

BILL

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YEAR

1 A bill to be entitled
 2 An act relating to review of the Department of Community
 3 Affairs under the Florida Government Accountability Act;
 4 reenacting pt. V of ch. 420, F.S., the "Florida Housing
 5 Finance Corporation Act," consisting of ss. 420.501,
 6 420.502, 420.503, 420.504, 420.505, 420.506, 420.5061,
 7 420.507, 420.508, 420.5087, 420.5088, 420.5089, 420.509,
 8 420.5091, 420.5092, 420.5093, 420.5095, 420.5099, 420.51,
 9 420.511, 420.512, 420.513, 420.514, 420.515, 420.516,
 10 420.517, 420.521, 420.522, 420.523, 420.524, 420.525,
 11 420.526, 420.527, 420.528, 420.529, 420.5295, 420.531, and
 12 420.55, F.S.; amending s. 420.506, F.S.; providing for the
 13 appointment of an inspector general of the Florida Housing
 14 Finance Corporation; providing appointing authority
 15 thereof; providing duties and responsibilities of the
 16 inspector general; amending s. 420.0006, F.S.; removing an
 17 obsolete reference; deleting a duty of the inspector
 18 general of the Department of Community Affairs to conform
 19 to changes made by the act; amending s. 20.055, F.S.;
 20 revising the definitions of "state agency" and "agency
 21 head" to include the Florida Housing Finance Corporation
 22 within the state agencies within which the Office of
 23 Inspector General is established; requiring the inspector
 24 general to prepare an annual report; amending s. 420.504,
 25 F.S.; authorizing the Secretary of Community Affairs to
 26 designate a senior-level agency employee to serve on the
 27 board of directors of the Florida Housing Finance
 28 Corporation; providing an effective date.

BILL

Redraft - "B"

YEAR

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

Section 1. Part V of chapter 420, Florida Statutes, the "Florida Housing Finance Corporation Act," consisting of sections 420.501, 420.502, 420.503, 420.504, 420.505, 420.506, 420.5061, 420.507, 420.508, 420.5087, 420.5088, 420.5089, 420.509, 420.5091, 420.5092, 420.5093, 420.5095, 420.5099, 420.51, 420.511, 420.512, 420.513, 420.514, 420.515, 420.516, 420.517, 420.521, 420.522, 420.523, 420.524, 420.525, 420.526, 420.527, 420.528, 420.529, 420.5295, 420.531, and 420.55, Florida Statutes, is reenacted.

Section 2. Section 420.506, Florida Statutes, as reenacted, is amended to read:

420.506 Executive director; agents and employees; inspector general.—

(1) The appointment and removal of an executive director shall be by the Secretary of Community Affairs, with the advice and consent of the corporation's board of directors. The executive director shall employ legal and technical experts and such other agents and employees, permanent and temporary, as the corporation may require, and shall communicate with and provide information to the Legislature with respect to the corporation's activities. The board is authorized, notwithstanding the provisions of s. 216.262, to develop and implement rules regarding the employment of employees of the corporation and service providers, including legal counsel. The board of directors of the corporation is entitled to establish travel

BILL

Redraft - "B"

YEAR

57 | procedures and guidelines for employees of the corporation. The
 58 | executive director's office and the corporation's files and
 59 | records must be located in Leon County.

60 | (2) The appointment and removal of an inspector general
 61 | shall be by the executive director, with the advice and consent
 62 | of the corporation's board of directors. The corporation's
 63 | inspector general shall perform for the corporation the
 64 | functions set forth in s. 20.055. The inspector general shall
 65 | administratively report to the executive director. The inspector
 66 | general shall meet the minimum qualifications as set forth s.
 67 | 20.055(4). The corporation may establish additional
 68 | qualifications deemed necessary by the board of directors to
 69 | meet the unique needs of the corporation. The inspector general
 70 | shall be responsible for coordinating the responsibilities set
 71 | forth in s. 420.0006.

72 | Section 3. Section 420.0006, Florida Statutes, is
 73 | reenacted and amended to read:

74 | 420.0006 Authority to contract with corporation; contract
 75 | requirements; nonperformance.—The secretary of the department
 76 | shall contract, notwithstanding the provisions of part I of
 77 | chapter 287, with the Florida Housing Finance Corporation on a
 78 | multiyear basis to stimulate, provide, and foster affordable
 79 | housing in the state. The contract must incorporate the
 80 | performance measures required by s. 420.511 and must be
 81 | consistent with the provisions of the corporation's strategic
 82 | plan prepared in accordance with s. 420.511 ~~and compatible with~~
 83 | ~~s. 216.0166~~. The contract must provide that, in the event the
 84 | corporation fails to comply with any of the performance measures

BILL

Redraft - "B"

YEAR

85 required by s. 420.511, the secretary shall notify the Governor
 86 and shall refer the nonperformance to the department's inspector
 87 general for review and determination as to whether such failure
 88 is due to forces beyond the corporation's control or whether
 89 such failure is due to inadequate management of the
 90 corporation's resources. Advances shall continue to be made
 91 pursuant to s. 420.0005 during the pendency of the review by the
 92 department's inspector general. If such failure is due to
 93 outside forces, it shall not be deemed a violation of the
 94 contract. If such failure is due to inadequate management, the
 95 department's inspector general shall provide recommendations
 96 regarding solutions. The Governor is authorized to resolve any
 97 differences of opinion with respect to performance under the
 98 contract and may request that advances continue in the event of
 99 a failure under the contract due to inadequate management. The
 100 Chief Financial Officer shall approve the request absent a
 101 finding by the Chief Financial Officer that continuing such
 102 advances would adversely impact the state; however, in any event
 103 the Chief Financial Officer shall provide advances sufficient to
 104 meet the debt service requirements of the corporation and
 105 sufficient to fund contracts committing funds from the State
 106 Housing Trust Fund so long as such contracts are in accordance
 107 with the laws of this state. ~~The department inspector general~~
 108 ~~shall perform for the corporation the functions set forth in s.~~
 109 ~~20.055 and report to the secretary of the department. The~~
 110 ~~corporation shall be deemed an agency for the purposes of s.~~
 111 ~~20.055.~~

BILL

Redraft - "B"

YEAR

112 Section 4. Paragraphs (a) and (b) of subsection (1) and
 113 subsection (7) of section 20.055, Florida Statutes, are amended
 114 to read:

115 20.055 Agency inspectors general.—

116 (1) For the purposes of this section:

117 (a) "State agency" means each department created pursuant
 118 to this chapter, and also includes the Executive Office of the
 119 Governor, the Department of Military Affairs, the Fish and
 120 Wildlife Conservation Commission, the Office of Insurance
 121 Regulation of the Financial Services Commission, the Office of
 122 Financial Regulation of the Financial Services Commission, the
 123 Public Service Commission, the Board of Governors of the State
 124 University System, the Florida Housing Finance Corporation, and
 125 the state courts system.

126 (b) "Agency head" means the Governor, a Cabinet officer, a
 127 secretary as defined in s. 20.03(5), or an executive director as
 128 defined in s. 20.03(6). It also includes the chair of the Public
 129 Service Commission, the Director of the Office of Insurance
 130 Regulation of the Financial Services Commission, the Director of
 131 the Office of Financial Regulation of the Financial Services
 132 Commission, the board of directors of the Florida Housing
 133 Finance Corporation, and the Chief Justice of the State Supreme
 134 Court.

135 (7) (a) Except as provided in paragraph (b), each inspector
 136 general shall, not later than September 30 of each year, prepare
 137 an annual report summarizing the activities of the office during
 138 the immediately preceding state fiscal year.

139 (b) The inspector general of the Florida Housing Finance

BILL

Redraft - "B"

YEAR

140 Corporation shall, not later than 90 days from the end of each
 141 fiscal year, prepare an annual report summarizing the activities
 142 of the office of inspector general during the immediately
 143 preceding fiscal year.

144 (c) The final reports prepared pursuant to paragraphs (a)
 145 and (b) report shall be furnished to the heads of the respective
 146 agencies ~~agency head~~. Such report shall include, but need not be
 147 limited to:

148 1.(a) A description of activities relating to the
 149 development, assessment, and validation of performance measures.

150 2.(b) A description of significant abuses and deficiencies
 151 relating to the administration of programs and operations of the
 152 agency disclosed by investigations, audits, reviews, or other
 153 activities during the reporting period.

154 3.(e) A description of the recommendations for corrective
 155 action made by the inspector general during the reporting period
 156 with respect to significant problems, abuses, or deficiencies
 157 identified.

158 4.(d) The identification of each significant
 159 recommendation described in previous annual reports on which
 160 corrective action has not been completed.

161 5.(e) A summary of each audit and investigation completed
 162 during the reporting period.

163 Section 5. Subsection (3) of section 420.504, Florida
 164 Statutes, as reenacted, is amended to read:

165 420.504 Public corporation; creation, membership, terms,
 166 expenses.—

167 (3) The corporation is a separate budget entity and is not

BILL

Redraft - "B"

YEAR

168 subject to control, supervision, or direction by the Department
 169 of Community Affairs in any manner, including, but not limited
 170 to, personnel, purchasing, transactions involving real or
 171 personal property, and budgetary matters. The corporation shall
 172 consist of a board of directors composed of the Secretary of
 173 Community Affairs as an ex officio and voting member, or a
 174 senior-level agency employee designated by the secretary, and
 175 eight members appointed by the Governor subject to confirmation
 176 by the Senate from the following:

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

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

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

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

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

187 (f) One citizen who is a former local government elected
 188 official.

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

192 Section 6. This act shall take effect July 1, 2010.