

1 A bill to be entitled
 2 An act relating to housing authorities; creating s.
 3 421.281, F.S.; providing for the creation of
 4 consolidated housing authorities under certain
 5 conditions; providing requirements; providing the area
 6 of operation of a consolidated housing authority;
 7 providing duties of a governing body of a county or
 8 municipality included in the area of operation;
 9 providing public hearing requirements; providing for
 10 the appointment of commissioners; providing powers and
 11 duties of a consolidated housing authority and its
 12 commissioners; amending s. 421.32, F.S.; authorizing a
 13 consolidated housing authority to borrow money, accept
 14 grants, and exercise its other powers for certain
 15 purposes; amending s. 421.321, F.S.; authorizing a
 16 consolidated housing authority to execute mortgages
 17 encumbering real property for certain purposes;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 421.281, Florida Statutes, is created
 23 to read:

24 421.281 Consolidated housing authorities.—

25 (1) CREATION.—

26 (a) If the commissioners of at least two, but no more than

27 three, municipal or municipal and county housing authorities of
28 neighboring areas of operation within the same county that are
29 not under federal receivership declare by identical resolution,
30 after a public hearing and two consecutive meetings at which
31 such resolution is heard, that there is a need for merging their
32 authorities which serves the best interest of their respective
33 tenants and communities, one housing authority shall be created
34 for all of such authorities to exercise powers and other
35 functions herein prescribed in such areas of operation through a
36 public body corporate and politic to be known as a consolidated
37 housing authority.

38 (b) After the consolidation, each housing authority
39 created by s. 421.04 or s. 421.27 for each of the areas shall
40 cease to exist except for the purpose of winding up its affairs
41 and executing a deed to the consolidated housing authority as
42 hereafter provided, if:

43 1. All obligees of such housing authorities and parties to
44 the contracts, bonds, notes, and other obligations of such
45 housing authorities agree to the substitution of the
46 consolidated housing authority; and

47 2. The commissioners of such housing authorities adopt a
48 resolution consenting to the transfer of all of the rights,
49 contracts, obligations, and property, real and personal, to the
50 consolidated housing authority.

51 (c) When any real property of a housing authority vests in
52 a consolidated housing authority as provided in subsection (2),

53 the housing authority shall execute a deed of such property to
54 the consolidated housing authority which thereupon shall file
55 such deed with the recorder of deeds of the county where such
56 real property is located.

57 (d) In any suit, action, or proceeding involving the
58 validity or enforcement of or relating to any contract of the
59 consolidated housing authority, the consolidated housing
60 authority shall be conclusively deemed to have become created,
61 established, and authorized to transact business and exercise
62 its powers hereunder upon proof of the adoption of a resolution
63 by the commissioners of each of the authorities creating the
64 consolidated housing authority.

65 (2) AREA OF OPERATION.—

66 (a) The area of operation of a consolidated housing
67 authority shall include the combined areas of operation of the
68 housing authorities which merged to form the consolidated
69 housing authority.

70 (b) In determining whether dwelling accommodations are
71 unsafe or insanitary under this section, the governing body of a
72 county or municipality included in the area of operation of the
73 consolidated housing authority shall take into consideration the
74 safety and sanitation of the dwellings, the light and airspace
75 available to the inhabitants of such dwellings, the degree of
76 overcrowding, the size and arrangement of the rooms, and the
77 extent to which conditions exist in such buildings which
78 endanger life or property by fire or other causes.

79 (c) In connection with the issuance of bonds or the
80 incurring of other obligations, a consolidated housing authority
81 may covenant as to limitations on its right to adopt resolutions
82 relating to the increase of its area of operation.

83 (d) A governing body of a county or municipality may not
84 adopt any resolution authorized by this section unless a public
85 hearing has first been held. The clerk of such county or
86 municipality shall give notice of the time, place, and purpose
87 of the public hearing at least 10 days before the day on which
88 the hearing is to be held, in a newspaper published in such
89 county and in a newspaper published in the county in which such
90 municipality is located, or, if there is no newspaper published
91 in such locations, then in a newspaper published in the state
92 and having a general circulation in such locations. Upon the
93 date fixed for such public hearing, an opportunity to be heard
94 shall be granted to all residents of such county or municipality
95 and to all other interested persons.

96 (3) COMMISSIONERS.—

97 (a) If a consolidated housing authority consisting of two
98 merged housing authorities is created as provided in this
99 section, five commissioners shall be appointed in the following
100 manner:

101 1. Three commissioners who are qualified electors within
102 the area of operation of the consolidated housing authority,
103 appointed by the Governor.

104 2. One commissioner who is a qualified elector within one

105 of the areas of operation merged to form the consolidated
106 housing authority, appointed by the mayor of the municipality in
107 which the merged area of operation is located or appointed by
108 the chair of the commission of the county in which the merged
109 area of operation is located, if the merged area of operation is
110 not located within the boundaries of a municipality.

111 3. One commissioner who is a qualified elector within the
112 other area of operation merged to form the consolidated housing
113 authority, appointed by the mayor of the municipality in which
114 the merged area of operation is located.

115 (b) If a consolidated housing authority consisting of
116 three merged housing authorities is created as provided in this
117 section, seven commissioners shall be appointed in the following
118 manner:

119 1. Four commissioners who are qualified electors within
120 the area of operation of the consolidated housing authority,
121 appointed by the Governor.

122 2. One commissioner who is a qualified elector within one
123 of the areas of operation merged to form the consolidated
124 housing authority, appointed by the mayor of the municipality in
125 which the merged area of operation is located or appointed by
126 the chair of the commission of the county in which the merged
127 area of operation is located, if the merged area of operation is
128 not located within the boundaries of a municipality.

129 3. One commissioner who is a qualified elector within the
130 other area of operation merged to form the consolidated housing

131 authority, appointed by the mayor of the municipality in which
132 the merged area of operation is located.

133 4. One commissioner who is a qualified elector within the
134 third area of operation merged to form the consolidated housing
135 authority, appointed by the mayor of the municipality in which
136 the merged area of operation is located.

137 (c) Three of the commissioners appointed by the Governor
138 shall serve for terms of 1, 2, and 3 years, respectively. The
139 remaining commissioners shall serve for terms of 4 years each
140 beginning on the date of their appointment. Thereafter, the
141 commissioners of a consolidated housing authority shall serve 4-
142 year terms, except that all vacancies shall be filled for the
143 unexpired terms. Each commissioner shall hold office until a
144 successor has been appointed and has qualified, except as
145 otherwise provided in this section.

146 (d) A certificate of appointment of any commissioner of a
147 consolidated housing authority shall be filed with the county
148 clerk of the county in which the commissioner resides. Such
149 certificate shall be conclusive evidence of the due and proper
150 appointment of such commissioner.

151 (e) The commissioners appointed pursuant to this section
152 constitute the consolidated housing authority, and the powers of
153 such authority shall be vested in such commissioners in office
154 from time to time.

155 (f) The commissioners of a consolidated housing authority
156 shall elect a chair from among the commissioners and shall have

157 the power to select or employ such other officers and employees
 158 as the consolidated housing authority may require. A majority of
 159 the commissioners of a consolidated housing authority shall
 160 constitute a quorum for conducting business and exercising its
 161 powers and for all other purposes.

162 (4) POWERS AND DUTIES.—

163 (a) Except as otherwise provided in this section, a
 164 consolidated housing authority and the commissioners of such
 165 authority shall, within the area of operation of such authority,
 166 have the same functions, rights, powers, duties, privileges, and
 167 immunities provided for housing authorities created for counties
 168 or municipalities and the commissioners of such housing
 169 authorities in the same manner as though all the provisions of
 170 law applicable to housing authorities created for counties or
 171 municipalities were applicable to consolidated housing
 172 authorities. For purposes of this section, the term "mayor" has
 173 the same meaning as the term "Governor" and the term "clerk" has
 174 the same meaning as the term "county or municipal clerk," unless
 175 a different meaning clearly appears from the context. The
 176 Governor may appoint any person as commissioner of a
 177 consolidated housing authority who resides in the area of
 178 operation of the consolidated housing authority and any
 179 commissioner of a consolidated housing authority may be removed
 180 or suspended in the same manner and for the same reason as other
 181 officers appointed by the Governor.

182 (b) The commissioners of a consolidated housing authority

183 may select an appropriate corporate name.

184 Section 2. Section 421.32, Florida Statutes, is amended to
185 read:

186 421.32 Rural housing projects.—County housing authorities,
187 consolidated housing authorities, and regional housing
188 authorities are specifically empowered and authorized to borrow
189 money, accept grants, and exercise their other powers to provide
190 housing for farmers of low income and domestic farm labor as
191 defined in s. 514 of the Federal Housing Act of 1949. In
192 connection with such projects, any such housing authority may
193 enter into such leases or purchase agreements, accept such
194 conveyances and rent or sell dwellings forming part of such
195 projects to or for farmers of low income, as such housing
196 authority deems necessary in order to assure the achievement of
197 the objectives of this law. Such leases, agreements or
198 conveyances may include such covenants as the housing authority
199 deems appropriate regarding such dwellings and the tracts of
200 land described in any such instrument, which covenants shall be
201 deemed to run with the land where the housing authority deems it
202 necessary and the parties to such instrument so stipulate. In
203 providing housing for farmers of low income, county housing
204 authorities and regional housing authorities shall not be
205 subject to the limitations provided in ss. 421.08(3) and
206 421.10(3). Nothing contained in this section shall be construed
207 as limiting any other powers of any housing authority.

208 Section 3. Section 421.321, Florida Statutes, is amended

CS/HB 1043

2015

209 to read:

210 421.321 Execution of mortgages.—County housing
211 authorities, consolidated housing authorities, and regional
212 housing authorities organized under this chapter are authorized
213 to execute mortgages encumbering real property as security for
214 loans made for providing facilities for domestic farm labor
215 pursuant to s. 514 of the Federal Housing Act of 1949.

216 Section 4. This act shall take effect July 1, 2015.