

Information on Potential New Funding Sources

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- Escheated Property – all property sold – proceeds go into the local housing trust fund.
- Local Option Food and Beverage Taxes

125.01055 Affordable housing.—Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

125.379 Disposition of county property for affordable housing.—

(1) By 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 holds fee simple title 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.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be 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 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).

History.—s. 1, ch. 2006-69.

¹**125.0167 Discretionary surtax on documents; adoption; application of revenue.—**

[Note: according to the June 2017 Report of the Florida Legislature Office of Program Policy Analysis and Government Accountability ('OPPAGA') report on Miami-Dade's Discretionary Surtax in Support of Affordable Housing, "Hillsborough and Monroe are the only other counties eligible to levy the discretionary surtax" in addition to Miami-Dade County, and "they would have to make significant changes to their Home Rule Charters to do so."]

<http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1708rpt.pdf>

- (1) Pursuant to the provisions of s. [201.031](#), the governing authority in each county, as defined by s. [125.011](#)(1), is authorized to levy a discretionary surtax on documents for the purpose of establishing and financing a Housing Assistance Loan Trust Fund to assist in the financing of construction, rehabilitation, or purchase of housing for low-income and moderate-income families. No less than 50 percent of the funds used in each county to provide such housing assistance shall be for the benefit of low-income families. For the purpose of this section, "low-income family" means a family whose income does not exceed 80 percent of the median income for the area, and "moderate-income family" means a family whose income is in excess of 80 percent but less than 140 percent of the median income for the area. For purposes of this section, the term "housing" is not limited to single-family, detached dwellings. The rate of the surtax shall not exceed the rate of 45 cents for each \$100 or fractional part thereof of the consideration therefor. Such surtax shall apply only to those documents taxable under s. [201.02](#), except that there shall be no surtax on any document pursuant to which the interest granted, assigned, transferred, or conveyed involves only a single-family residence. Such single-family residence may be a condominium unit, a unit held through stock ownership or membership representing a proprietary interest in a corporation owning a fee or a leasehold initially in excess of 98 years, or a detached dwelling.
- (2) The levy of the discretionary surtax and the creation of a Housing Assistance Loan Trust Fund shall be by ordinance which shall set forth the policies and procedures of the assistance program. The ordinance shall be proposed at a regular meeting of the governing authority at least 2 weeks prior to formal adoption. Formal adoption shall not be effective unless approved on final vote by a majority of the total membership of the governing authority. The ordinance shall not take effect until 90 days after formal adoption.
- (3) The county shall deposit revenues from the discretionary surtax in the Housing Assistance Loan Trust Fund of the county, except that a portion of such revenues may be deposited into the Home Investment Trust Fund of the county as defined by and created pursuant to the requirements of federal law. The county shall use the revenues only to help finance the construction, rehabilitation, or purchase of housing for low-income families and moderate-income families, to pay necessary costs of collection and enforcement of the surtax, and to fund any local matching contributions required pursuant to federal law. For purposes of this section, authorized uses of the revenues include, but are not limited to, providing funds for first and second mortgages and acquiring property for the purpose of forming housing cooperatives. Special consideration shall be given

toward using the revenues in the neighborhood economic development programs of community development corporations. No more than 50 percent of the revenues collected each year pursuant to this section may be used to help finance new construction as provided herein. The proceeds of the surtax shall not be used for rent subsidies or grants.

(4) No more than 10 percent of surtax revenues collected under this section by the Department of Revenue and remitted to the county in any fiscal year may be used for administrative costs.

(5)(a) Notwithstanding the provisions of subsection (3), of the discretionary surtax revenues collected by the Department of Revenue remaining after any deduction for administrative costs as provided in subsection (4), no less than 35 percent shall be used to provide homeownership assistance for low-income and moderate-income families, and no less than 35 percent shall be used for construction, rehabilitation, and purchase of rental housing units. The remaining amount may be allocated to provide for homeownership assistance or rental housing units, at the discretion of the county. Any funds allocated for homeownership assistance or rental housing units that are not committed at the end of the fiscal year shall be reallocated in subsequent years consistent with the provisions of this subsection, in that no less than 35 percent shall be reallocated to provide homeownership assistance for low-income and moderate-income families, and no less than 35 percent shall be reallocated for construction, rehabilitation, and purchase of rental housing units. The remaining amount of uncommitted funds may be reallocated at the discretion of the county within any of the categories established in this subsection.

(b) For purposes of this subsection, the term “homeownership assistance” means assisting low-income and moderate-income families in purchasing a home as their primary residence, including, but not limited to, reducing the cost of the home with below-market construction financing, the amount of down payment and closing costs paid by the borrower, or the mortgage payment to an affordable amount for the purchaser or using any other financial assistance measure set forth in s. [420.5088](#).

(6) Rehabilitation of housing owned by a recipient government may be authorized only after a determination approved by a majority of the governing body that no other sources of funds are available.

(7)(a) The governing body of each county as defined in s. [125.011](#)(1) may, by county ordinance and pursuant to procedures and requirements provided by such ordinance, create a housing choice assistance voucher program.

(b) For purposes of this subsection, the term:

1. “Housing choice assistance voucher” means the document used to access assistance paid by the county from the discretionary surtax balance in the Housing Assistance Trust Fund to a prospective purchaser of a single-family residence, which must be the purchaser’s homestead.
2. “Purchasing employer” means a business or business entity that has acquired real property within the county and paid the surtax due as a result of the acquisition of that property pursuant to this section.

(c) Housing choice assistance vouchers shall be used for down payment assistance for the purchase of a single-family residence by low-income or moderate-income persons within the county and within a 5-mile radius of the purchasing employer who are:

1. Actively employed by the purchasing employer or by a business entity directly affiliated with the purchasing employer.
2. Prequalified for a mortgage loan by a certified lending institution.

(d) Upon payment of the discretionary surtax pursuant to this section, the purchasing employer may file for an allocation for housing choice assistance vouchers from the county in an amount not to exceed 50 percent of the amount of the discretionary surtax paid. The purchasing employer shall distribute the allocation to employees in the form of housing choice assistance vouchers pursuant to rules and procedures established for the program.

(e) Any housing choice assistance voucher allocation not distributed to employees and redeemed by an employee within 1 year after the date the discretionary surtax is paid may not be used for housing choice assistance vouchers under this subsection.

(f) Any housing assistance paid pursuant to the housing choice assistance voucher program shall be included in the calculation determining the percentage of discretionary surtax funds used for homeownership purposes during the year in which the surtax funds for such purposes are expended.

(8) By June 30, 2012, and every 5 years thereafter, the Office of Program Policy Analysis and Government Accountability shall review the discretionary surtax program operated by counties under this section and shall provide a report to the President of the Senate and the Speaker of the House of Representatives.

History.—ss. 1, 3, ch. 83-220; s. 1, ch. 84-270; s. 1, ch. 89-252; s. 35, ch. 92-317; ss. 1, 2, ch. 2009-131.

¹**Note.**—Repealed October 1, 2031, by s. 3, ch. 83-220, as amended by s. 1, ch. 84-270; s. 1, ch. 89-252; and s. 1, ch. 2009-131.

166.04151 Affordable housing.—Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

166.0451 Disposition of municipal property for affordable housing.—

(1) By 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 holds fee simple title 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.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be 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 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).

History.—s. 4, ch. 2006-69.

Under Section 201.02, Florida Statutes, certain counties are authorized to levy a surtax on documents that transfer interest in Florida real property. Transfers of interest in single-family residences are exempt from this documentary surtax.

In 1984, Miami-Dade County exercised this authority, established a Housing Assistance Loan Trust Fund and implemented the Documentary Surtax Program (“Surtax Program”). This program benefits very low- to moderate-income families. Very low income families have incomes of 50% or less than the median area income. Low-income families are those households with incomes of 80% or less of median area income. Moderate income families have incomes greater than 80%, but less than 140% of median area income.

[Title XIV](#)

TAXATION AND FINANCE

[Chapter 201](#)

EXCISE TAX ON DOCUMENTS

[View Entire Chapter](#)

¹201.031 Discretionary surtax; administration and collection; Housing Assistance Loan Trust Fund; reporting requirements.—

(1) Each county, as defined by s. [125.011](#)(1), may levy, subject to the provisions of s. [125.0167](#), a discretionary surtax on documents taxable under the provisions of s. [201.02](#), except that there shall be no surtax on any document pursuant to which the interest granted, assigned, transferred, or conveyed involves only a single-family residence. The single-family residence may be a condominium unit, a unit held through stock ownership or membership representing a proprietary interest in a corporation owning a fee or a leasehold initially in excess of 98 years, or a detached dwelling.

(2) All provisions of chapter 201, except s. [201.15](#), apply to the surtax. The Department of Revenue shall pay to the governing authority of the county which levies the surtax all taxes, penalties, and interest collected under this section less any costs of administration.

(3) Each county that levies the surtax shall:

(a) Include in the financial report required under s. [218.32](#) information showing the revenues and the expenses of the trust fund for the fiscal year.

(b) Adopt a housing plan every 3 years which includes provisions substantially similar to the plans required in s. [420.9075](#)(1).

(c) Have adopted an affordable housing element of its comprehensive land use plan which complies with s. [163.3177](#)(6)(f).

(d) Require by resolution that the staff or entity that has administrative authority for implementing the housing plan prepare and submit to the county's governing body an annual report substantially similar to the annual report required in s. [420.9075](#)(10).

History.—ss. 2, 3, ch. 83-220; s. 1, ch. 84-270; s. 1, ch. 89-252; ss. 1, 7, ch. 2009-131.

¹**Note.**—Repealed effective October 1, 2031, by s. 3, ch. 83-220, as amended by s. 1, ch. 84-270; s. 1, ch. 89-252; and s. 1, ch. 2009-131.

Discretionary ½-Cent Sales (Surtax) Alachua county Sales Tax Rate 6.50%

Florida Statutes 212.055

To provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum;

Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

May be used to repay bond debt.

Escheated Property – all property sold – proceeds go into the local housing trust fund.

Local Option Food and Beverage Taxes

Any county, as defined in Section 125.011(1), Florida Statutes (F.S.), may impose two separate taxes:

- A tax of 2% may be imposed on the sale of food, beverages, and alcoholic beverages in hotels and motels. The funds are used to promote the county and its municipalities as a destination for conventions, trade shows, and pleasure travel.
- A tax of 1% may be imposed on the sale of food, beverages, and alcoholic beverages in certain establishments. The county must use at least 15% of the funds to build and operate domestic violence centers. The remainder is used to help the homeless or those about to become homeless.

Currently, only Miami-Dade County is eligible to levy these taxes. Miami-Dade County administers, collects, and enforces this tax.

Reference: Section 212.0306, F.S.

Linkage Fees

“Linkage fees are a way for local governments to collect funds from developments, both residential and commercial, and place those monies in a housing trust fund for others to use to build affordable housing units. Linkage fees reflect the recognition that all commercial, industrial, and up-scale residential construction increase the need for low wage employment in a community. These workers will need affordable housing. Linkage fees will help offset the impact of new development on a community.”

(source: Affordable Housing Linkage Fee Programs, by Wendell C. Lawther, The UCF Team, Department of Public Administration, University of Florida, 2005)

<https://www.volusia.org/core/fileparse.php/4554/urlt/8-Affordable-Housing-Linkage-Fees-a-UCF-Team-Working-Paper.pdf>

“Linkage programs begin with a nexus study...that establishes the nexus, or linkage, between new developments and the need for housing for the additional employees of those establishments. ... A completed linkage or nexus study will show work-force housing units needed per unit of new development, thus validating an inclusionary housing percentage and the amount of assistance that would be required to make some defined level of housing affordable. A linkage ordinance could then require workforce housing to be provided at those ratios or that a fee in lieu be paid if actual housing is not provided... The City of Winter Park has had a linkage fee ordinance for more than fifteen years.”

(source: “Is There Linkage in Florida’s Future?”, by Dr. James C. Nicholas, undated, probably 2007)

<http://www.flhousing.org/wp-content/uploads/2012/06/Is-There-Linkage-in-Florida%E2%80%99s-Future.pdf>

“Model Linkage Fee Ordinance” included in Appendix 4 of The Florida Affordable Housing Study Commission: Final Report <https://www.volusia.org/core/fileparse.php/4554/urlt/28-Affordable-Housing-Linkage-Program-Model-Winter-Park-F.pdf>

Additional information on linkage fees is available at –

“Market Affordable (Workforce) Housing” by Strategic Planning Group, Inc., 2009
<http://www.spginc.org/pdfs/Affordable%20Housing%2009-%20for%20web.pdf>

January 2015 presentation by Innovative Housing Institute prepared for Jupiter FL on “Workforce Housing” options <https://www.jupiter.fl.us/DocumentCenter/View/7269/IHI-Workforce-Housing-Program-PowerPoint-Presentation-01-15-15>

Local Government General Fund