustees. County or local government requests for the state
947 to surplus conservation or nonconservation lands, whether for
948 purchase or exchange, shall be expedited throughout the
949 surplusing process. Property jointly acquired by the state and
950 other entities shall not be surplused without the consent of all
951 joint owners.
952 (3) A local government may request that state lands be
953 specifically declared surplus lands for the purpose of providing
954 affordable housing. The request shall comply with the
955 requirements of subsection (1) if the lands are non-conservation
956 lands or subsection (2) if the lands are conservation lands.
957 Surplus lands that are conveyed to a local government for
958 affordable housing shall be disposed of by the local government
959 under the provisions of section 125.379 or section 166.0451.
960 Section 14. Section 295.16, Florida Statutes, is amended
961 to read:
962 295.16 Disabled veterans exempt from certain license or
963 permit fee.--No totally and permanently disabled veteran who is
964 a resident of Florida and honorably discharged from the Armed
965 Forces, who has been issued a valid identification card by the
966 Department of Veterans' Affairs in accordance with s. 295.17 or
967 has been determined by the United States Department of Veterans
968 Affairs or its predecessor to have a service-connected 100-
969 percent disability rating for compensation, or who has been
970 determined to have a service-connected disability rating of 100
971 percent and is in receipt of disability retirement pay from any
972 branch of the uniformed armed services, shall be required to pay
973 any license or permit fee, by whatever name known, to any county
974 or municipality in order to make improvements upon a dwelling
975 ~~mobile home~~ owned by the veteran which is used as the veteran's
976 residence, provided such improvements are limited to ramps,

977 widening of doors, and similar improvements for the purpose of
978 making the dwelling ~~mobile home~~ habitable for veterans confined
979 to wheelchairs.
980 Section 15. Paragraphs (b) and (e) of subsection (19) of
981 section 380.06, Florida Statutes, are amended to read:
982 380.06 Developments of regional impact.--
983 (19) SUBSTANTIAL DEVIATIONS.--
984 (b) Any proposed change to a previously approved
985 development of regional impact or development order condition
986 which, either individually or cumulatively with other changes,
987 exceeds any of the following criteria shall constitute a
988 substantial deviation and shall cause the development to be
989 subject to further development-of-regional-impact review without
990 the necessity for a finding of same by the local government:
991 1. An increase in the number of parking spaces at an
992 attraction or recreational facility by 5 percent or 300 spaces,
993 whichever is greater, or an increase in the number of spectators
994 that may be accommodated at such a facility by 5 percent or
995 1,000 spectators, whichever is greater.
996 2. A new runway, a new terminal facility, a 25-percent
997 lengthening of an existing runway, or a 25-percent increase in
998 the number of gates of an existing terminal, but only if the
999 increase adds at least three additional gates.
1000 3. An increase in the number of hospital beds by 5 percent
1001 or 60 beds, whichever is greater.
1002 4. An increase in industrial development area by 5 percent
1003 or 32 acres, whichever is greater.
1004 5. An increase in the average annual acreage mined by 5
1005 percent or 10 acres, whichever is greater, or an increase in the
1006 average daily water consumption by a mining operation by 5
1007 percent or 300,000 gallons, whichever is greater. An increase in

1008 the size of the mine by 5 percent or 750 acres, whichever is
1009 less. An increase in the size of a heavy mineral mine as defined
1010 in s. 378.403(7) will only constitute a substantial deviation if
1011 the average annual acreage mined is more than 500 acres and
1012 consumes more than 3 million gallons of water per day.
1013 6. An increase in land area for office development by 5
1014 percent or an increase of gross floor area of office development
1015 by 5 percent or 60,000 gross square feet, whichever is greater.
1016 7. An increase in the storage capacity for chemical or
1017 petroleum storage facilities by 5 percent, 20,000 barrels, or 7
1018 million pounds, whichever is greater.
1019 8. An increase of development at a waterport of wet
1020 storage for 20 watercraft, dry storage for 30 watercraft, or
1021 wet/dry storage for 60 watercraft in an area identified in the
1022 state marina siting plan as an appropriate site for additional
1023 waterport development or a 5-percent increase in watercraft
1024 storage capacity, whichever is greater.
1025 9. An increase in the number of dwelling units by 5
1026 percent or 50 dwelling units, whichever is greater.
1027 10. An increase in the number of dwelling units by 15
1028 percent or 100 units, whichever is greater, provided that 20
1029 percent of the increase in the number of dwelling units is
1030 dedicated to the construction of workforce housing. For purposes
1031 of this subparagraph, the term "workforce housing" means housing
1032 that will be made permanently affordable to a person who earns
1033 less than 140 percent of the area median income, as provided in
1034 a recorded land use restriction agreement.
1035 11.~~10.~~ An increase in commercial development by 50,000
1036 square feet of gross floor area or of parking spaces provided
1037 for customers for 300 cars or a 5-percent increase of either of
1038 these, whichever is greater.

1039 12.~~11.~~ An increase in hotel or motel facility units by 5
1040 percent or 75 units, whichever is greater.
1041 13.~~12.~~ An increase in a recreational vehicle park area by
1042 5 percent or 100 vehicle spaces, whichever is less.
1043 14.~~13.~~ A decrease in the area set aside for open space of
1044 5 percent or 20 acres, whichever is less.
1045 15.~~14.~~ A proposed increase to an approved multiuse
1046 development of regional impact where the sum of the increases of
1047 each land use as a percentage of the applicable substantial
1048 deviation criteria is equal to or exceeds 100 percent. The
1049 percentage of any decrease in the amount of open space shall be
1050 treated as an increase for purposes of determining when 100
1051 percent has been reached or exceeded.
1052 16.~~15.~~ A 15-percent increase in the number of external
1053 vehicle trips generated by the development above that which was
1054 projected during the original development-of-regional-impact
1055 review.
1056 17.~~16.~~ Any change which would result in development of any
1057 area which was specifically set aside in the application for
1058 development approval or in the development order for
1059 preservation or special protection of endangered or threatened
1060 plants or animals designated as endangered, threatened, or
1061 species of special concern and their habitat, primary dunes, or
1062 archaeological and historical sites designated as significant by
1063 the Division of Historical Resources of the Department of State.
1064 The further refinement of such areas by survey shall be
1065 considered under sub-subparagraph (e)5.b.
1066
1067 The substantial deviation numerical standards in subparagraphs
1068 4., 6., 10., 11., and 15. ~~14.~~, excluding residential uses, and
1069 16. ~~15.~~, are increased by 100 percent for a project certified

1070 under s. 403.973 which creates jobs and meets criteria
1071 established by the Office of Tourism, Trade, and Economic
1072 Development as to its impact on an area's economy, employment,
1073 and prevailing wage and skill levels. The substantial deviation
1074 numerical standards in subparagraphs 4., 6., 9., 10., 11., 12.,
1075 and 15. ~~14.~~ are increased by 50 percent for a project located
1076 wholly within an urban infill and redevelopment area designated
1077 on the applicable adopted local comprehensive plan future land
1078 use map and not located within the coastal high hazard area.
1079 (e)1. Except for a development order rendered pursuant to
1080 subsection (22) or subsection (25), a proposed change to a
1081 development order that individually or cumulatively with any
1082 previous change is less than any numerical criterion contained
1083 in subparagraphs (b)1.-16. ~~(b)1. 15.~~ and does not exceed any
1084 other criterion, or that involves an extension of the buildout
1085 date of a development, or any phase thereof, of less than 5
1086 years is not subject to the public hearing requirements of
1087 subparagraph (f)3., and is not subject to a determination
1088 pursuant to subparagraph (f)5. Notice of the proposed change
1089 shall be made to the regional planning council and the state
1090 land planning agency. Such notice shall include a description of
1091 previous individual changes made to the development, including
1092 changes previously approved by the local government, and shall
1093 include appropriate amendments to the development order.
1094 2. The following changes, individually or cumulatively
1095 with any previous changes, are not substantial deviations:
1096 a. Changes in the name of the project, developer, owner,
1097 or monitoring official.
1098 b. Changes to a setback that do not affect noise buffers,
1099 environmental protection or mitigation areas, or archaeological
1100 or historical resources.

1101 c. Changes to minimum lot sizes.
1102 d. Changes in the configuration of internal roads that do
1103 not affect external access points.
1104 e. Changes to the building design or orientation that stay
1105 approximately within the approved area designated for such
1106 building and parking lot, and which do not affect historical
1107 buildings designated as significant by the Division of
1108 Historical Resources of the Department of State.
1109 f. Changes to increase the acreage in the development,
1110 provided that no development is proposed on the acreage to be
1111 added.
1112 g. Changes to eliminate an approved land use, provided
1113 that there are no additional regional impacts.
1114 h. Changes required to conform to permits approved by any
1115 federal, state, or regional permitting agency, provided that
1116 these changes do not create additional regional impacts.
1117 i. Any renovation or redevelopment of development within a
1118 previously approved development of regional impact which does
1119 not change land use or increase density or intensity of use.
1120 j. Any other change which the state land planning agency
1121 agrees in writing is similar in nature, impact, or character to
1122 the changes enumerated in sub-subparagraphs a.-i. and which does
1123 not create the likelihood of any additional regional impact.
1124
1125 This subsection does not require a development order amendment
1126 for any change listed in sub-subparagraphs a.-j. unless such
1127 issue is addressed either in the existing development order or
1128 in the application for development approval, but, in the case of
1129 the application, only if, and in the manner in which, the
1130 application is incorporated in the development order.

1131 3. Except for the change authorized by sub-subparagraph
1132 2.f., any addition of land not previously reviewed or any change
1133 not specified in paragraph (b) or paragraph (c) shall be
1134 presumed to create a substantial deviation. This presumption may
1135 be rebutted by clear and convincing evidence.
1136 4. Any submittal of a proposed change to a previously
1137 approved development shall include a description of individual
1138 changes previously made to the development, including changes
1139 previously approved by the local government. The local
1140 government shall consider the previous and current proposed
1141 changes in deciding whether such changes cumulatively constitute
1142 a substantial deviation requiring further development-of-
1143 regional-impact review.
1144 5. The following changes to an approved development of
1145 regional impact shall be presumed to create a substantial
1146 deviation. Such presumption may be rebutted by clear and
1147 convincing evidence.
1148 a. A change proposed for 15 percent or more of the acreage
1149 to a land use not previously approved in the development order.
1150 Changes of less than 15 percent shall be presumed not to create
1151 a substantial deviation.
1152 b. Except for the types of uses listed in subparagraph
1153 (b)17. ~~(b)16.~~, any change which would result in the development
1154 of any area which was specifically set aside in the application
1155 for development approval or in the development order for
1156 preservation, buffers, or special protection, including habitat
1157 for plant and animal species, archaeological and historical
1158 sites, dunes, and other special areas.
1159 c. Notwithstanding any provision of paragraph (b) to the
1160 contrary, a proposed change consisting of simultaneous increases
1161 and decreases of at least two of the uses within an authorized

1162 multiuse development of regional impact which was originally
1163 approved with three or more uses specified in s. 380.0651(3)(c),
1164 (d), (f), and (g) and residential use.
1165 Section 16. Paragraph (k) of subsection (3) of section
1166 380.0651, Florida Statutes, is redesignated as paragraph (l),
1167 and a new paragraph (k) is added to that subsection to read:
1168 380.0651 Statewide guidelines and standards.--
1169 (3) The following statewide guidelines and standards shall
1170 be applied in the manner described in s. 380.06(2) to determine
1171 whether the following developments shall be required to undergo
1172 development-of-regional-impact review:
1173 (k) Workforce housing.--The applicable guidelines for
1174 residential development and the residential component for
1175 multiuse development shall be increased by 20 percent where the
1176 developer demonstrates that at least 15 percent of the
1177 residential dwelling units will be dedicated to workforce
1178 housing. For purposes of this subparagraph, the term "workforce
1179 housing" means housing that will be made permanently affordable
1180 to a person who earns less than 140 percent of the area median
1181 income, as provided in a recorded land use restriction
1182 agreement.
1183 Section 17. Section 420.0004, Florida Statutes, is amended
1184 to read:
1185 420.0004 Definitions.--As used in this part, unless the
1186 context otherwise indicates:
1187 (1) "Adjusted for family size" means adjusted in a manner
1188 which results in an income eligibility level which is lower for
1189 households with fewer than four people, or higher for households
1190 with more than four people, than the base income eligibility
1191 determined as provided in subsection (10) ~~(9)~~, subsection (11)
1192 ~~(10)~~, or subsection (15) ~~(14)~~, based upon a formula as

1193 established by the United States Department of Housing and Urban
1194 Development.
1195 (2) "Adjusted gross income" means all wages, assets,
1196 regular cash or noncash contributions or gifts from persons
1197 outside the household, and such other resources and benefits as
1198 may be determined to be income by the United States Department
1199 of Housing and Urban Development, adjusted for family size, less
1200 deductions allowable under s. 62 of the Internal Revenue Code.
1201 (3) "Affordable" means that monthly rents or monthly
1202 mortgage payments including taxes, insurance, and utilities do
1203 not exceed 30 percent of that amount which represents the
1204 percentage of the median adjusted gross annual income for the
1205 households as indicated in subsection (8), subsection (10) ~~(9)~~,
1206 subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~.
1207 (4) "Corporation" means the Florida Housing Finance
1208 Corporation.
1209 (5) "Community-based organization" or "nonprofit
1210 organization" means a private corporation organized under
1211 chapter 617 to assist in the provision of housing and related
1212 services on a not-for-profit basis and which is acceptable to
1213 federal and state agencies and financial institutions as a
1214 sponsor of low-income housing.
1215 (6) "Department" means the Department of Community
1216 Affairs.
1217 (7) "Elderly" describes persons 62 years of age or older.
1218 (8) "Extremely low-income persons" means one or more
1219 natural persons or a family whose total annual household income
1220 does not exceed 30 percent of the median annual adjusted gross
1221 income for households within the state. The Florida Housing
1222 Finance Corporation may adjust this amount annually by rule to
1223 provide that in lower income counties extremely low income may

1224 exceed 30 percent of area median income and that in higher
1225 income counties extremely low income may be less than 30 percent
1226 of area median income.
1227 (9) ~~(8)~~ "Local public body" means any county, municipality,
1228 or other political subdivision, or any housing authority as
1229 provided by chapter 421, which is eligible to sponsor or develop
1230 housing for farmworkers and very-low-income and low-income
1231 persons within its jurisdiction.
1232 (10) ~~(9)~~ "Low-income persons" means one or more natural
1233 persons or a family, the total annual adjusted gross household
1234 income of which does not exceed 80 percent of the median annual
1235 adjusted gross income for households within the state, or 80
1236 percent of the median annual adjusted gross income for
1237 households within the metropolitan statistical area (MSA) or, if
1238 not within an MSA, within the county in which the person or
1239 family resides, whichever is greater.
1240 (11) ~~(10)~~ "Moderate-income persons" means one or more
1241 natural persons or a family, the total annual adjusted gross
1242 household income of which is less than 120 percent of the median
1243 annual adjusted gross income for households within the state, or
1244 120 percent of the median annual adjusted gross income for
1245 households within the metropolitan statistical area (MSA) or, if
1246 not within an MSA, within the county in which the person or
1247 family resides, whichever is greater.
1248 (12) ~~(11)~~ "Student" means any person not living with his or
1249 her parent or guardian who is eligible to be claimed by his or
1250 her parent or guardian as a dependent under the federal income
1251 tax code and who is enrolled on at least a half-time basis in a
1252 secondary school, career center, community college, college, or
1253 university.
1254 (13) ~~(12)~~ "Substandard" means:

1255 (a) Any unit lacking complete plumbing or sanitary
1256 facilities for the exclusive use of the occupants;
1257 (b) A unit which is in violation of one or more major
1258 sections of an applicable housing code and where such violation
1259 poses a serious threat to the health of the occupant; or
1260 (c) A unit that has been declared unfit for human
1261 habitation but that could be rehabilitated for less than 50
1262 percent of the property value.
1263 (14) ~~(13)~~ "Substantial rehabilitation" means repair or
1264 restoration of a dwelling unit where the value of such repair or
1265 restoration exceeds 40 percent of the value of the dwelling.
1266 (15) ~~(14)~~ "Very-low-income persons" means one or more
1267 natural persons or a family, not including students, the total
1268 annual adjusted gross household income of which does not exceed
1269 50 percent of the median annual adjusted gross income for
1270 households within the state, or 50 percent of the median annual
1271 adjusted gross income for households within the metropolitan
1272 statistical area (MSA) or, if not within an MSA, within the
1273 county in which the person or family resides, whichever is
1274 greater.
1275 Section 18. Sections 420.37 and 420.530, Florida Statutes,
1276 are repealed.
1277 Section 19. Subsection (18) of section 420.503, Florida
1278 Statutes, is amended to read:
1279 420.503 Definitions.--As used in this part, the term:
1280 (18)(a) "Farmworker" means a laborer who is employed on a
1281 seasonal, temporary, or permanent basis in the planting,
1282 cultivating, harvesting, or processing of agricultural or
1283 aquacultural products and who derived at least 50 percent of her
1284 or his income in the immediately preceding 12 months from such
1285 employment.

1286 (b) "Farmworker" ~~also~~ includes a person who has retired as
1287 a laborer due to age, disability, or illness. In order to be
1288 considered retired as a farmworker due to age under this part, a
1289 person must be 50 years of age or older and must have been
1290 employed for a minimum of 5 years as a farmworker before
1291 retirement. In order to be considered retired as a farmworker
1292 due to disability or illness, a person must:
1293 1. ~~(a)~~ Establish medically that she or he is unable to be
1294 employed as a farmworker due to that disability or illness.
1295 2. ~~(b)~~ Establish that she or he was previously employed as
1296 a farmworker.
1297 (c) Notwithstanding paragraphs (a) and (b), when
1298 corporation-administered funds are used in conjunction with
1299 United States Department of Agriculture Rural Development funds,
1300 the term "farmworker" may mean a laborer who meets, at a
1301 minimum, the definition of "domestic farm laborer" as found in 7
1302 C.F.R. s. 3560.11, as amended. The corporation may establish
1303 additional criteria by rule.
1304 Section 20. Section 420.5061, Florida Statutes, is amended
1305 to read:
1306 420.5061 Transfer of agency assets and
1307 liabilities.--Effective January 1, 1998, all assets and
1308 liabilities and rights and obligations, including any
1309 outstanding contractual obligations, of the agency shall be
1310 transferred to the corporation as legal successor in all
1311 respects to the agency. The corporation shall thereupon become
1312 obligated to the same extent as the agency under any existing
1313 agreements and be entitled to any rights and remedies previously
1314 afforded the agency by law or contract, including specifically
1315 the rights of the agency under chapter 201 and part VI of
1316 chapter 159. The corporation is a state agency for purposes of

1317 s. 159.807(4)(a). Effective January 1, 1998, all references
1318 under Florida law to the agency are deemed to mean the
1319 corporation. The corporation shall transfer to the General
1320 Revenue Fund an amount which otherwise would have been deducted
1321 as a service charge pursuant to s. 215.20(1) if the Florida
1322 Housing Finance Corporation Fund established by s. 420.508(5),
1323 the State Apartment Incentive Loan Fund established by s.
1324 420.5087(7), the Florida Homeownership Assistance Fund
1325 established by s. 420.5088(4)~~(5)~~, the HOME Investment
1326 Partnership Fund established by s. 420.5089(1), and the Housing
1327 Predevelopment Loan Fund established by s. 420.525(1) were each
1328 trust funds. For purposes of s. 112.313, the corporation is
1329 deemed to be a continuation of the agency, and the provisions
1330 thereof are deemed to apply as if the same entity remained in
1331 place. Any employees of the agency and agency board members
1332 covered by s. 112.313(9)(a)6. shall continue to be entitled to
1333 the exemption in that subparagraph, notwithstanding being hired
1334 by the corporation or appointed as board members of the
1335 corporation. Effective January 1, 1998, all state property in
1336 use by the agency shall be transferred to and become the
1337 property of the corporation.
1338 Section 21. Subsections (22), (23), and (40) of section
1339 420.507, Florida Statutes, are amended, and subsections (44) and
1340 (45) are added to that section, to read:
1341 420.507 Powers of the corporation.--The corporation shall
1342 have all the powers necessary or convenient to carry out and
1343 effectuate the purposes and provisions of this part, including
1344 the following powers which are in addition to all other powers
1345 granted by other provisions of this part:

1346 (22) To develop and administer the State Apartment
1347 Incentive Loan Program. In developing and administering that
1348 program, the corporation may:
1349 (a) Make first, second, and other subordinated mortgage
1350 loans including variable or fixed rate loans subject to
1351 contingent interest for all State Apartment Incentive Loans
1352 provided for in this chapter based upon available cash flow of
1353 the projects. The corporation shall make loans exceeding 25
1354 percent of project cost available only to nonprofit
1355 organizations and public bodies which are able to secure grants,
1356 donations of land, or contributions from other sources and to
1357 projects meeting the criteria of subparagraph 1. Mortgage loans
1358 shall be made available at the following rates of interest:
1359 1. Zero to 3 percent interest for sponsors of projects
1360 that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~ of
1361 their total units for residents qualifying as farmworkers as
1362 defined in this part ~~s. 420.503(18)~~, or commercial fishing
1363 workers as defined in this part ~~s. 420.503(5)~~, or the homeless
1364 as defined in s. 420.621(4) over the life of the loan.
1365 2. The board may set the interest rate based on the pro
1366 rata share of units set aside for homeless residents if the
1367 total of such units is less than 80 percent of the units in the
1368 borrower's project.
1369 3. One ~~Three~~ to 9 percent interest for sponsors of
1370 projects targeted at populations other than farmworkers,
1371 commercial fishing workers, and the homeless.
1372 (b) Make loans exceeding 25 percent of project cost when
1373 the project serves extremely-low-income persons.
1374 (c) Forgive indebtedness for a share of the loan
1375 attributable to the units in a project reserved for extremely-
1376 low-income persons.

1377 (d) ~~(b)~~ Geographically and demographically target the
1378 utilization of loans.
1379 (e) ~~(c)~~ Underwrite credit, and reject projects which do not
1380 meet the established standards of the corporation.
1381 (f) ~~(d)~~ Negotiate with governing bodies within the state
1382 after a loan has been awarded to obtain local government
1383 contributions.
1384 (g) ~~(e)~~ Inspect any records of a sponsor at any time during
1385 the life of the loan or the agreed period for maintaining the
1386 provisions of s. 420.5087.
1387 (h) ~~(f)~~ Establish, by rule, the procedure for evaluating,
1388 scoring, and competitively ranking all applications based on the
1389 criteria set forth in s. 420.5087(6)(c); determining actual loan
1390 amounts; making and servicing loans; and exercising the powers
1391 authorized in this subsection.
1392 (i) ~~(g)~~ Establish a loan loss insurance reserve to be used
1393 to protect the outstanding program investment in case of a
1394 default, deed in lieu of foreclosure, or foreclosure of a
1395 program loan.
1396 (23) To develop and administer the Florida Homeownership
1397 Assistance Program. In developing and administering the program,
1398 the corporation may:
1399 (a)1. Make subordinated loans to eligible borrowers for
1400 down payments or closing costs related to the purchase of the
1401 borrower's primary residence.
1402 2. Make permanent loans to eligible borrowers related to
1403 the purchase of the borrower's primary residence.
1404 3. Make subordinated loans to nonprofit sponsors or
1405 developers of housing for purchase of property, for
1406 construction, or for financing of housing to be offered for sale

1407 to eligible borrowers as a primary residence at an affordable
1408 price.
1409 (b) Establish a loan loss insurance reserve to supplement
1410 existing sources of mortgage insurance with appropriated funds.
1411 (c) Geographically and demographically target the
1412 utilization of loans.
1413 (d) Defer repayment of loans for the term of the first
1414 mortgage.
1415 (e) Establish flexible terms for loans with an interest
1416 rate not to exceed 3 percent per annum and which are
1417 nonamortizing for the term of the first mortgage.
1418 (f) Require repayment of loans upon sale, transfer,
1419 refinancing, or rental of secured property, unless otherwise
1420 approved by the corporation.
1421 (g) Accelerate a loan for monetary default, for failure to
1422 provide the benefits of the loans to eligible borrowers, or for
1423 violation of any other restriction placed upon the loan.
1424 (h) Adopt rules for the program and exercise the powers
1425 authorized in this subsection.
1426 (40) To establish subsidiary business entities
1427 ~~corporations~~ for the purpose of taking title to and managing and
1428 disposing of property acquired by the corporation. Such
1429 subsidiary business entities ~~corporations~~ shall be public
1430 business entities ~~corporations~~ wholly owned by the corporation;
1431 shall be entitled to own, mortgage, and sell property on the
1432 same basis as the corporation; and shall be deemed business
1433 entities ~~corporations~~ primarily acting as an agent ~~agents~~ of the
1434 state, within the meaning of s. 768.28, on the same basis as the
1435 corporation. Any subsidiary business entity created by the
1436 corporation shall be subject to chapters 119, 120, and 286 to
1437 the same extent as the corporation. The subsidiary business

1438 entities shall have authority to make rules necessary to conduct
1439 business and to carry out the purposes of this subsection.
1440 (44) To adopt rules for the intervention, negotiation of
1441 terms or other actions necessary to further program goals or
1442 avoid default of a program loan. Such rules must consider
1443 fiscal program goals and the preservation or advancement of
1444 affordable housing for the state.
1445 (45) To establish by rule requirements for periodic
1446 reporting of data, including, but not limited to, financial
1447 data, housing market data, detailed economic and physical
1448 occupancy on multifamily projects, and demographic data on all
1449 housing financed through corporation programs and for
1450 participation in a housing locator system.
1451 Section 22. Subsections (1), (3), (5), and (6) of section
1452 420.5087, Florida Statutes, are amended to read:
1453 420.5087 State Apartment Incentive Loan Program.--There is
1454 hereby created the State Apartment Incentive Loan Program for
1455 the purpose of providing first, second, or other subordinated
1456 mortgage loans or loan guarantees to sponsors, including for-
1457 profit, nonprofit, and public entities, to provide housing
1458 affordable to very-low-income persons.
1459 (1) Program funds shall be distributed over successive 3-
1460 year periods in a manner that meets the need and demand for
1461 very-low-income housing throughout the state. That need and
1462 demand must be determined by using the most recent statewide
1463 low-income rental housing market studies available at the
1464 beginning of each 3-year period. However, at least 10 percent of
1465 the program funds distributed during a 3-year period must be
1466 allocated to each of the following categories of counties, as
1467 determined by using the population statistics published in the
1468 most recent edition of the Florida Statistical Abstract:

1469 (a) Counties that have a population of 825,000 or more.
1470 ~~more than 500,000 people;~~
1471 (b) Counties that have a population of more than ~~between~~
1472 100,000 but less than 825,000. ~~and 500,000 people; and~~
1473 (c) Counties that have a population of 100,000 or less.
1474
1475 Any increase in funding required to reach the 10-percent minimum
1476 shall be taken from the county category that has the largest
1477 allocation. The corporation shall adopt rules which establish an
1478 equitable process for distributing any portion of the 10 percent
1479 of program funds allocated to the county categories specified in
1480 this subsection which remains unallocated at the end of a 3-year
1481 period. Counties that have a population of 100,000 or less shall
1482 be given preference under these rules.
1483 (3) During the first 6 months of loan or loan guarantee
1484 availability, program funds shall be reserved for use by
1485 sponsors who provide the housing set-aside required in
1486 subsection (2) for the tenant groups designated in this
1487 subsection. The reservation of funds to each of these groups
1488 shall be determined using the most recent statewide very-low-
1489 income rental housing market study available at the time of
1490 publication of each notice of fund availability required by
1491 paragraph (6)(b). The reservation of funds within each notice of
1492 fund availability to the tenant groups in paragraphs (a), (b),
1493 and (d) may not be less than 10 percent of the funds available
1494 at that time. Any increase in funding required to reach the 10-
1495 percent minimum shall be taken from the tenant group that has
1496 the largest reservation. The reservation of funds within each
1497 notice of fund availability to the tenant group in paragraph (c)
1498 may not be less than 5 percent of the funds available at that
1499 time. The tenant groups are:

1500 (a) Commercial fishing workers and farmworkers;
1501 (b) Families;
1502 (c) Persons who are homeless; and
1503 (d) Elderly persons. Ten percent of the amount reserved
1504 for the elderly shall be reserved to provide loans to sponsors
1505 of housing for the elderly for the purpose of making building
1506 preservation, health, or sanitation repairs or improvements
1507 which are required by federal, state, or local regulation or
1508 code, or lifesafety or security-related repairs or improvements
1509 to such housing. Such a loan may not exceed $750,000 per housing
1510 community for the elderly. In order to receive the loan, the
1511 sponsor of the housing community must make a commitment to match
1512 at least 5 ~~15~~ percent of the loan amount to pay the cost of such
1513 repair or improvement. The corporation shall establish the rate
1514 of interest on the loan, which may not exceed 3 percent, and the
1515 term of the loan, which may not exceed 15 years; however, if the
1516 lien of the corporation's encumbrance is subordinate to the lien
1517 of another mortgagee, then the term may be made coterminous with
1518 the longest term of the superior lien. The term of the loan
1519 shall be established on the basis of a credit analysis of the
1520 applicant. The corporation shall establish, by rule, the
1521 procedure and criteria for receiving, evaluating, and
1522 competitively ranking all applications for loans under this
1523 paragraph. A loan application must include evidence of the first
1524 mortgagee's having reviewed and approved the sponsor's intent to
1525 apply for a loan. A nonprofit organization or sponsor may not
1526 use the proceeds of the loan to pay for administrative costs,
1527 routine maintenance, or new construction.
1528 (5) The amount of the mortgage provided under this program
1529 combined with any other mortgage in a superior position shall be
1530 less than the value of the project without the housing set-aside

1531 required by subsection (2). However, the corporation may waive
1532 this requirement for projects in rural areas or urban infill
1533 areas which have market rate rents that are less than the
1534 allowable rents pursuant to applicable state and federal
1535 guidelines, and for projects which reserve units for extremely-
1536 low-income persons. In no event shall the mortgage provided
1537 under this program combined with any other mortgage in a
1538 superior position exceed total project cost.
1539 (6) On all state apartment incentive loans, except loans
1540 made to housing communities for the elderly to provide for
1541 lifesafety, building preservation, health, sanitation, or
1542 security-related repairs or improvements, the following
1543 provisions shall apply:
1544 (a) The corporation shall establish two interest rates in
1545 accordance with s. 420.507(22)(a)1. and 3. ~~2.~~
1546 (b) The corporation shall publish a notice of fund
1547 availability in a publication of general circulation throughout
1548 the state. Such notice shall be published at least 60 days prior
1549 to the application deadline and shall provide notice of the
1550 temporary reservations of funds established in subsection (3).
1551 (c) The corporation shall provide by rule for the
1552 establishment of a review committee composed of the department
1553 and corporation staff and shall establish by rule a scoring
1554 system for evaluation and competitive ranking of applications
1555 submitted in this program, including, but not limited to, the
1556 following criteria:
1557 1. Tenant income and demographic targeting objectives of
1558 the corporation.
1559 2. Targeting objectives of the corporation which will
1560 ensure an equitable distribution of loans between rural and
1561 urban areas.

1562 3. Sponsor's agreement to reserve the units for persons or
1563 families who have incomes below 50 percent of the state or local
1564 median income, whichever is higher, for a time period to exceed
1565 the minimum required by federal law or the provisions of this
1566 part.
1567 4. Sponsor's agreement to reserve more than:
1568 a. Twenty percent of the units in the project for persons
1569 or families who have incomes that do not exceed 50 percent of
1570 the state or local median income, whichever is higher; or
1571 b. Forty percent of the units in the project for persons
1572 or families who have incomes that do not exceed 60 percent of
1573 the state or local median income, whichever is higher, without
1574 requiring a greater amount of the loans as provided in this
1575 section.
1576 5. Provision for tenant counseling.
1577 6. Sponsor's agreement to accept rental assistance
1578 certificates or vouchers as payment for rent; ~~however, when~~
1579 ~~certificates or vouchers are accepted as payment for rent on~~
1580 ~~units set aside~~ ~~pursuant to subsection (2), the benefit must be~~
1581 ~~divided between the corporation and the sponsor, as provided by~~
1582 ~~corporation rule~~.
1583 7. Projects requiring the least amount of a state
1584 apartment incentive loan compared to overall project cost <u>except</u>
1585 <u>that the share of the loan attributable to units serving</u>
1586 <u>extremely low-income persons shall be excluded from this</u>
1587 <u>requirement</u>.
1588 8. Local government contributions and local government
1589 comprehensive planning and activities that promote affordable
1590 housing.
1591 9. Project feasibility.
1592 10. Economic viability of the project.

1593 11. Commitment of first mortgage financing.
1594 12. Sponsor's prior experience.
1595 13. Sponsor's ability to proceed with construction.
1596 14. Projects that directly implement or assist welfare-to-
1597 work transitioning.
1598 15. Projects that reserve units for extremely-low-income
1599 persons.
1600 (d) The corporation may reject any and all applications.
1601 (e) The corporation may approve and reject applications
1602 for the purpose of achieving geographic targeting.
1603 (f) The review committee established by corporation rule
1604 pursuant to this subsection shall make recommendations to the
1605 board of directors of the corporation regarding program
1606 participation under the State Apartment Incentive Loan Program.
1607 The corporation board shall make the final ranking and the
1608 decisions regarding which applicants shall become program
1609 participants based on the scores received in the competitive
1610 ranking, further review of applications, and the recommendations
1611 of the review committee. The corporation board shall approve or
1612 reject applications for loans and shall determine the tentative
1613 loan amount available to each applicant selected for
1614 participation in the program. The actual loan amount shall be
1615 determined pursuant to rule adopted pursuant to s.
1616 420.507(22)(h)~~(f)~~.
1617 (g) The loan term shall be for a period of not more than
1618 15 years; however, if both a program loan and federal low-income
1619 housing tax credits are to be used to assist a project, the
1620 corporation may set the loan term for a period commensurate with
1621 the investment requirements associated with the tax credit
1622 syndication. The term of the loan may also exceed 15 years if
1623 the lien of the corporation's encumbrance is subordinate to the

1624 lien of another mortgagee; then the term may be made coterminous
1625 with the longest term of the superior lien.~~necessary to conform~~
1626 ~~to requirements of the Federal National Mortgage Association~~
1627 The corporation may renegotiate and extend the loan in order to
1628 extend the availability of housing for the targeted population.
1629 The term of a loan may not extend beyond the period for which
1630 the sponsor agrees to provide the housing set-aside required by
1631 subsection (2).
1632 (h) The loan shall be subject to sale, transfer, or
1633 refinancing. The sale, transfer, or refinancing of the loan
1634 shall be consistent with fiscal program goals and the
1635 preservation or advancement of affordable housing for the state.
1636 ~~However, all requirements and conditions of the loan shall~~
1637 ~~remain following sale, transfer, or refinancing.~~
1638 (i) The discrimination provisions of s. 420.516 shall
1639 apply to all loans.
1640 (j) The corporation may require units dedicated for the
1641 elderly.
1642 (k) Rent controls shall not be allowed on any project
1643 except as required in conjunction with the issuance of tax-
1644 exempt bonds or federal low-income housing tax credits, and
1645 except when the sponsor has committed to set aside units for
1646 extremely low-income persons, in which case rents shall be
1647 restricted at the level applicable for federal low-income tax
1648 credits.
1649 (l) The proceeds of all loans shall be used for new
1650 construction or substantial rehabilitation which creates
1651 affordable, safe, and sanitary housing units.
1652 (m) Sponsors shall annually certify the adjusted gross
1653 income of all persons or families qualified under subsection (2)
1654 at the time of initial occupancy, who are residing in a project

1655 funded by this program. All persons or families qualified under
1656 subsection (2) may continue to qualify under subsection (2) in a
1657 project funded by this program if the adjusted gross income of
1658 those persons or families at the time of annual recertification
1659 meets the requirements established in s. 142(d)(3)(B) of the
1660 Internal Revenue Code of 1986, as amended. If the annual
1661 recertification of persons or families qualifying under
1662 subsection (2) results in noncompliance with income occupancy
1663 requirements, the next available unit must be rented to a person
1664 or family qualifying under subsection (2) in order to ensure
1665 continuing compliance of the project. The corporation may waive
1666 the annual recertification if 100 percent of the units are set
1667 aside as affordable.
1668 (n) Upon submission and approval of a marketing plan which
1669 demonstrates a good faith effort of a sponsor to rent a unit or
1670 units to persons or families reserved under subsection (3) and
1671 qualified under subsection (2), the sponsor may rent such unit
1672 or units to any person or family qualified under subsection (2)
1673 notwithstanding the reservation.
1674 (o) Sponsors may participate in federal mortgage insurance
1675 programs and must abide by the requirements of those programs.
1676 If a conflict occurs between the requirements of federal
1677 mortgage insurance programs and the requirements of this
1678 section, the requirements of federal mortgage insurance programs
1679 shall take precedence.
1680 Section 23. Section 420.5088, Florida Statutes, is amended
1681 to read:
1682 420.5088 Florida Homeownership Assistance Program.--There
1683 is created the Florida Homeownership Assistance Program for the
1684 purpose of assisting low-income <u>and moderate-income</u> persons in
1685 purchasing a home <u>as their primary residence</u> by reducing the

1686 cost of the home with below-market construction financing, by
1687 reducing the amount of down payment and closing costs paid by
1688 the borrower to a maximum of 5 percent of the purchase price, or
1689 by reducing the monthly payment to an affordable amount for the
1690 purchaser. Loans shall be made available at an interest rate
1691 that does not exceed 3 percent. The balance of any loan is due
1692 at closing if the property is sold, refinanced, rented, or
1693 transferred, unless otherwise approved by the corporation.
1694 (1) For loans made available pursuant to s.
1695 420.507(23)(a)1. or 2.:
1696 (a) The corporation may underwrite and make those mortgage
1697 loans through the program to persons or families who have
1698 incomes that do not exceed 120 ~~80~~ percent of the state or local
1699 median income, whichever is greater, adjusted for family size.
1700 (b) Loans shall be made available for the term of the
1701 first mortgage.
1702 (c) Loans may not exceed ~~are limited to~~ the lesser of 35
1703 ~~25~~ percent of the purchase price of the home or the amount
1704 necessary to enable the purchaser to meet credit underwriting
1705 criteria.
1706 (2) For loans made pursuant to s. 420.507(23)(a)3.:
1707 (a) Availability is limited to nonprofit sponsors or
1708 developers who are selected for program participation pursuant
1709 to this subsection.
1710 (b) Preference must be given ~~to community development~~
1711 ~~corporations as defined in s. 290.033 and~~ to community-based
1712 organizations as defined in s. 420.503.
1713 (c) Priority must be given to projects that have received
1714 state assistance in funding project predevelopment costs.

1715 (d) The benefits of making such loans shall be
1716 contractually provided to the persons or families purchasing
1717 homes financed under this subsection.
1718 (e) At least 30 percent of the units in a project financed
1719 pursuant to this subsection must be sold to persons or families
1720 who have incomes that do not exceed 80 percent of the state or
1721 local median income, whichever amount is greater, adjusted for
1722 family size; and at least another 30 percent of the units in a
1723 project financed pursuant to this subsection must be sold to
1724 persons or families who have incomes that do not exceed 65 ~~50~~
1725 percent of the state or local median income, whichever amount is
1726 greater, adjusted for family size.
1727 (f) The maximum loan amount may not exceed 33 percent of
1728 the total project cost.
1729 (g) A person who purchases a home in a project financed
1730 under this subsection is eligible for a loan authorized by s.
1731 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the
1732 construction loan made pursuant to this subsection. The home
1733 purchaser must meet all the requirements for loan recipients
1734 established pursuant to the applicable loan program.
1735 (h) The corporation shall provide, by rule, for the
1736 establishment of a review committee composed of corporation
1737 staff and shall establish, by rule, a scoring system for
1738 evaluating and ranking applications submitted for construction
1739 loans under this subsection, including, but not limited to, the
1740 following criteria:
1741 1. The affordability of the housing proposed to be built.
1742 2. The direct benefits of the assistance to the persons
1743 who will reside in the proposed housing.
1744 3. The demonstrated capacity of the applicant to carry out
1745 the proposal, including the experience of the development team.

1746 4. The economic feasibility of the proposal.
1747 5. The extent to which the applicant demonstrates
1748 potential cost savings by combining the benefits of different
1749 governmental programs and private initiatives, including the
1750 local government contributions and local government
1751 comprehensive planning and activities that promote affordable
1752 housing.
1753 6. The use of the least amount of program loan funds
1754 compared to overall project cost.
1755 7. The provision of homeownership counseling.
1756 8. The applicant's agreement to exceed the requirements of
1757 paragraph (e).
1758 9. The commitment of first mortgage financing for the
1759 balance of the construction loan and for the permanent loans to
1760 the purchasers of the housing.
1761 10. The applicant's ability to proceed with construction.
1762 11. The targeting objectives of the corporation which will
1763 ensure an equitable distribution of loans between rural and
1764 urban areas.
1765 12. The extent to which the proposal will further the
1766 purposes of this program.
1767 (i) The corporation may reject any and all applications.
1768 (j) The review committee established by corporation rule
1769 pursuant to this subsection shall make recommendations to the
1770 corporation board regarding program participation under this
1771 subsection. The corporation board shall make the final ranking
1772 for participation based on the scores received in the ranking,
1773 further review of the applications, and the recommendations of
1774 the review committee. The corporation board shall approve or
1775 reject applicants for loans and shall determine the tentative
1776 loan amount available to each program participant. The final

1777 loan amount shall be determined pursuant to rule adopted under
1778 s. 420.507(23)(h).
1779 (3) The corporation shall publish a notice of fund
1780 availability in a publication of general circulation throughout
1781 the state at least 60 days prior to the anticipated availability
1782 of funds.
1783 ~~(4) During the first 9 months of fund availability:~~
1784 ~~(a) Sixty percent of the program funds shall be reserved~~
1785 ~~for use by borrowers pursuant to s. 420.507(23)(a)1.;~~
1786 ~~(b) Twenty percent of the program funds shall be reserved~~
1787 ~~for use by borrowers pursuant to s. 420.507(23)(a)2.; and~~
1788 ~~(c) Twenty percent of the program funds shall be reserved~~
1789 ~~for use by borrowers pursuant to s. 420.507(23)(a)3.~~
1790
1791 ~~If the application of these percentages would cause the~~
1792 ~~reservation of program funds under paragraph (a) to be less than~~
1793 ~~$1 million, the reservation for paragraph (a) shall be increased~~
1794 ~~to $1 million or all available funds, whichever amount is less,~~
1795 ~~with the increase to be accomplished by reducing the reservation~~
1796 ~~for paragraph (b) and, if necessary, paragraph (c).~~
1797 (4) ~~(5)~~ There is authorized to be established by the
1798 corporation with a qualified public depository meeting the
1799 requirements of chapter 280 the Florida Homeownership Assistance
1800 Fund to be administered by the corporation according to the
1801 provisions of this program. Any amounts held in the Florida
1802 Homeownership Assistance Trust Fund for such purposes as of
1803 January 1, 1998, must be transferred to the corporation for
1804 deposit in the Florida Homeownership Assistance Fund, whereupon
1805 the Florida Homeownership Assistance Trust Fund must be closed.
1806 There shall be deposited in the fund moneys from the State
1807 Housing Trust Fund created by s. 420.0005, or moneys received

1808 from any other source, for the purpose of this program and all
1809 proceeds derived from the use of such moneys. In addition, all
1810 unencumbered funds, loan repayments, proceeds from the sale of
1811 any property, and any other proceeds that would otherwise accrue
1812 pursuant to the activities of the programs described in this
1813 section shall be transferred to this fund. In addition, all loan
1814 repayments, proceeds from the sale of any property, and any
1815 other proceeds that would otherwise accrue pursuant to the
1816 activities conducted under the provisions of the Florida
1817 Homeownership Assistance Program shall be deposited in the fund
1818 and shall not revert to the General Revenue Fund. Expenditures
1819 from the Florida Homeownership Assistance Fund shall not be
1820 required to be included in the corporation's budget request or
1821 be subject to appropriation by the Legislature.
1822 (5) ~~(6)~~ No more than one-fifth of the funds available in
1823 the Florida Homeownership Assistance Fund may be made available
1824 to provide loan loss insurance reserve funds to facilitate
1825 homeownership for eligible persons.
1826 Section 24. Section 420.5095, Florida Statutes, is created
1827 to read:
1828 420.5095 Community Workforce Housing Innovation Program.--
1829 (1) The Community Workforce Housing Innovation Program is
1830 created for the purpose of providing affordable rental and home
1831 ownership community workforce housing for essential services
1832 personnel with medium incomes in high-cost and high-growth
1833 counties in this state, using regulatory incentives and state
1834 and local funds to promote local public-private partnerships and
1835 leverage government and private resources.
1836 (2) Subject to the availability of an annual appropriation
1837 by the Legislature to fund the Community Workforce Housing
1838 Innovation Program, the corporation shall have the authority to

1839 provide Community Workforce Housing Innovation Program loans,
1840 which may be forgivable, to an applicant for construction or
1841 rehabilitation of rental or home ownership workforce housing in
1842 eligible counties. The corporation shall establish a funding
1843 process and selection criteria by rule or request for proposals
1844 to distribute annually appropriated funds under this section.
1845 Funding may be used with other corporation and private sector
1846 resources.
1847 (3) The corporation shall provide incentives for local
1848 governments in these counties to use local affordable housing
1849 funds, such as those from the State Housing Initiatives
1850 Partnership Program to assist in meeting the affordable housing
1851 needs of persons eligible under this program.
1852 (4) The Community Workforce Housing Innovation Program
1853 projects shall target:
1854 (a) "High-cost counties," defined as those counties in
1855 which the median sales price of a single-family home using the
1856 most recent county level statistics is above the state median
1857 sales price of a single-family home, areas of critical state
1858 concern designated under s. 380.05 for which the Legislature has
1859 declared its intent to provide affordable housing, and areas
1860 that were designated as areas of critical state concern for at
1861 least 20 consecutive years prior to removal of the designation,
1862 and counties designated as rural areas of critical economic
1863 concern. The corporation shall develop the list of high-cost
1864 counties on an annual basis.
1865 (b) "High-growth counties," defined as those counties that
1866 demonstrate significantly high rates of growth in K-12 public
1867 school students and a substantial number of open teaching
1868 positions currently and projected for the next school year. To
1869 qualify under these criteria of high growth and need to fill

1870 public school teaching positions, a county's school district
1871 must have been in the top 10 school districts in the state for
1872 the fastest student population growth as a percentage rate of
1873 increase for the previous 5 years, as defined by the Department
1874 of Education. Counties with school districts having the greatest
1875 number of teaching position vacancies shall be prioritized.
1876 (c) "Public-private partnerships," defined to include
1877 substantial involvement of at least one county, one
1878 municipality, or one public sector entity, such as a school
1879 district or other unit of local government in which the project
1880 is to be located, and at least one private not-for-profit or
1881 for-profit project partner. Partnerships are encouraged to
1882 include one or more private sector business or charitable
1883 entities and may be any form of business entity, including a
1884 joint venture or contractual agreement.
1885 (d) "Workforce housing," defined as housing affordable to
1886 natural persons or families whose total annual household income
1887 does not exceed 140 percent of the area median income, adjusted
1888 for household size, in prioritized areas included in this
1889 subsection, or 150 percent of area median income, adjusted for
1890 household size, in areas of critical state concern or in areas
1891 that were designated as areas of critical state concern for at
1892 least 20 consecutive years prior to removal of the designation.
1893 (e) "Essential services personnel" defined as persons in
1894 need of affordable housing who are employed in areas in which
1895 they are considered essential services personnel, as defined by
1896 each county and eligible municipality within its local housing
1897 assistance plan pursuant to s. 420.9075(3)(a).
1898 (f) Innovative projects that include new construction or
1899 rehabilitation of existing housing, mixed-income housing, or
1900 commercial and housing mixed-use elements.

1901 (5) No more than one project shall be funded per county
1902 per year. The corporation shall seek to achieve a 70-percent
1903 high-cost, 30-percent high-growth ratio in its annual funding of
1904 projects. However, when one project in each of the high-cost
1905 and high-growth counties which have made application have been
1906 funded, the corporation may fund other projects as provided in
1907 this section.
1908 (6)(a) Projects shall receive priority consideration for
1909 funding where the local jurisdiction has allowed appropriate
1910 workforce housing incentives to promote the financial viability,
1911 successful development, and ongoing maintenance of these housing
1912 developments, such as:
1913 1. The processing of approvals of development orders or
1914 development permits, as defined in s. 163.3164(7) and (8), for
1915 affordable housing projects shall be expedited to a greater
1916 degree than other projects.
1917 2. Mitigation of impact fees by reduction, waiver, or an
1918 alternative method of fee payment by the local government in
1919 which the proposed project is to be located.
1920 3. Increased density levels, density bonuses for
1921 affordable housing of up to 16 units or higher density per acre
1922 shall be allowed, except in coastal high-hazard areas, if
1923 approved by the local government, for community workforce
1924 housing.
1925 4. Reserving infrastructure capacity in the local
1926 comprehensive plan for affordable housing for these communities.
1927 5. Allowing additional affordable residential units,
1928 including accessory units in residential zoning districts.
1929 6. Allow mixed land uses, such as compatible neighborhood
1930 commercial centers and mixed-use planned unit developments.

1931 7. Reduction of open space, building setback requirements,
1932 road widths, parking, and other requirements which are not
1933 essential to protect the public health, safety, and welfare, nor
1934 critical to protect the environment.
1935 8. Allowing zero-lot-line and other flexible lot
1936 configurations.
1937 9. Traffic concurrency requirements shall be modified or
1938 reduced by up to 25 percent.
1939 10. Local transportation infrastructure funding shall be
1940 considered eligible for prioritization from metropolitan
1941 planning organizations.
1942 (b) The regulatory incentives for approved Community
1943 Workforce Housing Innovation Program projects shall be
1944 considered acceptable by the respective local government
1945 maintaining jurisdiction over the site of the project, if:
1946 1. The applicant receives a letter of support from the
1947 local government for the project application submitted to the
1948 corporation; or
1949 2. Within 60 days after receipt of the applicant's plan by
1950 the local government, a vote of "no objection" regarding the
1951 project is taken by that body. During the 60-day period, the
1952 local government and project applicant may agree to modify the
1953 project incentives and size of the development with approval
1954 from the corporation and still be eligible for project funding.
1955 (9) All eligible applications shall:
1956 (a) Set aside at least 80 percent of the units for
1957 workforce housing.
1958 (b) Set aside at least 50 percent of the units as
1959 prioritized for eligible persons who are employed as essential
1960 services personnel.

1961 (c) For rental projects, restrict rents for all workforce
1962 housing serving those with incomes up to 120 percent of area
1963 median income at the appropriate income level using the
1964 restricted rents for the federal low-income housing tax credit
1965 program and, for workforce housing units serving those with
1966 incomes up to 140 percent of area median income, restrict rents
1967 to those established by the corporation, not to exceed 40
1968 percent of the maximum household income adjusted to unit size.
1969 (d) For home ownership, limit the sales price of a
1970 detached unit, townhome, or condominium unit to not more than
1971 the median sales price for that type of unit in that county and
1972 require that all eligible purchasers of home ownership units
1973 occupy the homes as their primary residence.
1974 (e) Demonstrate that the program applicant consists of a
1975 public-private partnership of at least one local government or
1976 special district public sector entity and one private not-for-
1977 profit or for-profit partner.
1978 (f) Demonstrate how the applicant will use the regulatory
1979 incentives outlined in subsection (6) and include, if available,
1980 any letters of support for the incentives referenced in
1981 subparagraph (6)(b)1. from the local jurisdiction in which the
1982 proposed project is to be located.
1983 (g) Demonstrate that the applicant possesses title to or
1984 site control of land and evidences availability of required
1985 infrastructure.
1986 (h) Provide any research or facts available supporting the
1987 demand and need for rental or home ownership workforce housing
1988 for qualified workforce residents in the county in which the
1989 project is proposed.
1990 (i) Have grants, donations of land, or contributions from
1991 the public-private partnership or other sources collectively

1992 totaling at least 15 percent of the total development cost. Such
1993 grants, donations of land, or contributions must only be
1994 evidenced by a letter of commitment at the time of application.
1995 (j) Demonstrate accessibility to commercial businesses,
1996 services, and employment opportunities needed to serve the needs
1997 of the residents or include a viable plan to provide
1998 transportation access to those commercial businesses, services,
1999 and jobs.
2000 (k) Demonstrate a marketing and sales plan to ensure that
2001 residents fit the income requirements and workforce employment
2002 demand for essential services, as well as alternative strategies
2003 to sell or lease units to other qualified individuals if
2004 essential services personnel are not immediately available or
2005 qualified for the units.
2006 (l) Provide a development cost pro forma financial
2007 statement for the project.
2008 (m) Demonstrate the applicant's affordable housing
2009 development and management experience.
2010 (n) Demonstrate the long-term affordability of the rental
2011 or homeownership units.
2012 (o) May include manufactured housing constructed after
2013 June, 1994, and installed in accordance with mobile home
2014 installation standards of the Department of Highway and Motor
2015 Vehicles. As part of its application, the public-private
2016 partnership shall include local contributions or financial
2017 strategies, such as:
2018 1. Promotion and support of employer-assisted housing
2019 programs;
2020 2. Tax increment financing;
2021 3. Funding from local option taxes;
2022 4. Land for the development; or

2023 5. Financial assistance packages to homebuyers.
2024 (8)(a) The corporation shall establish a review committee
2025 and shall establish a scoring system for evaluation and
2026 competitive ranking of applications submitted to the program.
2027 The ranking shall ensure an opportunity for a greater number of
2028 high-cost, high-growth counties to receive project funding.
2029 (b) The corporation shall award loans with interest rates
2030 set at 1 to 3 percent, which may be forgivable if the project
2031 continues to meet the rental or ownership criteria outlined in
2032 subsection (4). The corporation shall develop rules and
2033 guidelines to set the terms of forgivability.
2034 (9) The corporation may use a maximum of 2 percent of the
2035 annual appropriation per state fiscal year for administration
2036 and compliance monitoring.
2037 (10) The corporation shall develop and implement within
2038 the Community Workforce Housing Innovation Program a down-
2039 payment assistance program.
2040 (11) On an annual basis, the corporation shall review the
2041 success of the Community Workforce Housing Innovation Program to
2042 ascertain whether the projects produced by the program are
2043 useful in meeting the housing needs of high-cost and high-growth
2044 counties. The corporation shall submit any recommendations
2045 regarding the program to the Governor, the Speaker of the House
2046 of Representatives, and the President of the Senate not later
2047 than 2 months after the end of the corporation's fiscal year.
2048 Section 25. Subsection (25) of section 420.9071, Florida
2049 Statutes, is amended to read:
2050 420.9071 Definitions.--As used in ss. 420.907-420.9079,
2051 the term:
2052 (25) "Recaptured funds" means funds that are recouped by a
2053 county or eligible municipality in accordance with the recapture

2054 provisions of its local housing assistance plan pursuant to s.
2055 420.9075(5)~~(4)~~(g) from eligible persons or eligible sponsors who
2056 default on the terms of a grant award or loan award.
2057 Section 26. Subsection (2) of section 420.9072, Florida
2058 Statutes, is amended to read:
2059 420.9072 State Housing Initiatives Partnership
2060 Program.--The State Housing Initiatives Partnership Program is
2061 created for the purpose of providing funds to counties and
2062 eligible municipalities as an incentive for the creation of
2063 local housing partnerships, to expand production of and preserve
2064 affordable housing, to further the housing element of the local
2065 government comprehensive plan specific to affordable housing,
2066 and to increase housing-related employment.
2067 (2)(a) To be eligible to receive funds under the program,
2068 a county or eligible municipality must:
2069 1. Submit to the corporation its local housing assistance
2070 plan describing the local housing assistance strategies
2071 established pursuant to s. 420.9075;
2072 2. Within 12 months after adopting the local housing
2073 assistance plan, amend the plan to incorporate the local housing
2074 incentive strategies defined in s. 420.9071(16) and described in
2075 s. 420.9076; and
2076 3. Within 24 months after adopting the amended local
2077 housing assistance plan to incorporate the local housing
2078 incentive strategies, amend its land development regulations or
2079 establish local policies and procedures, as necessary, to
2080 implement the local housing incentive strategies adopted by the
2081 local governing body. A county or an eligible municipality that
2082 has adopted a housing incentive strategy pursuant to s. 420.9076
2083 before the effective date of this act shall review the status of
2084 implementation of the plan according to its adopted schedule for

2085 implementation and report its findings in the annual report
2086 required by s. 420.9075(10)~~(9)~~. If as a result of the review, a
2087 county or an eligible municipality determines that the
2088 implementation is complete and in accordance with its schedule,
2089 no further action is necessary. If a county or an eligible
2090 municipality determines that implementation according to its
2091 schedule is not complete, it must amend its land development
2092 regulations or establish local policies and procedures, as
2093 necessary, to implement the housing incentive plan within 12
2094 months after the effective date of this act, or if extenuating
2095 circumstances prevent implementation within 12 months, pursuant
2096 to s. 420.9075(13)~~(12)~~, enter into an extension agreement with
2097 the corporation.
2098 (b) A county or an eligible municipality seeking approval
2099 to receive its share of the local housing distribution must
2100 adopt an ordinance containing the following provisions:
2101 1. Creation of a local housing assistance trust fund as
2102 described in s. 420.9075(6)~~(5)~~.
2103 2. Adoption by resolution of a local housing assistance
2104 plan as defined in s. 420.9071(14) to be implemented through a
2105 local housing partnership as defined in s. 420.9071(18).
2106 3. Designation of the responsibility for the
2107 administration of the local housing assistance plan. Such
2108 ordinance may also provide for the contracting of all or part of
2109 the administrative or other functions of the program to a third
2110 person or entity.
2111 4. Creation of the affordable housing advisory committee
2112 as provided in s. 420.9076.
2113
2114 The ordinance must not take effect until at least 30 days after
2115 the date of formal adoption. Ordinances in effect prior to the

2116 effective date of amendments to this section shall be amended as
2117 needed to conform to new provisions.
2118 Section 27. Paragraphs (a) and (c) of present subsection
2119 (4) of section 420.9075, Florida Statutes, are amended,
2120 subsections (3) through (12) are renumbered as subsections (4)
2121 through (13), respectively, and a new subsection (3) is added to
2122 that section, to read:
2123 420.9075 Local housing assistance plans; partnerships.--
2124 (3)(a) Each local housing assistance plan shall include a
2125 definition of essential service personnel for the county or
2126 eligible municipality, including, but not limited to, teachers
2127 and educators, other school district, community college and
2128 university employees, police and fire personnel, health care
2129 personnel, skilled building trades personnel, and other job
2130 categories.
2131 (b) Each county and each eligible municipality is
2132 encouraged to develop a strategy within its local housing
2133 assistance plan that emphasizes the recruitment and retention of
2134 essential service personnel and persons skilled in the building
2135 trades. The local government is encouraged to involve public and
2136 private sector employers. Compliance with the eligibility
2137 criteria established under this strategy shall be verified by
2138 the county or eligible municipality.
2139 (c) Each county and each eligible municipality is
2140 encouraged to develop a strategy within its local housing
2141 assistance plan that addresses the needs of persons who are
2142 deprived of affordable housing due to closure of a mobile home
2143 park or conversion of affordable rental units to condominium.
2144 (5)~~(4)~~ The following criteria apply to awards made to
2145 eligible sponsors or eligible persons for the purpose of
2146 providing eligible housing:

2147 (a) At least 65 percent of the funds made available in
2148 each county and eligible municipality from the local housing
2149 distribution must be reserved for rehabilitation and
2150 construction of home ownership units for eligible extremely-low-
2151 income, low-income or very-low-income persons.
2152 (c) The sales price or value of new or existing eligible
2153 housing may not exceed 90 percent of the average area purchase
2154 price in the statistical area in which the eligible housing is
2155 located. Such average area purchase price may be that calculated
2156 for any 12-month period beginning not earlier than the fourth
2157 calendar year prior to the year in which the award occurs or as
2158 otherwise established by the United States Department of the
2159 Treasury.
2160
2161 If both an award under the local housing assistance plan and
2162 federal low-income housing tax credits are used to assist a
2163 project and there is a conflict between the criteria prescribed
2164 in this subsection and the requirements of s. 42 of the Internal
2165 Revenue Code of 1986, as amended, the county or eligible
2166 municipality may resolve the conflict by giving precedence to
2167 the requirements of s. 42 of the Internal Revenue Code of 1986,
2168 as amended, in lieu of following the criteria prescribed in this
2169 subsection with the exception of paragraphs (a) and (d) of this
2170 subsection.
2171 Section 28. Subsection (6) of section 420.9076, Florida
2172 Statutes, is amended to read:
2173 420.9076 Adoption of affordable housing incentive
2174 strategies; committees.--
2175 (6) Within 90 days after the date of receipt of the local
2176 housing incentive strategies recommendations from the advisory
2177 committee, the governing body of the appointing local government

2178 shall adopt an amendment to its local housing assistance plan to
2179 incorporate the local housing incentive strategies it will
2180 implement within its jurisdiction. The amendment must include,
2181 at a minimum, the local housing incentive strategies specified
2182 ~~as defined~~ in paragraphs (4)(a)-(j) ~~s. 420.9071(16)~~.
2183 Section 29. Subsection (2) of section 420.9079, Florida
2184 Statutes, is amended to read:
2185 420.9079 Local Government Housing Trust Fund.--
2186 (2) The corporation shall administer the fund exclusively
2187 for the purpose of implementing the programs described in ss.
2188 420.907-420.9078 and this section. With the exception of
2189 monitoring the activities of counties and eligible
2190 municipalities to determine local compliance with program
2191 requirements, the corporation shall not receive appropriations
2192 from the fund for administrative or personnel costs. For the
2193 purpose of implementing the compliance monitoring provisions of
2194 s. 420.9075(9)~~(8)~~, the corporation may request a maximum of one-
2195 quarter of 1 percent of the annual appropriation ~~$200,000~~ per
2196 state fiscal year. When such funding is appropriated, the
2197 corporation shall deduct the amount appropriated prior to
2198 calculating the local housing distribution pursuant to ss.
2199 420.9072 and 420.9073.
2200 Section 30. Paragraph (c) of subsection (1) and paragraph
2201 (e) of subsection (2) of section 624.5105, Florida Statutes, are
2202 amended to read:
2203 624.5105 Community contribution tax credit; authorization;
2204 limitations; eligibility and application requirements;
2205 administration; definitions; expiration.--
2206 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--
2207 (c) The total amount of tax credit which may be granted
2208 for all programs approved under this section and ss.

2209 212.08(5)(q) and 220.183 is $10 ~~$12~~ million annually for
2210 projects that provide homeownership opportunities for extremely-
2211 low-income persons, as defined in s. 420.0004(8), or low-income
2212 or very-low-income persons as defined in s. 420.9071(19) and
2213 (28) and $3 million annually for all other projects.
2214 (2) ELIGIBILITY REQUIREMENTS.--
2215 (e)1. ~~For the first 6 months of the fiscal year, the~~
2216 ~~Office of Tourism, Trade, and Economic Development shall reserve~~
2217 ~~80 percent of the first $10 million in available annual tax~~
2218 ~~credits, and 70 percent of any available annual tax credits in~~
2219 ~~excess of $10 million, for donations made to eligible sponsors~~
2220 ~~for projects that provide homeownership opportunities for low-~~
2221 ~~income or very low income households as defined in s.~~
2222 ~~420.9071(19) and (28). If any such reserved annual tax credits~~
2223 ~~remain after the first 6 months of the fiscal year, the office~~
2224 ~~may approve the balance of these available credits for donations~~
2225 ~~made to eligible sponsors for projects other than those that~~
2226 ~~provide homeownership opportunities for low income or very low-~~
2227 ~~income households.~~
2228 ~~2. For the first 6 months of the fiscal year, the office~~
2229 ~~shall reserve 20 percent of the first $10 million in available~~
2230 ~~annual tax credits, and 30 percent of any available annual tax~~
2231 ~~credits in excess of $10 million, for donations made to eligible~~
2232 ~~sponsors for projects other than those that provide~~
2233 ~~homeownership opportunities for low income or very low income~~
2234 ~~households as defined in s. 420.9071(19) and (28). If any~~
2235 ~~reserved annual tax credits remain after the first 6 months of~~
2236 ~~the fiscal year, the office may approve the balance of these~~
2237 ~~available credits for donations made to eligible sponsors for~~
2238 ~~projects that provide homeownership opportunities for low income~~
2239 ~~or very low income households.~~

2240 ~~3.~~ If, during the first 10 business days of the state
2241 fiscal year, eligible tax credit applications for projects that
2242 provide homeownership opportunities for extremely-low-income
2243 persons, as defined in s. 420.0004(8), or low-income or very-
2244 low-income persons as defined in s. 420.9071(19) and (28) are
2245 received for less than the ~~available~~ annual tax credits
2246 available for those projects ~~reserved under subparagraph 1.~~, the
2247 office shall grant tax credits for those applications and shall
2248 grant remaining tax credits on a first-come, first-served basis
2249 for any subsequent eligible applications received before the end
2250 of the ~~first 6 months of the~~ state fiscal year. If, during the
2251 first 10 business days of the state fiscal year, eligible tax
2252 credit applications for projects that provide homeownership
2253 opportunities for extremely-low-income persons, as defined in s.
2254 420.0004(8), or low-income or very-low-income persons as defined
2255 in s. 420.9071(19) and (28) are received for more than the
2256 ~~available~~ annual tax credits available for those projects
2257 ~~reserved under subparagraph 1.~~, the office shall grant the tax
2258 credits for those ~~the~~ applications as follows:
2259 a. If tax credit applications submitted for approved
2260 projects of an eligible sponsor do not exceed $200,000 in total,
2261 the credits shall be granted in full if the tax credit
2262 applications are approved~~, subject to subparagraph 1~~.
2263 b. If tax credit applications submitted for approved
2264 projects of an eligible sponsor exceed $200,000 in total, the
2265 amount of tax credits granted under sub-subparagraph a. shall be
2266 subtracted from the amount of available tax credits ~~under~~
2267 ~~subparagraph 1.~~, and the remaining credits shall be granted to
2268 each approved tax credit application on a pro rata basis.
2269 ~~c. If, after the first 6 months of the fiscal year,~~
2270 ~~additional credits become available under subparagraph 2., the~~

2271 ~~office shall grant the tax credits by first granting to those~~
2272 ~~who received a pro rata reduction up to the full amount of their~~
2273 ~~request and, if there are remaining credits, granting credits to~~
2274 ~~those who applied on or after the 11th business day of the state~~
2275 ~~fiscal year on a first come, first served basis.~~
2276 2.~~4.~~ If, during the first 10 business days of the state
2277 fiscal year, eligible tax credit applications for projects other
2278 than those that provide homeownership opportunities for
2279 extremely-low-income persons, as defined in s. 420.0004(8), or
2280 low-income or very-low-income persons as defined in s.
2281 420.9071(19) and (28) are received for less than the ~~available~~
2282 annual tax credits available for those projects ~~reserved under~~
2283 ~~subparagraph 2.~~, the office shall grant tax credits for those
2284 applications and shall grant remaining tax credits on a first-
2285 come, first-served basis for any subsequent eligible
2286 applications received before the end of the ~~first 6 months of~~
2287 ~~the~~ state fiscal year. If, during the first 10 business days of
2288 the state fiscal year, eligible tax credit applications for
2289 projects other than those that provide homeownership
2290 opportunities for extremely-low-income persons, as defined in s.
2291 420.0004(8), or low-income or very-low-income persons as defined
2292 in s. 420.9071(19) and (28) are received for more than the
2293 ~~available~~ annual tax credits available for those projects
2294 ~~reserved under subparagraph 2.~~, the office shall grant the tax
2295 credits for those ~~the~~ applications on a pro rata basis. ~~If,~~
2296 ~~after the first 6 months of the fiscal year, additional credits~~
2297 ~~become available under subparagraph 1., the office shall grant~~
2298 ~~the tax credits by first granting to those who received a pro~~
2299 ~~rata reduction up to the full amount of their request and, if~~
2300 ~~there are remaining credits, granting credits to those who~~

2301 ~~applied on or after the 11th business day of the state fiscal~~
2302 ~~year on a first-come, first-served basis.~~
2303 Section 31. Paragraph (b) of subsection (9) of section
2304 1001.42, Florida Statutes, is amended to read:
2305 1001.42 Powers and duties of district school board.--The
2306 district school board, acting as a board, shall exercise all
2307 powers and perform all duties listed below:
2308 (9) SCHOOL PLANT.--Approve plans for locating, planning,
2309 constructing, sanitating, insuring, maintaining, protecting, and
2310 condemning school property as prescribed in chapter 1013 and as
2311 follows:
2312 (b) Sites, buildings, and equipment.--
2313 1. Select and purchase school sites, playgrounds, and
2314 recreational areas located at centers at which schools are to be
2315 constructed, of adequate size to meet the needs of projected
2316 students to be accommodated.
2317 2. Approve the proposed purchase of any site, playground,
2318 or recreational area for which district funds are to be used.
2319 3. Expand existing sites.
2320 4. Rent buildings when necessary.
2321 5. Enter into leases or lease-purchase arrangements, in
2322 accordance with the requirements and conditions provided in s.
2323 1013.15(2), with private individuals or corporations for the
2324 rental of necessary grounds and educational facilities for
2325 school purposes or of educational facilities to be erected for
2326 school purposes. Current or other funds authorized by law may be
2327 used to make payments under a lease-purchase agreement.
2328 Notwithstanding any other statutes, if the rental is to be paid
2329 from funds received from ad valorem taxation and the agreement
2330 is for a period greater than 12 months, an approving referendum
2331 must be held. The provisions of such contracts, including

2332 building plans, shall be subject to approval by the Department
2333 of Education, and no such contract shall be entered into without
2334 such approval. As used in this section, "educational facilities"
2335 means the buildings and equipment that are built, installed, or
2336 established to serve educational purposes and that may lawfully
2337 be used. The State Board of Education may adopt such rules as
2338 are necessary to implement these provisions.
2339 6. Provide for the proper supervision of construction.
2340 7. Make or contract for additions, alterations, and
2341 repairs on buildings and other school properties.
2342 8. Ensure that all plans and specifications for buildings
2343 provide adequately for the safety and well-being of students, as
2344 well as for economy of construction.
2345 9. Make certain school board lands, acquired prior to
2346 January 1, 2006, available to a private developer or nonprofit
2347 housing organization for the purpose of providing teachers and
2348 other instructional personnel housing assistance. Teachers and
2349 other instructional personnel must be eligible for assistance
2350 under Chapter 420, and the school board must declare the land
2351 surplus and not needed for any facility identified in the
2352 district facilities work program required under s. 1013.35.
2353 Section 32. A new subsection (12) is added to section
2354 1001.43, Florida Statutes, and subsection (12) is renumbered as
2355 (13) to read:
2356 1001.43 Supplemental powers and duties of district school
2357 board.—The district school board may exercise the following
2358 supplemental powers and duties as authorized by this code or
2359 State Board of Education rule.
2360 (12) AFFORDABLE HOUSING.—The district school board may
2361 provide affordable housing for teachers and other instructional

2362 personnel independently or in conjunction with other agencies as
2363 described in s. 1001.43(5).
2364 (13) ~~(12)~~ COOPERATION WITH COMMUNITY COLLEGES.—The district
2365 school board shall work with the community colleges in the
2366 district to ensure that the community college students have
2367 access to remedial education.
2368 Section 33. Affordable housing land donation density bonus
2369 incentives.
2370 (1) A local government may provide density bonus incentives
2371 pursuant to the provisions of this section to any landowner who
2372 voluntarily donates fee simple interest in real property to the
2373 local government for the purpose of assisting the local
2374 government to provide affordable housing. Donated real property
2375 must be determined by the local government to be appropriate for
2376 use as affordable housing and must be subject to deed
2377 restrictions to ensure that the property will be used for the
2378 stated purpose of affordable housing.
2379 (2) For purposes of this section, the terms "affordable,"
2380 "extremely-low-income," "low-income persons," moderate-income
2381 persons," and "very-low-income persons," have the same meaning
2382 as in section 420.0004.
2383 (3) The density bonus may be provided by the local
2384 government at the rate of one to four dwelling units per gross
2385 acre of donated land, as determined by the local government. The
2386 density bonus may be applied to any land within the local
2387 government's jurisdiction provided that residential is an
2388 allowable use on the receiving land and that the overall density
2389 of the receiving land does not exceed six dwelling units per
2390 gross acre.
2391 (4) The density bonus, identification of receiving land for
2392 the bonus, and any other conditions associated with the donation

2393 of the land for affordable housing are the subject of review and
2394 approval by the local government. The award of density bonus
2395 pursuant to this section, the legal description of the land
2396 receiving the bonus and any other conditions associated with the
2397 bonus shall be memorialized in a development agreement or other
2398 binding agreement and recorded with the clerk of court in the
2399 county where the donated land and receiving land are located.
2400 (5) The local government, as part of the approval process,
2401 shall adopt a comprehensive plan amendment, pursuant to part II,
2402 chapter 163, for the receiving land that incorporates the
2403 density bonus. Such amendment shall be adopted in the manner as
2404 required for small scale amendments pursuant to section
2405 163.3187, is not subject to the requirements of section
2406 163.3184(3) through (6), and is exempt from the limitation on
2407 the frequency of plan amendments as provided in section
2408 163.3187.
2409 (6) The deed restrictions required pursuant to subsection
2410 (1) for an affordable housing unit must also prohibit the unit
2411 from being sold at a price that exceeds the threshold for
2412 housing that is affordable for low-income or moderate-income
2413 persons or to a buyer who is not eligible due to his or her
2414 income under chapter 420. The deed restriction may allow
2415 affordable housing units created under paragraph (1) to be
2416 rented to "extremely-low-income, very-low-income, low-income, or
2417 moderate-income persons.
2418 (7) The local government may transfer all or a portion of
2419 the donated land to a nonprofit housing organization, such as a
2420 community land trust, housing authority, or community
2421 redevelopment agency, to be used for the production and
2422 preservation of permanently affordable housing.

2423 Section 34. The Department of Community Affairs shall
2424 establish the Home Retrofit Hardening Program. The program is a
2425 competitive grant program to fund improvements to homes
2426 constructed before the implementation of the current Florida
2427 Building Code when the improvements will directly affect the
2428 ability of the home to withstand hurricane force winds and
2429 improve the home's rating for home insurance. Site-built and
2430 mobile homes are eligible for funding under this program.
2431 However, priority shall be given to low-income homeowners, as
2432 defined in s. 420.004(10), Florida Statutes, who live in wind-
2433 borne debris regions as defined in the Florida Building Code.
2434 (1) The program shall be administered by local
2435 governments, regional planning councils, or private nonprofit
2436 agencies under the overall direction of the department. When
2437 awarding program funds, the department shall be guided by:
2438 (a) The number of homes in need of improvement.
2439 (b) The number of homes located within the wind-borne
2440 debris region.
2441 (c) The number of persons who will benefit from the
2442 improvements.
2443 (d) The number of extremely-low-income and low-income
2444 households who will benefit from the improvements.
2445 (e) The costs per home to provide improvements.
2446 (2) Funds may be used for the following improvements
2447 installed in compliance with Blueprint-for-Safety standards:
2448 (a) Roof deck attachment;
2449 (b) Secondary water barrier;
2450 (c) Roof covering;
2451 (d) Brace gable ends;
2452 (e) Reinforce roof-to-wall connections;
2453 (f) Opening protection; and

2454 (g) Exterior doors.
2455 (3) Each project grant for an individual home retrofit may
2456 not exceed $10,000.
2457 (4) Administrative costs shall be kept to a minimum.
2458 (5) Grantees are encouraged to leverage grant funds
2459 available under this program with other available funds.
2460 Matching funds for a project is not a requirement. However,
2461 matching funds from other available sources may be considered by
2462 the department in the competitive-review process.
2463 (6) There is hereby appropriated $50 million from the U.S.
2464 Contributions Trust Fund to the Department of Community Affairs
2465 in fixed capital outlay for the Home Retrofit Hardening Program.
2466 No more than 5% of the funds provided under this section may be
2467 used by the Department for administration of this funding.
2468 Section 35. The Department of Community Affairs shall
2469 establish the Disaster Recovery Assistance Program which shall
2470 be a grant program to fund repairs and rehabilitation to homes
2471 in communities severely impacted by the 2004 and 2005
2472 hurricanes. These funds shall be leveraged with other program
2473 funds targeted to the most vulnerable citizens of the state.
2474 There is hereby appropriated $2 million in fixed capital outlay
2475 from the State Housing Trust Fund in the Department of Community
2476 Affairs for the Disaster Recovery Assistance Program.
2477 Section 36. For the purposes of implementing Section 35 of
2478 this act, the Florida Housing Finance Corporation is provided
2479 non-operating budget authority to transfer $2 million from the
2480 State Housing Trust Fund to the Department of Community Affairs.
2481 Section 37. The Florida Housing Finance Corporation is
2482 authorized to provide funds to eligible entities for affordable
2483 housing recovery in those areas of the state which sustained
2484 housing damage due to hurricanes during 2004 and 2005. The

2485 Florida Housing Finance Corporation shall utilize data provided
2486 by FEMA to assist in its allocation of funds to local
2487 jurisdictions. To administer these programs, the Florida
2488 Housing Finance Corporation should be guided by the "Hurricane
2489 Housing Work Group Recommendations to Assist in Florida's Long
2490 Term Housing Recovery Efforts," report dated February 16, 2005,
2491 and may adopt emergency rules pursuant to s. 120.54. The
2492 Legislature finds that emergency rules adopted pursuant to this
2493 section meet the health, safety, and welfare requirement of
2494 s.120.54(4). The Legislature finds that such emergency
2495 rulemaking power is necessary for the preservation of the rights
2496 and welfare of the people in order to provide additional funds
2497 to assist those areas of the state which sustained housing
2498 damage due to hurricanes during 2004 and 2005. Therefore, in
2499 adopting such emergency rules, the corporation need not make the
2500 findings required by s. 120.54(4)(a). Emergency rules adopted
2501 under this section are exempt from s. 120.54(4)(c). There is
2502 hereby appropriated to the Florida Housing Finance Corporation
2503 from the Local Government Housing Trust Fund, $15 million for
2504 the Hurricane Housing Recovery Program. There is hereby
2505 appropriated to the Florida Housing Finance Corporation from the
2506 State Housing Trust Fund, $25 million for the Farmworker Housing
2507 Recovery and the Special Housing Assistance and Development
2508 Programs, $400,000 for technical and training assistance, and
2509 $176.6 million for the Rental Recovery Loan Program.
2510 Section 38. There is hereby appropriated to the Department
2511 of Community Affairs $82,904,000 from the Small Cities Community
2512 Development Block Grant Trust Fund. These funds shall be used
2513 consistent with the *Federal Register* 71 FR 7666, February 13,
2514 2006, and the Action Plan for Disaster Recovery approved by the
2515 United States Department of Housing and Urban Development to

2516 meet the needs of communities impacted by Hurricanes Wilma and
2517 Katrina, with a prioritization toward affordable housing in the
2518 most impacted areas of the state.
2519 Section 39. There is hereby appropriated for fiscal year
2520 2006-2007 only to the Florida Housing Finance Corporation $50
2521 million from the Local Government Housing Trust Fund to
2522 implement the provisions of section 24.
2523 Section 40. There is hereby appropriated to the Florida
2524 Housing Finance Corporation $33 million from the Local
2525 Government Housing Trust Fund for fiscal year 2006-2007 to
2526 assist in the production of housing units for extremely low-
2527 income persons as defined in s. 420.0004(8), Florida Statutes.
2528 Section 41. Except as otherwise expressly provided in this
2529 act, this act shall take effect July 1, 2006.
2530
2531 ========== T I T L E A M E N D M E N T ==========
2532 Remove the entire title and insert:
2533 A bill to be entitled
2534 An act relating to affordable housing; creating s.
2535 125.379, F.S.; providing for disposition of county
2536 property for affordable housing; amending s. 163.31771,
2537 F.S.; revising legislative findings; revising definitions;
2538 conforming cross-references; amending s. 163.3187, F.S.;
2539 revising a limitation relating to small scale
2540 comprehensive plan amendments involving the construction
2541 of affordable housing units; creating s. 166.0451, F.S.;
2542 providing for disposition of municipal property for
2543 affordable housing; amending s. 189.4155, F.S.;
2544 authorizing independent special districts to provide for
2545 housing and housing assistance; amending s. 191.006, F.S.;
2546 authorizing independent special fire control districts to

2547 provide employee housing and housing assistance; amending
2548 s. 193.017, F.S.; authorizing the Florida Housing Finance
2549 Corporation and the Department of Revenue to annually set
2550 the capitalization rate used for assessing just valuation
2551 of affordable housing properties; creating s. 193.018,
2552 F.S.; creating the Manny Diaz Affordable Housing Property
2553 Tax Relief Initiative; providing criteria for assessing
2554 just valuation of affordable housing properties serving
2555 persons of low, moderate, very-low, and extremely low
2556 incomes; amending s. 196.1978, F.S.; specifying what
2557 constitutes a nonprofit entity for purposes of affordable
2558 housing property tax exemption; conforming cross-
2559 references; amending ss. 212.08, 220.183, and 624.5105,
2560 F.S.; increasing the amount of available tax credits
2561 against the sales tax, corporate income tax, and insurance
2562 premium tax, respectively, for projects under the
2563 community contribution tax credit program and providing
2564 separate annual limitations for certain projects; revising
2565 requirements and procedures for the Office of Tourism,
2566 Trade, and Economic Development in granting tax credits
2567 under the program; including extreme-low-income persons as
2568 eligible recipients of assistance; conforming cross-
2569 references; amending s. 253.034, F.S.; providing for the
2570 disposition of state lands for affordable housing;
2571 amending s. 253.0341, F.S.; authorizing local governments
2572 to request state lands be declared surplus for the purpose
2573 of affordable housing; providing for use of lands so
2574 surplused; amending s. 295.16, F.S.; expanding the
2575 disabled veteran exemption from certain license and permit
2576 fees relating to dwelling improvements; amending s.
2577 380.06, F.S.; providing a greater substantial deviation

2578 threshold for the provision of affordable housing in a
2579 development of regional impact; conforming cross-
2580 references; amending s. 380.0651, F.S.; providing a
2581 statewide guidelines and standards bonus for the provision
2582 of workforce housing; amending s. 420.0004, F.S.; defining
2583 the term "extremely low-income persons"; conforming cross-
2584 references; repealing s. 420.37, F.S., relating to
2585 additional powers of the Florida Housing Finance
2586 Corporation; repealing s. 420.530, F.S., relating to the
2587 state Farm Worker Housing Pilot Loan Program; amending s.
2588 420.503, F.S.; revising the definition of the term
2589 "farmworker" under the Florida Housing Finance Corporation
2590 Act; providing rulemaking authority; amending s. 420.5061,
2591 F.S.; conforming a cross-reference; amending s. 420.507,
2592 F.S.; revising and expanding the powers of the Florida
2593 Housing Finance Corporation relating to mortgage loan
2594 interest rates, loans, loan relief, uses of loan funds,
2595 subsidiary business entities, data reporting; providing
2596 rulemaking authority; amending s. 420.5087, F.S.;
2597 increasing the population criteria for the State Apartment
2598 Incentive Loan Program; revising criteria for loans;
2599 conforming cross-references; amending s. 420.5088, F.S.;
2600 expanding the scope of the Florida Homeownership
2601 Assistance Program; revising loan requirements; deleting a
2602 provision reserving program funds for certain borrowers;
2603 creating s. 420.5095, F.S.; creating the Community
2604 Workforce Housing Innovation Program; providing the
2605 Florida Housing Finance Corporation with certain powers
2606 and responsibilities relating to the program; requiring
2607 the program to target certain entities; providing
2608 application requirements; providing incentives for program

2609 applicants; amending s. 420.9071, F.S.; conforming a
2610 cross-reference; amending s. 420.9072, F.S.; conforming
2611 cross-references; amending s. 420.9075, F.S.; requiring
2612 local housing assistance plans to define essential service
2613 personnel for the county or eligible municipality and to
2614 contain a strategy for the recruitment and retention of
2615 such personnel; providing for provision of funds for
2616 homeownership for extremely-low-income or very-low-income
2617 individuals; amending s. 420.9076, F.S.; revising a cross-
2618 reference; amending s. 420.9079, F.S.; revising the
2619 maximum appropriation the Florida Housing Finance
2620 Corporation may request each state fiscal year; conforming
2621 a cross-reference; amending s. 1001.42, F.S.; authorizing
2622 school districts to make specified lands available for
2623 affordable housing for teachers and other instructional
2624 personnel; amending s. 1001.43, F.S.; authorizing district
2625 school boards to provide affordable housing for teachers
2626 and other instructional personnel; authorizing local
2627 governments to provide density bonus incentives to land-
2628 owners who donate fee simple interest in real property to
2629 the local government for the purpose of assisting the
2630 local government to provide affordable housing; providing
2631 definitions and requirements governing such donations and
2632 density bonuses; authorizing the Department of Community
2633 Affairs to establish a Home Retrofit Hardening Program and
2634 establishing requirements for said program; authorizing
2635 the Florida Housing Finance Corporation to provide funds
2636 to eligible entities for affordable housing recovery in
2637 areas of the state sustaining hurricane damage due to
2638 hurricanes during 2004 and 2005; providing legislative

2639 findings and emergency rulemaking authority; providing
2640 appropriations; providing effective dates.
2641

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 1473 CS : Energy

[X] *Temporarily Deferred*

Appearances:

HB 1473
Monica Greer (Lobbyist) (State Employee) - Opponent
EOG
Tallahassee FL
Phone: 488-5551

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **1473 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	____	

A

---

1 Council/Committee hearing bill: Fiscal Council
2 Representative(s) Mayfield offered the following:
3
4 **Amendment**
5 Remove lines 274-293 and insert:
6
7 Section 6. Section 377.805, Florida Statutes, is created
8 to read:
9 377.805 Energy-efficient products sales tax holiday.--The
10 period from 12:01 a.m., October 5, 2006, through midnight,
11 October 11, 2006, shall be designated "Energy Efficiency Week,"
12 and the tax levied under chapter 212 may not be collected on the
13 sale of a new energy-efficient product having a selling price of
14 $1,500 or less per product during that period. This exemption
15 applies only when the energy-efficient product is purchased for
16 noncommercial home or personal use and does not apply when the
17 product is purchased for trade, business, or resale. As used in
18 this subsection, the term "energy-efficient product" means a
19 dishwasher, clothes washer, air conditioner, ceiling fan,
20 incandescent or fluorescent light bulb, dehumidifier,
21 programmable thermostat, or refrigerator that has been

22 designated by the United States Environmental Protection Agency
23 or by the United States Department of Energy as meeting or
24 exceeding the requirements under the Energy Star Program of
25 either agency. Purchases made under this paragraph may not be
26 made using a business or company credit or debit card or check.
27 Any construction company, building contractor, or commercial
28 business or entity that purchases or attempts to purchase the
29 energy-efficient products exempt as provided in this section
30 commits an unfair method of competition in violation of s.
31 501.204, Florida Statutes, punishable as provided in s.
32 501.2075, Florida Statutes.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. **1473**

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: House Fiscal Council
2 Representative(s) Mayfield offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Between lines 273 and 274 insert:
6 (6) The department shall coordinate and actively consult
7 with the Department of Agriculture and Consumer Services during
8 the review and approval process of grants relating to bioenergy
9 projects for renewable energy technology, and the two
10 departments shall jointly determine the grant awards to these
11 bioenergy projects. No grant funding shall be awarded to any
12 bioenergy project without such joint approval. Factors for
13 consideration in awarding grants may include, but are not
14 limited to, the degree to which:
15 (a) The project stimulates in-state capital investment and
16 economic development in metropolitan and rural areas, including
17 the creation of jobs and the future development of a commercial
18 market for bioenergy.
19 (b) The project produces bioenergy from Florida-grown
20 crops or biomass.

21 (c) The project demonstrates efficient use of energy and
22 material resources.
23 (d) The project fosters overall understanding and
24 appreciation of bioenergy technologies.
25 (e) Matching funds and in-kind contributions from an
26 applicant are available.
27 (f) The project duration and the timeline for expenditures
28 are acceptable.
29 (g) The project has a reasonable assurance of enhancing
30 the value of agricultural products or will expand agribusiness
31 in the state.
32 (h) Preliminary market and feasibility research has been
33 conducted by the applicant or others and shows there is a
34 reasonable assurance of a potential market.
35
36
37 ========== D I R E C T O R Y A M E N D M E N T ==========
38 Remove line(s) and insert:
39
40
41 ========== T I T L E A M E N D M E N T ==========
42 Remove line(s) and insert:
43

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **1473**

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	____	

A

Sub for #3

---

1 Council/Committee hearing bill: Fiscal Council
2 Representative Mayfield offered the following:
3
4 **Substitute Amendment (with title amendments) for amendment**
5 **#3**
6 Between lines 2444 and 2445 insert:
7 Section 42. Section 403.885, Florida Statutes, is amended
8 to read:
9 403.885 Water Projects Grant Program ~~Stormwater~~
10 ~~management; wastewater management; and Water Restoration Grant~~
11 ~~Program~~.--
12 (1) The Department of Environmental Protection shall
13 administer a grant program to use funds transferred pursuant to
14 s. 212.20 to the Ecosystem Management and Restoration Trust Fund
15 or other moneys as appropriated by the Legislature for water
16 quality improvement, stormwater management, wastewater
17 management, and water restoration project grants. Eligible
18 recipients of such grants include counties, municipalities,
19 water management districts, and special districts that have
20 legal responsibilities for water quality improvement, water
21 management, storm water management, wastewater management, ~~and~~

000000

22 lake and river water restoration projects~~.~~ and drinking ~~Drinking~~
23 water projects ~~are not eligible for funding~~ pursuant to this
24 section.
25 (2) The grant program shall provide for the evaluation of
26 annual grant proposals. The department shall evaluate such
27 proposals to determine if they:
28 (a) Protect public health ~~and~~ or the environment.
29 (b) Implement plans developed pursuant to the Surface
30 Water Improvement and Management Act created in part IV of
31 chapter 373, other water restoration plans required by law,
32 management plans prepared pursuant to s. 403.067, or other plans
33 adopted by local government for water quality improvement and
34 water restoration.
35 ~~(3) In addition to meeting the criteria in subsection (2),~~
36 ~~annual grant proposals must also meet the following~~
37 ~~requirements:~~
38 ~~(a) An application for a stormwater management project may~~
39 ~~be funded only if the application is approved by the water~~
40 ~~management district with jurisdiction in the project area.~~
41 ~~District approval must be based on a determination that the~~
42 ~~project provides a benefit to a priority water body.~~
43 ~~(b) Except as provided in paragraph (c), an application~~
44 ~~for a wastewater management project may be funded only if:~~
45 ~~1. The project has been funded previously through a line~~
46 ~~item in the General Appropriations Act; and~~
47 ~~2. The project is under construction.~~
48 ~~(c) An application for a wastewater management project~~
49 ~~that would qualify as a water pollution control project and~~
50 ~~activity in s. 403.1838 may be funded only if the project~~

51 ~~sponsor has submitted an application to the department for~~
52 ~~funding pursuant to that section.~~
53 ~~(4) All project applicants must provide local matching~~
54 ~~funds as follows:~~
55 ~~(a) An applicant for state funding of a stormwater~~
56 ~~management project shall provide local matching funds equal to~~
57 ~~at least 50 percent of the total cost of the project; and~~
58 ~~(b) An applicant for state funding of a wastewater~~
59 ~~management project shall provide matching funds equal to at~~
60 ~~least 25 percent of the total cost of the project.~~
61
62 ~~The requirement for matching funds may be waived if the~~
63 ~~applicant is a financially disadvantaged small local government~~
64 ~~as defined in subsection (5).~~
65 ~~(5) Each fiscal year, at least 20 percent of the funds~~
66 ~~available pursuant to this section shall be used for projects to~~
67 ~~assist financially disadvantaged small local governments. For~~
68 ~~purposes of this section, the term "financially disadvantaged~~
69 ~~small local government" means a municipality having a population~~
70 ~~of 7,500 or less, a county having a population of 35,000 or~~
71 ~~less, according to the latest decennial census and a per capita~~
72 ~~annual income less than the state per capita annual income as~~
73 ~~determined by the United States Department of Commerce, or a~~
74 ~~county in an area designated by the Governor as a rural area of~~
75 ~~critical economic concern pursuant to s. 288.0656. Grants made~~
76 ~~to these eligible local governments shall not require matching~~
77 ~~local funds.~~
78 ~~(6) Each year, stormwater management and wastewater~~
79 ~~management projects submitted for funding through the~~
80 ~~legislative process shall be submitted to the department by the~~

81 ~~appropriate fiscal committees of the House of Representatives~~
82 ~~and the Senate. The department shall review the projects and~~
83 ~~must provide each fiscal committee with a list of projects that~~
84 ~~appear to meet the eligibility requirements under this grant~~
85 ~~program.~~
86
87
88 ========== T I T L E A M E N D M E N T ==========
89 On line 138 after the semicolon insert:
90 amending 403.885, F.S.; revising requirements relating to the
91 Department of Environmental Protection's water project grants
92 program;

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: Fiscal Council
2 Representative Mayfield offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Between lines 2444 and 2445 insert:
6 Section 42. Section 403.885, Florida Statutes, is amended
7 to read:
8 403.885 Water Quality Improvement, Stormwater management;
9 wastewater management; and Water Restoration Grant Program.--
10 (1) The Department of Environmental Protection shall
11 develop and administer a competitive grant program to use funds
12 transferred pursuant to s. 212.20 to the Ecosystem Management
13 and Restoration Trust Fund ~~or other moneys as appropriated by~~
14 ~~the Legislature~~ for water quality improvement, stormwater
15 management, wastewater management, and water restoration project
16 grants. Eligible recipients of such grants include counties,
17 municipalities, water management districts, and special
18 districts that have legal responsibilities for water quality
19 improvement, water management, storm water management,
20 wastewater management, and lake and river water restoration

21 projects. Drinking water projects are ~~not~~ eligible for funding
22 pursuant to this section.
23 (2) The grant program shall provide for the evaluation of
24 annual grant proposals. The department shall evaluate such
25 proposals to determine if they:
26 (a) Protect public health ~~and~~ or the environment.
27 (b) Implement plans developed pursuant to the Surface
28 Water Improvement and Management Act created in part IV of
29 chapter 373, other water restoration plans required by law,
30 management plans prepared pursuant to s. 403.067, or other plans
31 adopted by local government for water quality improvement and
32 water restoration.
33 ~~(3) In addition to meeting the criteria in subsection (2),~~
34 ~~annual grant proposals must also meet the following~~
35 ~~requirements:~~
36 ~~(a) An application for a stormwater management project may~~
37 ~~be funded only if the application is approved by the water~~
38 ~~management district with jurisdiction in the project area.~~
39 ~~District approval must be based on a determination that the~~
40 ~~project provides a benefit to a priority water body.~~
41 ~~(b) Except as provided in paragraph (c), an application~~
42 ~~for a wastewater management project may be funded only if:~~
43 ~~1. The project has been funded previously through a line~~
44 ~~item in the General Appropriations Act; and~~
45 ~~2. The project is under construction.~~
46 ~~(c) An application for a wastewater management project~~
47 ~~that would qualify as a water pollution control project and~~
48 ~~activity in s. 403.1838 may be funded only if the project~~
49 ~~sponsor has submitted an application to the department for~~
50 ~~funding pursuant to that section.~~

51 ~~(4) All project applicants must provide local matching~~
52 ~~funds as follows:~~
53 ~~(a) An applicant for state funding of a stormwater~~
54 ~~management project shall provide local matching funds equal to~~
55 ~~at least 50 percent of the total cost of the project; and~~
56 ~~(b) An applicant for state funding of a wastewater~~
57 ~~management project shall provide matching funds equal to at~~
58 ~~least 25 percent of the total cost of the project.~~
59
60 ~~The requirement for matching funds may be waived if the~~
61 ~~applicant is a financially disadvantaged small local government~~
62 ~~as defined in subsection (5).~~
63 ~~(5) Each fiscal year, at least 20 percent of the funds~~
64 ~~available pursuant to this section shall be used for projects to~~
65 ~~assist financially disadvantaged small local governments. For~~
66 ~~purposes of this section, the term "financially disadvantaged~~
67 ~~small local government" means a municipality having a population~~
68 ~~of 7,500 or less, a county having a population of 35,000 or~~
69 ~~less, according to the latest decennial census and a per capita~~
70 ~~annual income less than the state per capita annual income as~~
71 ~~determined by the United States Department of Commerce, or a~~
72 ~~county in an area designated by the Governor as a rural area of~~
73 ~~critical economic concern pursuant to s. 288.0656. Grants made~~
74 ~~to these eligible local governments shall not require matching~~
75 ~~local funds.~~
76 ~~(6) Each year, stormwater management and wastewater~~
77 ~~management projects submitted for funding through the~~
78 ~~legislative process shall be submitted to the department by the~~
79 ~~appropriate fiscal committees of the House of Representatives~~
80 ~~and the Senate. The department shall review the projects and~~

81 ~~must provide each fiscal committee with a list of projects that~~
82 ~~appear to meet the eligibility requirements under this grant~~
83 ~~program.~~
84
85
86 ========== T I T L E A M E N D M E N T ==========
87 On line 138 after the semicolon insert:
88 amending 403.885, F.S.; revising requirements relating to the
89 Department of Environmental Protection's water project grants
90 program;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

Bill No.1473

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:
2 Representative(s) Mayfield offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Between lines 2444 and 2445 insert:
6
7 Section 42. There is hereby appropriated $61,379 from the
8 General Revenue Fund to the Department of Revenue for the
9 purposes of administering the energy-efficient products sales
10 tax holiday.
11
12
13
14 ========== T I T L E A M E N D M E N T ==========
15 Remove line(s) 138 and insert:
16
17 certain determinations; providing an appropriation; providing
18 and effective date.
19

000000

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 1623 CS : Youth and Young Adults with Disabilities

[X] *Not Considered*

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 7121 CS : Disaster Preparedness Response and Recovery

X *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Loranne Ausley			X		
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson			X		
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert			X		
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp			X		
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio			X		
John Seiler			X		
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
	Total Yeas: 17	**Total Nays: 0**			

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

Amendment No. (for drafter's use only)

Bill No. **HB 7121 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: Fiscal Council
2 Representative Adams offered the following:
3
4 **Amendment (with title amendment)**
5 Remove line(s) 531-560 and insert:
6
7 Section 6. The Legislature finds that county emergency
8 operations centers should meet the minimum criteria for
9 structural survivability and sufficiency of operational space,
10 as determined by assessments performed by the Department of
11 Community Affairs based on guidance from the Federal Emergency
12 Management Agency. Criteria for a county emergency operations
13 center include, but are not limited to, county population,
14 hurricane evacuation clearance time for the vulnerable
15 population of the county, structural survivability of the
16 existing emergency operations center, and FEMA guidance for
17 workspace requirements for the emergency operations center.
18 First priority for funding shall be for county emergency
19 operations centers where no survivable facility exists and where
20 workspace deficits exist. Funding may not be used for land
21 acquisition or recurring expenditures. Funding is limited to the

22 construction or structural renovation of the county emergency
23 operations center in order to meet national workspace
24 recommendations and may not be used to purchase equipment,
25 furnishings, communications, or operational systems. There is
26 hereby appropriated $20 million from non-recurring General
27 Revenue and $8.6 million from the U.S. Contributions Trust Fund
28 to the Department of Community Affairs in fixed capital outlay
29 to establish a competitive award process to implement this
30 section. No more than 5% of the funds provided under this
31 section may be used by the Department for administration.
32 Section 7. The Legislature finds that improved logistical
33 staging and warehouse capacity for commodities will help ensure
34 that adequate supplies, equipment, and commodities are available
35 and accessible to respond to disasters. Appropriated funds may
36 be used for increasing storage capacity; improving technologies
37 to manage commodities; and enhancing the ability to maintain in
38 a safe and secure manner an inventory of supplies, equipment,
39 and commodities that would be needed in the immediate aftermath
40 of a disaster. There is hereby appropriated $400,000 from
41 nonrecurring General Revenue, $1.6 million from recurring
42 Emergency Management, Preparedness and Assistance Trust Fund,
43 and $4.5 million from nonrecurring Emergency Management
44 Preparedness and Assistance Trust Fund to the Department of
45 Community Affairs for logistical improvements and technology.
46 Section 8. The Legislature finds that there is a compelling
47 need to have current evacuation decision making tools and plans
48 based on the latest technology available to serve as the
49 scientific basis for hurricane evacuation recommendations.
50 Appropriated funds may be used to update hurricane evacuation
51 plans using Light Detecting and Ranging technology and the

52 National Hurricane Center's computerized Sea, Lake and Overland
53 Surges for Hurricanes model. There is hereby appropriated $29
54 million from the U.S. Contributions Trust Fund to the Department
55 of Community Affairs to update regional hurricane evacuation
56 plans using Light Detecting and Ranging Technology and the
57 National Hurricane Center computerized Sea, Lake and Overland
58 Surges for Hurricanes model. No more than 5% of the funds
59 provided under this section may be used by the Department for
60 administration.
61 Section 9. There is hereby appropriated $76,150
62 nonrecurring General Revenue to the Department of Community
63 Affairs for the Florida Disaster Supplier Program Council.
64 Section 10. There is hereby appropriated $3.4 million from
65 the U.S. Contributions Trust Fund to the Department of Community
66 Affairs for the Division of Emergency Management's public
67 awareness campaign.
68
69
70 ========== T I T L E A M E N D M E N T ==========
71 Remove line 79 and insert:
72 funding; providing

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 7155 : State Financial Matters

[X] *Not Considered*

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 7225 : Property and Casualty Insurance

[X] *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Loranne Ausley			X		
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson			X		
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert			X		
Ron Greenstein		X			
Wilbert Holloway		X			
Jeffrey Kottkamp			X		
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson		X			
Marco Rubio			X		
John Seiler		X			
David Simmons	X				
Leslie Waters	X				
Juan Zapata			X		
Joe Negron (Chair)	X				
	Total Yeas: 13	**Total Nays: 4**			

Appearances:

HB 7225
Mark Delegal (Lobbyist) - Opponent
State Farm
Tallahassee FL

HB 7225
Reggie Garcia (Lobbyist) - Proponent
AFTL
Tallahassee FL

HB 7225
Gerald Wester (Lobbyist) - Proponent
American Insurance Assoc
101 E College Ave
Tallahassee FL
Phone: 222-9075

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 7225

Gary Guzzo - Information Only

Tallahassee FL

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 7225**

COUNCIL/COMMITTEE ACTION

- Seiler

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: Fiscal Council
2 Representative(s) Brown offered the following:
3
4 **Amendment (with title amendment)**
5 Remove line(s) 479-482 and insert:
6 (d) "Endowment" means the Florida Hurricane Damage
7 Prevention Endowment created by s. 215.5585.
8 (e) "Program administrator" means the Department of
9 Financial Services.
10
11 ========== T I T L E A M E N D M E N T ==========
12 Remove line(s) 14 and insert:
13 providing requirements of Department of Financial Services

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 7225**

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: Fiscal Council
2 Representative(s) Brown offered the following:
3
4 **Amendment (with title amendment)**
5 Remove line(s) 593-634 and insert:
6 Section 3. Section 215.5586, Florida Statutes, is created
7 to read:
8 215.5586 The Florida Comprehensive Hurricane Damage
9 Mitigation Program.
10 There is established within the Department of Financial
11 Services the Florida Comprehensive Hurricane Damage Mitigation
12 Program. The program shall be administered by an individual
13 with prior executive experience in the private sector in the
14 areas of insurance, business, or construction. The program shall
15 develop and implement a comprehensive and coordinated approach
16 for hurricane damage mitigation which shall include the
17 following:
18 (1) WIND CERTIFICATION AND HURRICANE MITIGATION
19 INSPECTIONS.—Free home retrofit inspections of single family
20 site-built, owner occupied residential property shall be offered
21 to determine what mitigation measures are needed and for

22 improvements to existing residential properties to reduce the
23 property's vulnerability to hurricane damage. The Department of
24 Financial Services shall establish a request for proposals to
25 solicit proposals from wind certification entities to provide,
26 at no cost to homeowners, wind certification and hurricane
27 mitigation inspections. The inspections provided to homeowners,
28 at a minimum, must include the following:
29 (a) A home inspection and report that summarizes the
30 results and identifies corrective actions a homeowner may take
31 to mitigate hurricane damage.
32 (b) A range of cost estimates regarding the mitigation
33 features.
34 (c) Insurer-specific information regarding premium
35 discounts correlated to recommended mitigation features
36 identified by the inspection.
37 (d) A hurricane resistance rating scale specifying the
38 home's current, as well as projected, wind resistance
39 capabilities.
40 (2) GRANTS. — Financial grants shall be utilized to
41 encourage single-family, site built, owner occupied residential
42 property owners to retrofit their properties to make them less
43 vulnerable to hurricane damage. The program shall create a
44 process in which mitigation contractors agree to participate and
45 seek reimbursement from the state and homeowners select from a
46 list of participating contractors. Matching fund grants shall
47 also be made available to local governments and nonprofit
48 entities for projects that will reduce hurricane damage to
49 single-family, site-built owner-occupied residential property.
50 (3) LOANS. — Financial incentives shall be provided as
51 authorized by s.215.558.

52 (4) EDUCATION AND CONSUMER AWARENESS.- Multi-media public
53 education, awareness and advertising efforts designed to
54 specifically address mitigation techniques shall be employed, as
55 well as a component to support ongoing consumer resources and
56 referral services.
57 The Department of Financial Services shall adopt rules
58 pursuant to ss. 120.536(1) and 120.54 governing the Florida
59 Comprehensive Hurricane Damage Mitigation Program.
60
61 ========== T I T L E A M E N D M E N T ==========
62 Remove line(s) 22-27 and insert:
63 establishing the Florida Comprehensive Hurricane Damage
64 Mitigation Program within the Department of Financial Services;
65 providing qualifications for the administrator; providing
66 program components; requiring the department to adopt rules;
67 creating s. 252.63, F.S.; providing purpose and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 7225**

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:

2 Representative(s) Brown and Ross offered the following:

3

4 **Amendment (with title amendment)**

5 Remove line(s) 2284 and insert:

6 fulfill its public purpose. Any debt obligations ~~bonds~~ issued

7 by the

8

9 ========== T I T L E A M E N D M E N T ==========

10 Remove line(s) and insert:

11

000000

HB 7225 blank 4.doc

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

Bill No. 7225

Greenstein

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	____	

A

---

1 Council/Committee hearing bill: Fiscal Council
2 Representative(s) Brown offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Remove line(s) 3448 - 3455 and insert:
6 24. (1) For fiscal year 2006-2007, the sum of $100 million
7 is appropriated from the General Revenue Fund to the Department
8 of Financial Services for the Florida Hurricane Damage
9 Prevention Endowment as a nonrecurring appropriation for the
10 purposes specified in s. 215.558, Florida Statutes.
11 (2) The sum of $400 million is appropriated from the
12 General Revenue Fund to the Department of Financial Services as
13 a nonrecurring appropriation for the purposes specified in s.
14 215.5586, Florida Statutes.
15 (3) Funds provided in paragraphs (1) and (2) shall be
16 transferred by the department to the Florida Hurricane Damage
17 Prevention Trust Fund, as created by HB 7227 or similar
18 legislation.
19 (4) For fiscal year 2006-2007, the recurring sum of $5
20 million is appropriated to the Department of Financial Services

21 from the Florida Hurricane Damage Prevention Trust Fund, Special
22 Category - Financial Incentives for Hurricane Damage Prevention.
23 (5) For fiscal year 2006-2007, the nonrecurring sum of $400
24 million is appropriated to the Department of Financial Services
25 from the Florida Hurricane Damage Prevention Trust Fund, Special
26 Category - Florida Comprehensive Hurricane Damage Mitigation
27 Program. The department may spend up to 1% of the funds
28 appropriated to administer the program. Notwithstanding s.
29 216.301. Florida Statutes, and pursuant to s. 216.351, Florida
30 Statutes, any unexpended balance from this appropriation shall
31 be carried forward at the end of each fiscal year until the
32 2010-2011 fiscal year. At the end of the 2010-2011 fiscal year,
33 any obligated funds for qualified projects that are not yet
34 disbursed shall remain with the department to be used for the
35 purposes of this act. Any unobligated funds of this
36 appropriation shall revert to the Florida Hurricane Damage
37 Prevention Trust Fund at the end of the 2010-2011 fiscal year.
38
39
40

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **7225**

COUNCIL/COMMITTEE ACTION

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

---

1 Council/Committee hearing bill: Fiscal Council
2 Representative(s) Negron offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Insert between line(s) 3455 - 3456 :
6 Section 25. (1) For fiscal year 2006-2007, the sum of $920
7 million in nonrecurring funds from the General Revenue Fund is
8 hereby appropriated to the Department of Financial Services for
9 transfer to the Citizens Property Insurance Corporation to avoid
10 regular assessments on assessable insurers, as authorized under
11 s. 627.351(6)(b)3.b., Florida Statutes, for the 2005 Plan Year
12 deficit. The board of governors of the corporation shall
13 utilize appropriated state monies to fund that portion of the
14 2005 Plan Year deficit which would result in the levying of
15 regular assessments in the commercial lines, personal lines, and
16 high-risk accounts. The transfer made by the state to the
17 Corporation shall be limited to the amount of the total regular
18 assessments that were authorized by statute to cover the 2005
19 Plan Year deficit. Any unused and remaining funds in this
20 appropriation shall revert back to the General Revenue Fund.

21 (2) The corporation shall amortize over a ten-year period
22 any emergency assessment resulting from the 2005 Plan Year
23 deficit.
24
25 Section 26. For fiscal year 2006-2007, the sums of
26 $250,000 in recurring funds and $425,000 in nonrecurring funds
27 from the Insurance Regulatory Trust Fund in the Department of
28 Financial Services are hereby appropriated to the Office of
29 Insurance Regulation for the purpose of carrying out reporting
30 and administrative responsibilities of this act.
31
32
33

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **7225**

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	____	

WD

---

1 Council/Committee hearing bill: Fiscal Council
2 Representative(s) Galvano offered the following:
3
4 **Amendment**
5 Remove line(s) 2691-2698 and insert:
6 (w) There shall be no liability on the part of, and no
7 cause of action of any nature shall arise against, producing
8 agents of record of the corporation or their employees for
9 insolvency of any take-out insurer.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **7225**

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	____	

W/D

---

1 Council/Committee hearing bill: Fiscal Council
2 Representative(s) Galvano offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Remove line(s) 1099-1110 and insert:
6 policies and commercial residential and
7 commercial nonresidential property policies issued by the
8 corporation or transferred to the corporation that provide
9 coverage for the peril of wind on risks that are located in
10 areas eligible for coverage in the Florida Windstorm
11 Underwriting Association as those areas were defined on January
12 1, 2002. The high-risk account must also include quota share
13 primary insurance under subparagraph (c)2. The area eligible for
14 coverage under the high-risk account also includes the area
15 within Port Canaveral, which is bordered on the south by the
16 City of Cape Canaveral, bordered on the west by the Banana
17 River, and bordered on the north by Federal Government property~~.~~
18 and the entire portion of any barrier island, or in areas where
19 no barrier island exists and the coastal area was not eligible
20 for the high-risk account as of January 1, 2006, then any area

21 up to and including 2000 feet from the coast. The office may
22 remove
23
24 ========== D I R E C T O R Y A M E N D M E N T =========
25 Remove line(s) and insert:
26
27
28 ========== T I T L E A M E N D M E N T ==========
29 Remove line(s) and insert:
30

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **7225**

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: Fiscal Council
2 Representative(s) Galvano offered the following:
3
4 **Amendment (with directory and title amendments)**
5 Between lines 2455 and 2456 insert:
6 Section 25. Section 627.351(6)(b)2.a.(C), as amended by
7 this act, shall be effective upon becoming law.
8
9 ========== D I R E C T O R Y A M E N D M E N T ==========
10 Remove line(s) and insert:
11
12
13 ========== T I T L E A M E N D M E N T ==========
14 Remove line(s) and insert:
15

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 7225**

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:

2 Representative(s) Berfield offered the following:

3

4 **Amendment (with title amendment)**

5 Remove line(s) 1908-1910:

6

7 ========== T I T L E A M E N D M E N T ==========

8 Remove line(s) 88-89 and insert:

9 homestead account coverage; requiring the corporation to

000000

Berfield Amendment.doc

Bill No. HB 7225
Amendment No. ____

1
2 Rep. Planas moved the following amendment:
3
4 **Amendment**
5 ~~On lines 3456~~ Between lines 3455 and
6 3456 insert:
7
8 insert:
9 Section 25. Section 624.424, Florida Statutes, is amended to
10 read:
11 624.424 Annual statement and other information.—
12 (1)(a) Each authorized insurer shall file with the office
13 full and true statements of its financial condition, transactions,
14 and affairs. An annual statement covering the preceding calendar
15 year shall be filed on or before March 1, and quarterly statements
16 covering the periods ending on March 31, June 30, and September 30
17 shall be filed within 45 days after each such date. The office may,
18 for good cause, grant an extension of time for filing of an annual
19 or quarterly statement. The statements shall contain information
20 generally included in insurers' financial statements prepared in
21 accordance with generally accepted insurance accounting principles
22 and practices and in a form generally utilized by insurers for
23 financial statements, sworn to by at least two executive officers of
24 the insurer or, as to property insurers, the chief executive officer
25 and chief financial officer of each insurer, or its certified public
26 accountant on its behalf or, if a reciprocal insurer, by the oath of
27 the attorney in fact or its like officer if a corporation. To
28 facilitate uniformity in financial statements and to facilitate
29 office analysis, the commission may by rule adopt the form for
30 financial statements approved by the National Association of
31 Insurance Commissioners in 2002, and may adopt subsequent amendments

1 thereto if the methodology remains substantially consistent, and may
2 by rule require each insurer to submit to the office or such
3 organization as the office may designate all or part of the
4 information contained in the financial statement in a computer-
5 readable form compatible with the electronic data processing system
6 specified by the office.
7 (b) Each insurer's annual statement must contain a statement
8 of opinion on loss and loss adjustment expense reserves made by a
9 member of the American Academy of Actuaries or by a qualified loss
10 reserve specialist, under criteria established by rule of the
11 commission. In adopting the rule, the commission must consider any
12 criteria established by the National Association of Insurance
13 Commissioners. The office may require semiannual updates of the
14 annual statement of opinion as to a particular insurer if the office
15 has reasonable cause to believe that such reserves are understated
16 to the extent of materially misstating the financial position of the
17 insurer. Workpapers in support of the statement of opinion must be
18 provided to the office upon request. This paragraph does not apply
19 to life insurance or title insurance.
20 (c) The commission may by rule require reports or filings
21 required under the insurance code to be submitted by electronic
22 means in a computer-readable form compatible with the electronic
23 data processing equipment specified by the commission.
24 (6) In addition to information called for and furnished in
25 connection with its annual or quarterly statements, an insurer shall
26 furnish to the office as soon as reasonably possible such
27 information as to its transactions or affairs as the office may from
28 time to time request in writing. All such information furnished
29 pursuant to the office's request shall be verified by the oath of
30 two executive officers of the insuer <u>or, as to property insurers,</u>
31 <u>the chief executive officer and chief financial officer of each</u>

1 insurer, or its certified public accountant on its behalf or, if a
2 reciprocal insurer, by the oath of the attorney in fact or its like
3 officers if a corporation.
4 Section 26. Subsection (2) of section 624.448, Florida
5 Statutes, is amended to read:
6 624.448 Assets of insurers; reporting requirements.—
7 (2) Each domestic insurer shall file a report with the
8 office disclosing a material acquisition of assets, a material
9 disposition of assets, or a material nonrenewal, cancellation, or
10 revision of a ceded reinsurance agreement, unless the material
11 acquisition or disposition of assets or the material nonrenewal,
12 cancellation, or revision of a ceded reinsurance agreement has been
13 submitted to the office for review, approval, or informational
14 purposes under another section of the Florida Insurance Code or a
15 rule adopted thereunder. As to property insurers, the chief
16 executive officer and chief financial officer of each insurer, or
17 its certified public accountant on its behalf, shall sign a sworn
18 Statement of Certification to accompany the report. The Statement
19 shall certify the appropriateness of the information provided in and
20 with the report, and that the information fairly presents, in all
21 material respects, the material acquisition of assets, the material
22 disposition of assets, or the material nonrenewal, cancellation, or
23 revision of a ceded reinsurance agreement. The Office of Insurance
24 Regulation shall promulgate by rule the State of Certification. A
25 copy of the report and each exhibit or other attachment must be
26 filed by the insurer with the National Association of Insurance
27 Commissioners. The report required in this section is due within 15
28 days after the end of the calendar month in which the transaction
29 occurs.
30 Section 27. Paragraph (a) of subsection (2) of section
31 627.062, Florida Statutes, is amended to read:

1 627.062 Rate standards.—
2 (2) As to all such classes of insurance:
3 (a) Insurers or rating organizations shall establish and use
4 rates, rating schedules, or rating manuals to allow the insurer a
5 reasonable rate of return on such classes of insurance written in
6 this state. A copy of rates, rating schedules, rating manuals,
7 premium credits or discount schedules, and surcharge schedules, and
8 changes thereto, shall be filed with the office under one of the
9 following procedures:
10 1. If the filing is made at least 90 days before the
11 proposed effective date and the filing is not implemented during the
12 office's review of the filing and any proceeding and judicial
13 review, then such filing shall be considered a "file and use"
14 filing. In such case, the office shall finalize its review by
15 issuance of a notice of intent to approve or a notice of intent to
16 disapprove within 90 days after receipt of the filing. The notice of
17 intent to approve and the notice of intent to disapprove constitute
18 agency action for purposes of the Administrative Procedure Act.
19 Requests for supporting information, requests for mathematical or
20 mechanical corrections, or notification to the insurer by the office
21 of its preliminary findings shall not toll the 90-day period during
22 any such proceedings and subsequent judicial review. The rate shall
23 be deemed approved if the office does not issue a notice of intent
24 to approve or a notice of intent to disapprove within 90 days after
25 receipt of the filing.
26 2. If the filing is not made in accordance with the
27 provisions of subparagraph 1., such filing shall be made as soon as
28 practicable, but no later than 30 days after the effective date, and
29 shall be considered a "use and file" filing. An insurer making a
30 "use and file" filing is potentially subject to an order by the
31 office to return to policyholders portions of rates found to be

1 excessive, as provided in paragraph (h).
2 3. The chief executive officer and chief financial officer
3 of each property insurer, or its certified public accountant on its
4 behalf, shall sign a sworn Statement of Certification to accompany
5 the rate filing. The statement shall certify the appropriateness of
6 the information provided in and with the rate-filing, and that the
7 information fairly presents, in all material respects, the basis of
8 the rate-filing submitted by the property and casualty insurer. The
9 insurer shall certify all of the information and factors described
10 in section 627.062(2)(b), including, but not limited to, investment
11 income. The Office of Insurance Regulation shall promulgate by rule
12 the Statement of Certification. Failure to provide such Statement
13 of Certification shall result in the rate-filing being disapproved
14 without prejudice to be re-filed.
15 (b) Upon receiving a rate filing, the office shall review
16 the rate filing to determine if a rate is excessive, inadequate, or
17 unfairly discriminatory. In making that determination, the office
18 shall, in accordance with generally accepted and reasonable
19 actuarial techniques, consider the following factors:
20 1. Past and prospective loss experience within and without
21 this state.
22 2. Past and prospective expenses.
23 3. The degree of competition among insurers for the risk
24 insured.
25 4. Investment income reasonably expected by the insurer,
26 consistent with the insurer's investment practices, from investable
27 premiums anticipated in the filing, plus any other expected income
28 from currently invested assets representing the amount expected on
29 unearned premium reserves and loss reserves. The commission may
30 adopt rules utilizing reasonable techniques of actuarial science and
31 economics to specify the manner in which insurers shall calculate

1 investment income attributable to such classes of insurance written
2 in this state and the manner in which such investment income shall
3 be used in the calculation of insurance rates. Such manner shall
4 contemplate allowances for an underwriting profit factor and full
5 consideration of investment income which produce a reasonable rate
6 of return; however, investment income from invested surplus shall
7 not be considered.
8 5. The reasonableness of the judgment reflected in the
9 filing.
10 6. Dividends, savings, or unabsorbed premium deposits
11 allowed or returned to Florida policyholders, members, or
12 subscribers.
13 7. The adequacy of loss reserves.
14 8. The cost of reinsurance.
15 9. Trend factors, including trends in actual losses per
16 insured unit for the insurer making the filing.
17 10. Conflagration and catastrophe hazards, if applicable.
18 11. A reasonable margin for underwriting profit and
19 contingencies.
20 12. The cost of medical services, if applicable.
21 13. Other relevant factors which impact upon the frequency
22 or severity of claims or upon expenses.
23
24 RENUMBER SUBSEQUENT SECTION
25
26
27
28
29
30
31

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

HB 7227 : Florida Hurricane Damage Prevention Endowment Trust Fund

[X] *Favorable With Committee Substitute*

	Yea	*Nay*	*No Vote*	*Absentee Yea*	*Absentee Nay*
Loranne Ausley			X		
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson			X		
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert			X		
Ron Greenstein		X			
Wilbert Holloway		X			
Jeffrey Kottkamp			X		
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson		X			
Marco Rubio			X		
John Seiler		X			
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
	Total Yeas: 14	**Total Nays: 4**			

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM

Bill No. **7227**

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: Fiscal Council
2 Representative(s) Brown offered the following:
3
4 **Amendment (with title amendments)**
5 Remove everything after the enacting clause insert:
6 Section 1. Section 215.5585, Florida Statutes, is created
7 to read:
8 215.5585 Florida Hurricane Damage Prevention Trust Fund.--
9 (1) The Florida Hurricane Damage Prevention Trust Fund is
10 created within the Department of Financial Services. The
11 department shall serve as administrator of the fund. The State
12 Board of Administration shall invest moneys in the fund as
13 provided in s. 215.558.
14 (2) The fund shall be used by the department to carry out
15 the purposes of ss. 215.558 and 215.5586. The monies credited to
16 the fund includes transfers from other state funds,
17 as well as any grants or donations received for the purpose for
18 which the fund is created.
19 (3) Notwithstanding the provisions of s. 216.301 and
20 pursuant to s. 216.351, any balance in the trust fund at the end
21 of any fiscal year shall remain in the trust fund at the end of

22 that year and shall be available for carrying out the purposes
23 of the trust fund.
24 (4) In accordance with s. 19(f)(2), Art. III of the State
25 Constitution, the fund shall, unless terminated sooner, be
26 terminated July 1, 2010. Before the scheduled termination, the
27 trust fund shall be reviewed as provided in s. 215.3206(1) and
28 (2).
29 Section 2. This act shall take effect July 1, 2006, only if
30 HB 7225 or similar legislation is adopted in the same
31 legislative session or an extension thereof and becomes a law.
32
33 ========== T I T L E A M E N D M E N T ==========
34 Remove the entire title and insert:
35 A bill to be entitled
36
37 An act relating to the Florida Hurricane Damage Prevention
38 Trust Fund; creating s. 215.5585, F.S.; creating the
39 Florida Hurricane Damage Prevention Trust Fund within the
40 Department of Financial Services; providing for
41 administration and investment of the fund; providing
42 for the use of moneys in the fund; requiring balances in
43 the fund to remain in the fund for certain purposes;
44 providing for future review and termination or re-creation
45 of the fund; providing a contingent effective date.
46

COUNCIL MEETING REPORT

Fiscal Council

4/17/2006 4:15:00PM

Location: 212 Knott Building

Summary:

Fiscal Council

Monday April 17, 2006 04:15 pm

HB 995	Favorable	Yeas: 17	Nays: 1
HB 1123 CS	Favorable With Committee Substitute	Yeas: 16	Nays: 2
HB 1161	Not Considered		
HB 1315	Favorable	Yeas: 18	Nays: 0
HB 1363 CS	Favorable With Committee Substitute	Yeas: 18	Nays: 0
HB 1473 CS	Temporarily Deferred		
HB 1623 CS	Not Considered		
HB 7121 CS	Favorable With Committee Substitute	Yeas: 17	Nays: 0
HB 7155	Not Considered		
HB 7225	Favorable With Committee Substitute	Yeas: 13	Nays: 4
HB 7227	Favorable With Committee Substitute	Yeas: 14	Nays: 4

Committee meeting was reported out: Monday, April 17, 2006 7:11:23PM