City of Stuart

AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION
MAY 8, 2023
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Troy McDonald
Vice Mayor Becky Bruner
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Campbell Rich

ADMINISTRATIVE

Interim City Manager, Michael J. Mortell
Interim City Attorney, Paul J. Nicoletti
City Clerk, Mary R. Kindel

Agenda items are available on our website at http://www.cityofstuart.us
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - JACQUI MAY TO PRESENT A VARIETY OF HER ORIGINAL ARTWORK

PROCLAMATIONS

2. POLICE MEMORIAL WEEK - MAY 9-20, 2023

3. STAMP OUT HUNGER DAY - MAY 13, 2023

4. FLORIDA EMANCIPATION DAY - MAY 20, 2023

5. SAFE BOATING WEEK - MAY 20-26, 2023

6. HISTORIC PRESERVATION MONTH - MAY 2023

7. MENTAL HEALTH AWARENESS MONTH - HELPING PEOPLE SUCCEED - MAY 2023

8. KEEP MARTIN BEAUTIFUL GREAT AMERICAN CLEANUP - MARCH 20 - JUNE 20, 2023

9. GARDEN WEEK - JUNE 4-10, 2023

PRESENTATIONS

10. CITY OF STUART DRAFT STRATEGIC PLAN

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

CONSENT CALENDAR

11. APPROVAL OF 04/24/2023 CCM MINUTES (RC)

12. MUTUAL AID AGREEMENT - SOUTH FLORIDA TASK FORCE BURGLARY APPREHENSION AND VEHICLE CRIMES UNIT (RC):

RESOLUTION No. 35-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY OF STUART POLICE DEPARTMENT TO ENTER INTO A MUTUAL AID AGREEMENT WITH THE SOUTH FLORIDA TASK FORCE (COORDINATED BY THE PALM BEACH COUNTY SHERIFF'S OFFICE) TO COMBAT CRIMINAL ACTIVITIES RELATED TO BURGLARY OFFENSES, AUTO THEFT, AND OTHER ORGANIZED CRIMES IN SOUTH FLORIDA. THIS RESOLUTION ALSO AUTHORIZES THE ACCEPTANCE AND ADOPTION OF THE PROVISIONS OF THE PROGRAM AND PROVIDES AN IMMEDIATE EFFECTIVE

DATE.

END OF CONSENT CALENDAR

COMMISSION ACTION

ORDINANCE SECOND READING

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

13. LIVE LOCAL ACT 2023 (SB 102)

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

INVOCATION: Any invocation that may be offered at the opening of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Nina Mullin

Title of Item:
ARTS MOMENT - JACQUI MAY TO PRESENT A VARIETY OF HER ORIGINAL ARTWORK

Summary Explanation/Background Information on Agenda Request:
ART MOMENT PRESENTATION

Funding Source:
N/A

Recommended Action:
Enjoy!

ATTACHMENTS:

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Ryanne Cavo

Title of Item:
POLICE MEMORIAL WEEK - MAY 9-20, 2023

Summary Explanation/Background Information on Agenda Request:
To recognize Police Memorial Week 2023 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

Funding Source:
N/A

Recommended Action:
Issue the Proclamation.

ATTACHMENTS:
1. Police Memorial Week 2023

PROCLAMATION
POLICE MEMORIAL WEEK
May 9 – 20, 2023

To recognize Police Memorial Week 2023 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the City of Stuart Police Department; and

WHEREAS, since the first recorded death in 1786, there are currently 23,785 law enforcement officers in the United States who have made the ultimate sacrifice and have been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, 556 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 224 officers killed in 2022 and 332 officers killed in previous years; and

WHEREAS, May 15th is dedicated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. Flags should be flown at half-staff; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during a Memorial Ceremony which will be held on Monday, May 15, 2023 at 10:00 AM at the Stuart Police Department.

NOW THEREFORE, I, TROY MCDONALD, Mayor of the City of Stuart, Florida do hereby proclaim the week of May 9-20, 2023 as: **POLICE MEMORIAL WEEK** and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 8th day of May, 2023.

ATTEST:

_____
TROY MCDONALD
MAYOR

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Ryanne Cavo

Title of Item:
STAMP OUT HUNGER DAY - MAY 13, 2023

Summary Explanation/Background Information on Agenda Request:
Every year on the second Saturday in May, letter carriers across the country collect non-perishable food as part of the nation's largest one day food drive, distributing the donations to local food banks.

Funding Source:
N/A

Recommended Action:
Issue the Proclamtion.

ATTACHMENTS:
1. Stamp Out Hunger Day - May 13, 2023

PROCLAMATION
STAMP OUT HUNGER DAY
MAY 13, 2023

WHEREAS, every year on the second Saturday in May, letter carriers across the country collect non-perishable food as part of the nation's largest one day food drive, distributing the donations to local food banks; and

WHEREAS, the Letter Carriers' Stamp Out Food Hunger Drive is just one example of how letter carriers work to make a difference in the lives of those they serve. Since the pilot drive was held in 1991, more than a billion pounds of food have been collected; and

WHEREAS, food collected during the Stamp Out Hunger food drive provides a critical supply for House of Hope and partnering local agencies who strive to empower Martin County residents to overcome hunger and hardship. Collected food items supply the four Client Choice pantry services in Martin County and expanding nutrition initiatives designed to combat the rising levels of obesity-related illnesses in lower income households; and

WHEREAS, we would like to recognize all letter carriers for their hard work and their commitment to their communities. All food collected in our community stays in our community and we support carriers' efforts to help those in need in our community.

NOW, THEREFORE, I, TROY MCDONALD, Mayor of the City of Stuart do hereby proclaim May 13, 2023 as:

STAMP OUT HUNGER DAY

in the City of Stuart and encourage the citizens of our community to support the food drive by placing non-perishable food items in or near your mailbox on May 13, 2023.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City of Stuart Florida to be affixed this 8th day of May, 2023.

_____
TROY MCDONALD
MAYOR

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Ryanne Cavo

Title of Item:
FLORIDA EMANCIPATION DAY - MAY 20, 2023

Summary Explanation/Background Information on Agenda Request:
For decades after the initial proclamation, African-American communities across the state carried out celebrations as a way of both honoring the past and celebrating the present. While the end of slavery in Texas is commonly observed as the end of slavery in the U.S. and celebrated as “Juneteenth.” Florida’s own day provides an opportunity to honor the history of, and continued fight for freedom for, historically marginalized communities.

Funding Source:
N/A

Recommended Action:
Issue the Proclamation.

ATTACHMENTS:
1. Florida Emancipation Day May 20 2023

PROCLAMATION
FLORIDA EMANCIPATION DAY
MAY 20, 2023

WHEREAS, on January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, freeing enslaved people in the rebelling Southern states, announcing "That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free...."; and

WHEREAS, it was more than two years later at the end of the Civil War, on May 20, 1865, that Union Brigadier General Edward M. McCook announced in Tallahassee, Florida the freeing of the state's African slave population. On that same day, Special Order Number 63 arrived from Major General Quincy A. Gillmore, and stated that "the people of the black race are free citizens of the United States"; and

WHEREAS, newly freed slaves celebrated this announcement with a picnic at Bull's Pond, which is located in Tallahassee and today called Lake Ella; and

WHEREAS, for decades after the initial proclamation, African-American communities across the state carried out celebrations as a way of both honoring the past and celebrating the present. While the end of slavery in Texas is commonly observed as the end of slavery in the U.S. and celebrated as "Juneteenth." Florida's own day provides an opportunity to honor the history of, and continued fight for freedom for, historically marginalized communities; and

WHEREAS, Emancipation Day helps shed light on the continuing challenges our country faces in combatting racism, inequity, and inequality.

NOW, THEREFORE, I, TROY MCDONALD, Mayor of the City of Stuart, Florida do hereby proclaim May 20, 2023, as:

FLORIDA EMANCIPATION DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 8th day of May, 2023.

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TROY MCDONALD
MAYOR

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Ryanne Cavo

Title of Item:
SAFE BOATING WEEK - MAY 20-26, 2023

Summary Explanation/Background Information on Agenda Request:
For over 100 million Americans, boating continues to be a popular recreational activity. From coast to coast, and everywhere in between, people are taking to the water and enjoying time together boating, sailing, paddling, and fishing. During National Safe Boating Week, the U.S. Coast Guard and its federal, state, and local safe boating partners encourage all boaters to explore and enjoy America's beautiful waters responsibly.

Funding Source:
N/A

Recommended Action:
Issue the Proclamation

ATTACHMENTS:
1. Safe Boating Week 2023

PROCLAMATION
SAFE BOATING WEEK
May 20-26, 2023

WHEREAS, for over 100 million Americans, boating continues to be a popular recreational activity. From coast to coast, and everywhere in between, people are taking to the water and enjoying time together boating, sailing, paddling, and fishing. During National Safe Boating Week, the U.S. Coast Guard and its federal, state, and local safe boating partners encourage all boaters to explore and enjoy America's beautiful waters responsibly; and

WHEREAS, safe boating begins with preparation. The Coast Guard estimates that human error accounts for most boating accidents and that life jackets could prevent nearly 83% of boating fatalities. Through basic boating safety procedures – carrying lifesaving emergency distress and communications equipment, wearing life jackets, attending safe boating courses, participating in free boat safety checks, and staying sober when navigating – we can help ensure boaters on America's coastal, inland, and offshore waters stay safe throughout the season; and

WHEREAS, on average, 650 people die each year in boating-related accidents in the U.S.; 75% of these are fatalities caused by drowning; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets.

NOW, THEREFORE, I, TROY MCDONALD, Mayor of the City of Stuart, Florida, do hereby commend the volunteer members of **U.S. Coast Guard Auxiliary Flotilla 59 Stuart** for their efforts in furthering the goals of the Safe Boating Campaign and proclaim May 20-26, 2023 as **SAFE BOATING WEEK**, and the start of the year-round effort to promote boater safety and urge all those who boat to practice safe boating habits and wear a life jacket at all times while boating.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 8th day of May, 2023.

_____

TROY MCDONALD
MAYOR

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Ryanne Cavo

Title of Item:
HISTORIC PRESERVATION MONTH - MAY 2023

Summary Explanation/Background Information on Agenda Request:
Historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds.

Funding Source:
N/A

Recommended Action:
Issue the Proclamation.

ATTACHMENTS:
1. Historic Preservation Month - May 2023

PROCLAMATION
HISTORIC PRESERVATION MONTH
MAY 2023

WHEREAS, historic preservation is an effective tool for revitalizing neighborhoods, fostering local pride, and maintaining community character; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, historic preservation plays an important role in our lives, and we should celebrate the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the Martin County Historic Preservation Board has planned events throughout Martin County during the month of May to increase awareness and the need for public participation in historic preservation in order to save our local treasures. This year's Historic Preservation Month honors Alice Luckhardt, a local historian and author who is remembered for her lifelong historic preservation work.

NOW, THEREFORE, I, TROY MCDONALD, Mayor of the City of Stuart do hereby proclaim May 2023 as: **HISTORIC PRESERVATION MONTH** in the City of Stuart, Florida **in honor of local historian Alice Luckhardt.** Further, I call upon the citizens of Stuart, Florida to join their fellow citizens across the United States in recognizing and participating in this special observance.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City of Stuart Florida to be affixed this 8th day of May, 2023.

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TROY MCDONALD
MAYOR

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Ryanne Cavo

Title of Item:
MENTAL HEALTH AWARENESS MONTH - HELPING PEOPLE SUCCEED - MAY 2023

Summary Explanation/Background Information on Agenda Request:
Surroundings can impact if, how, and when a person's needs are met, which in turn affects mental health. People with mental illnesses recover if given the necessary services and support in their communities. With early and effective interventions, those individuals with mental health conditions can recover and lead full, productive lives.

Funding Source:
N/A

Recommended Action:
Issue the Proclamation.

ATTACHMENTS:
1. Mental Health Awareness Month - Helping People Succeed (May 2023)

PROCLAMATION
HELPING PEOPLE SUCCEED
MENTAL HEALTH AWARENESS MONTH
MAY 2023

WHEREAS, there is a proven connection between good mental health and overall personal health. Only one out of two people with a serious form of mental illness seeks treatment for his or her mental illness; and

WHEREAS, surroundings can impact if, how, and when a person's needs are met, which in turn affects mental health. People with mental illnesses recover if given the necessary services and support in their communities. With early and effective interventions, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, research shows that the most effective way to reduce stigma is through personal contact with someone with a mental illness to alleviate the fear of discrimination; and

WHEREAS, Helping People Succeed has highly skilled therapists who provide specialized outpatient mental health counseling for children and adults; and

WHEREAS, people with mental illnesses make important contributions to our families and our communities. Each business, school, government agency, health care provider, organization, and citizen share the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts ; and

WHEREAS, greater public awareness about mental illnesses can change negative attitudes and behaviors toward people with mental illnesses.

NOW, THEREFORE, I, TROY MCDONALD, as Mayor of the City of Stuart, Florida do hereby proclaim in the City of Stuart, Florida the month of May 2023 as **MENTAL HEALTH AWARENESS MONTH**. I call upon all citizens, government agencies, public and private institutions, businesses, and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma and discrimination, and promoting appropriate and accessible services for all people with mental illnesses.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 8th day of May, 2023.

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TROY MCDONALD
MAYOR

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Ryanne Cavo

Title of Item:
KEEP MARTIN BEAUTIFUL GREAT AMERICAN CLEANUP - MARCH 20 - JUNE 20, 2023

Summary Explanation/Background Information on Agenda Request:
This year the Great American Cleanup officially launches on the first day of spring, March 20 and run through June 20 with environmental education and cleanup activities being held in Martin County.

Funding Source:
N/A

Recommended Action:
Issue the Proclamation.

ATTACHMENTS:
1. Keep Martin Beautiful Great American Cleanup 2023

PROCLAMATION
KEEP MARTIN BEAUTIFUL GREAT AMERICAN CLEANUP DAY

WHEREAS, the Keep Martin Beautiful Great American Cleanup Day has been held in Martin County for the past twenty-four years in partnership with Keep America Beautiful; and

WHEREAS, the Great American Cleanup® annually engages more than 500,000 volunteers and participants, whose work returns, on average, more than $100 million in measurable benefits across thousands of participating communities; and

WHEREAS, it is important that all citizens are empowered to take an active role during the Great American Cleanup to preserve and enhance Martin County's environment; and

WHEREAS, this year the Great American Cleanup officially launches on the first day of spring, March 20 and run through June 20 with environmental education and cleanup activities being held in Martin County.

NOW, THEREFORE, I, TROY MCDONALD, Mayor of the City of Stuart, Florida, proclaim that beginning on March 20th through June 20th is **KEEP MARTIN BEAUTIFUL GREAT AMERICAN CLEANUP DAY** in Stuart, Florida. Further, the City Commissioners commend the volunteers and Board of Directors of Keep Martin Beautiful who take on the challenge of beautifying and revitalizing communities, making a positive difference in Martin County and the City of Stuart's quality of life.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 8th day of May, 2023.

_____
TROY MCDONALD
MAYOR

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Ryanne Cavo

Title of Item:
GARDEN WEEK - JUNE 4-10, 2023

Summary Explanation/Background Information on Agenda Request:
Gardening enables members of Garden Clubs across the nation and the world to make a world of difference in the communities where they reside and work.

Funding Source:
N/A

Recommended Action:
Issue the Proclamation.

ATTACHMENTS:
1. Garden Week June 4-10, 2023

PROCLAMATION
GARDEN WEEK
JUNE 4 - 10, 2023

WHEREAS, gardeners have a passion for nurturing the beauty and resources of the earth through the planting of seeds, the care of all plants and the riches of their efforts; and

WHEREAS, gardeners seek to add beauty, splendor, fragrance, and nutrition to our lives through the growing of herbs, vegetables, foliage, and flowers; and

WHEREAS, gardeners work to preserve our country's traditional spirit of independence and initiative through innovation and hard work; and

WHEREAS, gardeners advocate the importance of all creatures, large and small, that share our world and their roles in a balanced and productive ecology; and

WHEREAS, gardening furnishes a challenging and productive activity for our citizens, for those just learning, as well as those having years of experience; and

WHEREAS, gardening promotes a healthy lifestyle that lasts a lifetime, helps reduce stress from other areas of our life, teaches that rewards can come from diligent efforts; and

WHEREAS, gardening enables members of Garden Clubs across the nation and the world to make a world of difference in the communities where they reside and work.

NOW, THEREFORE, in an effort to acknowledge the importance of Gardening and the numerous contributions of Gardeners and Garden Clubs, I, TROY MCDONALD, Mayor of the City of Stuart hereby proclaim June 4 – 10, 2023 as:

GARDEN WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 8th day of May, 2023.

ATTEST:

_____
TROY MCDONALD
Mayor

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Jim Chrulski

Title of Item:
CITY OF STUART DRAFT STRATEGIC PLAN

Summary Explanation/Background Information on Agenda Request:
The City of Stuart created a Strategic Plan in 2013. The plan was coordinated by consultant Jim Karas and ends in 2024. Jim Karas was hired to create an updated Strategic Plan to serve as a guide for the City of Stuart. Mr. Karas will present a draft version of the plan for Commissioner awareness, comments, and input. The final version is scheduled for adoption at the May 22, 2023 Commission Meeting.

Funding Source:
N/A

Recommended Action:
Watch the presentation, provide input, and authorize a consultant to produce the final strategic plan.

ATTACHMENTS:
1. 5.8.23_Jim_Karas_Strategic Plan_presentation_outline

Strategic Planning

Power Point presentation for May 8, 2023 (Outline)

Strategic Planning is a best practice for corporations, military, and local government alike - recognized by the International City Manager's Association among other groups. In 2013, Stuart embarked on its 10-year 2024 Strategic Plan which culminated in a June 2022 report of progress to City Commission which was well-received for its tangible results.

In January 2023, the City re-engaged this process. The consultant used in 2013 - as an unbiased third party - was again contracted to facilitate a new long-range Plan. This agenda item will present a summary of the last several months of Plan drafting and seek the City Commission's direction for possible adoption at its scheduled meeting May 22, 2023. The presentation will summarize:

- Research of relevant, interrelated city plans
- Interviews with City Leadership Staff, and Commissioners
- Workshops with Commission and Staff, 28 March and 19 April, respectively
- Identification of opportunities and challenges, synthesized into four goal areas:
    1. More Livable CommUNITY
    2. Safe, Healthy, Resilient Riverfront Environment
    3. Thriving Business and Vibrant Family Activities/Events
    4. Financial Security

- Corresponding Plan objectives and approximately 20 action strategies, a partial list of which may include: a future community-wide visioning charrette, attention to the continuing challenges with poor river water quality, seeking resolution of the train bridge closure related train impacts, downtown vibrancy and mobility/parking, Memorial Park and city hall remodeling or relocation, Guy Davis Park improvements; water, wastewater and stormwater management and mitigation, means of financing

Consultant and Presenter: Jim Karas, Community Marine & Water Resource Planning www.linkedin.com/in/jeakaras

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Susej Meleqi

Title of Item:
APPROVAL OF 04/24/2023 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:
APPROVAL OF 04/24/2023 CCM MINUTES.

Funding Source:
N/A

Recommended Action:
Approve Minutes.

ATTACHMENTS:
1. 04242023 CCM Minutes

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
APRIL 24, 2023
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Troy McDonald
Vice Mayor Becky Bruner
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Campbell Rich

ADMINISTRATIVE

Interim City Manager, Michael J. Mortell
Interim City Attorney, Paul J. Nicoletti
City Clerk, Mary R. Kindel

ROLL CALL

5:30 PM

PRESENT: Mayor McDonald, Vice Mayor Bruner, Commissioner Clarke, Commissioner Collins, Commissioner Rich

INVOCATION

Bishop Edward J. Skiba, OSB, Stuart Florida Police Chaplain

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner Rich

- Commented on the Town Hall meeting and noted there was a good turnout, thanked Tom Campenni as moderator, Commissioner Kaija Mayfield of the Town of Sewall's Point and Mayor Karen Ostrand of the Town of Ocean Breeze.

Commissioner Collins

- Commented on an article written by Ed Killer in the TC Palm talking about the river and the situation the City is in right now, he recommends reading it, the City needs to help stop discharges and believes there is a unique opportunity now to be heard and to have the City hire an environmental City Attorney. Thanked Ed Killer for bringing the

conversation forward.

Commissioner Clarke

- Thanked the Community Services Department for all they do for the young people of the community, noting the Stars Over Stuart program, commended Mike Redstone and Jessica Tharp of Community Services.
- The Regional Planning Council last Friday made an excellent presentation on the Senate Bill and housing issues. She will send the presentation to the City Manager Mortell to give an update sometime before July. Many elected officials were asking questions and Mr. Lanahan has a very good presentation; she would like City Manager Mortell to have him come and talk about the impact on housing and some other issues. Also, to tell us what next steps are of SB 102 and 106 that will affect us more deeply.
- The City Attorney position mentioned by Commissioner Collins, questioned if there are any guidelines or money available for a water quality fund, in addition to the attorney position. Commented on a day by day, month by month evaluation on Interim City Manager Mortell's performance as doing a good job.

Commissioner Bruner

- Commented on the comments of Commissioner Collins and Commissioner Clarke regarding the river, money needs to come in from everybody, thinks of all the organizations and non-profits involved, keep going until it is figured out.

Mayor McDonald

- Announced that Stuart was ranked as 2nd for best seaside town.
- Reported that he participated in the Honor Flight Program, a rewarding and moving experience. Roz Johnson, the Human Resource Director, is a Guardian Trainer, and he would like more employees to participate in the cause.

COMMENTS BY CITY MANAGER

Interim City Manager Mortell

- American Public Works Association awarded City of Stuart with project of the Year 2023 for the Tressler Drive Baffle Box Project.
- May 1st - 22nd at 6 a.m., the Roosevelt train bridge will be closed, to reopen at 6 a.m. on May 22nd this information will be posted on Facebook
- On Tuesday, May 2nd, the Dixie Highway Roosevelt Bridge will be closed 8 a.m. - 5 p.m. Commissioner Clarke asked if they can be posted on the City's lighted signs. Will check with Brightline on how they are spreading the word.
- Marine Industry Association has requested a loan of a light post for a weather proof camera video feed - recording the number of boats that pass. He will get back to the Commission on it.
- City staff held the Strategic Plan Workshop, Jim Chrulski is working with Jim Karas on final presentation sometime in May.
- SB 102, Commissioner Rich had a Town Hall meeting with two other elected officials,

met with the Development Department on Friday and discussed the City's approach and hopes sometime in May to bring information back to the Commission for their approval of a Land Use Regulation Agreement. A proposal will be brought to Commission in relation to utilities and rents and be adopted in June to be effective July 1, 2023.

- Would like a D&D on the June meeting. The direction was to wait to advertise seeking the permanent replacement of a City Attorney, reviewing the job classification, additional meetings, if necessary, can be discussed.

APPROVAL OF AGENDA

5:56 PM MOTION: Approve
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

Police Chief Tumminelli addressed the Commission and introduced the returning employee, Captain Flamur Zenelovic, a previous Police Officer for the City of Stuart.

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

1. Missy Harris - Alamanda Way; Commented on the two acres for Haney Creek, that the property is really valuable and we don't need another car wash.

CONSENT CALENDAR

1. APPROVAL OF 4/10/2023 CCM MINUTES (RC)

2. AWARD OF WO #5 ROOF REPLACEMENT AT THE PUBLIC WORKS COMPLEX TO RFQL# 2020-400: CITY ANNUAL ROOFING CONTRACT (RC):

RESOLUTION No. 30-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF WORK ORDER NO. 2020-400-W05, REPLACE ROOF AND GUTTER SYSTEMS AT THE PUBLIC WORKS COMPLEX TO THE LOWEST, MOST RESPONSIVE RESPONSIBLE BIDDER, THE ROOF AUTHORTIY, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. AWARD OF RFQL #2023-400 CITYWIDE ANNUAL ROOFING REPAIR REPLACEMENT CONTRACT (RC):

RESOLUTION No. 34-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF RFQL #2023-400, CITYWIDE ANNUAL ROOFING REPAIR AND REPLACEMENT TO THREE SUBMITTED FIRMS, ADVANCED ROOFING, INC. OF FORT LAUDERDALE, FLORIDA, THE ROOF AUTHORITY, INC. OF FORT PIERCE, FLORIDA, WATERPROOFING TECHNOLOGIES, INC. OF BEACHWOOD, OHIO PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

END OF CONSENT CALENDAR

6:00 PM MOTION: Approve
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

COMMISSION ACTION

4. STUART HOUSING AUTHORITY APPOINTMENT RATIFICATION OF TWO BOARD MEMBERS (RC)

6:01 PM MOTION: Approve
MOVED BY: Eula Clarke
SECONDED BY: Becky Bruner
Motion approved unanimously.

5. EASEMENT WITH FPL FOR "CAPTAIN ADAMS PARK" PARCEL AT CONFUSION CORNER (RC):

RESOLUTION No. 33-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF STUART, FLORIDA AND FLORIDA POWER & LIGHT ("FPL") FOR A TEN (10) FOOT WIDE EASEMENT RELATED TO THE PLACEMENT OF CONDUIT, MAKE-READY POLE AND HANDHOLE ON A CITY-OWNED PARCEL KNOWN AS "CAPTAIN ADAMS PARK" AT CONFUSION CORNER; RESCINDING ALL RESOLUTIONS IN CONFLICT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6:02 PM MOTION: Approve
MOVED BY: Eula Clarke
SECONDED BY: Becky Bruner
Motion approved unanimously.

6. AUTHORIZATION TO NEGOTIATE LEASE FOR 2 ACRE VACANT PARCEL NORTH OF ROOSEVELT BRIDGE (RC):

RESOLUTION No. 26-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO NEGOTIATE A VACANT LAND LEASE WITH REPRESENTATIVE(S) FROM SLC COMMERCIAL FOR THE LEASE OF THE CITY OWNED HANEY CREEK TWO (2) ACRE PARCEL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell explained for procedural purposes, a motion is needed to remove it from being Tabled. Since last meeting, the original letter of intent was changed (attached to Agenda Item) to a car wash to negotiate the property in place of two restaurants. This is not an approval, it is simply allowing the City to move forward to negotiate with the car wash company.

6:07 PM MOTION: Approval to remove item from being Tabled.
MOVED BY: Eula Clarke
SECONDED BY: Campbell Rich
VOTE: Motion passes 4/1.
YES: Troy McDonald, Becky Bruner, Eula Clarke, Campbell Rich
NO: Christopher Collins

City Manager Mortell explained that the City owned the flag parcel, it was in the shape of a flag and explained the location; back in early 2000's, maybe 2005 or 2006, Harbor Walk, Seacoast bank owned Harbor Walk as a result of the economic downturn. County was doing a 1/2 cent sales tax referendum, property was purchased jointly with the City and County. As part of the program, the city donated the flag parcel into Haney Creek to be put into preserve in exchange for the 2 acres right on US 1 so they could be marketed and land leased to generate the revenue to provide a source to maintain Haney Creek, walks, nature paths and education opportunities. Following the purchase, the City's code stated that any waterfront property sold or leased for more than 10 years requires a public referendum and this was done, and decided the property would be for lease and not for sale. It was a 76% in favor vote. Following that public hearings were done and specific footprint was approved, ultimately decided against it, and Housing Solutions were interested and working with the City, but withdrew. The City has now received the unsolicited offer from the broker - this was tabled at City Manager David Dyess' last meeting. Letter of Intent is not binding on either party. Requested Commission direction.

Commissioner Clarke asked about bringing back Housing Solutions.

City Manager Mortell further explained.

Commissioner Clarke commented on whether the City should continue to develop as usual or amend the plan.

A conversation ensued with Commissioners and City Manager Mortell.

Commissioner Collins commented that this is not what residents want. The City has changed dramatically over past 10 years and feels that land should be a trail land. City has made it all these years without the income so far. Land will be more valuable over the next 45 years. Suggested exhausting other options and checking into grants. Commissioner Collins suggests Tabling until 2024 and it be added to the ballot.

Commissioner Clarke asked Milton Leggett, Public Works Director, how many parking spaces are available at Haney Creek and approximately how many people visit each year. Mr. Leggett commented that he is not sure of the numbers and that the City does not track the number of visitors.

Mayor McDonald commented that he feels the City has not grown. The majority of people he spoke with feel that the promise of the referendum needs to be kept. It is important we maintain the promises the City made.

PUBLIC COMMENT:

1. Laura Giobbi - SE Ocean Boulevard; Feels there is always something that can be done, feels Stuart is not the same and understood this parcel would be put back

into the park so it could not be devoured by SB 102. Questioned if the City has a process in place for the response there are other things that need to be discussed.

2. Mark Brechbill - Osceola Street; Commented that the City owns too much property; not in favor of the City being in the business of competing with land owners, but feels SB 102 is different; its commercial and open. Haney Creek was not meant to be a park, but an environment; suggests a private public partnership to be environmentally efficient.
3. Gail Goldy - 14th Terrace; She lives in the area and appreciates the greenery and would like it to be incorporated into Haney Creek. The two new commissioners spoke with many residents about growth and keeping the green space here. Traffic is a big issue. When it comes to the environment, every win is temporary and loss is permanent.
4. Caryn Hall Yost Rudge - SW Palm City Road; Commissioners need to treat each other with civility. Not keeping your promise and not experiencing the result of their votes. People may feel differently than past 10 years, feels a referendum would allow everyone to still say they still agree.
5. Helen McBride - 921 SE Flamingo Avenue; Commented that she was here when City Hall was built, residents worked hard and willing to up property tax to buy land and fix it up. She was around when we bought Haney Creek and agreed to lease.

6:51 PM MOTION: Approve
MOVED BY: Becky Bruner
SECONDED BY: Campbell Rich
VOTE: Motion Passed 4/1
YES: Becky Bruner, Eula Clarke, Troy McDonald, Campbell Rich
NO: Christopher Collins

DISCUSSION AND DELIBERATION

ADJOURNMENT

6:52 PM

Mary R. Kindel, City Clerk **Troy McDonald, Mayor**

Minutes to be approved at the Regular Commission Meeting this 8th day of May, 2023.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Joseph Tumminelli

Title of Item:
MUTUAL AID AGREEMENT - SOUTH FLORIDA TASK FORCE BURGLARY APPREHENSION AND VEHICLE CRIMES UNIT (RC):

RESOLUTION No. 35-2023; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY OF STUART POLICE DEPARTMENT TO ENTER INTO A MUTUAL AID AGREEMENT WITH THE SOUTH FLORIDA TASK FORCE (COORDINATED BY THE PALM BEACH COUNTY SHERIFF'S OFFICE) TO COMBAT CRIMINAL ACTIVITIES RELATED TO BURGLARY OFFENSES, AUTO THEFT, AND OTHER ORGANIZED CRIMES IN SOUTH FLORIDA. THIS RESOLUTION ALSO AUTHORIZES THE ACCEPTANCE AND ADOPTION OF THE PROVISIONS OF THE PROGRAM AND PROVIDES AN IMMEDIATE EFFECTIVE DATE.

Summary Explanation/Background Information on Agenda Request:
This is a much needed investigative tool to provide additional resources for the Stuart Police Department.

Funding Source:
No funding needed

Recommended Action:
Recommend Approval

ATTACHMENTS:
1. R35_2023 SFTF MOU Agreement
2. R35_2023 South Florida Task Force MAA Stuart PD
3. Memo Mutual Aid Agreement - SF Task Force

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 35-2023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY OF STUART POLICE DEPARTMENT TO ENTER INTO A MUTUAL AID AGREEMENT WITH THE SOUTH FLORIDA TASK FORCE (COORDINATED BY THE PALM BEACH COUNTY SHERIFF'S OFFICE) TO COMBAT CRIMINAL ACTIVITIES RELATED TO BURGLARY OFFENSES, AUTO THEFT, AND OTHER ORGANIZED CRIMES IN SOUTH FLORIDA. THIS RESOLUTION ALSO AUTHORIZES THE ACCEPTANCE AND ADOPTION OF THE PROVISIONS OF THE PROGRAM AND PROVIDES AN IMMEDIATE EFFECTIVE DATE.

* * * * *

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THAT:

SECTION 1: The South Florida Task Force has been established to combat criminal activities related to burglary offenses and auto theft in South Florida.

SECTION 2: The Stuart Police Department has expressed a desire to participate in the South Florida Task Force to provide law enforcement services and resources to help protect public peace and safety and preserve the lives and property of the people.

SECTION 3: The Subscribing Law Enforcement Agencies have the authority, under section 23.12 of the Florida Statutes et. seq. (the Florida Mutual Aid Act), to enter into a combined mutual aid agreement for law enforcement services. This permits voluntary

cooperation across jurisdictional lines and the establishment of joint operations to combat law enforcement problems.

SECTION 4: The Stuart Police Department Police Chief will provide law enforcement services and resources to help combat criminal activities related to burglary offenses and auto theft in South Florida, including the City of Stuart.

SECTION 5: This Resolution shall become effective immediately upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
TROY MCDONALD, MAYOR				
BECKY BRUNER, VICE MAYOR				
EULA R. CLARKE, COMMISSIONER				
CHRISTOPHER, COLLINS, COMMISSIONER				
CAMPBELL RICH, COMMISSIONER				

ADOPTED this 8th day of May 2023.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
PAUL NICOLETTI, ESQ.
CITY ATTORNEY

MUTUAL AID AGREEMENT

SOUTH FLORIDA TASK FORCE

BURGLARY APPREHENSION AND VEHICLE CRIMES UNIT

W I T N E S S E T H

WHEREAS, the Subscribing Law Enforcement Agencies are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to continuing multi-jurisdictional law enforcement problems, so as to protect the public peace and safety, and preserve the lives and property of the people; and

WHEREAS, the Subscribing Law Enforcement Agencies have the authority under section 23.12, Florida Statutes et. seq., the Florida Mutual Aid Act, to enter into a combined mutual aid agreement for law enforcement services which permits voluntary cooperation across jurisdictional lines and establishing joint operations to combat law enforcement problems; and

WHEREAS, the participating Law Enforcement Agencies have identified a need to establish a multi-agency task force to address burglary offenses, auto theft, and related criminal activity occurring in South Florida.

NOW, THEREFORE, BE IT KNOWN that the undersigned parties, in consideration for mutual promises to render mutual aid, hereby agree as follows:

SECTION 1: PROVISIONS FOR VOLUNTARY COOPERATION

1.1. The Subscribing Law Enforcement Agencies (herein also referred to individually as as an “Assisting Agency” and set forth in **Attachment 1**) hereby approve and enter into this Mutual Aid Agreement (the “Agreement”) whereby each may render law enforcement assistance to the other for the purposes of jointly addressing burglary offenses, auto theft, and related criminal activity which may cross over into Palm Beach County, Broward County, Miami-Dade County, Martin County and St. Lucie County, and into each participating agency’s jurisdictional boundaries. In rendering law enforcement assistance, the Subscribing Law Enforcement Agencies will assign law enforcement officers as needed to the task force, in a joint effort to address such criminal activity.

1.2. In furtherance of such voluntary cooperation, each agency’s officers assigned to this task force shall be authorized to provide such assistance in each other participating agency’s respective County and/or jurisdictional boundaries and are authorized to take any and all necessary law enforcement action in the investigation, apprehension and arrest of individuals while involved in the task force operations in furtherance of this Agreement.

SECTION 2: COMMAND AND SUPERVISOR RESPONSIBILITY

2.1 The personnel and equipment that are assigned by the Assisting Agency Head shall be under the immediate control of a supervising officer of the Assisting Agency Head and the responsibility for the conduct of the task force members shall remain with their respective participating agency heads. The day-to-day operation and administrative control of the Task Force will be the responsibility of the Task Force Supervisors, one of which shall be appointed by the Palm Beach County Sheriff's Office, one appointed by the Broward County Sheriff's Office, and one appointed by the Miami-Dade Police Department. Participating agencies can and are encouraged to provide targets in their jurisdictions and each request will be evaluated and addressed on a priority basis by the Task Force Supervisors.

2.2 If a member of a subscribing law enforcement agency is involved in a "critical incident" as set forth in Palm Beach County Sheriff's Office General Order 522.00 (Critical Incident Investigations), while rendering law enforcement assistance in Palm Beach County as set forth in this Agreement, the subscribing law enforcement agency and its member agrees to adhere to that General Order. See **Exhibit A**. Further, the subscribing law enforcement agency agrees that if one of their law enforcement officers is involved in a critical incident in Palm Beach County, the "involved" or "witness" officer will remain at the scene of the critical incident and comply with Palm Beach County Sheriff's Office General Order 522.00.

a. As to the Ft. Lauderdale Police Department <u>only</u>, the following shall apply in place of Section 2.2 above:

"If any member of the Fort Lauderdale Police Department is involved in, or is a witness to, a "critical incident" as defined in the Palm Beach County Sheriff's Office General Order 522.00 (Critical Incident Investigations), while rendering law enforcement assistance in Palm Beach County as set forth in this Agreement, said member shall remain on scene until released by the investigating authority. Witness officers shall cooperate with the investigating agency. Involved officers shall cooperate with the investigating agency, as provided by law."

SECTION 3: CONFLICTS

3.1 Whenever a law enforcement officer is rendering assistance pursuant to this Agreement, the law enforcement officer shall abide by and be subject to the rules and regulations, personnel policies, general orders and standard operating procedures of his/her own employer. If any such rule, regulation, personnel policy, general order or standard operating procedure of the Assisting Agency is contradicted, contravened or otherwise in conflict with a direct order of a Task Force Supervisor , then such rule, regulation, policy, general order or procedure of the Assisting Agency shall control and shall supercede the direct order.

SECTION 4: HANDLING OF COMPLAINTS

4.1 Whenever there is a cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this Agreement, the complaint shall be forwarded to the Task Force Supervisor or his/her designee who shall be responsible for the documentation of said complaint to ascertain at a minimum:

a. The identity of the Complainant
b. An address where the complaining party can be contacted
c. The specific allegation
d. The identity of the employees accused without regard as to agency affiliation

4.2 If it is determined that the accused is an employee of an Assisting Agency, the above information, with all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded without delay to the agency head or his/her designee of the Assisting Agency for review and any action that such agency deems appropriate.

SECTION 5: LIABILITY

5.1 Each agency engaging in any mutual cooperation and assistance, pursuant to this Agreement, agrees to assume responsibility for the acts, omissions, or conduct of such agency's own employees while engaged in rendering such aid pursuant to this Agreement, subject to the provisions of Section 768.28, Florida Statutes, where applicable. Each agency further agrees to indemnify and hold harmless the other subscribing agency, its agents, appointees, employees, designees and representatives from any and all claims, demands, judgments, suits and verdicts, cause and causes of action relating to the actions of its own officers in the performance of this Agreement, subject to the provisions of Section 768.28, Florida Statutes.

SECTION 6: POWERS, PRIVILEGES, IMMUNITIES AND COSTS

6.1 Under the terms of this Agreement, an employee of a Subscribing Law Enforcement Agency, when actually engaging in mutual cooperation and assistance outside of the jurisdictional limits of the employee's jurisdictional limits, but in such areas as stated in this Agreement, shall, pursuant to the provisions of Section 23.127(1), Florida Statutes, have the same powers, duties, rights, privileges and immunities as if the employee was performing duties inside the employee's political subdivision in which he/she is normally employed.

6.2 Each Subscribing Law Enforcement Agency agrees to furnish necessary personnel, equipment, resources and facilities and to render services to each other party to the Agreement as set forth above, provided however, that no party shall be required to deplete unreasonably its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.

6.3 A political subdivision that furnishes equipment pursuant to this Agreement must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment.

6.4 The Assisting Agency will pay the salary, benefits, overtime and other compensation to its Officers assigned to the task force, including any amounts paid or due for compensation due to personal injury or death while such Officer is engaged in rendering such assistance.

6.5 The privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits that apply to the activity of an employee of an agency when performing the employee's duties within the territorial limits of the employee's agency apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties extraterritorially under the provisions of this Agreement. The provisions of this section shall apply with equal effect to paid, volunteer, and reserve employees.

SECTION 7: FORFEITURE

7.1 The Assisting Agency in whose jurisdiction property is seized will maintain the seized property and determine whether there is a good-faith basis to initiate forfeiture proceedings related to property seized by it in the course of the task force investigations relating to this Agreement.

7.2 In cases of overlapping jurisdiction between a County Assisting Agency and a Municipality Assisting Agency, the municipality shall be responsible for any forfeiture of seized property in accordance with Section 7.1, unless otherwise agreed to by the municipality and the county.

7.3 It is recognized that during the course of the operation of this Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Section 932.701, et. seq., Florida Statutes, may be seized. Any such property seized, and if forfeited and awarded, shall be equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency, less the costs associated with the forfeiture action. The agency pursuing the forfeiture action shall have the exclusive right to control and the responsibility to maintain the property including, but not limited to, the complete discretion to bring the action, to dismiss the action, or to settle, pursuant to the provision of the Florida Contraband Forfeiture Act.

SECTION 8: INSURANCE

8.1 Each party shall provide satisfactory proof of liability insurance by one or more of the means specified in Section 768.28(16), Florida Statutes, in an amount which is, in the judgment of the governing body of that party, at least adequate to cover the risk to which that party may be exposed. Should the insurance coverage, however provided,

of any party be canceled or undergo material change, that party shall notify all parties to this Agreement of such change within ten (10) days of receipt of notice or actual knowledge of such change.

SECTION 9: EFFECTIVE DATE

9.1 This Agreement shall take effect upon execution and approval by the hereinafter named officials (the “effective date”) and shall continue in full force and effect for a one year period unless terminated prior thereto by any or all of the parties herein. The prior Mutual Aid Agreement for the Burglary Apprehension Task Force, and its Addendums, shall cease to be in effect upon the effective date of this Agreement. Any individual agency may cancel their participation in this task force and terminate this agreement as to their agency upon thirty (30) days written notice to the other participating agencies. This Agreement will be automatically renewed for consecutive one year periods as to the participating agencies that have not provided a notice of termination as set forth herein.

IN WITNESS WHEREOF, the agencies hereto cause these presents to be signed on the date specified.

[Remainder of this page intentionally left blank]

ATTACHMENT 1
Subscribing Law Enforcement Agencies

Palm Beach County Sheriff's Office
Aventura Police Department
Boca Raton Police Department
Boynton Beach Police Department
Broward County Sheriff's Office
Coral Gables Police Department
Coral Springs Police Department
Delray Beach Police Department
Florida Atlantic University Police Department
Ft. Lauderdale Police Department
Hendry County Sheriff's Office
Hollywood Police Department
Homestead Police Department
Indian River County Sheriff's Office
Juno Beach Police Department
Jupiter Police Department
Jupiter Inlet Colony Police Department
Lake Clarke Shores Police Department
Lantana Police Department
Light House Point Police Department
North Miami Beach Police Department North
Palm Beach Police Department
Margate Police Department
Martin County Sheriff's Office
Miami Beach Police Department
Miami-Dade County Police Department Miami Gardens Police Department
Ocean Ridge Police Department
Palm Beach Police Department
Palm Beach Gardens Police Department Palm Springs Police Department
Stuart Police Department
Pembroke Pines Police Department
Plantation Police Department
Port Saint Lucie Police Department
Riviera Beach Police Department
St. Lucie County Sheriff's Office
Tequesta Police Department
West Palm Beach Police Department

PALM BEACH COUNTY SHERIFF'S OFFICE

7 Jul 2021

Ric L. Bradshaw, Sheriff Date

BOCA RATON POLICE DEPARTMENT

Chief Michelle Miuccio Date

BOYNTON BEACH POLICE DEPARTMENT

Chief Joseph DeGiulio Date

BROWARD COUNTY SHERIFF'S OFFICE

Gregory Tony, Sheriff Date

Approved as to form and legal sufficiency,
subject to execution by the parties:

By: _____
Terrence Lynch Date
General Counsel, Broward County Sheriff's Office

CORAL GABLES POLICE DEPARTMENT

Chief Edward J. Hudak Jr. Date

PALM BEACH COUNTY SHERIFF'S OFFICE

7 Jul 2021

Ric L. Bradshaw, Sheriff Date

BOCA RATON POLICE DEPARTMENT

Chief Michelle Miuccio Date

BOYNTON BEACH POLICE DEPARTMENT

11.22.22

Chief Joseph DeGiulio Date

BROWARD COUNTY SHERIFF'S OFFICE

Gregory Tony, Sheriff Date

Approved as to form and legal sufficiency,
subject to execution by the parties:

By: _____
Terrence Lynch Date
General Counsel, Broward County Sheriff's Office

CORAL GABLES POLICE DEPARTMENT

Chief Edward J. Hudak Jr. Date

PALM BEACH COUNTY SHERIFF'S OFFICE

_____

Ric L. Bradshaw, Sheriff Date

BOCA RATON POLICE DEPARTMENT

10/16/2020

Chief Michelle Miuccio Date

BOYNTON BEACH POLICE DEPARTMENT

_____

Chief Michael G. Gregory Date

BROWARD COUNTY SHERIFF'S OFFICE

_____

Gregory Tony, Sheriff Date

Approved as to form and legal sufficiency,
subject to execution by the parties:

By: _____

Terrence Lynch Date
General Counsel, Broward County Sheriff's Office

CORAL GABLES POLICE DEPARTMENT

_____

Chief Edward J. Hudak Jr. Date

PALM BEACH COUNTY SHERIFF'S OFFICE

Ric L. Bradshaw, Sheriff Date

BOCA RATON POLICE DEPARTMENT

Chief Michelle Miuccio Date

BOYNTON BEACH POLICE DEPARTMENT

Chief Michael G. Gregory Date

BROWARD COUNTY SHERIFF'S OFFICE

Gregory Tony, Sheriff 10/1/20 Date

Approved as to form and legal sufficiency,
subject to execution by the parties:

By: 10/1/20
Terrence Lynch Date
General Counsel, Broward County Sheriff's Office

CORAL GABLES POLICE DEPARTMENT

Chief Edward J. Hudak Jr. Date

PALM BEACH COUNTY SHERIFF'S OFFICE

Ric L. Bradshaw, Sheriff Date

BOCA RATON POLICE DEPARTMENT

Chief Michelle Miuccio Date

BOYNTON BEACH POLICE DEPARTMENT

Chief Michael G. Gregory Date

BROWARD COUNTY SHERIFF'S OFFICE

Gregory Tony, Sheriff Date

Approved as to form and legal sufficiency,
subject to execution by the parties:

By: _____
Terrence Lynch Date
General Counsel, Broward County Sheriff's Office

CORAL GABLES POLICE DEPARTMENT

DocuSigned by:
[signature]
28F6FD2ADBC3420...
1/22/2021

Chief Edward J. Hudak Jr. Date

Approved as to form and legal sufficiency:

DocuSigned by:
[signature]
03A9CB1421E04AC...
1/22/2021

Miriam Soler Ramos Date
City Attorney

CORAL SPRINGS POLICE DEPARTMENT

Clyde H. Parry 12/3/20

Chief Clyde Parry Date

DELRAY BEACH POLICE DEPARTMENT

_____

Chief Javaro Sims Date

FLORIDA ATLANTIC UNIVERSITY POLICE DEPARTMENT

_____

Chief Sean Brammer Date

FLORIDA HIGHWAY PATROL

_____

Director Colonel Gene Spaulding Date

FORT LAUDERDALE POLICE DEPARTMENT

_____

Chief Rick Maglione Date

_____

City Manager Date

As to form:

_____

Assistant City Attorney Date

CORAL SPRINGS POLICE DEPARTMENT

Chief Clyde Parry Date

DELRAY BEACH POLICE DEPARTMENT

Chief Javaro Sims 8/21/20 Date

Jennifer Alvarez, Interim City Manager 9/3/20 Date

Attest:

Katerri Johnson
City Clerk

Approved as to form and legal sufficiency:

Lynn Gelin
City Attorney

FLORIDA ATLANTIC UNIVERSITY POLICE DEPARTMENT

Chief Sean Brammer Date

FLORIDA HIGHWAY PATROL

Director Colonel Gene Spaulding Date

FORT LAUDERDALE POLICE DEPARTMENT

Chief Rick Maglione Date

City Manager Date

As to form:

Assistant City Attorney Date

CORAL SPRINGS POLICE DEPARTMENT

Chief Clyde Parry Date

DELRAY BEACH POLICE DEPARTMENT

Chief Javaro Sims Date

FLORIDA ATLANTIC UNIVERSITY POLICE DEPARTMENT

Chief Sean Brammer 12/2/2020 Date

FLORIDA HIGHWAY PATROL

Director Colonel Gene Spaulding Date

FORT LAUDERDALE POLICE DEPARTMENT

Chief Rick Maglione Date

City Manager Date

As to form:

Assistant City Attorney Date

CORAL SPRINGS POLICE DEPARTMENT

Chief Clyde Parry Date

DELRAY BEACH POLICE DEPARTMENT

Chief Javaro Sims Date

FLORIDA ATLANTIC UNIVERSITY POLICE DEPARTMENT

Chief Sean Brammer Date

FLORIDA HIGHWAY PATROL

NOT PARTICIPATING

Director Colonel Gene Spaulding Date

FORT LAUDERDALE POLICE DEPARTMENT

SEE ATTACHED SIGNATURE PAGE

Chief Rick Maglione Date

City Manager Date

As to form:

Assistant City Attorney Date

MUTUAL AID AGREEMENT

SOUTH FLORIDA TASK FORCE

BURGLARY APPREHENSION AND VEHICLE CRIMES UNIT

FORT LAUDERDALE POLICE DEPARTMENT:

Karen A Dietrich — 9/17/20

Karen Dietrich
Interim Chief of Police
Date

Christopher J. Lagerbloom — 0922 2020
City Manager
Date

Approved as to form:

By: _____ — 9/15/2020

Bradley H. Weissman
Assistant City Attorney/ Police Legal Advisor
Date

HOLLYWOOD POLICE DEPARTMENT

NOT PARTICIPATING

Chief Chris O'Brien Date

JUNO BEACH POLICE DEPARTMENT

NOT PARTICIPATING

Chief Brian J. Smith Date

JUPITER POLICE DEPARTMENT

Daniel J. 8-25-2020

Chief Daniel J. Kerr Date

JUPITER INLET COLONY POLICE DEPARTMENT

Chief John Pruitt Date

LANTANA POLICE DEPARTMENT

Chief Clint Shannon Date

LIGHTHOUSE POINT POLICE DEPARTMENT

Chief Ross Licata Date

HOLLYWOOD POLICE DEPARTMENT

Chief Chris O'Brien Date

JUNO BEACH POLICE DEPARTMENT

Chief Brian J. Smith Date

JUPITER POLICE DEPARTMENT

Chief Daniel J. Kerr Date

JUPITER INLET COLONY POLICE DEPARTMENT

John Pruitt 10/5/2020

Chief John Pruitt Date

LANTANA POLICE DEPARTMENT

Chief Clint Shannon Date

LIGHTHOUSE POINT POLICE DEPARTMENT

Chief Ross Licata Date

HOLLYWOOD POLICE DEPARTMENT

Chief Chris O'Brien Date

JUNO BEACH POLICE DEPARTMENT

Chief Brian J. Smith Date

JUPITER POLICE DEPARTMENT

Chief Daniel J. Kerr Date

JUPITER INLET COLONY POLICE DEPARTMENT

Chief John Pruitt Date

LANTANA POLICE DEPARTMENT

Chief Sean Scheller 11/20/20 Date

LIGHTHOUSE POINT POLICE DEPARTMENT

Chief Ross Licata Date

HOLLYWOOD POLICE DEPARTMENT

Chief Chris O'Brien Date

JUNO BEACH POLICE DEPARTMENT

Chief Brian J. Smith Date

JUPITER POLICE DEPARTMENT

Chief Daniel J. Kerr Date

JUPITER INLET COLONY POLICE DEPARTMENT

Chief John Pruitt Date

LANTANA POLICE DEPARTMENT

Chief Clint Shannon Date

LIGHTHOUSE POINT POLICE DEPARTMENT

Tom Licata 11/25/2020

Chief Ross Licata Date

MARGATE POLICE DEPARTMENT

Chief Jonathan Shaw 09/04/2020
Chief Jonathan Shaw Date

City Manager 9/14/2020
City Manager Date

City Attorney 9/14/2020
City Attorney Date

MARTIN COUNTY SHERIFF'S OFFICE

William D. Snyder, Sheriff Date

MIAMI BEACH POLICE DEPARTMENT

Chief Richard Clements Date

MIAMI-DADE POLICE DEPARTMENT

Alfredo Ramirez III, Director Date

MIAMI-DADE COUNTY

Carlos A. Gimenez, Mayor Date

MIAMI GARDENS POLICE DEPARTMENT

Chief Delma Noel-Pratt Date

MARGATE POLICE DEPARTMENT

Chief Jonathan Shaw Date

City Manager Date

City Attorney Date

MARTIN COUNTY SHERIFF'S OFFICE

8/21/20

William D. Snyder, Sheriff Date

MIAMI BEACH POLICE DEPARTMENT

Chief Richard Clements Date

MIAMI-DADE POLICE DEPARTMENT

Alfredo Ramirez III, Director Date

MIAMI-DADE COUNTY

Carlos A. Gimenez, Mayor Date

MIAMI GARDENS POLICE DEPARTMENT

Chief Delma Noel-Pratt Date

MARGATE POLICE DEPARTMENT

Chief Jonathan Shaw Date

City Manager Date

City Attorney Date

MARTIN COUNTY SHERIFF'S OFFICE

William D. Snyder, Sheriff Date

MIAMI BEACH POLICE DEPARTMENT

Chief Richard Clements 10/6/20 Date

MIAMI-DADE POLICE DEPARTMENT

Alfredo Ramirez III, Director Date

MIAMI-DADE COUNTY

Carlos A. Gimenez, Mayor Date

MIAMI GARDENS POLICE DEPARTMENT

Chief Delma Noel-Pratt Date

MARGATE POLICE DEPARTMENT

Chief Jonathan Shaw Date

City Manager Date

City Attorney Date

MARTIN COUNTY SHERIFF'S OFFICE

William D. Snyder, Sheriff Date

MIAMI BEACH POLICE DEPARTMENT

Chief Richard Clements Date

MIAMI-DADE POLICE DEPARTMENT

Alfredo Ramirez III, Director 4/6/21 Date

MIAMI-DADE COUNTY

Daniella Levine Cava, Mayor 6/4/21 Date

MIAMI-DADE COUNTY

ATTEST: 6/7/21

County Clerk Date
Miami-Dade County, Florida

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Assistant County Attorney 5/27/21 Date
Miami-Dade County, Florida

COUNTY COMMISSIONERS MIAMI-DADE COUNTY FLORIDA

MIAMI GARDENS POLICE DEPARTMENT

Chief Delma Noel-Pratt Date

City Manager Cameron D. Benson Date

City Attorney Sonja K. Dickens Date

City Clerk Mario Bataille Date

MARGATE POLICE DEPARTMENT

Chief Jonathan Shaw Date

City Manager Date

City Attorney Date

MARTIN COUNTY SHERIFF'S OFFICE

William D. Snyder, Sheriff Date

MIAMI BEACH POLICE DEPARTMENT

Chief Richard Clements Date

MIAMI-DADE POLICE DEPARTMENT

Alfredo Ramirez III, Director Date

MIAMI-DADE COUNTY

Carlos A. Gimenez, Mayor Date

MIAMI GARDENS POLICE DEPARTMENT

1/11/2021

Cameron D. Benson, City Manager Date

1/5/2020

Chief Delma Noel-Pratt Date

Participating Agency
Attorney Sonja Dickens, City Attorney

Attest:

Mario Bataille, City Clerk
City of Miami Gardens

NORTH PALM BEACH POLICE DEPARTMENT

Chief Richard Jenkins 9-28-20 Date

OCEAN RIDGE POLICE DEPARTMENT

Chief Hal Hutchins Date

PALM BEACH POLICE DEPARTMENT

Chief Nicholas P. Caristo Date

PALM BEACH GARDENS POLICE DEPARTMENT

Chief Clinton Shannon Date

PALM SPRINGS POLICE DEPARTMENT

Chief Bryan Reyes Date

NORTH PALM BEACH POLICE DEPARTMENT

Chief Richard Jenkins Date

OCEAN RIDGE POLICE DEPARTMENT

11/23/2020

Chief Hal Hutchins Date

PALM BEACH POLICE DEPARTMENT

Chief Nicholas P. Caristo Date

PALM BEACH GARDENS POLICE DEPARTMENT

Chief Clinton Shannon Date

PALM SPRINGS POLICE DEPARTMENT

Chief Bryan Reyes Date

NORTH PALM BEACH POLICE DEPARTMENT

Chief Richard Jenkins Date

OCEAN RIDGE POLICE DEPARTMENT

Chief Hal Hutchins Date

PALM BEACH POLICE DEPARTMENT

Chief Nicholas P. Caristo Date

PALM BEACH GARDENS POLICE DEPARTMENT

Chief Clinton Shannon Date

PALM SPRINGS POLICE DEPARTMENT

Chief Bryan Reyes Date

NORTH PALM BEACH POLICE DEPARTMENT

Chief Richard Jenkins Date

OCEAN RIDGE POLICE DEPARTMENT

Chief Hal Hutchins Date

PALM BEACH POLICE DEPARTMENT

Chief Nicholas P. Caristo Date

PALM BEACH GARDENS POLICE DEPARTMENT

09-18-2020

Chief Clinton Shannon Date

PALM SPRINGS POLICE DEPARTMENT

Chief Bryan Reyes Date

NORTH PALM BEACH POLICE DEPARTMENT

Chief Richard Jenkins Date

OCEAN RIDGE POLICE DEPARTMENT

Chief Hal Hutchins Date

PALM BEACH POLICE DEPARTMENT

Chief Nicholas P. Caristo Date

PALM BEACH GARDENS POLICE DEPARTMENT

Chief Clinton Shannon Date

PALM SPRINGS POLICE DEPARTMENT

10/7/20

Chief Thomas Ceccarelli Date

PEMBROKE PINE POLICE DEPARTMENT

K. M. Shimpeno 11/09/2020

Chief Kipp Shimpeno Date

PORT ST.LUCIE POLICE DEPARTMENT

Chief John Bolduc Date

RIVIERA BEACH POLICE DEPARTMENT

Chief Nathan Osgood Date

ST. LUCIE COUNTY SHERIFF'S OFFICE

Ken J. Mascara, Sheriff Date

TEQUESTA POLICE DEPARTMENT

Chief Gus Medina Date

WEST PALM BEACH POLICE DEPARTMENT

Chief Frank Adderley Date

PEMBROKE PINE POLICE DEPARTMENT

Chief Kip Sh mpeno Date

PORT ST.LUCIE POLICE DEPARTMENT

Chief John Bolduc 9/1/2020 Date

RIVIERA BEACH POLICE DEPARTMENT

Chief Nathan Osgood Date

ST. LUCIE COUNTY SHERIFF'S OFFICE

Ken J. Mascara, Sheriff Date

TEQUESTA POLICE DEPARTMENT

Chief Gus Medina Date

WEST PALM BEACH POLICE DEPARTMENT

Chief Frank Adderley Date

PEMBROKE PINE POLICE DEPARTMENT

Chief Kip Sh mpeno Date

PORT ST.LUCIE POLICE DEPARTMENT

Chief John Bolduc Date

RIVIERA BEACH POLICE DEPARTMENT

6408 Sept. 25, 2020

Chief Nathan Osgood Date

ST. LUCIE COUNTY SHERIFF'S OFFICE

Ken J. Mascara, Sheriff Date

TEQUESTA POLICE DEPARTMENT

Chief Gus Medina Date

WEST PALM BEACH POLICE DEPARTMENT

Chief Frank Adderley Date

PEMBROKE PINE POLICE DEPARTMENT

Chief Kip Shumpeno Date

PORT ST.LUCIE POLICE DEPARTMENT

Chief John Bolduc Date

RIVIERA BEACH POLICE DEPARTMENT

Chief Nathan Osgood Date

ST. LUCIE COUNTY SHERIFF'S OFFICE

AUG 21, 2020

Ken J. Mascara, Sheriff Date

TEQUESTA POLICE DEPARTMENT

Chief Gus Medina Date

WEST PALM BEACH POLICE DEPARTMENT

Chief Frank Adderley Date

PEMBROKE PINE POLICE DEPARTMENT

Chief Kipp Shimpeno Date

PORT ST.LUCIE POLICE DEPARTMENT

Chief John Bolduc Date

RIVIERA BEACH POLICE DEPARTMENT

Chief Nathan Osgood Date

ST. LUCIE COUNTY SHERIFF'S OFFICE

Ken J. Mascara, Sheriff Date

TEQUESTA POLICE DEPARTMENT

11/25/2020

Chief Gus Medina Date

WEST PALM BEACH POLICE DEPARTMENT

Chief Frank Adderley Date

PEMBROKE PINE POLICE DEPARTMENT

Chief Kip Shumpeno Date

PORT ST.LUCIE POLICE DEPARTMENT

Chief John Bolduc Date

RIVIERA BEACH POLICE DEPARTMENT

Chief Nathan Osgood Date

ST. LUCIE COUNTY SHERIFF'S OFFICE

Ken J. Mascara, Sheriff Date

TEQUESTA POLICE DEPARTMENT

Chief Gus Medina Date

WEST PALM BEACH POLICE DEPARTMENT

8.26.2020

Chief Frank Adderley Date

Keith A. James, Mayor

CITY ATTORNEY'S OFFICE
Approved as to form and legality

By: _____
WPB# 26073

Indian River County Sheriff's Office

3/15/21

Sheriff Eric Flowers Date

Lake Clarke Shores Police Department

Chief Wes Smith Date

Indian River County Sheriff's Office

_____

Sheriff Eric Flowers Date

Lake Clarke Shores Police Department

4-7-21

Chief Wes Smith Date

Plantation Police Department

_____ Chief

Howard Harrison Date

North Miami Beach Department

_____

Chief Richard Rand Date

Indian River County Sheriff's Office

Sheriff Eric Flowers Date

Lake Clarke Shores Police Department

Chief Wes Smith Date

Plantation Police Department

Chief Howard Harrison Date

North Miami Beach Department

4/27/2021

Chief Richard Rand Date

PLANTATION POLICE DEPARTMENT

C. Howard Harr 4-28-2022

Chief W. Howard Harrison Date

Shana Bridgeman 4.28.2022

Shana H. Bridgeman Date
Assistant City Attorney

PLANTATION POLICE DEPARTMENT

Chief W. Howard Harrison Date

City Attorney Date

HENDRY COUNTY SHERIFF'S OFFICE

5/16/22

Steve Whidden, Sheriff Date

5/16/22

Chief Deputy Kevin Nelson Date

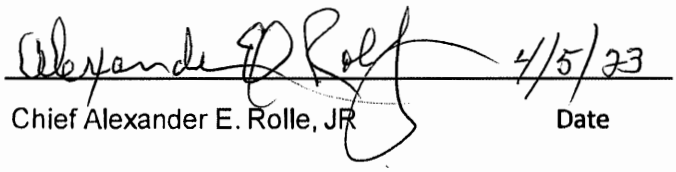
AVENTURA POLICE DEPARTMENT

Michael M. Bentolila
Chief of Police

JUL 12 2022

Chief Michael Bentolila Date

Homestead Police Department



Chief Alexander E. Rolle, JR

Date

STUART POLICE DEPARTMENT

_____

Chief Joseph Tumminelli Date

EXHIBIT "A"

SUBJECT:	CRITICAL INCIDENT INVESTIGATIONS		
DATE EFFECTIVE	SUPERSEDES	REVISION NUMBER	PAGE
071317	051613	17-5	1 of 8
RESCINDS			

CONTENTS:

This General Order consists of the following numbered sections:

I. COMPOSITION OF THE CRITICAL INCIDENT INVESTIGATIVE TEAM (C.I.I.T.)
II. RESPONSIBILITY OF THE C.I.I.T.INVESTIGATORS
III. NOTIFICATIONS
IV. POST CRITICAL DEBRIEFING
V. POST CRITICAL INCIDENT - INVOLVED OFFICER
VI. POST CRITICAL INCIDENT ASSESSMENT TEAM

DISCUSSION:

The purpose of this order is to establish guidelines to investigate all officer-involved critical incidents and any other critical incidents, which the Sheriff deems necessary. At the Sheriff's discretion he may request or invite an outside law enforcement entity, either at the federal or state level, to investigate in totality or in part any aspects of an officer involved critical incident. PBSO in conjunction with the State Attorney's Office will investigate all officer-involved incidents expeditiously, thoroughly and professionally in order to factually establish what occurred. This order will apply to all employees.

DEFINITIONS:

ADMINISTRATIVE INVESTIGATION – An investigation conducted by the Division of Internal Affairs to determine if the actions taken during the critical incident were in compliance with PBSO procedures.

CRITICAL INCIDENT – An incident that is unusual, is violent, and involves perceived threat to, or actual loss of, human life. The incident is a significant emotional event that breaks through an individual's normal coping mechanisms and may cause extreme psychological distress.

CRITICAL INCIDENT INVESTIGATIVE TEAM (C.I.I.T.) – A team tasked with the responsibility of investigating critical incidents.

CRITICAL INCIDENT INVESTIGATION COORDINATOR - The Detective Bureau Commander, or designee, will act as the Investigation Coordinator and oversee all aspects of the criminal investigation.

CRITICAL INCIDENT INVESTIGATION TEAM SUPERVISOR - The Critical Incident Investigation Team Supervisor will be of the rank of Lieutenant or higher, and assigned to the Detective Bureau.

CRIMINAL INVESTIGATION - An investigation conducted by the Critical Incident Investigative Team to determine if actions taken during the critical incident were in compliance with Florida Statutes.

PROCEDURES:

I. COMPOSITON OF THE CRITICAL INCIDENT INVESTIGATIVE TEAM (C.I.I.T.)

A. The C.I.I.T. Supervisor may, at his discretion, designate another supervisor to be the Team Supervisor.

B. One or more detectives selected from the Violent Crimes Division.

C. The Violent Crimes Division Commander, or designee, will act as the Investigation Coordinator and oversee all aspects of the criminal investigation.

D. The C.I.I.T. Supervisor will provide Communications with a "Notification List for Critical Incidents" which will be retained on file in Communications. The C.I.I.T. Supervisor will periodically update the notification list.

II. RESPONSIBILITY OF THE C.I.I.T. INVESTIGATORS

A. If the incident involves a death of a human being, the Office of the Medical Examiner will be notified, and a request for a Forensic Investigator to respond to the scene will be made.

B. The State Attorney's Office will be notified, as per their on-call policy.

C. Identify evidence for collection and preservation.

D. The processing and photographing of the scene will be overseen, in conjunction with the Crime Scene Supervisor.

E. Interviews and statements given by witnesses will be recorded.

F. An on-scene walk-through if possible may be conducted with the involved deputy(ies).

G. An attempt to conduct an at-scene walk-through and interview with any civilian and/or co-defendant.

H. The C.I.I.T. Supervisor will conduct an on-scene critique, either on-site, or at a place and time designated by the C.I.I.T. Supervisor, to discuss the facts and circumstances with the following personnel:

1. C.I.I.T. members
2. The Commander of the Violent Crimes Division
3. The Crime Scene Supervisor or designee
4. The Internal Affairs (IA) Supervisor/Investigator
5. The Commander of Legal Affairs or designee
6. The State Attorney or Assistant State Attorney and/or their investigators
7. Any other personnel deemed essential by the C.I.I.T. Supervisor

I. The Commander of the Violent Crimes Division will conduct an on-scene critique of any video, audio, or digital recordings known to exist, and available, at that time.

J. The C.I.I.T. Coordinator, or in his absence, the C.I.I.T. Supervisor will ensure PBSO Executive Staff are apprised of all aspects of the investigation as it progresses. This will be a direct line, chain-of-command communication and should not be superseded.

K. All reports and statements pertaining to any investigation conducted by the C.I.I.T. will be prepared and submitted as soon as reasonably possible.

L. The C.I.I.T. Supervisor will conduct a post incident debriefing with the C.I.I.T. members, IA Supervisor(s)/Investigator(s), Commander of Legal Affairs or designee, State Attorney or designee, Crime Scene Supervisor or designee, and any other personnel deemed essential by the C.I.I.T. Supervisor.

III. NOTIFICATIONS

A. When a police related shooting or other type of critical incident occurs involving a deputy or an officer or agent from another law enforcement agency within the jurisdiction of PBSO, the Watch Commander and/or designee will notify the C.I.I.T. Supervisor, who upon reviewing the facts related to the incident, will determine whether the C.I.I.T. will be activated. Upon activation of the Team, the C.I.I.T. Supervisor will have Communications notify the persons listed in the following order:

1. The Commander of IA or designee.

2. The Crime Scene Supervisor who will respond to the scene. Additional crime scene personnel may then be called to assist with the investigation, at the discretion of the Crime Scene Supervisor or C.I.I.T. Supervisor.

3. The Commander of Legal Affairs, who will then determine if additional personnel from Legal Affairs will be called to assist.

4. The contracted PBSO Psychologist.

5. The Public Information Officer (PIO).

6. Staff notification.

7. Incident Command Unit, if requested by C.I.I.T. Supervisor.

B. The Watch Commander or designee will be responsible for the following:

1. Take command of the scene and protect any known evidence until the arrival of the C.I.I.T. Supervisor or designee.

2. Secure the entire area with crime scene tape and remove all unauthorized persons, including officers not required inside the crime scene of the critical incident.

3. Assign a deputy or other personnel at the scene to maintain a log. The log will contain the following information:

   a. The names and ID numbers of officer(s) or other employees assigned duties at the scene, and what those duties are.
   b. The names of any person(s) who enter the scene, the time they enter the scene, reason for entering the scene, and the time they left the scene.

4. Ensure that all witnesses, including officers, remain at the scene and are separated to ensure proper police protocol and witness credibility.

5. Briefly speak with the involved officer(s) in order to ascertain a basic understanding of what occurred, so that affected supervisors may be briefed to better facilitate the investigation.

6. Advise the employee(s) involved and all witnesses not to discuss the details of the incident with any one else, regardless of rank, until they have been interviewed by C.I.I.T. This does not preclude questions regarding the condition of the witnesses or officers by appropriate supervisory personnel. Allow the involved employee(s) to confer with his attorney and the PBSO Psychologist, if requested. The attorney and PBSO Psychologist will be granted confidentiality rights as provided by state statute.

7. Provide a reasonable safe environment for the involved officer(s) who is waiting to be interviewed.

8. Ensure that the needs of the involved employee(s) are met.

9. Immediately initiate an area canvass to locate and identify any additional witnesses who have information relevant to the critical incident. Any

witnesses will be made known to the C.I.I.T. Supervisor, the lead investigator appointed by the C.I.I.T. Supervisor, and the Commander of IA or the IA Supervisor/ Investigator appointed by that Commander.

10. Remain at the scene and take charge of the perimeter and security until relieved by the C.I.I.T. Supervisor.

C. The C.I.I.T. Supervisor and the IA Sergeant/Investigator assigned to the Critical Incident Investigation will coordinate the Criminal and Administrative Investigations.

D. The C.I.I.T. and IA will investigate the following critical incidents, and any other incident deemed appropriate by the Sheriff:

1. When a deputy or other sworn officer uses physical force resulting in death, or life threatening injuries likely to result in death of a human being.

2. When a deputy or other sworn officer has shot and injured a person, or has been shot and injured, and the incident occurred within Palm Beach County.

3. When a deputy or other sworn officer suffers a self-inflicted firearm injury, whether intentional or accidental.

4. Any death of a person who is in the custody of any deputy, or other sworn officer, or within the care, custody, and control of any PBSO correctional facility, upon request of the Commander of IA, or designee.

5. Any incident, which the Sheriff deems necessary.

E. In the event any of the above critical incidents involving PBSO employees occur inside the jurisdiction of any city in Palm Beach County, the Watch Commander will respond to the scene and monitor the situation. The Watch Commander will also ensure that the appropriate staff notification is made via Communications. The C.I.I.T. Supervisor is notified for determination regarding C.I.I.T. response to monitor and/or assist the investigating agency (if requested). The Watch Commander will ensure that the Commander to which the involved officer(s) is assigned, the Commander of Legal Affairs, and the Commander of IA are notified. The Commander of IA will determine which IA Sergeant/Investigator will respond to monitor the investigation.

1. The Watch Commander will brief the C.I.I.T. member(s) and IA Supervisor(s)/Investigator(s) of what has occurred to that point, and then turn the investigation over to them.

2. IA has the option of conducting the Administrative Investigation immediately following the outside agency's investigation, or at a later date.

F. The C.I.I.T. (only) will investigate the following critical incidents when an officer(s) or agent(s) from another law enforcement agency is involved in a critical incident within the jurisdiction of PBSO:

1. The C.I.I.T. will keep the affected law enforcement agency appraised of the progress of the investigation.

2. The C.I.I.T. may coordinate the investigation with the other agency, or conduct the investigation independent of the other agency, if the other law enforcement agency has concurrent jurisdiction.

G. The IA Supervisor(s)/Investigator(s) will be present and, if necessary, will:

1. Conduct separate interviews with each deputy or other sworn officer, or employee.

2. Witness officer(s) and employees are required to cooperate in the Administrative Investigation.

   a. If a witness, officer(s) or employee(s) refuses to cooperate under the belief that he is a participant in the incident, the officer(s) will be treated as an involved officer.
   b. If a witness officer(s) or employee refuses to cooperate, and he is not under the belief that he is a participant, the IA Supervisor/Investigator will issue a lawful order to cooperate, with the warning that disciplinary action may be taken if the officer or employee refuses to comply with the order.

3. Internal Affairs investigator assigned to the Critical Incident Investigation will be responsible for arranging an appointment for the involved deputy with a designated psychologist and, when possible, ensuring the visit occurs within 72 hours following the critical incident, or at the earliest time possible if not within 72 hours.

H. All releases to the media will be released through, or in conjunction with, the PIO.

IV. POST CRITICAL DEBRIEFING

A. The Commander of VCD will post notice of a Critical Incident Debriefing (CID) within 48 hours or at the earliest time possible if not within 48 hours. The attendees will include representatives from C.I.I.T., Commander of Violent Crimes, Commander of Internal Affairs, Commander of Training or designee, representative from Legal Affairs, Crime Scene Investigators and Supervisor,

Medical Examiner or representative, and representatives of the State Attorney's Office.

B. The aspects of this debriefing will cover known facts of current investigation and will be in tune to review and address significant and/or problematic issues identified during the on-scene critical incident investigation.

V. POST CRITICAL INCIDENT - INVOLVED OFFICER

A. Prior to the involved officer(s) returning to duty an interview with the PBSO designated psychologist will be required. The officer(s) will also be advised of the availability of the Employee Assistance Program.

B. The involved officer(s), while on administrative leave, will be available at all times for official interviews and statements regarding the incident and will be subject to recall at any time.

C. The involved officer(s) is not to discuss the details of the investigation with anyone except the officer's private attorney, the PBSO Psychologist, and/or C.I.I.T. Investigators.

D. The involved officer(s) will not discuss the details of the Administrative Investigation with anyone other than the Supervisor(s) of IA, pending the completion of the internal investigation, and acceptance by the Sheriff.

VI. POST CRITICAL INCIDENT ASSESSMENT TEAM

A. The Post Critical Incident Assessment Team (PCIAT) will be responsible for conducting a review of critical incidents in the following areas:
1. Tactical Analysis
2. Training Issues
3. Quality of supervision at scene
4. Quality of investigative efforts related to the incident

B. Members of the PCIAT will consist of the following members, at a minimum:
1. Member of Executive Staff as designated by the Sheriff
2. Commander of affected regional bureau
3. Commander of Internal Affairs
4. Commander or supervisor from the involved deputy's assignment at the time of the incident
5. Commander or executive officer of the Training Division
6. Executive Officer from the Communications Division
7. Any other subject matter expert deemed necessary for the review

C. Cases will be selected under the direction of the Department of Legal Affairs for the purpose of risk assessment and in anticipation of litigation, and will be

reviewed by the PCIAT on a quarterly basis. In addition, this assessment is to provide the Department of Legal Affairs information on current training and policies upon which to base possible revisions in training or policies, or both, so that the PBSO can better perform its functions of serving and protecting the public.

D. Cases under consideration must be closed investigations, where a closeout letter from the State Attorney's Office has been received and the Internal Affairs Investigation has been completed.

E. Members of the PCIAT will discuss the circumstances known at the time of the incident and the tactical decision making of deputies, supervisors and Communications personnel.

F. The recommendations of PCIAT will be prepared at the direction of the Department of Legal Affairs and constitutes attorney/client privileged information regarding legal tactics and settlement strategy which is not subject to release as a public record under Chapter 119, Florida Statutes. Once prepared, the PCIAT will forward its assessment and recommendations to the Department of Legal Affairs.

CITY OF STUART
OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: MAYOR & CITY COMMISSIONERS

SUBJECT: **MUTUAL AID AGREEMENT - SOUTH FLORIDA TASK FORCE BURGLARY APPREHENSION AND VEHICLE CRIMES UNIT**

CC: MICHAEL J. MORTELL, INTERIM CITY MANAGER
CC: JOSEPH TUMMINELLI, POLICE CHIEF

DATE: 5/2/2023 7:42 PM

Chief Tumminelli has been approached about joining a mutual aid agreement which has existed for a few years in South Florida to combat Burglaries and Vehicle Crimes. As I recall, this Task Force was initiated in response to the "pillow case" burglars, and other crimes primarily committed in South Florida jurisdictions which later migrated north into Palm Beach, Martin and St. Lucie Counties.

The Agreement is very similar to ones existing elsewhere and even in the subject jurisdictions for other broader cooperation and uses. As reviewed, I do not believe it creates an additional liability for the Department or for the City. In fact, with the assistance of other agencies, it may reduce the overall liability for the entire region.

I have reviewed the Agreement, which is approximately 5 pages long, although the entire thing, with signature pages amounts to 53 pages. You are welcome to read the entire thing, but I have endeavored to summarize it completely, with my comments, below.

I am highlighting the relevant issues for the City Commission, for its decision to approve this Agreement, as follows:

Section 1. deals with the overall **voluntary cooperation of the agencies**, and allows the agencies to assign law enforcement officers to work with each other within the region, in solving crimes which "may cross over into Palm Beach, Broward County, Miami-Dade County, Martin County and St. Lucie County," and to take "any and all necessary law enforcement action in the investigation, apprehension and arrest of individuals while involved in the task force operations…"

Section 2. provides for **command and supervisor responsibility**, allowing for the Assisting Agency to retain control of its officers, while "The day-to-day operation and administrative control of the Task Force will be the responsibility of the Task Force Supervisors, one of which shall be appointed by the Palm Beach County Sheriff's Office, one appointed by the Broward County Sheriff's Office, and one appointed by the Miami-Dade Police Department." This means the 3 major counties where these crimes originate, will provide the administration for the Task Force.

Section 3. Deals with **Conflict of rules** between departments: Whenever a law enforcement officer is rendering assistance pursuant to this Agreement, the law enforcement officer shall abide by and be subject to the rules and regulations, personnel policies, general orders and standard operating procedures of his/her own employer.

Section 4. Provides for the **Handling of Complaints** against participating officers. "Whenever there is a cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this Agreement, the complaint shall be forwarded to the Task Force Supervisor or his/her designee who shall be responsible for the documentation of said complaint… all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded… to the agency head… of the Assisting Agency for review and any action that such agency deems appropriate.

Section 5. Each agency agrees to be responsible for its own **Liability** and agrees to assume responsibility for the acts, omissions, or conduct of such agency's own employees subject to the provisions of Section 768.28, Florida Statutes, which is the Sovereign Immunity statute. Each agency also agrees to indemnify and hold the other agencies harmless… meaning our insurance would cover our own liability and we agree not to sue the other agencies for their liability… that provision is pretty standard in Mutual Aid Agreements.

Section 6. This section deals with **Powers, Privileges, Immunities and Costs**. Essentially, it provides that each officer has the same rights, privileges and responsibilities as when they are operating within their own jurisdiction, including salary, benefits, equipment, and other emoluments. But, it also provides that notwithstanding our participation, the City would bear the cost of loss or damage to our own personnel, equipment and other related expenses.

Section 7. This deals with **Forfeitures,** and provides that participating municipalities have some additional rights regarding "first dibs" on property and contraband that could be forfeited by the perpetrators under the Florida Contraband Forfeiture Act, Sec. 932.701, Florida Statutes. Every once in a while, this comes into play and over the years, the City has benefitted from seizing and forfeiting property, primarily vehicles.

Section 8. Each party agrees to provide its own **Liability Insurance** up to the requirements of the law, and to notify each other, if such insurance is ever cancelled.

Section 9. The **Effective Date** is the date signed by Chief Tumminelli following the City Commission's approval by Resolution, and the City could cancel its participation upon thirty (30) days written notice to the participating agencies.

Based upon my review and the determination by Chief Tumminelli and the City Manager, I recommend approval of the Agreement as submitted. If you require any further information concerning this matter, please feel free to call me as needed at 772-260-3276 or email me at pnicoletti@ci.stuart.fl.us.

Respectfully submitted,

Paul J. Nicoletti

PAUL J. NICOLETTI
Interim City Attorney

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 5/8/2023 **Prepared by:** Jodi Nentwick

Title of Item:
LIVE LOCAL ACT 2023 (SB 102)

Summary Explanation/Background Information on Agenda Request:
On March 29, 2023, Governor Ron DeSantis signed into law Senate Bill 102 (Live Local Act) which becomes effective July 1, 2023. The Live Local Act, among other things, seeks to provide available and affordable housing to the Florida workforce within their communities.
The Live Local Act mandates that local government administratively approve development applications which include affordable housing on parcels that are zoned commercial, industrial or mixed use, even if the local comprehensive plan and zoning regulations prohibit multifamily residential housing in those areas if the application meets certain criteria.

Specifically:

1. Counties and municipalities must administratively approve applications for multifamily or mix-used residential development in commercial, industrial, or mix-used zoned parcels if the proposed development designates at least 40% of the units as affordable for a period of at least 30 years. The parameters of “affordable” are set forth in the Act.
2. Counties and municipalities cannot require the applicant to participate in a public hearing process if the application meets the criteria set forth in the act, even if the local land use regulations require a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for building height, zoning, and densities.

a. The City must allow the density of a proposed development to be equal to the highest allowable density allowed in the county or municipality. In Stuart, that is 30 units per acre.
b. The height of a proposed development under the Live Local Act is (a) the highest allowable height for a commercial or residential development within one (1) mile of the proposed development, or (b) 3 stories. In Stuart, this is four (4) stories.

3. If the applicant is seeking a mixed-use project and relying on the Live Local Act for administrative approval, at least 65% of the total square footage of the project must be used for residential purposes.

4. A county or municipality must consider reducing parking requirements for a proposed development if the proposed development is located within one-half mile of an accessible major transit stop. The City does not have a designated major transit stop. In addition, in order to consider the reduction in parking as set forth in the City Regulations, a public hearing would be necessary, so it is highly unlikely that this process will take place.

However, developers still must satisfy all other land development regulations for development projects, including setbacks and parking requirements. The applicant will be required to enter a Land Use Regulation agreement that will be recorded on the property as a deed restriction for thirty years. This law expires on October 1, 2033.

This change forbids rent control under all circumstances. However, it would seem that requiring 40% of

the units to be rented as “affordable“ for no more than 120% of the AMI is rent control. Affordable is defined in Florida Statutes, 420.0004(3). It means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount, which represents the percentage of the median adjusted gross annual income. According to the presentation provided by the Treasure Coast Regional Planning Council, the AMI in Martin County for a family of 4 is $84,000.00. Therefore, workforce housing is 120% of the AMI or $100,800.00 per year. Thirty percent is $30,240 per year or $2,520.00 per month.

Funding Source:
N/A

Recommended Action:
Staff request direction from the City Commission to move forward with preparing a public written policy outlining the procedure for consistency.

ATTACHMENTS:
1. SB102

An act relating to housing; providing a short title; amending s. 125.0103, F.S.; deleting the authority of local governments to adopt or maintain laws, ordinances, rules, or other measures that would have the effect of imposing controls on rents; amending s. 125.01055, F.S.; revising applicability for areas of critical state concern; specifying requirements for, and restrictions on, counties in approving certain housing developments; providing for future expiration; amending s. 125.379, F.S.; revising the date by which counties must prepare inventory lists of real property; requiring counties to make the inventory lists publicly available on their websites; authorizing counties to use certain properties for affordable housing through a long-term land lease; revising requirements for counties relating to inventory lists of certain property for affordable housing; providing that counties are encouraged to adopt best practices for surplus land programs; amending s. 166.04151, F.S.; revising applicability for areas of critical state concern; specifying requirements for, and restrictions on, municipalities in approving applications for certain housing developments; providing for future expiration; amending s. 166.043, F.S.; deleting the authority of local governments to adopt or maintain laws, ordinances, rules, or other measures that would have the effect of imposing controls on rents; amending s.

166.0451, F.S.; revising the date by which municipalities must prepare inventory lists of real property; requiring municipalities to make the inventory lists publicly available on their websites; authorizing municipalities to use certain properties for affordable housing through a long-term land lease; revising requirements for municipalities relating to inventory lists of certain property for affordable housing; providing that municipalities are encouraged to adopt best practices for surplus land programs; amending s. 196.1978, F.S.; providing an exemption from ad valorem taxation for land that meets certain criteria; providing applicability; providing for future repeal; defining terms; providing an ad valorem tax exemption for portions of property in a multifamily project if certain conditions are met; providing that vacant units may be eligible for the exemption under certain circumstances; specifying percentages of the exemption for qualified properties; specifying requirements for applying for the exemption with the property appraiser; specifying requirements for requesting certification from the Florida Housing Finance Corporation; specifying requirements for the corporation in reviewing requests, certifying property, and posting deadlines for applications; specifying requirements for property appraisers in reviewing and granting exemptions and for improperly granted exemptions; providing a penalty; providing limitations on eligibility; specifying requirements

for a rental market study; authorizing the corporation to adopt rules; providing applicability; providing for future repeal; creating s. 196.1979, F.S.; authorizing local governments to adopt ordinances to provide an ad valorem tax exemption for portions of property used to provide affordable housing meeting certain requirements; specifying requirements and limitations for the exemption; providing that vacant units may be eligible for the exemption under certain circumstances; specifying requirements for ordinances granting an exemption; specifying requirements for a rental market study; providing that ordinances must expire within a certain timeframe; requiring the property appraiser to take certain action in response to an improperly granted exemption; providing a penalty; providing applicability; amending s. 201.15, F.S.; suspending, for a specified period, the General Revenue Fund service charge on documentary stamp tax collections; providing for specified amounts of such collections to be credited to the State Housing Trust Fund for certain purposes; providing for certain amounts to be credited to the General Revenue Fund under certain circumstances; prohibiting the transfer of such funds to the General Revenue Fund in the General Appropriations Act; providing for the future expiration and reversion of specified statutory text; amending s. 212.08, F.S.; revising the total amount of community contribution tax credits which may be granted for certain projects; defining terms;

providing a sales tax exemption for building materials used in the construction of affordable housing units; defining terms; specifying eligibility requirements; specifying requirements for applying for a sales tax refund with the Department of Revenue; specifying requirements for and limitations on refunds; providing requirements for the department in issuing refunds; authorizing the department to adopt rules; providing applicability; amending s. 213.053, F.S.; authorizing the department to make certain information available to the corporation to administer the Live Local Program; creating s. 215.212, F.S.; prohibiting the deduction of the General Revenue Fund service charge on documentary stamp tax proceeds; providing for future repeal; amending s. 215.22, F.S.; conforming a provision to changes made by the act; providing for the future expiration and reversion of specified statutory text; amending s. 220.02, F.S.; specifying the order of application of Live Local Program tax credits against the state corporate income tax; amending s. 220.13, F.S.; specifying requirements for the addition to adjusted federal income of amounts taken as a credit under the Live Local Program; amending s. 220.183, F.S.; conforming a provision to changes made by the act; amending s. 220.186, F.S.; providing applicability of Live Local Program tax credits to the Florida alternative minimum tax credit; creating s. 220.1878, F.S.; providing a credit against the state corporate income tax under the Live Local

Program; specifying requirements and procedures for making eligible contributions and claiming the credit; amending s. 220.222, F.S.; requiring returns filed in connection with the Live Local Program tax credits to include the amount of certain credits; amending s. 253.034, F.S.; modifying requirements for the analysis included in land use plans; making technical changes; amending s. 253.0341, F.S.; requiring that local government requests for the state to surplus conservation or nonconservation lands for any means of transfer be expedited throughout the surplusing process; amending s. 288.101, F.S.; authorizing the Governor, under the Florida Job Growth Grant Fund, to approve state or local public infrastructure projects to facilitate the development or construction of affordable housing; providing for future repeal; amending s. 420.0003, F.S.; revising legislative intent for, and policies of, the state housing strategy; revising requirements for the implementation of the strategy; revising duties of the Shimberg Center for Housing Studies at the University of Florida; requiring the Office of Program Policy Analysis and Government Accountability to evaluate specified strategies, policies, and programs at specified intervals; specifying requirements for the office's analyses; authorizing rule amendments; amending s. 420.503, F.S.; revising the definition of the term "qualified contract" for purposes of the Florida Housing Finance Corporation Act; amending s.

420.504, F.S.; revising the composition of the corporation's board of directors; providing specifications for filling vacancies on the board of directors; amending s. 420.507, F.S.; specifying a requirement for the corporation's annual budget request to the Secretary of Economic Opportunity; providing for the future expiration and reversion of specified statutory text; amending s. 420.5087, F.S.; revising prioritization of funds for the State Apartment Incentive Loan Program; creating s. 420.50871, F.S.; specifying requirements for, and authorized actions by, the corporation in allocating certain increased revenues during specified fiscal years to finance certain housing projects; providing construction; providing for future repeal; providing a directive to the Division of Law Revision; creating s. 420.50872, F.S.; defining terms; creating the Live Local Program; specifying responsibilities of the corporation; specifying the annual tax credit cap; specifying requirements for applying for tax credits with the department; providing requirements for the carryforward of credits; specifying restrictions on, and requirements for, the conveyance, transfer, or assignment of credits; providing requirements and procedures for the rescindment of credits; specifying procedures for calculating underpayments and penalties; providing construction; authorizing the department and the corporation to develop a cooperative agreement; authorizing the department to

adopt rules; requiring the department to annually notify certain taxpayers of certain information; creating s. 420.5096, F.S.; providing legislative findings; creating the Florida Hometown Hero Program for a specified purpose; authorizing the corporation to underwrite and make certain mortgage loans; specifying terms for such loans and requirements for borrowers; authorizing loans made under the program to be used for the purchase of certain manufactured homes; providing construction; amending s. 420.531, F.S.; authorizing the Florida Housing Corporation to contract with certain entities to provide technical assistance to local governments in establishing selection criteria for proposals to use certain property for affordable housing purposes; amending s. 420.6075, F.S.; making technical changes; amending s. 553.792, F.S.; requiring local governments to maintain on their websites a policy relating to the expedited processing of certain building permits and development orders; amending s. 624.509, F.S.; specifying the order of application of Live Local Program tax credits against the insurance premium tax; amending s. 624.5105, F.S.; conforming a provision to changes made by the act; creating s. 624.51058, F.S.; providing a credit against the insurance premium tax under the Live Local Program; providing a requirement for making eligible contributions; providing construction; providing applicability; exempting a certain initiative from certain evacuation time constraints;

specifying that certain comprehensive plan amendments are valid; authorizing certain local governments to adopt local ordinances or regulations for certain purposes; authorizing the department to adopt emergency rules; providing for future expiration of such rulemaking authority; providing appropriations; providing a declaration of important state interest; providing effective dates.

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

Section 1. This act may be cited as the "Live Local Act."

Section 2. Section 125.0103, Florida Statutes, is amended to read:

125.0103 Ordinances and rules imposing price controls~~; findings required; procedures~~.—

(1)(a) Except as hereinafter provided, a ~~no~~ county, municipality, or other entity of local government may not ~~shall~~ adopt or maintain in effect an ordinance or a rule that ~~which~~ has the effect of imposing price controls upon a lawful business activity that ~~which~~ is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.

(b) This section does not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or

disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance does ~~shall~~ not apply within such municipality.

(2) ~~No law, ordinance, rule, or other measure which would have the effect of imposing controls on rents shall be adopted or maintained in effect except as provided herein and unless it is found and determined, as hereinafter provided, that such controls are necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public.~~

~~(3) Any law, ordinance, rule, or other measure which has the effect of imposing controls on rents shall terminate and~~

~~expire within 1 year and shall not be extended or renewed except by the adoption of a new measure meeting all the requirements of this section.~~

~~(4) Notwithstanding any other provisions of this section, no controls shall be imposed on rents for any accommodation used or offered for residential purposes as a seasonal or tourist unit, as a second housing unit, or on rents for dwelling units located in luxury apartment buildings. For the purposes of this section, a luxury apartment building is one wherein on January 1, 1977, the aggregate rent due on a monthly basis from all dwelling units as stated in leases or rent lists existing on that date divided by the number of dwelling units exceeds $250.~~

~~(5)~~ A ~~No~~ municipality, county, or other entity of local government may not ~~shall~~ adopt or maintain in effect any law, ordinance, rule, or other measure that ~~which~~ would have the effect of imposing controls on rents ~~unless:~~

~~(a) Such measure is duly adopted by the governing body of such entity of local government, after notice and public hearing, in accordance with all applicable provisions of the Florida and United States Constitutions, the charter or charters governing such entity of local government, this section, and any other applicable laws.~~

~~(b) Such governing body makes and recites in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency.~~

~~(c) Such measure is approved by the voters in such municipality, county, or other entity of local government~~.

~~(6) In any court action brought to challenge the validity of rent control imposed pursuant to the provisions of this section, the evidentiary effect of any findings or recitations required by subsection (5) shall be limited to imposing upon any party challenging the validity of such measure the burden of going forward with the evidence, and the burden of proof (that is, the risk of nonpersuasion) shall rest upon any party seeking to have the measure upheld.~~

(3)~~(7)~~ Notwithstanding any other provisions of this section, municipalities, counties, or other entities of local government may adopt and maintain in effect any law, ordinance, rule, or other measure which is adopted for the purposes of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

Section 3. Subsections (5) and (6) of section 125.01055, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

125.01055 Affordable housing.—

(5) Subsection (4) ~~(2)~~ does not apply in an area of critical state concern, as designated in s. 380.0552.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for ~~residential,~~ commercial~~,~~ or industrial use~~. If a parcel is zoned for commercial or industrial use, an approval pursuant to this subsection may include any residential development project, including a mixed-use residential development project~~, so long

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

as at least 10 percent of the units included in the project are for housing that is affordable ~~and the developer of the project agrees not to apply for or receive funding under s. 420.5087~~. The provisions of this subsection are self-executing and do not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any unincorporated land in the county where residential development is allowed.

(c) A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

(d) A proposed development authorized under this subsection must be administratively approved and no further action by the board of county commissioners is required if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

(e) A county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the county's land development code, and the major transit stop is accessible from the development.

(f) For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial or industrial use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

(g) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(h) This subsection does not apply to property defined as recreational and commercial working waterfront in s.

342.201(2)(b) in any area zoned as industrial.

(i) This subsection expires October 1, 2033.

Section 4. Section 125.379, Florida Statutes, is amended to read:

125.379 Disposition of county property for affordable housing.—

(1) By October 1, 2023 ~~July 1, 2007~~, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county or any dependent special district within its boundaries holds fee simple title which ~~that~~ is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing. Each county shall make the inventory list publicly available on its website to encourage potential development.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be used for affordable housing through a long-term land lease requiring the development and maintenance of affordable housing, offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, ~~or may be~~ sold with a restriction that requires the development of the property as permanent affordable housing, or ~~may be~~ donated to a

nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the county or special district may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

(3) Counties are encouraged to adopt best practices for surplus land programs, including, but not limited to:

(a) Establishing eligibility criteria for the receipt or purchase of surplus land by developers;

(b) Making the process for requesting surplus lands publicly available; and

(c) Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.

Section 5. Subsections (5) and (6) of section 166.04151, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

166.04151 Affordable housing.—

(5) Subsection (4) ~~(2)~~ does not apply in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for

~~residential,~~ commercial~~,~~ or industrial use~~. If a parcel is zoned for commercial or industrial use, an approval pursuant to this subsection may include any residential development project, including a mixed-use residential development project~~, so long as at least 10 percent of the units included in the project are for housing that is affordable ~~and the developer of the project agrees not to apply for or receive funding under s. 420.5087~~. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any land in the municipality where residential development is allowed.

(c) A municipality may not restrict the height of a proposed development authorized under this subsection below the

highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

(d) A proposed development authorized under this subsection must be administratively approved and no further action by the governing body of the municipality is required if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

(e) A municipality must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the municipality's land development code, and the major transit stop is accessible from the development.

(f) A municipality that designates less than 20 percent of the land area within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development as provided in this subsection in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential.

(g) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(h) This subsection does not apply to property defined as

recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(i) This subsection expires October 1, 2033.

Section 6. Section 166.043, Florida Statutes, is amended to read:

166.043 Ordinances and rules imposing price controls~~; findings required; procedures~~.—

(1)(a) Except as hereinafter provided, a ~~no~~ county, municipality, or other entity of local government may not ~~shall~~ adopt or maintain in effect an ordinance or a rule that ~~which~~ has the effect of imposing price controls upon a lawful business activity that ~~which~~ is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.

(b) This section does not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property,

removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance established under s. 125.0103 does ~~shall~~ not apply within such municipality.

(2) ~~No law, ordinance, rule, or other measure which would have the effect of imposing controls on rents shall be adopted or maintained in effect except as provided herein and unless it is found and determined, as hereinafter provided, that such controls are necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public.~~

~~(3) Any law, ordinance, rule, or other measure which has the effect of imposing controls on rents shall terminate and expire within 1 year and shall not be extended or renewed except by the adoption of a new measure meeting all the requirements of this section.~~

~~(4) Notwithstanding any other provisions of this section, no controls shall be imposed on rents for any accommodation used or offered for residential purposes as a seasonal or tourist unit, as a second housing unit, or on rents for dwelling units located in luxury apartment buildings. For the purposes of this section, a luxury apartment building is one wherein on January~~

~~1, 1977, the aggregate rent due on a monthly basis from all dwelling units as stated in leases or rent lists existing on that date divided by the number of dwelling units exceeds $250.~~

~~(5)~~ A ~~No~~ municipality, county, or other entity of local government may not ~~shall~~ adopt or maintain in effect any law, ordinance, rule, or other measure that ~~which~~ would have the effect of imposing controls on rents ~~unless:~~

~~(a) Such measure is duly adopted by the governing body of such entity of local government, after notice and public hearing, in accordance with all applicable provisions of the Florida and United States Constitutions, the charter or charters governing such entity of local government, this section, and any other applicable laws.~~

~~(b) Such governing body makes and recites in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency.~~

~~(c) Such measure is approved by the voters in such municipality, county, or other entity of local government~~.

~~(6) In any court action brought to challenge the validity of rent control imposed pursuant to the provisions of this section, the evidentiary effect of any findings or recitations required by subsection (5) shall be limited to imposing upon any party challenging the validity of such measure the burden of going forward with the evidence, and the burden of proof (that is, the risk of nonpersuasion) shall rest upon any party seeking to have the measure upheld.~~

(3)~~(7)~~ Notwithstanding any other provisions of this

section, municipalities, counties, or other entity of local government may adopt and maintain in effect any law, ordinance, rule, or other measure which is adopted for the purposes of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

Section 7. Section 166.0451, Florida Statutes, is amended to read:

166.0451 Disposition of municipal property for affordable housing.—

(1) By October 1, 2023 ~~July 1, 2007~~, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality or any dependent special district within its boundaries holds fee simple title which ~~that~~ is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property. Each municipality shall make the inventory list publicly available on its website to encourage potential development.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be used for affordable housing through a long-term land lease requiring the development and maintenance of affordable housing, offered for sale and the proceeds ~~may be~~

used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, ~~or may be~~ sold with a restriction that requires the development of the property as permanent affordable housing, or ~~may be~~ donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the municipality or special district may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

(3) Municipalities are encouraged to adopt best practices for surplus land programs, including, but not limited to:

(a) Establishing eligibility criteria for the receipt or purchase of surplus land by developers;

(b) Making the process for requesting surplus lands publicly available; and

(c) Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.

Section 8. Effective January 1, 2024, subsection (1) of section 196.1978, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

196.1978 Affordable housing property exemption.—

(1)(a) Property used to provide affordable housing to eligible persons as defined by s. 159.603 and natural persons or families meeting the extremely-low-income, very-low-income, low-

income, or moderate-income limits specified in s. 420.0004, which is owned entirely by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, is considered property owned by an exempt entity and used for a charitable purpose, and those portions of the affordable housing property that provide housing to natural persons or families classified as extremely low income, very low income, low income, or moderate income under s. 420.0004 are exempt from ad valorem taxation to the extent authorized under s. 196.196. All property identified in this subsection must comply with the criteria provided under s. 196.195 for determining exempt status and applied by property appraisers on an annual basis. The Legislature intends that any property owned by a limited liability company which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) be treated as owned by its sole member. If the sole member of the limited liability company that owns the property is also a limited liability company that is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii), the Legislature intends that the property be treated as owned by the sole member of the limited liability company that owns the limited liability company that owns the property. Units that are vacant and units that are occupied by natural persons or families whose income no longer meets the income limits of this subsection, but whose income met those income limits at the time they became tenants, shall be treated as portions of the affordable housing property exempt under this

subsection if a recorded land use restriction agreement in favor of the Florida Housing Finance Corporation or any other governmental or quasi-governmental jurisdiction requires that all residential units within the property be used in a manner that qualifies for the exemption under this subsection and if the units are being offered for rent.

(b) Land that is owned entirely by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, and is leased for a minimum of 99 years for the purpose of, and is predominantly used for, providing housing to natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004 is exempt from ad valorem taxation. For purposes of this paragraph, land is predominantly used for qualifying purposes if the square footage of the improvements on the land used to provide qualifying housing is greater than 50 percent of the square footage of all improvements on the land. This paragraph first applies to the 2024 tax roll and is repealed December 31, 2059.

(3)(a) As used in this subsection, the term:

1. "Corporation" means the Florida Housing Finance Corporation.

2. "Newly constructed" means an improvement to real property which was substantially completed within 5 years before the date of an applicant's first submission of a request for certification or an application for an exemption pursuant to this section, whichever is earlier.

3. "Substantially completed" has the same meaning as in s.

192.042(1).

(b) Notwithstanding ss. 196.195 and 196.196, portions of property in a multifamily project are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption if such portions:

1. Provide affordable housing to natural persons or families meeting the income limitations provided in paragraph (d);

2. Are within a newly constructed multifamily project that contains more than 70 units dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d); and

3. Are rented for an amount that does not exceed the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as determined by a rental market study meeting the requirements of paragraph (m), whichever is less.

(c) If a unit that in the previous year qualified for the exemption under this subsection and was occupied by a tenant is vacant on January 1, the vacant unit is eligible for the exemption if the use of the unit is restricted to providing affordable housing that would otherwise meet the requirements of this subsection and a reasonable effort is made to lease the unit to eligible persons or families.

(d)1. Qualified property used to house natural persons or families whose annual household income is greater than 80

percent but not more than 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, must receive an ad valorem property tax exemption of 75 percent of the assessed value.

2. Qualified property used to house natural persons or families whose annual household income does not exceed 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, is exempt from ad valorem property taxes.

(e) To receive an exemption under this subsection, a property owner must submit an application on a form prescribed by the department by March 1 for the exemption, accompanied by a certification notice from the corporation to the property appraiser.

(f) To receive a certification notice, a property owner must submit a request to the corporation for certification on a form provided by the corporation which includes all of the following:

1. The most recently completed rental market study meeting the requirements of paragraph (m).

2. A list of the units for which the property owner seeks an exemption.

3. The rent amount received by the property owner for each unit for which the property owner seeks an exemption. If a unit is vacant and qualifies for an exemption under paragraph (c),

the property owner must provide evidence of the published rent amount for each vacant unit.

4. A sworn statement, under penalty of perjury, from the applicant restricting the property for a period of not less than 3 years to housing persons or families who meet the income limitations under this subsection.

(g) The corporation shall review the request for certification and certify property that meets the eligibility criteria of this subsection. A determination by the corporation regarding a request for certification does not constitute final agency action pursuant to chapter 120.

1. If the corporation determines that the property meets the eligibility criteria for an exemption under this subsection, the corporation must send a certification notice to the property owner and the property appraiser.

2. If the corporation determines that the property does not meet the eligibility criteria, the corporation must notify the property owner and include the reasons for such determination.

(h) The corporation shall post on its website the deadline to submit a request for certification. The deadline must allow adequate time for a property owner to submit a timely application for exemption to the property appraiser.

(i) The property appraiser shall review the application and determine if the applicant is entitled to an exemption. A property appraiser may grant an exemption only for a property for which the corporation has issued a certification notice.

(j) If the property appraiser determines that for any year during the immediately previous 10 years a person who was not entitled to an exemption under this subsection was granted such

an exemption, the property appraiser must serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property owned by the taxpayer and situated in this state is subject to the taxes exempted by the improper exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the property owner improperly receiving the exemption may not be assessed a penalty or interest.

(k) Units subject to an agreement with the corporation pursuant to chapter 420 recorded in the official records of the county in which the property is located to provide housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004 are not eligible for this exemption.

(l) Property receiving an exemption pursuant to s. 196.1979 is not eligible for this exemption.

(m) A rental market study submitted as required by paragraph (f) must identify the fair market value rent of each unit for which a property owner seeks an exemption. Only a certified general appraiser as defined in s. 475.611 may issue a rental market study. The certified general appraiser must be independent of the property owner who requests the rental market study. In preparing the rental market study, a certified general appraiser shall comply with the standards of professional practice pursuant to part II of chapter 475 and use comparable

property within the same geographic area and of the same type as the property for which the exemption is sought. A rental market study must have been completed within 3 years before submission of the application.

(n) The corporation may adopt rules to implement this section.

(o) This subsection first applies to the 2024 tax roll and is repealed December 31, 2059.

Section 9. Section 196.1979, Florida Statutes, is created to read:

196.1979 County and municipal affordable housing property exemption.—

(1)(a) Notwithstanding ss. 196.195 and 196.196, the board of county commissioners of a county or the governing body of a municipality may adopt an ordinance to exempt those portions of property used to provide affordable housing meeting the requirements of this section. Such property is considered property used for a charitable purpose. To be eligible for the exemption, the portions of property:

1. Must be used to house natural persons or families whose annual household income:

a. Is greater than 30 percent but not more than 60 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides; or

b. Does not exceed 30 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within

the county in which the person or family resides;

2. Must be within a multifamily project containing 50 or more residential units, at least 20 percent of which are used to provide affordable housing that meets the requirements of this section;

3. Must be rented for an amount no greater than the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as determined by a rental market study meeting the requirements of subsection (4), whichever is less;

4. May not have been cited for code violations on three or more occasions in the 24 months before the submission of a tax exemption application;

5. May not have any cited code violations that have not been properly remedied by the property owner before the submission of a tax exemption application; and

6. May not have any unpaid fines or charges relating to the cited code violations. Payment of unpaid fines or charges before a final determination on a property's qualification for an exemption under this section will not exclude such property from eligibility if the property otherwise complies with all other requirements for the exemption.

(b) Qualified property may receive an ad valorem property tax exemption of:

1. Up to 75 percent of the assessed value of each residential unit used to provide affordable housing if fewer

than 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

2. Up to 100 percent of the assessed value if 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

(c) The board of county commissioners of the county or the governing body of the municipality, as applicable, may choose to adopt an ordinance that exempts property used to provide affordable housing for natural persons or families meeting the income limits of sub-subparagraph (a)1.a., natural persons or families meeting the income limits of sub-subparagraph (a)1.b., or both.

(2) If a residential unit that in the previous year qualified for the exemption under this section and was occupied by a tenant is vacant on January 1, the vacant unit may qualify for the exemption under this section if the use of the unit is restricted to providing affordable housing that would otherwise meet the requirements of this section and a reasonable effort is made to lease the unit to eligible persons or families.

(3) An ordinance granting the exemption authorized by this section must:

(a) Be adopted under the procedures for adoption of a nonemergency ordinance by a board of county commissioners specified in chapter 125 or by a municipal governing body specified in chapter 166.

(b) Designate the local entity under the supervision of the board of county commissioners or governing body of a

municipality which must develop, receive, and review applications for certification and develop notices of determination of eligibility.

(c) Require the property owner to apply for certification by the local entity in order to receive the exemption. The application for certification must be on a form provided by the local entity designated pursuant to paragraph (b) and include all of the following:

1. The most recently completed rental market study meeting the requirements of subsection (4).

2. A list of the units for which the property owner seeks an exemption.

3. The rent amount received by the property owner for each unit for which the property owner seeks an exemption. If a unit is vacant and qualifies for an exemption under subsection (2), the property owner must provide evidence of the published rent amount for the vacant unit.

(d) Require the local entity to verify and certify property that meets the requirements of the ordinance as qualified property and forward the certification to the property owner and the property appraiser. If the local entity denies the exemption, it must notify the applicant and include reasons for the denial.

(e) Require the eligible unit to meet the eligibility criteria of paragraph (1)(a).

(f) Require the property owner to submit an application for exemption, on a form prescribed by the department, accompanied by the certification of qualified property, to the property appraiser no later than March 1.

(g) Specify that the exemption applies only to the taxes levied by the unit of government granting the exemption.

(h) Specify that the property may not receive an exemption authorized by this section after expiration or repeal of the ordinance.

(i) Identify the percentage of the assessed value which is exempted, subject to the percentage limitations in paragraph (1)(b).

(j) Identify whether the exemption applies to natural persons or families meeting the income limits of sub-subparagraph (1)(a)1.a., natural persons or families meeting the income limits of sub-subparagraph (1)(a)1.b., or both.

(k) Require that the deadline to submit an application for certification be published on the county's or municipality's website. The deadline must allow adequate time for a property owner to make a timely application for exemption to the property appraiser.

(l) Require the county or municipality to post on its website a list of certified properties for the purpose of facilitating access to affordable housing.

(4) A rental market study submitted as required by paragraph (3)(c) must identify the fair market value rent of each unit for which a property owner seeks an exemption. Only a certified general appraiser, as defined in s. 475.611, may issue a rental market study. The certified general appraiser must be independent of the property owner who requests a rental market study. In preparing the rental market study, a certified general appraiser shall comply with the standards of professional practice pursuant to part II of chapter 475 and use comparable

property within the same geographic area and of the same type as the property for which the exemption is sought. A rental market study must have been completed within 3 years before submission of the application.

(5) An ordinance adopted under this section must expire before the fourth January 1 after adoption; however, the board of county commissioners or the governing body of the municipality may adopt a new ordinance to renew the exemption. The board of county commissioners or the governing body of the municipality shall deliver a copy of an ordinance adopted under this section to the department and the property appraiser within 10 days after its adoption. If the ordinance expires or is repealed, the board of county commissioners or the governing body of the municipality must notify the department and the property appraiser within 10 days after its expiration or repeal.

(6) If the property appraiser determines that for any year during the immediately previous 10 years a person who was not entitled to an exemption under this section was granted such an exemption, the property appraiser must serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property owned by the taxpayer and situated in this state is subject to the taxes exempted by the improper exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the property

owner improperly receiving the exemption may not be assessed a penalty or interest.

(7) This section first applies to the 2024 tax roll.

Section 10. Section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are hereby pledged and shall be first made available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the ~~payment of service charges or~~ costs of collection and enforcement under this section. ~~All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1).~~ Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs ~~and service charge~~ may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs ~~and service charge~~ are required to pay any amounts relating to the bonds. All of the costs of the collection and enforcement of the tax levied by this chapter ~~and the service charge~~ shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as

follows:

(1) Amounts necessary to make payments on bonds issued pursuant to s. 215.618 or s. 215.619, as provided under paragraphs (3)(a) and (b), or on any other bonds authorized to be issued on a parity basis with such bonds shall be deposited into the Land Acquisition Trust Fund.

(2) If the amounts deposited pursuant to subsection (1) are less than 33 percent of all taxes collected after first deducting the costs of collection, an amount equal to 33 percent of all taxes collected after first deducting the costs of collection, minus the amounts deposited pursuant to subsection (1), shall be deposited into the Land Acquisition Trust Fund.

(3) Amounts on deposit in the Land Acquisition Trust Fund shall be used in the following order:

(a) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued pursuant to s. 215.618. The amount used for such purposes may not exceed $300 million in each fiscal year. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act or other law with respect to bonds issued for the purposes of s. 373.4598.

(b) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts due with

respect to Everglades restoration bonds issued pursuant to s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

Bonds issued pursuant to s. 215.618 or s. 215.619 are equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund.

(4) After the required distributions to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), the lesser of 8 percent of the remainder or $150 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be expended pursuant to s. 420.50871. If 8 percent of the remainder is greater than $150 million in any fiscal year, the difference between 8 percent of the remainder and $150 million shall be paid into the State Treasury to the credit of the General Revenue Fund. ~~and deduction of the service charge imposed pursuant to s. 215.20(1),~~ The remainder shall be distributed as follows:

(a) The lesser of 20.5453 percent of the remainder or $466.75 million in each fiscal year shall be paid into the State Treasury to the credit of the State Transportation Trust Fund. Notwithstanding any other law, the amount credited to the State Transportation Trust Fund shall be used for:

1. Capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, in the amount of 10 percent of the funds;

2. The Small County Outreach Program specified in s. 339.2818, in the amount of 10 percent of the funds;

3. The Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2.; and

4. The Transportation Regional Incentive Program specified in s. 339.2819, in the amount of 25 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2. The first $60 million of the funds allocated pursuant to this subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

(b) The lesser of 0.1456 percent of the remainder or $3.25 million in each fiscal year shall be paid into the State Treasury to the credit of the Grants and Donations Trust Fund in the Department of Economic Opportunity to fund technical assistance to local governments.

Moneys distributed pursuant to paragraphs (a) and (b) may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(c) An amount equaling 4.5 percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. The funds shall be used as follows:

1. Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

2. Half of that amount shall be paid into the State

Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(d) An amount equaling 5.20254 percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. Of such funds:

1. Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and expended by the Department of Economic Opportunity and the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

2. Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(e) The lesser of 0.017 percent of the remainder or $300,000 in each fiscal year shall be paid into the State Treasury to the credit of the General Inspection Trust Fund to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

(f) A total of $75 million shall be paid into the State Treasury to the credit of the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity.

(g) An amount equaling 5.4175 percent of the remainder shall be paid into the Resilient Florida Trust Fund to be used for the purposes for which the Resilient Florida Trust Fund was

created and exists by law. Funds may be used for planning and project grants.

(h) An amount equaling 5.4175 percent of the remainder shall be paid into the Water Protection and Sustainability Program Trust Fund to be used to fund wastewater grants as specified in s. 403.0673.

(5) Notwithstanding s. 215.32(2)(b)4.a., funds distributed to the State Housing Trust Fund and expended pursuant to s. 420.50871 and funds distributed to the State Housing Trust Fund and the Local Government Housing Trust Fund pursuant to paragraphs (4)(c) and (d) ~~paragraph (4)(c)~~ may not be transferred to the General Revenue Fund in the General Appropriations Act.

(6) After the distributions provided in the preceding subsections, any remaining taxes shall be paid into the State Treasury to the credit of the General Revenue Fund.

Section 11. The amendments made by this act to s. 201.15, Florida Statutes, expire on July 1, 2033, and the text of that section shall revert to that in existence on June 30, 2023, except that any amendments to such text enacted other than by this act must be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of the text which expire pursuant to this section.

Section 12. Paragraph (p) of subsection (5) of section 212.08, Florida Statutes, is amended, and paragraph (v) is added to that subsection, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the

storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(p) *Community contribution tax credit for donations.*—

1. Authorization.—Persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person’s approved annual community contribution.

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26.

c. A person may not receive more than $200,000 in annual tax credits for all approved community contributions made in any one year.

d. All proposals for the granting of the tax credit require the prior approval of the Department of Economic Opportunity.

e. The total amount of tax credits which may be granted for

all programs approved under this paragraph and ss. 220.183 and 624.5105 is $25 ~~$14.5~~ million in the 2023-2024 ~~2022-2023~~ fiscal year and in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households and $4.5 million in the 2022-2023 fiscal year and in each fiscal year thereafter for all other projects. As used in this paragraph, the term "person with special needs" has the same meaning as in s. 420.0004 and the terms "low-income person," "low-income household," "very-low-income person," and "very-low-income household" have the same meanings as in s. 420.9071.

f. A person who is eligible to receive the credit provided in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under one section of the person's choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property, including 100 percent ownership of a real property holding company;

(III) Goods or inventory; or

(IV) Other physical resources identified by the Department of Economic Opportunity.

For purposes of this sub-subparagraph, the term "real property holding company" means a Florida entity, such as a Florida limited liability company, that is wholly owned by the person; is the sole owner of real property, as defined in s.

192.001(12), located in this ~~the~~ state; is disregarded as an entity for federal income tax purposes pursuant to 26 C.F.R. s. 301.7701-3(b)(1)(ii); and at the time of contribution to an eligible sponsor, has no material assets other than the real property and any other property that qualifies as a community contribution.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income households or very-low-income households; designed to provide housing opportunities for persons with special needs; designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to a project approved between January 1, 1996, and December 31, 1999, and located in an area which was in an enterprise zone designated pursuant to s. 290.0065 as of May 1, 2015. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income households or very-low-income households on scattered sites or housing opportunities for persons with special needs. With respect to housing,

contributions may be used to pay the following eligible special needs, low-income, and very-low-income housing-related activities:

(I) Project development impact and management fees for special needs, low-income, or very-low-income housing projects;

(II) Down payment and closing costs for persons with special needs, low-income persons, and very-low-income persons;

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to special needs, low-income, or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments if satisfaction of the lien is a necessary precedent to the transfer of the property to a low-income person or very-low-income person for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an "eligible sponsor," which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for persons with special needs, low-income households, or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s.

163.356;

(VI) A historic preservation district agency or organization;

(VII) A local workforce development board;

(VIII) A direct-support organization as provided in s. 1009.983;

(IX) An enterprise zone development agency created under s. 290.0056;

(X) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XI) Units of local government;

(XII) Units of state government; or

(XIII) Any other agency that the Department of Economic Opportunity designates by rule.

A contributing person may not have a financial interest in the eligible sponsor.

d. The project must be located in an area which was in an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, or a Front Porch Florida Community, unless the project increases access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income households or

very-low-income households or housing opportunities for persons with special needs is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-subparagraph (A) shall be subtracted from the amount of available tax credits, and the remaining credits shall be

granted to each approved tax credit application on a pro rata basis.

(II) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications on a pro rata basis.

3. Application requirements.—

a. An eligible sponsor seeking to participate in this program must submit a proposal to the Department of Economic Opportunity which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and

regulations.

b. A person seeking to participate in this program must submit an application for tax credit to the Department of Economic Opportunity which sets forth the name of the sponsor; a description of the project; and the type, value, and purpose of the contribution. The sponsor shall verify, in writing, the terms of the application and indicate its receipt of the contribution, and such verification must accompany the application for tax credit. The person must submit a separate tax credit application to the Department of Economic Opportunity for each individual contribution that it makes to each individual project.

c. A person who has received notification from the Department of Economic Opportunity that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within a 12-month period.

4. Administration.—

a. The Department of Economic Opportunity may adopt rules necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the Department of Economic Opportunity must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the Department of Economic Opportunity shall transmit a copy of the decision to the department.

c. The Department of Economic Opportunity shall

periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The Department of Economic Opportunity shall, in consultation with the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

(v) *Building materials used in construction of affordable housing units.*—

1. As used in this paragraph, the term:

a. "Affordable housing development" means property that has units subject to an agreement with the Florida Housing Finance Corporation pursuant to chapter 420 recorded in the official records of the county in which the property is located to provide affordable housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004.

b. "Building materials" means tangible personal property that becomes a component part of eligible residential units in an affordable housing development. The term includes appliances and does not include plants, landscaping, fencing, and hardscaping.

c. "Eligible residential units" means newly constructed units within an affordable housing development which are restricted under the land use restriction agreement.

d. "Newly constructed" means improvements to real property which did not previously exist or the construction of a new

improvement where an old improvement was removed. The term does not include the renovation, restoration, rehabilitation, modification, alteration, or expansion of buildings already located on the parcel on which the eligible residential unit is built.

e. "Real property" has the same meaning as provided in s. 192.001(12).

f. "Substantially completed" has the same meaning as in s. 192.042(1).

2. Building materials used in eligible residential units are exempt from the tax imposed by this chapter if an owner demonstrates to the satisfaction of the department that the requirements of this paragraph have been met. Except as provided in subparagraph 3., this exemption inures to the owner at the time an eligible residential unit is substantially completed, but only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner of the eligible residential units must file an application with the department. The application must include all of the following:

a. The name and address of the person claiming the refund.

b. An address and assessment roll parcel number of the real property that was improved for which a refund of previously paid taxes is being sought.

c. A description of the eligible residential units for which a refund of previously paid taxes is being sought, including the number of such units.

d. A copy of a valid building permit issued by the county or municipal building department for the eligible residential units.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to build the eligible residential units which specifies the building materials, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials, and which states that the improvement to the real property was newly constructed. If a general contractor was not used, the owner must make the sworn statement required by this sub-subparagraph. Copies of the invoices evidencing the actual cost of the building materials and the amount of sales tax paid on such building materials must be attached to the sworn statement provided by the general contractor or by the owner. If copies of such invoices are not attached, the cost of the building materials is deemed to be an amount equal to 40 percent of the increase in the final assessed value of the eligible residential units for ad valorem tax purposes less the most recent assessed value of land for the units.

f. A certification by the local building code inspector that the eligible residential unit is substantially completed.

g. A copy of the land use restriction agreement with the Florida Housing Finance Corporation for the eligible residential units.

3. The exemption under this paragraph inures to a municipality, county, other governmental unit or agency, or nonprofit community-based organization through a refund of previously paid taxes if the building materials are paid for from the funds of a community development block grant, the State Housing Initiatives Partnership Program, or a similar grant or

loan program. To receive a refund, a municipality, county, other governmental unit or agency, or nonprofit community-based organization must submit an application that includes the same information required under subparagraph 2. In addition, the applicant must include a sworn statement signed by the chief executive officer of the municipality, county, other governmental unit or agency, or nonprofit community-based organization seeking a refund which states that the building materials for which a refund is sought were funded by a community development block grant, the State Housing Initiatives Partnership Program, or a similar grant or loan program.

4. The person seeking a refund must submit an application for refund to the department within 6 months after the eligible residential unit is deemed to be substantially completed by the local building code inspector or by November 1 after the improved property is first subject to assessment.

5. Only one exemption through a refund of previously paid taxes may be claimed for any eligible residential unit. A refund may not be granted unless the amount to be refunded exceeds $500. A refund may not exceed the lesser of $5,000 or 97.5 percent of the Florida sales or use tax paid on the cost of building materials as determined pursuant to sub-subparagraph 2.e. The department shall issue a refund within 30 days after it formally approves a refund application.

6. The department may adopt rules governing the manner and format of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. This exemption under this paragraph applies to sales of

building materials that occur on or after July 1, 2023.

Section 13. Subsection (24) is added to section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(24) The department may make available to the Florida Housing Finance Corporation, exclusively for official purposes, information for the purpose of administering the Live Local Program pursuant to s. 420.50872.

Section 14. Section 215.212, Florida Statutes, is created to read:

215.212 Service charge elimination.—

(1) Notwithstanding s. 215.20(1), the service charge provided in s. 215.20(1) may not be deducted from the proceeds of the taxes distributed under s. 201.15.

(2) This section is repealed July 1, 2033.

Section 15. Paragraph (i) of subsection (1) of section 215.22, Florida Statutes, is amended to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the appropriation required by s. 215.20(1):

(i) Bond proceeds or revenues dedicated for bond repayment~~, except for the Documentary Stamp Clearing Trust Fund administered by the Department of Revenue~~.

Section 16. The amendment made by this act to s. 215.22, Florida Statutes, expires on July 1, 2033, and the text of that section shall revert to that in existence on June 30, 2023, except that any amendments to such text enacted other than by this act must be preserved and continue to operate to the extent

that such amendments are not dependent upon the portions of the text which expire pursuant to this section.

Section 17. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.1876, those enumerated in s. 220.1877, those enumerated in s. 220.1878, those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.1899, those enumerated in s. 220.194, those enumerated in s. 220.196, those enumerated in s. 220.198, and those enumerated in s. 220.1915.

Section 18. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) *Additions.*—There shall be added to such taxable income:

1. a. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

b. Notwithstanding sub-subparagraph a., if a credit taken under s. 220.1875, s. 220.1876, ~~or~~ s. 220.1877, or s. 220.1878 is added to taxable income in a previous taxable year under subparagraph 11. and is taken as a deduction for federal tax purposes in the current taxable year, the amount of the deduction allowed shall not be added to taxable income in the current year. The exception in this sub-subparagraph is intended to ensure that the credit under s. 220.1875, s. 220.1876, ~~or~~ s. 220.1877, or s. 220.1878 is added in the applicable taxable year and does not result in a duplicate addition in a subsequent year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred

for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount taken as a credit under s. 220.195 which is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. Any amount taken as a credit for the taxable year under s. 220.1875, s. 220.1876, ~~or~~ s. 220.1877, or s. 220.1878. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as

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both a deduction from income and a credit against the tax. This addition is not intended to result in adding the same expense back to income more than once.

12. The amount taken as a credit for the taxable year under s. 220.193.

13. Any portion of a qualified investment, as defined in s. 288.9913, which is claimed as a deduction by the taxpayer and taken as a credit against income tax pursuant to s. 288.9916.

14. The costs to acquire a tax credit pursuant to s. 288.1254(5) that are deducted from or otherwise reduce federal taxable income for the taxable year.

15. The amount taken as a credit for the taxable year pursuant to s. 220.194.

16. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

17. The amount taken as a credit for the taxable year pursuant to s. 220.198.

18. The amount taken as a credit for the taxable year pursuant to s. 220.1915.

Section 19. Paragraph (c) of subsection (1) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

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(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(p) and 624.5105 is $25 ~~$14.5~~ million in the 2023-2024 ~~2022-2023~~ fiscal year and in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 and homeownership opportunities for low-income households or very-low-income households as defined in s. 420.9071 and $4.5 million in the 2022-2023 fiscal year and in each fiscal year thereafter for all other projects.

Section 20. Subsection (2) of section 220.186, Florida Statutes, is amended to read:

220.186 Credit for Florida alternative minimum tax.—

(2) The credit pursuant to this section shall be the amount of the excess, if any, of the tax paid based upon taxable income determined pursuant to s. 220.13(2)(k) over the amount of tax which would have been due based upon taxable income without application of s. 220.13(2)(k), before application of this credit without application of any credit under s. 220.1875, s. 220.1876, ~~or~~ s. 220.1877, or s. 220.1878.

Section 21. Section 220.1878, Florida Statutes, is created to read:

220.1878 Credit for contributions to the Live Local Program.—

(1) For taxable years beginning on or after January 1, 2023, there is allowed a credit of 100 percent of an eligible contribution made to the Live Local Program under s. 420.50872 against any tax due for a taxable year under this chapter after the application of any other allowable credits by the taxpayer. An eligible contribution must be made to the Live Local Program

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on or before the date the taxpayer is required to file a return pursuant to s. 220.222. The credit granted by this section must be reduced by the difference between the amount of federal corporate income tax, taking into account the credit granted by this section, and the amount of federal corporate income tax without application of the credit granted by this section.

(2) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under subsection (1).

(3) Section 420.50872 applies to the credit authorized by this section.

(4) If a taxpayer applies and is approved for a credit under s. 420.50872 after timely requesting an extension to file under s. 220.222(2):

(a) The credit does not reduce the amount of tax due for purposes of the department's determination as to whether the taxpayer was in compliance with the requirement to pay tentative taxes under ss. 220.222 and 220.32.

(b) The taxpayer's noncompliance with the requirement to pay tentative taxes shall result in the revocation and rescindment of any such credit.

(c) The taxpayer shall be assessed for any taxes, penalties, or interest due from the taxpayer's noncompliance with the requirement to pay tentative taxes.

Section 22. Paragraph (c) of subsection (2) of section 220.222, Florida Statutes, is amended to read:

220.222 Returns; time and place for filing.—

(2)

(c)1. For purposes of this subsection, a taxpayer is not in compliance with s. 220.32 if the taxpayer underpays the required payment by more than the greater of $2,000 or 30 percent of the tax shown on the return when filed.

2. For the purpose of determining compliance with s. 220.32 as referenced in subparagraph 1., the tax shown on the return when filed must include the amount of the allowable credits taken on the return pursuant to s. 220.1878.

Section 23. Subsection (5) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years in a form and manner adopted by rule of the board of trustees and in accordance with s. 259.032. Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year after the addition of significant new lands. Each manager of nonconservation lands shall submit to the Division of State Lands a land use plan at least every 10 years in a form and manner adopted by rule of the board of trustees. The division shall review each plan for compliance with the requirements of this subsection and the requirements of the rules adopted by the board of trustees pursuant to this section. All nonconservation land use plans, whether for single-use or multiple-use properties, shall be managed to provide the greatest benefit to

the state. Plans for managed areas larger than 1,000 acres shall contain an analysis of the multiple-use potential of the property which includes the potential of the property to generate revenues to enhance the management of the property. In addition, the plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands and whether nonconservation lands would be more appropriately transferred to the county or municipality in which the land is located for the purpose of providing affordable multifamily rental housing that meets the criteria of s. 420.0004(3). If a newly acquired property has a valid conservation plan that was developed by a soil and conservation district, such plan shall be used to guide management of the property until a formal land use plan is completed.

(a) State conservation lands shall be managed to ensure the conservation of this ~~the~~ state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of all people of this ~~the~~ state, both present and future. Each land management plan for state conservation lands shall provide a desired outcome, describe both short-term and long-term management goals, and include measurable objectives to achieve those goals. Short-term goals shall be achievable within a 2-year planning period, and long-term goals shall be achievable within a 10-year planning period. These short-term and long-term management goals shall be the basis for all subsequent land management activities.

(b) Short-term and long-term management goals for state conservation lands shall include measurable objectives for the

following, as appropriate:

1. Habitat restoration and improvement.

2. Public access and recreational opportunities.

3. Hydrological preservation and restoration.

4. Sustainable forest management.

5. Exotic and invasive species maintenance and control.

6. Capital facilities and infrastructure.

7. Cultural and historical resources.

8. Imperiled species habitat maintenance, enhancement, restoration, or population restoration.

(c) The land management plan shall, at a minimum, contain the following elements:

1. A physical description of the land.

2. A quantitative data description of the land which includes an inventory of forest and other natural resources; exotic and invasive plants; hydrological features; infrastructure, including recreational facilities; and other significant land, cultural, or historical features. The inventory shall reflect the number of acres for each resource and feature, when appropriate. The inventory shall be of such detail that objective measures and benchmarks can be established for each tract of land and monitored during the lifetime of the plan. All quantitative data collected shall be aggregated, standardized, collected, and presented in an electronic format to allow for uniform management reporting and analysis. The information collected by the Department of Environmental Protection pursuant to s. 253.0325(2) shall be available to the land manager and his or her assignee.

3. A detailed description of each short-term and long-term

land management goal, the associated measurable objectives, and the related activities that are to be performed to meet the land management objectives. Each land management objective must be addressed by the land management plan, and if practicable, a land management objective may not be performed to the detriment of the other land management objectives.

4. A schedule of land management activities which contains short-term and long-term land management goals and the related measurable objective and activities. The schedule shall include for each activity a timeline for completion, quantitative measures, and detailed expense and manpower budgets. The schedule shall provide a management tool that facilitates development of performance measures.

5. A summary budget for the scheduled land management activities of the land management plan. For state lands containing or anticipated to contain imperiled species habitat, the summary budget shall include any fees anticipated from public or private entities for projects to offset adverse impacts to imperiled species or such habitat, which fees shall be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat. The summary budget shall be prepared in such manner that it facilitates computing an aggregate of land management costs for all state-managed lands using the categories described in s. 259.037(3).

(d) Upon completion, the land management plan must be transmitted to the Acquisition and Restoration Council for review. The council shall have 90 days after receipt of the plan to review the plan and submit its recommendations to the board of trustees. During the review period, the land management plan

may be revised if agreed to by the primary land manager and the council taking into consideration public input. The land management plan becomes effective upon approval by the board of trustees.

(e) Land management plans are to be updated every 10 years on a rotating basis. Each updated land management plan must identify any conservation lands under the plan, in part or in whole, that are no longer needed for conservation purposes and could be disposed of in fee simple or with the state retaining a permanent conservation easement.

(f) In developing land management plans, at least one public hearing shall be held in any one affected county.

(g) The Division of State Lands shall make available to the public an electronic copy of each land management plan for parcels that exceed 160 acres in size. The division shall review each plan for compliance with the requirements of this subsection, the requirements of chapter 259, and the requirements of the rules adopted by the board of trustees pursuant to this section. The Acquisition and Restoration Council shall also consider the propriety of the recommendations of the managing entity with regard to the future use of the property, the protection of fragile or nonrenewable resources, the potential for alternative or multiple uses not recognized by the managing entity, and the possibility of disposal of the property by the board of trustees. After its review, the council shall submit the plan, along with its recommendations and comments, to the board of trustees. The council shall specifically recommend to the board of trustees whether to approve the plan as submitted, approve the plan with

modifications, or reject the plan. If the council fails to make a recommendation for a land management plan, the Secretary of Environmental Protection, Commissioner of Agriculture, or executive director of the Fish and Wildlife Conservation Commission or their designees shall submit the land management plan to the board of trustees.

(h) The board of trustees shall consider the land management plan submitted by each entity and the recommendations of the Acquisition and Restoration Council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands that is not in accordance with an approved land management plan is subject to termination by the board of trustees.

(i)1. State nonconservation lands shall be managed to provide the greatest benefit to the state. State nonconservation lands may be grouped by similar land use types under one land use plan. Each land use plan shall, at a minimum, contain the following elements:

a. A physical description of the land to include any significant natural or cultural resources as well as management strategies developed by the land manager to protect such resources.

b. A desired development outcome.

c. A schedule for achieving the desired development outcome.

d. A description of both short-term and long-term development goals.

e. A management and control plan for invasive nonnative

plants.

f. A management and control plan for soil erosion and soil and water contamination.

g. Measureable objectives to achieve the goals identified in the land use plan.

2. Short-term goals shall be achievable within a 5-year planning period and long-term goals shall be achievable within a 10-year planning period.

3. The use or possession of any such lands that is not in accordance with an approved land use plan is subject to termination by the board of trustees.

4. Land use plans submitted by a manager shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan.

Section 24. Subsection (1) of section 253.0341, Florida Statutes, is amended to read:

253.0341 Surplus of state-owned lands.—

(1) The board of trustees shall determine which lands, the title to which is vested in the board, may be surplused. For all conservation lands, the Acquisition and Restoration Council shall make a recommendation to the board of trustees, and the board of trustees shall determine whether the lands are no longer needed for conservation purposes. If the board of trustees determines the lands are no longer needed for conservation purposes, it may dispose of such lands by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board of trustees must determine by an affirmative vote of

at least three members that the exchange will result in a net positive conservation benefit. For all nonconservation lands, the board of trustees shall determine whether the lands are no longer needed. If the board of trustees determines the lands are no longer needed, it may dispose of such lands by an affirmative vote of at least three members. Local government requests for the state to surplus conservation or nonconservation lands, whether for purchase, ~~or~~ exchange, or any other means of transfer, must ~~shall~~ be expedited throughout the surplusing process. Property jointly acquired by the state and other entities may not be surplused without the consent of all joint owners.

Section 25. Subsection (2) of section 288.101, Florida Statutes, is amended to read:

288.101 Florida Job Growth Grant Fund.—

(2) The department and Enterprise Florida, Inc., may identify projects, solicit proposals, and make funding recommendations to the Governor, who is authorized to approve:

(a) State or local public infrastructure projects to promote:

1. Economic recovery in specific regions of this ~~the~~ state;~~,~~

2. Economic diversification;~~,~~ or

3. Economic enhancement in a targeted industry.

(b) State or local public infrastructure projects to facilitate the development or construction of affordable housing. This paragraph is repealed July 1, 2033.

(c) Infrastructure funding to accelerate the rehabilitation of the Herbert Hoover Dike. The department or the South Florida

Water Management District may enter into agreements, as necessary, with the United States Army Corps of Engineers to implement this paragraph.

(d) ~~(c)~~ Workforce training grants to support programs at state colleges and state technical centers that provide participants with transferable, sustainable workforce skills applicable to more than a single employer, and for equipment associated with these programs. The department shall work with CareerSource Florida, Inc., to ensure programs are offered to the public based on criteria established by the state college or state technical center and do not exclude applicants who are unemployed or underemployed.

Section 26. Section 420.0003, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 420.0003, F.S., for present text.)

420.0003 State housing strategy.—

(1) LEGISLATIVE INTENT.—It is the intent of this act to articulate a state housing strategy that will carry the state toward the goal of ensuring that each Floridian has safe, decent, and affordable housing. This strategy must involve state and local governments working in partnership with communities and the private sector and must involve financial, as well as regulatory, commitment to accomplish this goal.

(2) POLICIES.—

(a) *Housing production and rehabilitation programs.*— Programs to encourage housing production or rehabilitation must be guided by the following general policies, as appropriate for the purpose of the specific program:

1. State and local governments shall provide incentives to encourage the private sector to be the primary delivery vehicle for the development of affordable housing. When possible, state funds should be heavily leveraged to achieve the maximum federal, local, and private commitment of funds and be used to ensure long-term affordability. To the maximum extent possible, state funds should be expended to create new housing stock and be used for repayable loans rather than grants. Local incentives to stimulate private sector development of affordable housing may include establishment of density bonus incentives.

2. State and local governments should consider and implement innovative solutions to housing issues where appropriate. Innovative solutions include, but are not limited to:

a. Utilizing publicly held land to develop affordable housing through state or local land purchases, long-term land leasing, and school district affordable housing programs. To the maximum extent possible, state-owned lands that are appropriate for the development of affordable housing must be made available for that purpose.

b. Community-led planning that focuses on urban infill, flexible zoning, redevelopment of commercial property into mixed-use property, resiliency, and furthering development in areas with preexisting public services, such as wastewater, transit, and schools.

c. Project features that maximize efficiency in land and resource use, such as high density, high rise, and mixed use.

d. Mixed-income projects that facilitate more diverse and successful communities.

e. Modern housing concepts such as manufactured homes, tiny homes, 3D-printed homes, and accessory dwelling units.

3. State funds should be available only to local governments that provide incentives or financial assistance for housing. State funding for housing should not be made available to local governments whose comprehensive plans have been found not in compliance with chapter 163 and who have not entered into a stipulated settlement agreement with the department to bring the plans into compliance. State funds should be made available only for projects consistent with the local government's comprehensive plan.

4. Local governments are encouraged to enter into interlocal agreements, as appropriate, to coordinate strategies and maximize the use of state and local funds.

5. State-funded development should emphasize use of developed land, urban infill, and the transformation of existing infrastructure in order to minimize sprawl, separation of housing from employment, and effects of increased housing on ecological preservation areas. Housing available to the state's workforce should prioritize proximity to employment and services.

(b) *Public-private partnerships.*—Cost-effective public-private partnerships must emphasize production and preservation of affordable housing.

1. Data must be developed and maintained on the affordable housing activities of local governments, community-based organizations, and private developers.

2. The state shall assist local governments and community-based organizations by providing training and technical

assistance.

3. In coordination with local activities and with federal initiatives, the state shall provide incentives for public sector and private sector development of affordable housing.

(c) *Preservation of housing stock.*—The existing stock of affordable housing must be preserved and improved through rehabilitation programs and expanded neighborhood revitalization efforts to promote suitable living environments for individuals and families.

(d) *Unique housing needs.*—The wide range of need for safe, decent, and affordable housing must be addressed, with an emphasis on assisting the neediest persons.

1. State housing programs must promote the self-sufficiency and economic dignity of the people of this state, including elderly persons and persons with disabilities.

2. The housing requirements of special needs populations must be addressed through programs that promote a range of housing options bolstering integration with the community.

3. All housing initiatives and programs must be nondiscriminatory.

4. The geographic distribution of resources must provide for the development of housing in rural and urban areas.

5. The important contribution of public housing to the well-being of citizens in need shall be acknowledged through efforts to continue and bolster existing programs. State and local government funds allocated to enhance public housing must be used to supplement, not supplant, federal support.

(3) IMPLEMENTATION.—The state, in carrying out the strategy articulated in this section, shall have the following duties:

(a) State fiscal resources must be directed to achieve the following programmatic objectives:

1. Effective technical assistance and capacity-building programs must be established at the state and local levels.

2. The Shimberg Center for Housing Studies at the University of Florida shall develop and maintain statewide data on housing needs and production, provide technical assistance relating to real estate development and finance, operate an information clearinghouse on housing programs, and coordinate state housing initiatives with local government and federal programs.

3. The corporation shall maintain a consumer-focused website for connecting tenants with affordable housing.

(b) The long-range program plan of the department must include specific goals, objectives, and strategies that implement the housing policies in this section.

(c) The Shimberg Center for Housing Studies at the University of Florida, in consultation with the department and the corporation, shall perform functions related to the research and planning for affordable housing. Functions must include quantifying affordable housing needs, documenting results of programs administered, and inventorying the supply of affordable housing units made available in this state. The recommendations required in this section and a report of any programmatic modifications made as a result of these policies must be included in the housing report required by s. 420.6075. The report must identify the needs of specific populations, including, but not limited to, elderly persons, persons with disabilities, and persons with special needs, and may recommend

statutory modifications when appropriate.

(d) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate affordable housing issues pursuant to the schedule set forth in this paragraph. OPPAGA may coordinate with and rely upon the expertise and research activities of the Shimberg Center for Housing Studies in conducting the evaluations. The analysis may include relevant reports prepared by the Shimberg Center for Housing Studies, the department, the corporation, and the provider of the Affordable Housing Catalyst Program; interviews with the agencies, providers, offices, developers, and other organizations related to the development and provision of affordable housing at the state and local levels; and any other relevant data. When appropriate, each report must recommend policy and statutory modifications for consideration by the Legislature. Each report must be submitted to the President of the Senate and the Speaker of the House of Representatives pursuant to the schedule. OPPAGA shall review and evaluate:

1. By December 15, 2023, and every 5 years thereafter, innovative affordable housing strategies implemented by other states, their effectiveness, and their potential for implementation in this state.

2. By December 15, 2024, and every 5 years thereafter, affordable housing policies enacted by local governments, their effectiveness, and which policies constitute best practices for replication across this state. The report must include a review and evaluation of the extent to which interlocal cooperation is used, effective, or hampered.

3. By December 15, 2025, and every 5 years thereafter,

existing state-level housing rehabilitation, production, preservation, and finance programs to determine their consistency with relevant policies in this section and effectiveness in providing affordable housing. The report must also include an evaluation of the degree of coordination between housing programs of this state, and between state, federal, and local housing activities, and shall recommend improved program linkages when appropriate.

(e) The department and the corporation should conform the administrative rules for each housing program to the policies stated in this section, provided that such changes in the rules are consistent with the statutory intent or requirements for the program. This authority applies only to programs offering loans, grants, or tax credits and only to the extent that state policies are consistent with applicable federal requirements.

Section 27. Subsection (36) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.—As used in this part, the term:

(36) "Qualified contract" has the same meaning as in 26 U.S.C. s. 42(h)(6)(F) in effect on the date of the preliminary determination certificate for the low-income housing tax credits for the development that is the subject of the qualified contract request, unless the Internal Revenue Code requires a different statute or regulation to apply to the development. The corporation shall deem a bona fide contract to be a qualified contract at the time the bona fide contract is presented to the owner and the initial ~~second earnest money~~ deposit is deposited in escrow in accordance with the terms of the bona fide contract, and, in such event, the corporation is deemed to have

fulfilled its responsibility to present the owner with a qualified contract.

Section 28. Subsection (3) and paragraph (a) of subsection (4) of section 420.504, Florida Statutes, are amended to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(3) The corporation is a separate budget entity and is not subject to control, supervision, or direction by the department ~~of Economic Opportunity~~ in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters. The corporation shall consist of a board of directors composed of the Secretary of Economic Opportunity as an ex officio and voting member, or a senior-level agency employee designated by the secretary, one member appointed by the President of the Senate, one member appointed by the Speaker of the House of Representatives, and eight members appointed by the Governor subject to confirmation by the Senate from the following:

(a) One citizen actively engaged in the residential home building industry.

(b) One citizen actively engaged in the banking or mortgage banking industry.

(c) One citizen who is a representative of those areas of labor engaged in home building.

(d) One citizen with experience in housing development who is an advocate for low-income persons.

(e) One citizen actively engaged in the commercial building industry.

(f) One citizen who is a former local government elected

official.

(g) Two citizens of the state who are not principally employed as members or representatives of any of the groups specified in paragraphs (a)-(f).

(4)(a) Members of the corporation shall be appointed for terms of 4 years, except that any vacancy shall be filled for the unexpired term. Vacancies on the board shall be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.

Section 29. Subsection (30) of section 420.507, Florida Statutes, is amended to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(30) To prepare and submit to the Secretary of Economic Opportunity a budget request for purposes of the corporation, which request must ~~shall~~, notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, contain a request for operational expenditures and separate requests for other authorized corporation programs. The request must include, for informational purposes, the amount of state funds necessary to use all federal housing funds anticipated to be received by, or allocated to, the state in the fiscal year in order to maximize the production of new, affordable multifamily housing units in this state. The request need not contain information on the

number of employees, salaries, or any classification thereof, and the approved operating budget therefor need not comply with s. 216.181(8)-(10). The secretary may include within the department's budget request the corporation's budget request in the form as authorized by this section.

Section 30. The amendment made by this act to s. 420.507(30), Florida Statutes, expires July 1, 2033, and the text of that subsection shall revert to that in existence on June 30, 2023, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 31. Subsection (10) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(10) The corporation may prioritize a portion of the program funds set aside under paragraph (3)(d) for persons with special needs as defined in s. 420.0004(13) to provide funding for the development of newly constructed permanent rental housing ~~on a campus~~ that provides housing for persons in foster care or persons aging out of foster care pursuant to s. 409.1451. Such housing shall promote and facilitate access to community-based supportive, educational, and employment services and resources that assist persons aging out of foster care to

successfully transition to independent living and adulthood. The corporation must consult with the Department of Children and Families to create minimum criteria for such housing.

Section 32. Section 420.50871, Florida Statutes, is created to read:

420.50871 Allocation of increased revenues derived from amendments to s. 201.15 made by this act.—Funds that result from increased revenues to the State Housing Trust Fund derived from amendments made to s. 201.15 made by this act must be used annually for projects under the State Apartment Incentive Loan Program under s. 420.5087 as set forth in this section, notwithstanding ss. 420.507(48) and (50) and 420.5087(1) and (3). The Legislature intends for these funds to provide for innovative projects that provide affordable and attainable housing for persons and families working, going to school, or living in this state. Projects approved under this section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and annually for 10 years thereafter:

(1) The corporation shall allocate 70 percent of the funds provided by this section to issue competitive requests for application for the affordable housing project purposes specified in this subsection. The corporation shall finance projects that:

(a) Both redevelop an existing affordable housing development and provide for the construction of a new development within close proximity to the existing development to be rehabilitated. Each project must provide for building the

new affordable housing development first, relocating the tenants of the existing development to the new development, and then demolishing the existing development for reconstruction of an affordable housing development with more overall and affordable units.

(b) Address urban infill, including conversions of vacant, dilapidated, or functionally obsolete buildings or the use of underused commercial property.

(c) Provide for mixed use of the location, incorporating nonresidential uses, such as retail, office, institutional, or other appropriate commercial or nonresidential uses.

(d) Provide housing near military installations in this state, with preference given to projects that incorporate critical services for servicemembers, their families, and veterans, such as mental health treatment services, employment services, and assistance with transition from active-duty service to civilian life.

(2) From the remaining funds, the corporation shall allocate the funds to issue competitive requests for application for any of the following affordable housing purposes specified in this subsection. The corporation shall finance projects that:

(a) Propose using or leasing public lands. Projects that propose to use or lease public lands must include a resolution or other agreement with the unit of government owning the land to use the land for affordable housing purposes.

(b) Address the needs of young adults who age out of the foster care system.

(c) Meet the needs of elderly persons.

(d) Provide housing to meet the needs in areas of rural

opportunity, designated pursuant to s. 288.0656.

(3) Under any request for application under this section, the corporation shall coordinate with the appropriate state department or agency and prioritize projects that provide for mixed-income developments.

(4) This section does not prohibit the corporation from allocating additional funds to the purposes described in this section. In any fiscal year, if the funds allocated by the corporation to any request for application under subsections (1) and (2) are not fully used after the application and award processes are complete, the corporation may use those funds to supplement any future request for application under this section.

(5) This section is repealed June 30, 2033.

Section 33. The Division of Law Revision is directed to replace the phrase "this act" wherever it occurs in s. 420.50871, Florida Statutes, as created by this act, with the assigned chapter number of this act.

Section 34. Section 420.50872, Florida Statutes, is created to read:

420.50872 Live Local Program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Annual tax credit amount" means, for any state fiscal year, the sum of the amount of tax credits approved under paragraph (3)(a), including tax credits to be taken under s. 220.1878 or s. 624.51058, which are approved for taxpayers whose taxable years begin on or after January 1 of the calendar year preceding the start of the applicable state fiscal year.

(b) "Eligible contribution" means a monetary contribution

from a taxpayer, subject to the restrictions provided in this section, to the corporation for use in the State Apartment Incentive Loan Program under s. 420.5087. The taxpayer making the contribution may not designate a specific project, property, or geographic area of this state as the beneficiary of the eligible contribution.

(c) "Live Local Program" means the program described in this section whereby eligible contributions are made to the corporation.

(d) "Tax credit cap amount" means the maximum annual tax credit amount that the Department of Revenue may approve for a state fiscal year.

(2) RESPONSIBILITIES OF THE CORPORATION.—The corporation shall:

(a) Expend 100 percent of eligible contributions received under this section for the State Apartment Incentive Loan Program under s. 420.5087. However, the corporation may use up to $25 million of eligible contributions to provide loans for the construction of large-scale projects of significant regional impact. Such projects must include a substantial civic, educational, or health care use and may include a commercial use, any of which must be incorporated within or contiguous to the project property. Such a loan must be made, except as otherwise provided in this subsection, in accordance with the practices and policies of the State Apartment Incentive Loan Program. Such a loan is subject to the competitive application process and may not exceed 25 percent of the total project cost. The corporation must find that the loan provides a unique opportunity for investment alongside local government

participation that would enable creation of a significant amount of affordable housing. Projects approved under this section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2).

(b) Upon receipt of an eligible contribution, provide the taxpayer that made the contribution with a certificate of contribution. A certificate of contribution must include the taxpayer's name; its federal employer identification number, if available; the amount contributed; and the date of contribution.

(c) Within 10 days after issuing a certificate of contribution, provide a copy to the Department of Revenue.

(3) LIVE LOCAL TAX CREDITS; APPLICATIONS, TRANSFERS, AND LIMITATIONS.—

(a) Beginning in the 2023-2024 fiscal year, the tax credit cap amount is $100 million in each state fiscal year.

(b) Beginning October 1, 2023, a taxpayer may submit an application to the Department of Revenue for an allocation of the tax credit cap for tax credits to be taken under either or both of s. 220.1878 or s. 624.51058.

1. The taxpayer shall specify in the application each tax for which the taxpayer requests a credit and the applicable taxable year. For purposes of s. 220.1878, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that year pursuant to s. 220.222. For purposes of s. 624.51058, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that prior taxable year pursuant to ss. 624.509 and 624.5092. The

Department of Revenue shall approve tax credits on a first-come, first-served basis.

2. Within 10 days after approving or denying an application, the Department of Revenue shall provide a copy of its approval or denial letter to the corporation.

(c) If a tax credit approved under paragraph (b) is not fully used for the specified taxable year for credits under s. 220.1878 or s. 624.51058 because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for a period not to exceed 10 taxable years. For purposes of s. 220.1878, a credit carried forward may be used in a subsequent year after applying the other credits and unused carryovers in the order provided in s. 220.02(8).

(d) A taxpayer may not convey, transfer, or assign an approved tax credit or a carryforward tax credit to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction. However, a tax credit under s. 220.1878 or s. 624.51058 may be conveyed, transferred, or assigned between members of an affiliated group of corporations if the type of tax credit under s. 220.1878 or s. 624.51058 remains the same. A taxpayer shall notify the Department of Revenue of its intent to convey, transfer, or assign a tax credit to another member within an affiliated group of corporations. The amount conveyed, transferred, or assigned is available to another member of the affiliated group of corporations upon approval by the Department of Revenue.

(e) Within any state fiscal year, a taxpayer may rescind all or part of a tax credit allocation approved under paragraph (b). The amount rescinded must become available for that state

fiscal year to another eligible taxpayer as approved by the Department of Revenue if the taxpayer receives notice from the Department of Revenue that the rescindment has been accepted by the Department of Revenue. Any amount rescinded under this paragraph must become available to an eligible taxpayer on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the Department of Revenue.

(f) Within 10 days after approving or denying the conveyance, transfer, or assignment of a tax credit under paragraph (d), or the rescindment of a tax credit under paragraph (e), the Department of Revenue shall provide a copy of its approval or denial letter to the corporation.

(g) For purposes of calculating the underpayment of estimated corporate income taxes under s. 220.34 and tax installment payments for taxes on insurance premiums or assessments under s. 624.5092, the final amount due is the amount after credits earned under s. 220.1878 or s. 624.51058 for contributions to eligible charitable organizations are deducted.

1. For purposes of determining if a penalty or interest under s. 220.34(2)(d)1. will be imposed for underpayment of estimated corporate income tax, a taxpayer may, after earning a credit under s. 220.1878, reduce any estimated payment in that taxable year by the amount of the credit.

2. For purposes of determining if a penalty under s. 624.5092 will be imposed, an insurer, after earning a credit under s. 624.51058 for a taxable year, may reduce any installment payment for such taxable year of 27 percent of the

amount of the net tax due as reported on the return for the preceding year under s. 624.5092(2)(b) by the amount of the credit.

(4) PRESERVATION OF CREDIT.—If any provision or portion of this section, s. 220.1878, or s. 624.51058 or the application thereof to any person or circumstance is held unconstitutional by any court or is otherwise declared invalid, the unconstitutionality or invalidity does not affect any credit earned under s. 220.1878 or s. 624.51058 by any taxpayer with respect to any contribution paid to the Live Local Program before the date of a determination of unconstitutionality or invalidity. The credit must be allowed at such time and in such a manner as if a determination of unconstitutionality or invalidity had not been made, provided that nothing in this subsection by itself or in combination with any other provision of law may result in the allowance of any credit to any taxpayer in excess of $1 of credit for each dollar paid to an eligible charitable organization.

(5) ADMINISTRATION; RULES.—

(a) The Department of Revenue and the corporation may develop a cooperative agreement to assist in the administration of this section, as needed.

(b) The Department of Revenue may adopt rules necessary to administer this section, s. 220.1878, and s. 624.51058, including rules establishing application forms, procedures governing the approval of tax credits and carryforward tax credits under subsection (3), and procedures to be followed by taxpayers when claiming approved tax credits on their returns.

(c) By August 15, 2023, and by each August 15 thereafter,

the Department of Revenue shall determine the 500 taxpayers with the greatest total corporate income or franchise tax due as reported on the taxpayer's return filed pursuant to s. 220.22 during the previous calendar year and notify those taxpayers of the existence of the Live Local Program and the process for obtaining an allocation of the tax credit cap. The Department of Revenue shall confer with the corporation in the drafting of the notification. The Department of Revenue may provide this notification by electronic means.

Section 35. Section 420.5096, Florida Statutes, is created to read:

420.5096 Florida Hometown Hero Program.—

(1) The Legislature finds that individual homeownership is vital to building long-term housing and financial security. With rising home prices, down payment and closing costs are often significant barriers to homeownership for working Floridians. Each person in Florida's hometown workforce is essential to creating thriving communities, and the Legislature finds that the ability of Floridians to reside within the communities in which they work is of great importance. Therefore, the Legislature finds that providing assistance to homebuyers in this state by reducing the amount of down payment and closing costs is a necessary step toward expanding access to homeownership and achieving safe, decent, and affordable housing for all Floridians.

(2) The Florida Hometown Hero Program is created to assist Florida's hometown workforce in attaining homeownership by providing financial assistance to residents to purchase a home as their primary residence. Under the program, a borrower may

apply to the corporation for a loan to reduce the amount of the down payment and closing costs paid by the borrower by a minimum of $10,000 and up to 5 percent of the first mortgage loan, not exceeding $35,000. Loans must be made available at a zero percent interest rate and must be made available for the term of the first mortgage. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(3) For loans made available pursuant to s. 420.507(23)(a)1. or 2., the corporation may underwrite and make those mortgage loans through the program to persons or families who have household incomes that do not exceed 150 percent of the state median income or local median income, whichever is greater. A borrower must be seeking to purchase a home as a primary residence; a first-time homebuyer and a Florida resident; and employed full-time by a Florida-based employer. The borrower must provide documentation of full-time employment, or full-time status for self-employed individuals, of 35 hours or more per week. The requirement to be a first-time homebuyer does not apply to a borrower who is an active duty servicemember of a branch of the armed forces or the Florida National Guard, as defined in s. 250.01, or a veteran.

(4) Loans made under the Florida Hometown Hero Program may be used for the purchase of manufactured homes, as defined in s. 320.01(2)(b), which were constructed after July 13, 1994; which are permanently affixed to real property in this state, whether owned or leased by the borrower; and which are titled and financed as tangible personal property or as real property.

(5) This program is intended to be evergreen, and

repayments for loans made under this program shall be retained within the program to make additional loans.

Section 36. Subsection (3) is added to section 420.531, Florida Statutes, to read:

420.531 Affordable Housing Catalyst Program.—

(3) The corporation may contract with the entity providing statewide training and technical assistance to provide technical assistance to local governments to establish selection criteria and related provisions for requests for proposals or other competitive solicitations for use or lease of government-owned real property for affordable housing purposes. The entity providing statewide training and technical assistance may develop best practices or other key elements for successful use of public property for affordable housing, in conjunction with technical support provided under subsection (1).

Section 37. Section 420.6075, Florida Statutes, is amended to read:

420.6075 Research and planning for affordable housing; annual housing report.—

(1) The research and planning functions of the department shall include the collection of data on the need for affordable housing in this state and the extent to which that need is being met through federal, state, and local programs, in order to facilitate planning to meet the housing needs in this state and to enable the development of sound strategies and programs for affordable housing. To fulfill this function, the Shimberg Center for Housing Studies ~~Affordable Housing~~ at the University of Florida shall perform the following functions:

(a) Quantify affordable housing needs in this ~~the~~ state by

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

analyzing available data, including information provided through the housing elements of local comprehensive plans, and identify revisions in the housing element data requirements that would result in more uniform, meaningful information being obtained.

(b) Document the results since 1980 of all programs administered by the department which provide for or act as incentives for housing production or improvement. Data on program results must include the number of units produced and the unit cost under each program.

(c) Inventory the supply of affordable housing units made available through federal, state, and local programs. Data on the geographic distribution of affordable units must show the availability of units in each county and municipality.

(2) By December 31 of each year, the Shimberg Center for Housing Studies ~~Affordable Housing~~ shall submit to the Legislature an updated housing report describing the supply of and need for affordable housing. This annual housing report shall include:

(a) A synopsis of training and technical assistance activities and community-based organization housing activities for the year.

(b) A status report on the degree of progress toward meeting the housing objectives of the department’s agency functional plan.

(c) Recommended housing initiatives for the next fiscal year and recommended priorities for assistance to the various target populations within the spectrum of housing need.

(3) The Shimberg Center for Housing Studies ~~Affordable Housing~~ shall:

(a) Conduct research on program options to address the need for affordable housing.

(b) Conduct research on training models to be replicated or adapted to meet the needs of community-based organizations and state and local government staff involved in housing development.

Section 38. Paragraph (a) of subsection (1) of section 553.792, Florida Statutes, is amended to read:

553.792 Building permit application to local government.—

(1)(a) Within 10 days of an applicant submitting an application to the local government, the local government shall advise the applicant what information, if any, is needed to deem the application properly completed in compliance with the filing requirements published by the local government. If the local government does not provide written notice that the applicant has not submitted the properly completed application, the application shall be automatically deemed properly completed and accepted. Within 45 days after receiving a completed application, a local government must notify an applicant if additional information is required for the local government to determine the sufficiency of the application, and shall specify the additional information that is required. The applicant must submit the additional information to the local government or request that the local government act without the additional information. While the applicant responds to the request for additional information, the 120-day period described in this subsection is tolled. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. The local

government must approve, approve with conditions, or deny the application within 120 days following receipt of a completed application. A local government shall maintain on its website a policy containing procedures and expectations for expedited processing of those building permits and development orders required by law to be expedited.

Section 39. Subsection (7) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(7) Credits and deductions against the tax imposed by this section shall be taken in the following order: deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220 and the credit allowed under subsection (5), as these credits are limited by subsection (6); the credit allowed under s. 624.51057; the credit allowed under s. 624.51058; all other available credits and deductions.

Section 40. Paragraph (c) of subsection (1) of section 624.5105, Florida Statutes, is amended to read:

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

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

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(p) and 220.183 is $25 ~~$14.5~~ million in the 2023-2024 ~~2022-2023~~ fiscal year and in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-

income or very-low-income households as defined in s. 420.9071 and $4.5 million in the 2022-2023 fiscal year and in each fiscal year thereafter for all other projects.

Section 41. Section 624.51058, Florida Statutes, is created to read:

624.51058 Credit for contributions to the Live Local Program.—

(1) For taxable years beginning on or after January 1, 2023, there is allowed a credit of 100 percent of an eligible contribution made to the Live Local Program under s. 420.50872 against any tax due for a taxable year under s. 624.509(1) after deducting from such tax deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220; and the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6). An eligible contribution must be made to the Live Local Program on or before the date the taxpayer is required to file a return pursuant to ss. 624.509 and 624.5092. An insurer claiming a credit against premium tax liability under this section is not required to pay any additional retaliatory tax levied under s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

(2) Section 420.50872 applies to the credit authorized by this section.

Section 42. The Department of Economic Opportunity's Keys Workforce Housing Initiative, approved by the Administration Commission on June 13, 2018, is considered an exception to the evacuation time constraints of s. 380.0552(9)(a)2., Florida Statutes, by requiring deed-restricted affordable workforce

housing properties receiving permit allocations to agree to evacuate at least 48 hours in advance of hurricane landfall. A comprehensive plan amendment approved by the Department of Economic Opportunity to implement the initiative is hereby valid and the respective local governments may adopt local ordinances or regulations to implement such plan amendment.

Section 43. (1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under s. 120.54(4), Florida Statutes, for the purpose of implementing provisions related to the Live Local Program created by this act. Notwithstanding any other law, emergency rules adopted under this section are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(2) This section expires July 1, 2026.

Section 44. For the 2023-2024 fiscal year, the sum of $100 million in nonrecurring funds from the General Revenue Fund is appropriated to the Florida Housing Finance Corporation to implement the Florida Hometown Hero Housing Program established in s. 420.5096, Florida Statutes, as created by this act.

Section 45. For the 2023-2024 fiscal year, the sum of $252 million in nonrecurring funds from the Local Government Housing Trust Fund is appropriated in the Grants and Aids - Housing Finance Corporation (HFC) - State Housing Initiatives Partnership (SHIP) Program appropriation category to the Florida Housing Finance Corporation.

Section 46. For the 2023-2024 fiscal year, the sum of $150 million in recurring funds and $109 million in nonrecurring

funds from the State Housing Trust Fund is appropriated in the Grants and Aids - Housing Finance Corporation (HFC) - Affordable Housing Programs appropriation category to the Florida Housing Finance Corporation. The recurring funds are appropriated to implement s. 420.50871, Florida Statutes, as created by this act.

Section 47. For the 2022-2023 fiscal year, the sum of $100 million in nonrecurring funds from the General Revenue Fund is appropriated to the Florida Housing Finance Corporation to implement a competitive assistance loan program for new construction projects in the development pipeline that have not commenced construction and are experiencing verifiable cost increases due to market inflation. These funds are intended to support the corporation’s efforts to maintain the viability of projects in the development pipeline as the unprecedented economic factors coupled with the housing crisis makes it of upmost importance to deliver much-needed affordable housing units in communities in a timely manner. Eligible projects are those that accepted an invitation to enter credit underwriting by the corporation for funding during the period of time of July 1, 2020, through June 30, 2022. The corporation may establish such criteria and application processes as necessary to implement this section. The unexpended balance of funds appropriated to the corporation as of June 30, 2023, shall revert and is appropriated to the corporation for the same purpose for the 2023-2024 fiscal year. Any funds not awarded by December 1, 2023, must be used for the State Apartment Incentive Loan Program under s. 420.5087, Florida Statutes. This section is effective upon becoming a law.

Section 48. The Legislature finds and declares that this act fulfills an important state interest.

Section 49. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2023.