



# 2019 Legislative Wrap-Up

By: Mark Hendrickson and Jaimie Ross

The 2019 Legislative Session followed a critically important election. All members of the House were up for election as well as half the members of the Senate. And most importantly, Florida elected a new Governor.

Candidate forums across the state posed a similar question: “If elected, would you support using all the Sadowski state and local housing trust fund monies for housing?” The chorus responded in the affirmative. Governor Ron DeSantis was true to his word, breaking the tradition of sweeping the trust funds established by the prior Governor and setting the stage for full appropriation. The Senate followed suit. But to the dismay of every constituency in the state, the House held onto its tradition of sweeping the trust funds. And during conference negotiations, the Senate failed to hold firm, conceding to the House proposal of a \$125 million dollar sweep of Sadowski state and local housing trust funds. The House and Senate diverted these statutorily dedicated dollars for affordable housing into the general fund. This was an inexplicable action at a time of no budget deficit and a full blown housing crisis. Money for HHRP is to be split based upon damage assessments, see chart on the Florida Housing Coalition's Disaster Recovery page at [www.flhousing.org/disaster-recovery](http://www.flhousing.org/disaster-recovery).

## Housing Bills in 2019 Session

This was the year of many affordable housing bills. Most did not pass. The primary housing bill that did become law was CS/CS/HB 7103, sponsored by Senator Lee (Republican from Hillsborough County) and Representative Fisher (Republican from Duval County). This thirty seven page bill addresses such a variety of topics, that it is referred to as the housing omnibus bill.

**Highlights from the Affordable Housing Omnibus Bill, CS/CS/HB 7103; Barcode 444806 are:**

### 1. Inclusionary Housing Policies

Authorizes an inclusionary housing ordinance to require a developer to provide a specified number or percentage of affordable housing units to be included in a development or

allow a developer to contribute to a housing fund or other alternatives. Requires a county or municipality to provide certain incentives to fully offset all costs to the developer of its affordable housing contribution (see more detailed article on page 9).

### 2. Impact Fees: waivers for affordable housing; timing for collection of fees that are not waived.

- A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

## Bills That Failed

### State Funds

SB 70 (Mayfield)/HB 1103 (Silvers)

### Housing Trust Funds

HB 353 (Polsky)/SB 1504 (Berman)

### State Workforce Housing Tax Credit Program General Bill

HB 413 (Aloupis)

### Pilot State Workforce Housing Tax Credit General Bill

SB 250 (Flores)

### Assessment of Property

HB 443 (Rodriguez Ant)/SB 568 Diaz

### Impact Fees

SB 350 (Hutson)/No House Companion

### Affordable Housing

HB 1155 (Placencia)/No Senate Companion

### Low-income Affordable Housing Tax Incentives

HB 6045 (Roach)/No Senate Companion

### Affordable Housing Discretionary Surtax

HB 729 (Gottlieb)

### County Funding For Affordable Housing

SB 842 County (Thurston)

### Affordable Housing Tax Reductions

SB 1314 (Pizzo)/HB 1211 (Fernández)

### Homelessness

SB 1218 (Book)/HB 1353 (Altman)

### Reducing Income

HB 1287 (Smith)/SB 1734 (Farmer, Jr.)

### Florida Climate and Resiliency Research Program

HB 1369 (Diamond)

### Emergency Mitigation and Response

SB 1610 (Montford)



- Prohibits a local government from requiring payment of impact fees prior to the issuance of a building permit.
- Local governments will be required to designate the funds collected by the impact fees for acquiring, constructing, or improving the capital facilities to benefit the new users.
- Impact fees collected by a local government may not be used to pay existing debt or pay for prior approved projects unless such expenditure has a rational nexus to the impact generated by the new construction.
- Fees imposed for connection to water or sewer service are excluded from being treated as impact fees.

### 3. Expedited Permits

Sets forth time deadlines for local government approval of development permits and development orders. Also provides time limits for application reviews. This new law applies to all development permits and development orders, not just affordable housing. It does not change the requirement that all SHIP jurisdictions must have expedited permitting for all affordable housing. Affordable housing permits and development orders will have the benefit of this new timeline and continue to be placed at the front of the queue.

- Amends section 553.791, F.S. to prohibit a local jurisdiction from charging fees (other than a reasonable

administrative fee) for building inspections if the owner or contractor hires a private provider and revises the timeframes for notification of using a private provider, and the timeframe within which a building official must approve or deny a permit application; specifying the timeframe within which the local building official must issue a notice of noncompliance if the permit applicant submits revisions; limiting a building official's review of a resubmitted permit application to previously identified deficiencies.

### State Housing Finance Strategy for the Keys and a Change to Definition for Essential Services Personnel.

Section 420.502 Florida Statutes is amended by a legislative finding that "it is necessary to create new programs to stimulate the construction and substantial rehabilitation of rental housing for eligible persons and families. The lack of affordable workforce housing has been exacerbated by the dwindling availability of developable land, environmental constraints, rising construction and insurance costs, and the shortage of lower-cost housing units. As this state's population continues to grow, essential services personnel vital to the economies of areas of critical state concern are unable to live in the communities where they work, creating transportation congestion and

hindering their quality of life and community engagement". The bill further amends Section 420.503 to provide in 420.503 (18) a new definition of "essential services personnel" to mean natural persons or families whose total annual household income is at or below 120 percent of the area median income, adjusted for household size, and at least one of whom is employed as police or fire personnel, a child care worker, a teacher or other education personnel, health care personnel, a public employee, or a service worker.

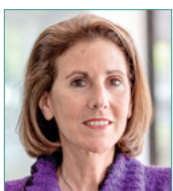
It's worth noting that this bill repeals the former definition of "essential services personnel" which permitted local governments to define "essential services personnel" in accordance with their SHIP local housing assistance plan (LHAP). The bill, in practice, establishes a statewide, uniform definition of "essential services personnel" and takes the authority to define the term in their LHAPs away from local governments.

But if the legislature finds these workers to be essential, why would House Leadership want to transfer \$125 million in Sadowski Trust Funds into general revenue rather than allow those funds to be appropriated for SHIP and SAIL? It certainly

isn't because the House finds fault with SHIP and SAIL. The \$115 million of Sadowski funds appropriated for the Hurricane Michael impacted counties were put into the Hurricane Housing Recovery Program (HHRP) and the and Rental Recover Loan Program (RRLP), SHIP and SAIL like programs, respectively. Rightfully so. SHIP and SAIL are amazingly good programs, with a balance of flexibility and accountability that results in efficient and effective delivery of affordable housing.

Diverting funds that are dedicated for affordable housing into general revenue is a blatant misuse of the Sadowski Act. It severely undercuts the Florida businesses that produce and preserve affordable housing as well as the Florida businesses that need essential services personnel to operate, such as hospitals, schools, and the tourism industry that fuels our sunny economy. The diversion of Sadowski funds leaves in its wake long lines of unmet need, including elderly in need of emergency home repairs, disabled people in need of home retrofits, and the lower paid workforce in need of homes they can afford. And those lines get longer and longer with every Sadowski housing trust fund dollar that is swept to general revenue. [HNN](#)

**The Sadowski Coalition comprised of 32 statewide organizations and the Sadowski Affiliates throughout Florida collectively representing millions of Floridians did a remarkable job of advocating for full appropriation of the Sadowski state and local housing trust funds solely for housing. The Editorial boards from news outlets everywhere echoed our sentiment. Florida has the best state and local housing programs in the nation. All who are working toward meeting the needs of Florida's workforce and most vulnerable populations living on fixed incomes are to be commended and we should all be heartened by having a Governor who agrees that all the Sadowski funds should be used exclusively for affordable housing.**



JAIMIE ROSS

**Jaimie A. Ross** is the President & CEO of the Florida Housing Coalition. She initiated the Sadowski Coalition in 1991 and continues to facilitate the Sadowski Coalition today. Ms. Ross served as the Affordable Housing Director at 1000 Friends of Florida, a statewide nonprofit smart growth organization, from 1991-2015. Prior to her tenure at 1000 Friends of Florida, Ross was a land use and real property lawyer representing for profit and nonprofit developers and financial institutions with a law firm in Orlando. Ross is the past Chair of the Affordable Housing Committee of the Real Property Probate & Trust Law Section of the Florida Bar.



MARK HENDRICKSON

**Mark Hendrickson**, president of The Hendrickson Company, is a past Chair and serves as an Executive Committee member for the Florida Housing Coalition. He served as Executive Director of the Florida Housing Finance Agency from its inception in 1981 to 1994. As its first Chief Executive Officer, he led the way in creation of the Sadowski Act. The Hendrickson Company specializes in assisting clients in all areas of affordable housing, including finance and related legislative issues. His clients include for-profit and non-profit developers, the Florida Association of Local Housing Finance Authorities, and four County HFA's.

## Appropriation of Housing Trust Fund Monies: \$331.96 Million

Revenue Estimate from March 2019 REC Conference

	GOVERNOR	SENATE	HOUSE	FINAL BUDGET FY 19-20	FINAL BUDGET FY 18-19
<b>FHFC: SAIL</b> Line 2315	\$85,448,000	\$61,775,000	\$0	\$39,040,000	\$79,180,000
<b>FHFC: SAIL Workforce Keys</b> Line 2315	\$20,000,000	\$0	\$0	\$0	\$0
<b>SHIP:</b> Line 2316	\$246,930,000	\$170,102,400	\$0	\$46,560,000	\$43,950,000
<b>Hurricane Housing Recover Program</b> SHIP-like program for Hurricane Michael disaster counties only, Line 2316A	\$0	\$90,000,000	\$49,450,000	\$65,000,000	\$0
<b>Rental Recovery Loan Program</b> SAIL-like program for Hurricane Michael disaster counties only, Line 2316A	\$0	\$10,000,000	\$74,180,000	\$50,000,000	\$0
<b>TOTAL HOUSING</b>	\$352,378,000	\$331,878,000	\$123,630,000	\$200,600,000	\$123,630,000
<b>SHTF SWEEP</b>	\$0	\$0	\$60,000,000	\$10,000,000	\$54,600,000
<b>LGHTF SWEEP</b>	\$0	\$0	\$140,000,000	\$115,000,000	\$127,400,000
<b>TOTAL SWEEP</b>	\$0	\$0	\$200,000,000	\$125,000,000	\$182,000,000
<b>Unallocated SHTF</b>	\$0	\$600,000	\$7,358,000	\$300,000	\$2,600,000
<b>Unallocated LGHTF</b>	\$0	\$15,610,000	\$17,100,000	\$7,060,000	\$5,850,000

Proviso/Back of the Bill for FHFC:

- 10% of SAIL for competitive grant for housing for persons with developmental disabilities
- \$8 million from SAIL for Jacksonville Urban Core Workforce Housing Program (Senate Form 2071) VETOED
- \$500,000 from SHIP for Catalyst Training
- \$1,000,000 is provided to the Florida Housing Finance Corporation to provide grants to nonprofit organizations that build, modify, maintain, transfer, and enhance homes to and for Florida veterans. Eligible organizations must agree to provide a minimum of 15 homes to injured veterans, the family members of injured veterans, and Gold Star families. Homes may be modified, renovated, or new construction.
- HHRP distribution by FEMA damage assessment data and population.
- HHRP funds may be spent on (including, not limited to) repair and replacement of housing; assistance to homeowners to pay insurance deductibles; repair, replacement and relocation assistance for manufactured homes; acquisition of building materials for home repair and construction; housing re-entry assistance, such as security deposit utility deposits, and temporary storage of household furnishings; foreclosure eviction prevention, including monthly rental assistance for a limited period of time; or strategies in the approve local housing assistance plans.

**ADDITIONAL HOMELESS FUNDING**

Item	Amount	Line Item	Source	Agency
Challenge Grants	\$3,181,500 Senate	346	GR	DCF
Federal Emergency Shelter Grant Program	\$7,803,393	347	Federal Grants TF & Welfare Transition TF	DCF
Homeless Housing Assistance Grants— <i>note specific projects funded from this listed below</i>	\$4,490,800 Senate	348	GR	DCF
Homeless Veterans Housing Assistance Brevard County	\$150,000	348	GR — Senate Form 1535	DCF
CESC, Inc. Homeless Services	\$1,000,000 VETOED	348	GR — Senate Form 1996	DCF
The Transition House Homeless Veterans Program	\$200,000 Senate	348	GR — Senate Form 1369	DCF
Citrus Health Safe Haven for Homeless Youth	\$140,800	348	GR — Senate Form 2136	DCF
CASL Renaissance Manor Independent Supportive Housing Lee County	\$500,000	373	GR — Senate Form 1342	DCF
Housing First for Persons with Mental Illness Miami-Dade County	\$100,000	373	GR — Senate Form 1925	DCF
Five Star Veterans Center Homeless Housing & Reintegration	\$250,000	575A	GR — Senate Form 1891	Health
Homeless Collaborative of Broward County Rapid Rehousing	\$250,000	2307A	GR — Senate Form 1063	DEO

**OTHER MEMBER PROJECTS**

Item	Amount	Line Item	Source	Agency
Facility Improvement for City-Owned Elderly Housing Properties- Hialeah	\$635,000	2307A HB 3745	GR	DEO
Casa Familia Village Pilot Program	\$300,000	2307A	GR — Senate Form 1605	DEO
NeighborWorks Florida Collaborative Catalyst for Florida	\$250,000 VETOED	2307A	GR — Senate Form 1189	DEO

## SHIP DISTRIBUTIONS FOR FY 19-20

(FHFC 6-10-19)

LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/CITY SHARE
<b>ALACHUA</b>	465,328	233,409	<b>GILCHRIST</b>	350,000	350,000	<b>PALM BEACH</b>	1,977,016	1,494,822
Gainesville		231,919	<b>GLADES</b>	350,000	350,000	Boca Raton		128,901
<b>BAKER</b>	350,000	350,000	<b>GULF</b>	350,000	350,000	Boynton Beach		105,770
<b>BAY</b>	360,622	286,586	<b>HAMILTON</b>	350,000	350,000	Delray Beach		91,734
Panama City		74,036	<b>HARDEE</b>	350,000	350,000	West Palm Beach		155,789
<b>BRADFORD</b>	350,000	350,000	<b>HENDRY</b>	350,000	350,000	<b>PASCO</b>	791,041	791,041
<b>BREVARD</b>	880,223	485,884	<b>HERNANDO</b>	365,621	365,621	<b>PINELLAS</b>	1,379,317	718,072
Cocoa		29,047	<b>HIGHLANDS</b>	350,000	350,000	Clearwater		164,277
Melbourne		123,759	<b>HILLSBOROUGH</b>	1,946,000	1,423,110	Largo		118,759
Palm Bay		169,971	Tampa		522,890	St. Petersburg		378,209
Titusville		71,562	<b>HOLMES</b>	350,000	350,000	<b>POLK</b>	995,997	776,380
<b>BROWARD</b>	2,576,919	462,557	<b>INDIAN RIVER</b>	350,000	350,000	Lakeland		156,272
Coconut Creek		79,111	<b>JACKSON</b>	350,000	350,000	Winter Haven		63,345
Coral Springs		174,715	<b>JEFFERSON</b>	350,000	350,000	<b>PUTNAM</b>	350,000	350,000
Davie		140,184	<b>LAFAYETTE</b>	350,000	350,000	<b>ST. JOHNS</b>	434,855	434,855
Deerfield Beach		106,684	<b>LAKE</b>	570,018	570,018	<b>ST. LUCIE</b>	515,732	124,911
Fort Lauderdale		248,157	<b>LEE</b>	1,048,062	663,318	Fort Pierce		73,904
Hollywood		202,288	Cape Coral		264,531	Port St. Lucie		316,917
Lauderhill		97,408	Fort Myers		120,213	<b>SANTA ROSA</b>	358,386	358,386
Margate		79,111	<b>LEON</b>	502,444	171,786	<b>SARASOTA</b>	664,742	575,866
Miramar		186,054	Tallahassee		330,658	Sarasota		88,876
Pembroke Pines		224,450	<b>LEVY</b>	350,000	350,000	<b>SEMINOLE</b>	723,467	723,467
Plantation		121,631	<b>LIBERTY</b>	350,000	350,000	<b>SUMTER</b>	350,000	350,000
Pompano Beach		149,977	<b>MADISON</b>	350,000	350,000	<b>SUWANNEE</b>	350,000	350,000
Sunrise		125,754	<b>MANATEE</b>	612,676	521,632	<b>TAYLOR</b>	350,000	350,000
Tamarac		87,873	Bradenton		91,044	<b>UNION</b>	350,000	350,000
Weston		90,965	<b>MARION</b>	583,865	484,783	<b>VOLUSIA</b>	812,090	571,549
<b>CALHOUN</b>	350,000	350,000	Ocala		99,082	Daytona Beach		101,349
<b>CHARLOTTE</b>	360,063	320,636	<b>MARTIN</b>	350,000	350,000	Deltona		139,192
Punta Gorda		39,427	<b>MIAMI-DADE</b>	2,344,045	1,508,861	<b>WAKULLA</b>	350,000	350,000
<b>CITRUS</b>	350,000	350,000	Hialeah		201,588	<b>WALTON</b>	350,000	350,000
<b>CLAY</b>	399,958	399,958	Miami		405,989	<b>WASHINGTON</b>	350,000	350,000
<b>COLLIER</b>	599,931	566,695	Miami Beach		78,057	<b>TOTAL</b>	39,943,600	39,943,600
Naples		33,236	Miami Gardens		95,871	<b>DR Holdback</b>		5,000,000
<b>COLUMBIA</b>	350,000	350,000	North Miami		53,679	<b>Compliance Monitoring</b>		116,400
<b>DE SOTO</b>	350,000	350,000	<b>MONROE</b>	350,000	350,000	<b>Catalyst</b>		500,000
<b>DIXIE</b>	350,000	350,000	<b>NASSAU</b>	350,000	350,000	<b>Veterans</b>		1,000,000
<b>DUVAL</b>	1,356,063	1,356,063	<b>OKALOOSA</b>	381,688	341,573	<b>TOTAL APPROPRIATION</b>		46,560,000
<b>ESCAMBIA</b>	536,782	444,455	Fort Walton Beach		40,115			
Pensacola		92,327	<b>OKEECHOBEE</b>	350,000	350,000			
<b>FLAGLER</b>	350,000	74,655	<b>ORANGE</b>	1,870,106	1,475,140			
Palm Coast		275,345	Orlando		394,966			
<b>FRANKLIN</b>	350,000	350,000	<b>OSCEOLA</b>	580,543	461,358			
<b>GADSDEN</b>	350,000	350,000	Kissimmee		119,185			

Projected SHIP based on  
Conference Report on SB 2500

(Less: \$5 million DR holdback, Monitoring,  
Catalyst & other funding)