

ORDINANCE NO. 80-12

AN ORDINANCE CREATING THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY; PROVIDING A DECLARATION OF NEED; PROVIDING FOR THE EXERCISE OF ALL POWERS AUTHORIZED BY THE FLORIDA HOUSING FINANCE AUTHORITY LAW; PROVIDING FOR OPERATIONS WITHIN BOTH THE INCORPORATED AND UNINCORPORATED AREAS OF ESCAMBIA COUNTY, FLORIDA; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS; PROVIDING FOR THE ORGANIZATION OF THE AUTHORITY; PROVIDING FOR THE APPOINTMENT OF MEMBERS; PROVIDING FOR THE ALTERATION OF THE AUTHORITY'S ACTIVITIES BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA; REQUIRING THE PRIOR APPROVAL OF CERTAIN ACTIONS OF THE ESCAMBIA COUNTY HOUSING FINANCE AUTHORITY BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida enacted the "Florida Housing Finance Authority Law," Chapter 78-89, Laws of Florida, codified as Chapter 159, Part IV, Section 159.601 through Section 159.623, Florida Statutes, inclusive, during the 1978 Legislative Session in which Act the Legislature found and declared that:

- (1) Within this state there is a shortage of housing available at prices or rentals which many persons and families can afford and a shortage of capital for investment in such housing. This shortage constitutes a threat to the health, safety, morals, and welfare of the residents of the state, deprives the state of an adequate tax base, and causes the state to make excessive expenditures for crime prevention and control, public health, welfare and safety, fire and accident protection, and other public services and facilities.
- (2) Such shortage cannot be relieved except through the encouragement of investment by private enterprise and the stimulation of construction and rehabilitation of housing through the use of public financing.
- (3) The financing, acquisition, construction, reconstruction, and rehabilitation of housing and of the real and personal property and other facilities necessary, incidental, and appurtenant thereto are exclusively public uses and purposes for which public money may be spent, advanced, loaned, or granted and are governmental functions of public concern; and

WHEREAS, pursuant to such Act, a housing finance authority may not transact any business or exercise any powers under the Act until the governing body of the county for which such housing finance authority is created passes a resolution declaring the need for a housing finance authority to function to alleviate a shortage of housing and capital for investment in housing in its area of operation; and

SECRETARY OF STATE

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WHEREAS, the Board of County Commissioners of Escambia County, Florida, has adopted such resolution of need prior to the adoption of this Ordinance, declaring that the aforesaid shortages of housing and of capital for investment in housing exist in Escambia County, and that further, the elimination of such shortages and the provision of adequate housing would prevent the recurrence of slum conditions, stimulate employment and commerce, and be consistent with sound planning in Escambia County, and that there is a need for a housing finance authority to alleviate and remedy the aforementioned housing and investment capital shortages.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. This Ordinance is enacted pursuant to the Florida Housing Finance Authority Law, Chapter 78-89, Laws of Florida, codified as Chapter 159, Part IV, Section 159.601 through Section 159.623, Florida Statutes, inclusive, such statutory authority being hereinafter referred to in this Ordinance as the "Act." The provisions of said Act are hereby incorporated in this Ordinance by reference to the full extent as if such provisions were set forth herein in their entirety.

Section 2. It is ascertained and found that there are shortages of housing and of capital for investment in housing in Escambia County, Florida, (the "County"), and declared that there is a need for a housing finance authority in the County to alleviate and remedy the aforementioned housing and investment capital shortages.

Section 3. There is hereby created a separate public body corporate and politic to be known as the Escambia County Housing Finance Authority, hereinafter referred to in this Ordinance as the "Authority," which is directed to carry out and exercise, without limitation except as is herein expressly stated, all powers and public and governmental functions set forth in and contemplated by the Act. The Authority shall have the power to make and issue such regulations, bylaws and rules as it deems necessary to implement its powers and functions.

Section 4. The Authority shall have the power to operate within the territorial boundaries of the County, including both the incorporated and unincorporated areas.

Section 5. The Authority shall be composed of five (5) members, one (1) of whom shall be designated Chairman. Not less than three (3) of the members shall be knowledgeable in one of the following fields: labor, finance or commerce. The terms of the members shall be four (4) years each, except that the terms of the initial members shall be as follows: two (2) members shall serve a term of

one (1) year; one (1) member shall serve a term of two (2) years; one (1) member shall serve a term of three (3) years; and one (1) member shall serve a term of four (4) years. A member shall hold office until his successor has been appointed and has qualified. Each vacancy shall be filled for the remainder of the unexpired term. A certificate of the appointment or reappointment of any member of the housing finance authority shall be filed with the comptroller of the County, and the certificate shall be conclusive evidence of the due and proper appointment of the member. A member shall receive no compensation for his services, but shall be entitled to necessary expenses, including traveling expenses, incurred in the discharge of his duties.

Section 6. Until the members of the Authority are appointed by resolution of the County Commission, the members of the Board of County Commissioners of Escambia County shall serve and act as the Authority, and the Chairman of the Board of County Commissioners shall serve as Chairman of the Authority, for the purpose of carrying out the powers of the Authority under this Ordinance and the Act; provided, however, that the Board of County Commissioners, sitting as the Authority, shall not delegate its authority to the Chairman under this provision.

Section 7. No member or employee of the Authority shall acquire any interest, direct or indirect, in any qualifying housing development or in any property included or planned to be included in such a development, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any qualifying housing development. If any member or employee of the Authority owns or controls an interest, in any property included or planned to be included in any qualifying housing project, he shall immediately disclose the same in writing to the housing finance authority. Such disclosure shall be entered upon the minutes of the Authority. Failure to so disclose such interest shall constitute misconduct in office.

Section 8. The County may, at its sole discretion, and at any time, alter or change the structure, organization, programs or activities of the Authority, including the power to terminate the Authority, subject to any limitation on the impairment of contracts entered into by the Authority and subject to the limitations or requirements of the Act.

Section 9. Except for actions taken by the Board of County Commissioners sitting as the Authority under Section 6 hereof, the following actions of the Authority shall first be approved by resolution of the Board of County Commissioners of Escambia County, Florida, as a prior condition to such actions becoming effective:

(a) Any rules or regulations to be promulgated by the Authority setting forth standards or criteria for determining "eligible persons" or "qualifying housing development."

(b) Any resolution authorizing the issuance of revenue bonds as authorized in the Act.

(c) All contracts or agreements of the Authority.

(d) Any sale of bonds, whether by public or private sale, authorized in the Act.

(e) Any other action in which the Board of County Commissioners of Escambia County, Florida, has by resolution required to be first approved by resolution of such Board.

Section 10. If any section, subparagraph, sentence, clause or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

Section 11. In accordance with Section 125.66(2), a certified copy of this ordinance shall be filed with the Department of State by the clerk of the board of county commissioners within 10 days after enactment by said board and shall take effect upon receipt of official acknowledgment from that office that said ordinance has been filed.

BOARD OF COUNTY COMMISSIONERS  
OF ESCAMBIA COUNTY, FLORIDA

By: Marvin Beck  
Chairman

ATTEST: JOE A. FLOWERS,  
COMPTROLLER

By: C. B. McAllister, Jr.  
Deputy Clerk

(SEAL)

ADOPTED: May 29, 1980

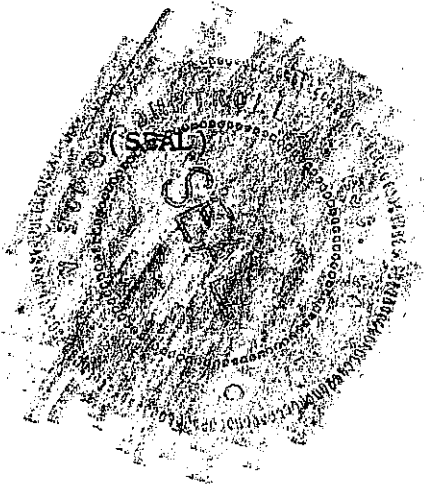
STATE OF FLORIDA,  
COUNTY OF ESCAMBIA.

I, JOE A. FLOWERS, COMPTROLLER, and ex-officio Clerk to the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance as the same was duly adopted and passed at a regular meeting of the Board on the 29th day of May, 1980, and as the same appears on record in my office.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 9th day of June, 1980.

JOE A. FLOWERS, COMPTROLLER  
AND EX-OFFICIO CLERK TO THE  
BOARD OF COUNTY COMMISSIONERS  
OF ESCAMBIA COUNTY, FLORIDA

By: C. B. McAllister, Jr.  
Deputy Clerk



ORDINANCE NO. 2003 - 8

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, RELATING TO THE HOUSING FINANCE AUTHORITY; AMENDING PART I, CHAPTER 58, ARTICLE III, SECTION 58-69 OF THE ESCAMBIA COUNTY CODE OF ORDINANCES AS TO ACTIONS OF THE HOUSING AUTHORITY WHICH REQUIRE COUNTY COMMISSION APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 159.608, Florida Statutes, which sets for the powers of housing finance authorities has been incorporated by reference into Chapter 58, Article III of the Escambia County Code of Ordinances.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Part I, Chapter 58, Article III, Section 58-69 of the Escambia County Code of Ordinances is hereby amended as follows:

Sec. 58-69. Actions requiring county commission approval.

~~Except for actions taken by the board of county commissioners sitting as the authority under section 58-66, the following actions of the authority shall first be approved by resolution of the board of county commissioners as a prior condition to such actions becoming effective:~~

- ~~(1) Any rules or regulations to be promulgated by the authority setting forth standards or criteria for determining "eligible persons" or "qualifying housing development."~~
- ~~(2) Any resolution authorizing the issuance of revenue bonds as authorized in the act.~~
- ~~(3) All contracts or agreements of the authority.~~
- ~~(4) Any sale of bonds, whether by public or private sale, authorized in the act.~~

~~(5) Any other action in which the board of county commissioners has by resolution required to be first approved by resolution of such board.~~

(1) Any action of the Authority in which the Board of County Commissioners of Escambia County, Florida, has by resolution or ordinance required to be first approved by resolution of such Board.

(2) The issuance and sale of bonds by the Authority when required by applicable federal tax laws or regulations governing the issuance of tax exempt bonds.

(3) Any action taken by the Authority which under the laws of the State of Florida regulating housing authorities requires the approval of the local elected governing body which created the Authority.

**Section 2. Severability.**

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Inclusion in the code.**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by Section 125.68, Fla. Stat. (2002); and that the sections, subsections and other provisions of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 4. Effective Date.**

This Ordinance shall become effective upon filing with the Department of State.

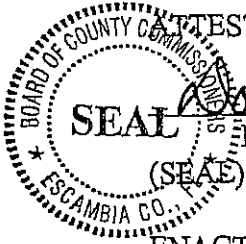
DONE AND ENACTED by the Board of County Commissioners of Escambia County,

Florida this 20th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

BY: Marie Young  
Marie Young, Chairman

TEST: ERNIE LEE MAGAHA  
CLERK OF THE CIRCUIT COURT

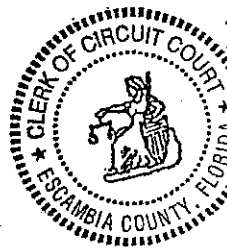


Doris Harris  
Deputy Clerk

ENACTED March 20, 2003

FILED WITH DEPARTMENT OF STATE March 25, 2003

EFFECTIVE March 25, 2003



Certified to be a true copy of  
the original on file in this office  
Witness my hand and official seal

ERNIE LEE MAGAHA  
Clerk of the Circuit Court  
Escambia County, Florida

By: Doris Harris D.C.

Date: May 8, 2003