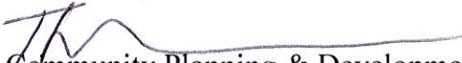


**Date:** May 27, 2014

**To:** The Honorable Mayor and Council

**From:** Tanya Wilson-Sejour, AICP, Planning Manager,  Community Planning & Development

**RE:** Amendment of Previously Approved LHAP

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE PREVIOUSLY ADOPTED LOCAL HOUSING ASSISTANCE PLAN (LHAP) AS REQUIRED BY THE WILLIAM E. SADOWSKI AFFORDABLE HOUSING ACT OF 1992 AND THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM, FOR FISCAL YEARS 2014-2015, 2015-2016, AND 2016-2017; FURTHER AUTHORIZING THE CITY ATTORNEY AND CITY MANAGER TO EXECUTE AND SUBMIT THE LOCAL HOUSING ASSISTANCE PLAN AND ANY OTHER NECESSARY DOCUMENT TO THE FLORIDA HOUSING FINANCE CORPORATION FOR ITS REVIEW AND APPROVAL, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

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**STAFF RECOMMENDATION**

Staff is recommending the adoption of the amended Local Housing Assistance Plan (LHAP) for the City's State Housing Initiatives Partnership (SHIP) program, for fiscal years 2014-2015; 2015-2016; and 2016-2017 as required by the State Law.

**PLANNING COMMISSION RECOMMENDATION**

At its meeting on May 6, 2014 the Planning Commission Board reviewed and discussed the proposed Resolution. The Board supported the proposed request and recommended that once funding is made available staff provides a report with an expense worksheet for fiscal years 2014-2015; 2015-2016; 2016-2017. As a condition for funding the City must submit a Local Housing Assistance Plan (LHAP) every three years. Staff did inform the Board that the City uses the SHIP funds along with other existing housing programs funds to assist North Miami residents. The Commission supported staff's recommendation as proposed and rendered a unanimous (5-0) vote recommending that the City Council approve the item.

## **PURPOSE & INTENT**

Florida Statute Section 420.9075 (1) (a) requires that each eligible municipality participating in the State Housing Initiatives Partnership (SHIP) Program shall develop and implement a Local Housing Assistance Plan created to make affordable residential units available to persons of very low income, low income, or moderate income and to persons who have special housing needs, including but not limited to, homeless people, the elderly, migrant farm workers, and persons with disabilities. Counties or eligible municipalities may include strategies to assist persons and households having annual incomes of not more than 140 percent of area median income. The plans are intended to increase the availability of affordable residential units by combining local resources and cost-saving measures into a local housing partnership and using private and public funds to reduce the cost of housing. The proposed amendment seeks to amend the previously approved plan to update the fiscal years and revise the plan in conformance rule 67-37.005(2) of the Florida Admin Code.

## **BACKGROUND INFORMATION**

The State of Florida and the Florida Housing Finance Corporation provide funds for affordable housing activities in the form of a grant provided through the State Housing Initiative Partnership (SHIP) Program. As a requirement for funding, the City must submit a Local Housing Assistance Plan (LHAP) every three years. The City Council, through Resolution 2011-70, approved the last LHAP for the years 2011 - 2012, 2012 - 2013, and 2013 - 2014. The proposed LHAP is for years 2014 through 2017.

The State of Florida's annual budget has been impacted due to the downturn of the economy, which in turn has affected the funding the City has received for the last few fiscal years. In 2012-13, the City received Fourteen Thousand Five Hundred Ninety Seven Dollars (\$14,597.00) and in 2013-2014, the City received Eighty Three Thousand One Hundred and Nine Dollars (\$83,109) which was dedicated to the First Time Homebuyer Down Payment/closing Cost Assistance and Owner-Occupied Rehabilitation Programs. The City is expected to soon receive announcement of its disbursement for the 2014-2015 fiscal year. As such, the proposed LHAP must be amended and transmitted to Florida Housing Finance Corporation as required by the Florida Statute.

**CONCLUSION**

In conclusion, the proposed LHAP outlines the programs and guidelines which allow staff to provide assistance to North Miami residents through various affordable housing strategies.

The previous Local Housing Assistance Plan (LHAP) outlined various affordable housing programs for North Miami residents. This new amended LHAP improves on the existing housing programs with the inclusion of “Priority Assistance to Applicants with Developmental Disabilities”. This inclusion is in keeping with the intent of the Housing Element of the City’s Comprehensive Plan. Staff recommends approval for the proposed LHAP.

TWS/mjp

- Attachments: 1) Resolution  
2) LHAP  
3) Florida Statutes – Chapter 393 Index; §393.063 Definitions

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE PREVIOUSLY ADOPTED LOCAL HOUSING ASSISTANCE PLAN (LHAP) AS REQUIRED BY THE WILLIAM E. SADOWSKI AFFORDABLE HOUSING ACT OF 1992 AND THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM, FOR FISCAL YEARS 2014-2015, 2015-2016, AND 2016-2017; FURTHER AUTHORIZING THE INTERIM CITY MANAGER AND CITY ATTORNEY TO EXECUTE AND SUBMIT THE LOCAL HOUSING ASSISTANCE PLAN AND ANY OTHER NECESSARY DOCUMENT TO THE FLORIDA HOUSING FINANCE CORPORATION FOR ITS REVIEW AND APPROVAL, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, the State of Florida enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317 of Florida Session Laws, allocating a portion of documentary stamp taxes on deeds to local governments, for the development and maintenance of affordable housing; and

**WHEREAS**, the State Housing Initiatives Partnership (“SHIP”) under Sections 420.907-420.9079, Florida Statutes, and Rule 67-37, Florida Administrative Code, requires local governments to develop a one to three-year Local Housing Assistance Plan (“LHAP”) outlining how funds will be used for housing programs; and

**WHEREAS**, Florida law also requires the LHAP to be an element of the City of North Miami (“City”) SHIP program; and

**WHEREAS**, to be eligible for SHIP funding for a state fiscal year, a county or eligible municipality shall submit its local housing assistance plan and amendments to the Florida Housing Finance Corporation and receive approval every three (3) years; and

**WHEREAS**, the City of North Miami seeks to amend its previously approved LHAP, adopted by Mayor & Council on June 14, 2011 by virtue of Resolution R-2011-70; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on May 6, 2014, reviewed the amended LHAP and recommended approval to the Mayor and City Council; and

**WHEREAS**, the Vice Mayor as Acting Mayor and City Council of the City of North Miami, find the proposed LHAP for Fiscal Years 2014-2015, 2015-2016, and 2016-2017, to be in the best interests of the City and accordingly, accept the Planning Commission's recommendation for approval in order to satisfy State Law and secure the City's future SHIP funding.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Approval of Plan.** The Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, hereby adopt the Local Housing Assistance Plan (LHAP) as required by the William E. Sadowski Affordable Housing Act of 1992 and the State Housing Initiatives Partnership (SHIP) Program, for Fiscal Years 2014-2015, 2015-2016, and 2016-2017, attached hereto as "Exhibit A".

**Section 2. Authority of Interim City Manager and City Attorney.** The Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, hereby authorize the Interim City Manager and City Attorney to execute and submit the Local Housing Assistance Plan and any other necessary document to the Florida Housing Finance Corporation for its review and approval, as required by Florida law.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Vice Mayor as Acting Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_\_ day of May 2014.

\_\_\_\_\_  
PHILIPPE BIEN-AIME  
VICE MAYOR AS ACTING MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Vice Mayor as Acting Mayor Philippe Bien-Aime  
Councilperson Scott Galvin  
Councilperson Carol Keys, Esq.  
Councilperson Marie Erlande Steril

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

**THE CITY OF NORTH MIAMI**



**STATE HOUSING INITIATIVES  
PARTNERSHIP (SHIP) PROGRAM**

**LOCAL HOUSING ASSISTANCE PLAN  
(LHAP)**

**FOR FISCAL YEARS**

**2014~~1~~-2015~~2~~; 2015~~2~~-2016~~3~~; 2016~~3~~-2017~~4~~**

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I. PROGRAM DESCRIPTION:

A. **Name of the participating local government:** City of North Miami

Inter-local: Yes \_\_\_\_\_ No X  
No Inter-local Agreements have been executed.

B. **Purpose of the program:**

The City of North Miami's Local Housing Assistance Plan aims to encourage provisions of affordable housing for the very low, low, and moderate income residents as defined in Section 420.9071 (19), (20), (28), F.S. Its primary purpose is to meet the housing needs of the very low, low and moderate income households, to expand production of and preserve affordable housing, to further the housing element in the City's Comprehensive and Consolidated Plans specific to affordable housing. The need for affordable housing is extensively documented and addressed in the City's Comprehensive and Consolidated Plans.

C. **Fiscal years covered by the Plan:** 2014~~1~~-2015~~2~~; 2015~~2~~-2016~~3~~; 2016~~3~~-2017~~4~~

D. **Governance:**

This Plan identifies and describes the City of North Miami's strategies for the implementation of the State Housing Initiatives Partnership (SHIP) Program, as established in Article VII of the City of North Miami Code of Ordinances and the City's Comprehensive Plan, pursuant to Section 420.907-420.9079, Florida Statutes, and pursuant to Rule 1 Chapter 67-37.006, Florida Administrative Code. CITIES AND COUNTIES MUST BE IN COMPLIANCE WITH ALL APPLICABLE STATUTE AND RULES. The SHIP Program does further the housing element of the City of North Miami's Comprehensive Plan.

E. **Local Housing Partnership:**

The City of North Miami SHIP Program encourages building active partnerships between government, lenders, builders and developers, real estate professionals, advocates for low-income persons and community groups to promote and produce affordable housing.

F. **Leveraging:**

This Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. The City of North Miami SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs. Specifically, the City has leveraged funds from Miami-Dade County (Surtax), Community Development Block Grant (CDBG) and the

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Home Investment Partnership Program (HOME).

G. **Public Input:**

Public input will be solicited if SHIP funds or substantial Program income becomes available. Ads ~~are~~ were placed in the following local newspapers, the Daily Business Review, ~~Miami Herald, the Neighbors and the Miami Times~~. Community workshops have been held and City funded community based organizations are actively involved in disseminating information throughout the community. —The advertisements will focus on the Local Housing Assistance Plan and the Notice of Funding Availability.

H. **Advertising and Outreach:**

The City of North Miami advertisements and Notice of Funding Availability will be published in the Daily Business Review, ~~Miami Herald~~, a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required. Outreach efforts will include distributing flyers and brochures to churches, community organizations and local public facilities to inform the general public of the program's existence. Applicant referrals from social service agencies, non-profit housing developers, low-income housing developers, and for-profit housing developers/builders will also be encouraged.

I. **Discrimination:**

The City of North Miami's Local Affordable Housing Assistance Program shall not discriminate in the application or the award process in any manner whatsoever. In accordance with the provisions of ss.760.20-760.37, it is unlawful to discriminate on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin, or handicap in the award application process for eligible housing.

J. **Support Services and Counseling:**

The City of North Miami, in partnership with Little Haiti Housing Association, Inc. has implemented a Home Ownership Education Training Program. The program is designed to prepare participants for successful home ownership. The program also offers post purchase counseling with focus on home maintenance, mortgage delinquency intervention and community program seminars.

K. **Purchase Price Limits:**

The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in Miami-Dade County MSA statistical area in which the eligible housing is located. The sales price of new and existing units, which can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above. The methodology used by the City of North Miami is:

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- Florida Housing Finance Corporation bond study numbers
- U.S. Treasury Department
- Local HFA Numbers

The purchase price limit for new and existing homes is shown on the Housing Delivery Goals Charts

**L. Income Limits and Affordability:**

The Income Limits used in the SHIP Program are updated annually from the Department of Housing and Urban Development and distributed by Florida Housing Finance Corporation. Affordable means that monthly rents or mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households, as indicated in Sections 420.9071 (19), (20) and (28), F.S. However, it is not the intent to limit an individual household's ability to devote more than ~~30%~~ of its income for housing. Housing for which a household devotes more than 30% of its income shall be deemed Affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in ~~excess~~ of the 30% benchmark.

**M. Welfare Transition Program:**

Should a eligible sponsor be used, the City of North Miami will develop a qualification system and selection criteria for applications for Awards to eligible sponsors, which includes a description that demonstrates how eligible sponsors that employed personnel from the Welfare Transition Program will be given preference in the selection process.

**N. Monitoring and First Right of Refusal:**

In the case of rental housing, the staff or entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides the same monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of \$3,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored for at least annually for 15 years or the term of assistance ~~which ever~~ whichever is longer unless as specified above.

Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

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O. **Administrative Budget:**

A detailed listing including line-item budget of proposed Administrative Expenditures is attached as Exhibit A. These are presented on an annual basis for each State fiscal year submitted.

The City of North Miami finds that the moneys deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan. In accordance with Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, the City of North Miami may not exceed the three (3%)~~10~~ percent limitation on administrative costs, as the City receives a local housing distribution of up to \$350,000 may use up to three ~~-(3%)10~~ percent of program income for administrative costs.

*The City of North Miami has adopted the above findings in the attached resolution, Exhibit E.*

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P. **Program Administration:**

In compliance with the SHIP program criteria, the North Miami City Council adopted Article VII of Chapter 29 of the City of North Miami Code of Ordinances which establishes a Housing Assistance Trust Fund and Affordable Housing Advisory Committee, and assigning the responsibility for administration and implementation of this Local Housing Assistance Plan to the City's Community Planning and Development Department.

Q. **Essential Service Personnel:**

Essential Services Personnel are defined locally as teachers and educators; school district, community college and university employees; law enforcement personnel; fire and rescue personnel; health care personnel; persons employed in local businesses essential to the County's economy; county and local government personnel; utility (water/sewer, electric, communication) personnel; information technology personnel; child care personnel; and skilled trades and others employed in positions that provide government and municipal services essential to maintaining a high quality of life in and for North Miami, Florida. Define in accordance with Rule Chapter 67-37.002(8) F.A.C. and Chapter 67-37.005(8), F.A.C. and Section 420.9075(3)(a) FS.

R. **Recaptured Funds:**

Recaptured funds~~funds~~ are monies recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to s. 420.9075(5)(g) from eligible persons or eligible sponsors who default on the terms of a grant award or loan award. **Program Income** are proceeds derived from

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interest earned on or investment of the local housing distribution and other funds deposited into the local housing assistance trust fund, proceeds from loan repayments, recycled funds, and all other income derived from use of funds deposited in the local housing assistance trust fund. It does not include recaptured funds.

S. Green Initiatives:

On September 25, 2007, The City of North Miami adopted Resolution number 2007-130 establishing the Green Residential Rehabilitation Standards (NMRRS) which provides for a level of ~~through its CP& D Department has made a~~ commitment to the use of green design, construction, and management principles when conducting ~~in its community development activities including~~ residential rehabilitation. The NMRRS also establishes specifications for materials, measures and installation for the major components of a residential structure including, but not limited to, structural, roofing, HVAC (heating/ventilation/air conditioning), electrical and plumbing systems. The NMRRS applies to both single family and multi-family residential structures. The City believes that greener buildings are key components in achieving sustainable communities which are good places to work, do business and raise children.

The City's commitment is also evident with the implementation of a series of ~~intent of the City's~~ "Green" Initiatives which is incorporated into the City's Comprehensive Plan and Land Development Regulations, ~~in relation to the North Miami Residential Rehabilitation Standards (NMRRS)~~ designed ~~is~~ to produce energy-efficient and resource-efficient buildings with healthier indoor air, while ~~and~~ carrying out needed rehabilitation in a manner that preserves the environment and improve the lives of residents. The implementation of "green" initiatives also improve families by preserving family income and wealth through lower utility bills; connect neighborhoods to green-related job opportunities in the design and building trades; and support healthier lifestyles by exposing residents to fewer toxic substances, and lessening respiratory problems.

To facilitate its commitment to green building and environmentally friendly principles, the City has included standard requirements and policies not only in the NMRRS, but also ~~polieies~~ in the Housing

Element of the ~~its~~ Comprehensive Plan, which require both Contractors and participants in ~~its~~ the housing programs to implement relevant standards to achieve these goals. Some of the requirements are considered to be ~~As far as~~ cost effective and practical, such as requiring the Contractors ~~participants~~ in the City's housing programs including residential rehabilitation to install low flush toilets and showerheads and to use low reflective materials on the roof and high energy efficient windows and doors to increase cooling. ~~are~~ required to "go green." The NMRRS includes green building specifications for various rehabilitation components, as appropriate, as a guide to participants and practitioners.

The Green NMRRS is hereby incorporated by reference.

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II. LHAP HOUSING STRATEGIES: *(pursuant to Chapter 67-37.005(8), F.A.C.)*

1. **First Time Homebuyer Down Payment/Closing Cost Assistance**

- a. Summary of the Strategy: This strategy emphasizes affordable home ownership for first time home buyers, defined as persons not owning a home within the last three (3) years. Qualified households may secure deferred loans up to \$25,000 for down payment or closing costs to assist in the acquisition of a single-family home, town home or condominium. This strategy will also assist with minor repairs up to \$5,000, for a total maximum amount of assistance of \$30,000.
- b. Fiscal Years Covered: 2014~~1~~-2015~~2~~; 2015~~2~~-2016~~3~~; 2016~~3~~-2017~~4~~.
  - c. Income Categories to be served: Extremely Low, Very low, low and moderate income.
  - d. Maximum award is noted on the Housing Delivery Goals Charts:
    - e. Terms, Recapture, Program Income and Default: The SHIP funds are provided as a deferred loan. There are no monthly payment requirements associated with this loan. The deferred loan will be partially forgiven each year over a 7-year period, at the conclusion of which the debt will be considered satisfied. If at any time during the 7-year period the property is sold, refinanced, rented or ceases to be owner-occupied, which does not constitute default, the loan recipient shall pay to the City the remaining balance of the loan, plus interest on the balance due at that time. Interest shall be computed at the rate of 4% per annum, simple interest. All voluntary loan repayments to the program will be considered as Program Income. Recipients must execute an agreement and a Mortgage and Note that will be recorded in the public records of Miami Dade County.
- f. Recipient Selection Criteria: The total annual adjusted household income for eligible households receiving SHIP assistance shall not exceed 120% of the median annual adjusted gross income for Miami-Dade County. Once the Department has determined that an applicant is eligible, SHIP funds will be reserved for said individual for a maximum of 90 days subject to the applicant contractually agreeing to meet all the SHIP program guidelines and requirements contained herein. If the applicant fails to submit all the required paperwork to the Department by that time, the Department will notify the applicant in writing that the time has expired and the loan funds may then be reallocated. Funds will be reserved on a first come/first ready basis until funds have been depleted, with priority given to the elderly- age 62 and older, the disabled, low-income large families- seven (7) or more persons and essential services personnel.

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- g. Sponsor Selection Criteria: The City of North Miami Community Planning & Development will administer this program. However, if the need for a sponsor should arise, the City will use a Request for Proposals process in accordance with Chapter 67-37.005 (6) (b) 7 of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.
- h. Additional Information: This strategy also intends to create an informed homebuyer. Therefore, all applicants seeking participation in the First-time Homebuyer Program are required to take a homebuyer education and/or credit counseling course. The course must be 6 to 8 hours and provide valuable information that will educate the buyer about the critical and delicate areas of owning a home. The course may be a one day group sitting or a series of one-on-one counseling, with a minimum of 6 hours. The course must cover money management, credit monitoring and tips on maintaining your home. The non-profit shall conduct or refer the applicant to a certified homebuyer or credit counseling program. The cost of the course may be between \$200 and \$400 per person.

**2. Foreclosure Prevention**

- a. Summary of the Strategy: It is important to assist families in purchasing a home. It is equally important to help families stay in their homes while protecting the City's investment in affordable housing throughout the community. The City will assist homeowners who become delinquent or default on their mortgage payments. This strategy will be available to all income eligible households.
- b. Fiscal Years Covered: 2014 - 2015; 2015 - 2016; 2016 - 2017 ~~2011-2012; 2012-2013; 2013-2014.~~
- c. Income Categories to be served: Extremely Low, Very low, low and moderate income.
- d. Maximum award is noted on the Housing Delivery Goals Charts:
  - e. Terms, Recapture, Program Income and Default: Participation in a credit counseling program will be required for households to receive assistance. Eligible households will receive a one-time assistance of up to \$5,000 to pay delinquent mortgage payments caused by unforeseen circumstances. If credit counseling services are provided by another agency, the cost of credit counseling will be assessed from the maximum award/deferred loan amount. This deferred loan will be issued with zero

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percent interest and will be forgiven over a five (5) year period. If at any time during the 5-year period the property is sold, refinanced, rented or ceases to be owner-occupied, which does not constitute default, the loan recipient shall pay to the City the remaining balance of the loan. All voluntary loan repayments to the program will be considered as Program Income. Recipients must execute an agreement and a Mortgage and Note that will be recorded in the public records of Miami Dade County.

f. Recipient Selection Criteria: The total annual adjusted household income for eligible households receiving SHIP assistance shall not exceed 120% of the median annual adjusted gross income for Miami-Dade County. Applicants must also demonstrate, by way of a proposed household budget, the ability to maintain good standing with the mortgagor, make timely monthly payments and expresses the desire to remain in their home. Applicants will be selected in accordance with the following criteria:

1. Home Value must be less than the SHIP assistance price limits.
2. Completion of credit counseling
3. Past Due 60 days or more
4. Applicant must provide substantial proof that nonpayment of their mortgage payment was not of their own doing or choice. Acceptable reasons are :
  - a) Loss of Employment
  - b) Divorce or Separation
  - c) Death in immediately family
  - d) Sudden medical expenses
  - e) Unforeseen home repair bills

g. Sponsor Selection Criteria: The City of North Miami Community Planning & Development will administer this program. However, if the need for a sponsor should arise, the City will use a Request for Proposals process in accordance with Chapter 67-37.005 (6) (b) 7 of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

- h. Additional Information: Finally, eligibility for foreclosure prevention shall be handled in an expedited manner and may include alternative forms of documentation, such as current pay stubs, benefit letters and oral verifications of employment, other income and assets.

### 3. **Rehabilitation of Owner-Occupied Units**

- a. Summary of the Strategy: This strategy emphasizes rehabilitation of owner-occupied sub-standard housing units and will target the Special Needs

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requirements. The maximum award allowable under this strategy is \$25,000 per qualified household.

- b. Fiscal Years Covered: 2014~~1~~-2015~~2~~; 2015~~2~~-2016~~3~~; 2016~~3~~-2017~~4~~.
  - c. Income Categories to be served: Extremely Low, Very low, low and moderate income.
- d. Maximum award is noted on the Housing Delivery Goals Charts:
- e. Terms, Recapture, Program Income and Default: The SHIP funds are provided as a deferred loan. There are no monthly payment requirements associated with this loan. The deferred loan will be partially forgiven each year over a 7-year period, at the conclusion of which the debt will be considered satisfied. If at any time during the 7-year period the property is sold, refinanced, rented or ceases to be owner-occupied, which does not constitute default the loan recipient shall pay to the City the remaining balance of the loan, plus interest on the balance due at that time. Interest shall be computed at the rate of 4% per annum, simple interest. All voluntary loan repayments to the program will be considered as Program Income. Recipients must execute an agreement and a Mortgage and Note that will be recorded in the public records of Miami Dade County.
- f. Recipient Selection Criteria: The total annual adjusted household income for eligible households receiving SHIP assistance shall not exceed 120% of the median annual adjusted gross income for Miami-Dade County. Once the Department has determined that an applicant is eligible, SHIP funds will be reserved for said individual for a maximum of 90 days subject to the applicant contractually agreeing to meet all the SHIP program guidelines and requirements contained herein. If the applicant fails to submit all the required paperwork to the Department by that time, the Department will notify the applicant in writing that the time has expired and the loan funds may then be reallocated. Funds will be reserved on a first come/first ready basis until funds have been depleted, with priority given to households with Developmental Disabilities, the~~the~~ elderly, the disabled, low-income large families and essential services personnel.
- g. Sponsor Selection Criteria: The City of North Miami Community Planning & Development will administer this program. However, if the need for a sponsor should arise, the City will use a Request for Proposals process in accordance with Chapter 67-37.005 (6) (b) 7 of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

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- h. Additional Information: This strategy seeks to preserve the existing affordable housing stock, with~~also~~ emphasis on home modifications, including technological enhancements and devices which allow homeowners and/or Developmental disabled household members to remain independent in their own homes and maintain their homeownership. ~~seeks to preserve the existing affordable housing stock.~~

4. **Disaster Mitigation/Recovery**

- a. Summary of the Strategy: This strategy provides assistance to households following a natural disaster as declared by Executive Order by the President of the United States or the Governor of the State of Florida. This strategy will only be implemented in the event of a natural disaster using any funds that have not been encumbered or additional disaster funds that become available and issued by the Florida Housing Finance Corporation. Disaster funds may be used for items such as, but not limited to, the following:
  - 1) Purchase of emergency supplies for eligible households to weatherproof damaged homes;
  - 2) Interim repairs to prevent further damage; tree and debris removal required to make the housing unit habitable;
  - 3) Payment of insurance deductibles for rehabilitation of homes covered under homeowners' insurance policies;
  - 4) Other activities as proposed by the federal government, counties and eligible municipalities and approved by Florida Housing Finance Corporation

- b. Fiscal Years Covered: 2014 – 2015; 2015 – 2016; 2016 - 2017~~2011-2012;~~  
~~2012-2013; 2013-2014.~~

- c. Income Categories to be served: Extremely Low, Very low, low and moderate income.

- d. Maximum award is noted on the Housing Delivery Goals Charts:

- e. Terms, Recapture, Program Income and Default: Disaster fund assistance shall not exceed \$20,000 per eligible unit. Assistance up to \$5,000 will be in the form of a grant. Assistance above \$5,000 up to the maximum will be in the form of a 7-year, deferred, forgivable loan. If at any time during the 7-year period the property is sold, refinanced, rented or ceases to be owner-occupied, which does not constitute default, the recipient shall pay to the City the remaining balance with no accrued interest. All voluntary loan repayments to the program will be considered as Program Income. Grant recipients must execute an agreement only but loan recipients must execute an agreement and a Mortgage and Note that will be recorded in the public records of Miami Dade County.

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- f. Recipient Selection Criteria: The total annual adjusted household income for eligible households receiving SHIP assistance shall not exceed 120% of the median annual adjusted gross income for Miami-Dade County. —Once the Department has determined that an applicant is eligible, SHIP funds will be reserved for said individual for a maximum of 90 days subject to the applicant contractually agreeing to meet all the SHIP program guidelines and requirements contained herein. If the applicant fails to submit all the required paperwork to the Department by that time, the Department will notify the applicant in writing that the time has expired and the loan funds may then be reallocated. Funds will be reserved on a first come/first ready basis until funds have been depleted, with priority given to the elderly, the disabled, low-income large families and essential services personnel.
- g. Sponsor Selection Criteria: The City of North Miami Community Planning & Development will administer this program. However, if the need for a sponsor should arise, the City will use a Request for Proposals process in accordance with Chapter 67-37.005 (6) (b) 7 of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

5. **Florida Homebuyer Opportunity Program**

- a. Summary of the Strategy: This strategy is designed in response to the legislative provision requiring SHIP local governments to expend available funds to ensure that residents of the state derive the maximum possible economic benefit from the federal first time homebuyer tax credit created through The American Recovery and Reinvestment Act of 2009 by providing subordinate down payment assistance loans to first time homebuyers for owner occupied primary residences that can be repaid by the income tax refund the homebuyer is entitled to under the First Time Homebuyer Credit. The state program shall be called the “Florida Homebuyer Opportunity Program.”
- b. Fiscal Years Covered: Not Applicable
- c. Income Categories to be served: Up to \$75,000 for single taxpayers or \$150,000 for joint filers. There is no requirement to reserve 30 percent of the funds for awards to very-low-income persons or 30 percent of the funds for awards to low-income persons; and there is no requirement to expend 75% of funds for construction, rehabilitation or emergency repair.

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d. Maximum award is the principal balance of the loans provided shall not exceed 10% of the purchase price or \$8,000 whichever is less.

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e. Terms, Recapture and Default: If the homebuyer repays the City within 18 months after the closing date of the loan, all interest charges shall be waived. The loan term is five (5) years. A homebuyer who fails to fully repay the loan within 18 months shall be subject to repayment terms. Interest shall be computed at the rate of 4% per annum, simple interest. Recipients must execute an agreement and a Mortgage and Note that will be recorded in the public records of Miami Dade County. All funds repaid to the City shall be considered "program income" as defined in s. 420.9071 (24).

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f. Recipient Selection Criteria: Recipients must meet the requirements of the following: The maximum income limit shall be Adjusted Gross Income of \$75,000 for single taxpayer households or \$150,000 for joint-filing taxpayer households, which is equal to that permitted by the American Recovery and Reinvestment Act of 2009.

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### III. LHAP INCENTIVE STRATEGIES

#### A. Expedited Processing of Permits for Affordable Housing

a. Established policy and procedures: Permits as defined in s. 163.3164(7) and (8) for affordable housing projects are expedited to a greater degree than other projects. Through the City's Administrative Regulation #130-13 and the City's Comprehensive Plan Policy 2.3.5, an expedited permitting procedure has been implemented. The Community Planning and Development Department coordinates with the Building and Zoning Department to ensure applications to rehabilitate affordable housing units are processed expeditiously, and make available a staff person to serve as an intermediary between the contractor and the permit granting agencies should problems arise. All permits for housing rehabilitation activities funded under SHIP shall be given top priority and issued no later than three (3) working days after the filing. Permits for new construction shall be given top priority and issued no later than ten (10) working days after the final submittal to the City.

Dated 4/2014

B. **Ongoing Review Process:**

- a. Established policy and procedures: This incentive provides a process through which the City of North Miami can assess the impact of proposed policies, procedures and regulations on the cost of housing. Prior to adoption, any proposed policies, procedures and regulations deemed by the Community Planning and Development Department to have the potential for detrimentally impacting the provision of affordable housing in the City of North Miami, shall be referred to the Local Housing Advisory Committee for review and a recommendation to the City Council. Further, site plans and plats are reviewed to ensure that housing development is consistent with the City's Comprehensive Plan, the Code of Ordinances, and its Concurrency Management System. Reviews include assessments by the Community Planning and Development and Public Works Departments.

C. Density Flexibility Affordable Housing Advisory Committee (AHAC) Recommendations

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- a. In addition to Expedited Permitting and Ongoing Review Process (Oversight), the committee has discussed several other additions to the Local Housing Incentive Strategies. The additions being considered are: Density Flexibility, Accessory Dwelling Units, Reduction of Parking and Set-Back Requirements, Flexible Lot Configurations, and Encouraging Development around Transit-Oriented Hubs. The City of North Miami's Land Development Regulations (LDR) has been updated and adopted April 28, 2009, Resolution No. R-2009-57. ~~are currently being updated. Once the LDR is finalized, the AHAC will discuss these additions further, make recommendation and render a vote.~~

IV. EXHIBITS:

Dated 4/2014

- A. Administrative Budget for each fiscal year covered in the Plan. Exhibit A.
- B. Timeline for Encumbrance and Expenditure: *Chapter 67-37.003(6)(d) and (f) F.A.C.*  
A separate timeline for each fiscal year covered in this plan is attached as Exhibit B. Program funds will be encumbered by June 30 one year following the end of the applicable state fiscal year. Program ~~\_\_\_\_\_~~ funds will be fully expended within 24 months of the end of the applicable State fiscal year.
- C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year covered in the Plan: Completed HDGC for each fiscal year is attached as Exhibit C.
- D. Certification Page: Signed Certification is attached as Exhibit D.
- E. Adopting Resolution: Original signed, dated, witnessed or attested adopting resolution is attached as Exhibit E.
- F. Program Information Sheet: Completed program information sheet is attached as Exhibit F.
- G. Ordinance: If changed from the original ordinance, a copy is attached as Exhibit G.
- H. Inter-local Agreement: N/A

Select Year:  

## The 2012 Florida Statutes

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[Title XXIX](#)  
PUBLIC HEALTH

[Chapter 393](#)  
DEVELOPMENTAL DISABILITIES

[View Entire Chapter](#)

**CHAPTER 393**  
**DEVELOPMENTAL DISABILITIES**

- [393.002](#) Transfer of Florida Developmental Disabilities Council as formerly created in this chapter to private nonprofit corporation.
- [393.062](#) Legislative findings and declaration of intent.
- [393.063](#) Definitions.
- [393.064](#) Prevention.
- [393.0641](#) Program for the prevention and treatment of severe self-injurious behavior.
- [393.065](#) Application and eligibility determination.
- [393.0651](#) Family or individual support plan.
- [393.0654](#) Direct service providers; private sector services.
- [393.0655](#) Screening of direct service providers.
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- [393.0661](#) Home and community-based services delivery system; comprehensive redesign.
- [393.0662](#) Individual budgets for delivery of home and community-based services; iBudget system established.
- [393.067](#) Facility licensure.
- [393.0673](#) Denial, suspension, or revocation of license; moratorium on admissions; administrative fines; procedures.
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- [393.0678](#) Receivership proceedings.
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- [393.0695](#) Provision of in-home subsidies.
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- [393.122](#) Applications for continued residential services.
- [393.125](#) Hearing rights.
- [393.13](#) Treatment of persons with developmental disabilities.
- [393.135](#) Sexual misconduct prohibited; reporting required; penalties.

393.15 Legislative intent; Community Resources Development Loan Program.

393.17 Behavioral programs; certification of behavior analysts.

393.18 Comprehensive transitional education program.

393.23 Developmental disabilities centers; trust accounts.

393.501 Rulemaking.

393.502 Family care councils.

393.506 Administration of medication.

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## The 2010 Florida Statutes(including Special Session A)

Title XXIX  
PUBLIC HEALTH

Chapter 393  
DEVELOPMENTAL DISABILITIES

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**393.063 Definitions.**—For the purposes of this chapter, the term:

- (1) “Agency” means the Agency for Persons with Disabilities.
- (2) “Adult day training” means training services which take place in a nonresidential setting, separate from the home or facility in which the client resides; are intended to support the participation of clients in daily, meaningful, and valued routines of the community; and may include work-like settings that do not meet the definition of supported employment.
- (3) “Autism” means a pervasive, neurologically based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communication and imaginative ability, and a markedly restricted repertoire of activities and interests.
- (4) “Cerebral palsy” means a group of disabling symptoms of extended duration which results from damage to the developing brain that may occur before, during, or after birth and that results in the loss or impairment of control over voluntary muscles. For the purposes of this definition, cerebral palsy does not include those symptoms or impairments resulting solely from a stroke.
- (5) “Client” means any person determined eligible by the agency for services under this chapter.
- (6) “Client advocate” means a friend or relative of the client, or of the client’s immediate family, who advocates for the best interests of the client in any proceedings under this chapter in which the client or his or her family has the right or duty to participate.
- (7) “Comprehensive assessment” means the process used to determine eligibility for services under this chapter.
- (8) “Comprehensive transitional education program” means the program established in s. [393.18](#).
- (9) “Developmental disability” means a disorder or syndrome that is attributable to retardation, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.
- (10) “Developmental disabilities center” means a state-owned and state-operated facility, formerly known as a “Sunland Center,” providing for the care, habilitation, and rehabilitation of clients with developmental disabilities.
- (11) “Direct service provider” means a person 18 years of age or older who has direct face-to-face contact with a client while providing services to the client or has access to a client’s living areas or to a client’s funds or personal property.
- (12) “Domicile” means the place where a client legally resides, which place is his or her permanent home. Domicile may be established as provided in s. [222.17](#). Domicile may not be established in Florida by a minor who has no parent domiciled in Florida, or by a minor who has no legal guardian domiciled in Florida, or by any alien not classified as a resident alien.

(13) “Express and informed consent” means consent voluntarily given in writing with sufficient knowledge and comprehension of the subject matter to enable the person giving consent to make a knowing decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion.

(14) “Family care program” means the program established in s. [393.068](#).

(15) “Foster care facility” means a residential facility licensed under this chapter which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility may not be more than three residents.

(16) “Group home facility” means a residential facility licensed under this chapter which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall be at least 4 but not more than 15 residents.

(17) “Guardian advocate” means a person appointed by a written order of the court to represent a person with developmental disabilities under s. [393.12](#).

(18) “Habilitation” means the process by which a client is assisted to acquire and maintain those life skills which enable the client to cope more effectively with the demands of his or her condition and environment and to raise the level of his or her physical, mental, and social efficiency. It includes, but is not limited to, programs of formal structured education and treatment.

(19) “High-risk child” means, for the purposes of this chapter, a child from 3 to 5 years of age with one or more of the following characteristics:

(a) A developmental delay in cognition, language, or physical development.

(b) A child surviving a catastrophic infectious or traumatic illness known to be associated with developmental delay, when funds are specifically appropriated.

(c) A child with a parent or guardian with developmental disabilities who requires assistance in meeting the child’s developmental needs.

(d) A child who has a physical or genetic anomaly associated with developmental disability.

(20) “Intermediate care facility for the developmentally disabled” or “ICF/DD” means a residential facility licensed and certified pursuant to part VIII of chapter 400.

(21) “Medical/dental services” means medically necessary services which are provided or ordered for a client by a person licensed under chapter 458, chapter 459, or chapter 466. Such services may include, but are not limited to, prescription drugs, specialized therapies, nursing supervision, hospitalization, dietary services, prosthetic devices, surgery, specialized equipment and supplies, adaptive equipment, and other services as required to prevent or alleviate a medical or dental condition.

(22) “Personal care services” means individual assistance with or supervision of essential activities of daily living for self-care, including ambulation, bathing, dressing, eating, grooming, and toileting, and other similar services that are incidental to the care furnished and essential to the health, safety, and welfare of the client when there is no one else available to perform those services.

(23) “Prader-Willi syndrome” means an inherited condition typified by neonatal hypotonia with failure to thrive, hyperphagia or an excessive drive to eat which leads to obesity usually at 18 to 36 months of age, mild to moderate mental retardation, hypogonadism, short stature, mild facial dysmorphism, and a characteristic neurobehavior.

(24) "Relative" means an individual who is connected by affinity or consanguinity to the client and who is 18 years of age or older.

(25) "Resident" means any person with developmental disabilities residing at a residential facility, whether or not such person is a client of the agency.

(26) "Residential facility" means a facility providing room and board and personal care for persons with developmental disabilities.

(27) "Residential habilitation" means supervision and training with the acquisition, retention, or improvement in skills related to activities of daily living, such as personal hygiene skills, homemaking skills, and the social and adaptive skills necessary to enable the individual to reside in the community.

(28) "Residential habilitation center" means a community residential facility licensed under this chapter which provides habilitation services. The capacity of such a facility shall not be fewer than nine residents. After October 1, 1989, new residential habilitation centers may not be licensed and the licensed capacity for any existing residential habilitation center may not be increased.

(29) "Respite service" means appropriate, short-term, temporary care that is provided to a person with developmental disabilities to meet the planned or emergency needs of the person or the family or other direct service provider.

(30) "Restraint" means a physical device, method, or drug used to control dangerous behavior.

(a) A physical restraint is any manual method or physical or mechanical device, material, or equipment attached or adjacent to the individual's body so that he or she cannot easily remove the restraint and which restricts freedom of movement or normal access to one's body.

(b) A drug used as a restraint is a medication used to control the person's behavior or to restrict his or her freedom of movement and is not a standard treatment for the person's medical or psychiatric condition. Physically holding a person during a procedure to forcibly administer psychotropic medication is a physical restraint.

(c) Restraint does not include physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, supportive body bands, or other physical holding when necessary for routine physical examinations and tests; for purposes of orthopedic, surgical, or other similar medical treatment; when used to provide support for the achievement of functional body position or proper balance; or when used to protect a person from falling out of bed.

(31) "Retardation" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior that manifests before the age of 18 and can reasonably be expected to continue indefinitely. "Significantly subaverage general intellectual functioning," for the purpose of this definition, means performance which is two or more standard deviations from the mean score on a standardized intelligence test specified in the rules of the agency. "Adaptive behavior," for the purpose of this definition, means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of his or her age, cultural group, and community.

(32) "Seclusion" means the involuntary isolation of a person in a room or area from which the person is prevented from leaving. The prevention may be by physical barrier or by a staff member who is acting in a manner, or who is physically situated, so as to prevent the person from leaving the room or area. For the purposes of this chapter, the term does not mean isolation due to the medical condition or symptoms of the person.

(33) “Self-determination” means an individual’s freedom to exercise the same rights as all other citizens, authority to exercise control over funds needed for one’s own support, including prioritizing these funds when necessary, responsibility for the wise use of public funds, and self-advocacy to speak and advocate for oneself in order to gain independence and ensure that individuals with a developmental disability are treated equally.

(34) “Specialized therapies” means those treatments or activities prescribed by and provided by an appropriately trained, licensed, or certified professional or staff person and may include, but are not limited to, physical therapy, speech therapy, respiratory therapy, occupational therapy, behavior therapy, physical management services, and related specialized equipment and supplies.

(35) “Spina bifida” means, for purposes of this chapter, a person with a medical diagnosis of spina bifida cystica or myelomeningocele.

(36) “Support coordinator” means a person who is designated by the agency to assist individuals and families in identifying their capacities, needs, and resources, as well as finding and gaining access to necessary supports and services; coordinating the delivery of supports and services; advocating on behalf of the individual and family; maintaining relevant records; and monitoring and evaluating the delivery of supports and services to determine the extent to which they meet the needs and expectations identified by the individual, family, and others who participated in the development of the support plan.

(37) “Supported employment” means employment located or provided in an integrated work setting, with earnings paid on a commensurate wage basis, and for which continued support is needed for job maintenance.

(38) “Supported living” means a category of individually determined services designed and coordinated in such a manner as to provide assistance to adult clients who require ongoing supports to live as independently as possible in their own homes, to be integrated into the community, and to participate in community life to the fullest extent possible.

(39) “Training” means a planned approach to assisting a client to attain or maintain his or her maximum potential and includes services ranging from sensory stimulation to instruction in skills for independent living and employment.

(40) “Treatment” means the prevention, amelioration, or cure of a client’s physical and mental disabilities or illnesses.

**History.**—s. 1, ch. 77-335; s. 1, ch. 79-148; s. 153, ch. 79-400; s. 3, ch. 81-23; s. 4, ch. 85-54; s. 1, ch. 85-147; s. 5, ch. 87-238; s. 5, ch. 88-398; s. 7, ch. 89-308; ss. 2, 4, ch. 89-339; s. 27, ch. 90-306; s. 1, ch. 90-333; s. 17, ch. 91-158; s. 3, ch. 94-154; s. 1045, ch. 95-148; s. 53, ch. 95-228; s. 1, ch. 95-293; s. 13, ch. 96-417; s. 23, ch. 98-171; s. 140, ch. 98-403; s. 80, ch. 99-8; s. 203, ch. 99-13; s. 3, ch. 2000-338; s. 35, ch. 2002-400; s. 7, ch. 2004-260; s. 71, ch. 2004-267; s. 15, ch. 2006-197; s. 10, ch. 2006-227; s. 2, ch. 2008-244.

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