

## Chapter 11

### HEALTH AND HUMAN SERVICES\*

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\* **Cross References:** Definitions and rules of construction generally, § 1-2; alcoholic beverages, Ch. 3; animals, Ch. 4; child care centers, day care centers, etc., Ch. 7; water supply and waste disposal, Ch. 21; local laws relating to health and human services, App. A, Ch. 11.

**State Law References:** County public health units, F.S. § 154.001 et seq., alcoholic beverage warning signs, 3-4.

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#### Art. I. In General, §§ 11-1--11-15

#### Art. II. Emergency Services, §§ 11-16--11-30

#### Art. III. Housing Assistance Program, §§ 11-31--11-35

### ARTICLE I.

#### IN GENERAL

#### Sec. 11-1. Liens for hospitals supported or aided by local tax revenue.

(a) Every person maintaining and operating a hospital in the county, which is supported or aided by local tax revenue, which shall furnish hospital care, treatment and maintenance to any person injured by reason of an accident shall, if such injured person shall assert or maintain a claim against another for damages for such injuries, have a lien upon that part going or belonging to such person, or any recovery of sum had or collected or to be collected by such person, whether by judgment or by settlement or compromise, to the amount of the reasonable and necessary charges of such hospital for such hospital care, treatment and maintenance of such person in such hospital, up to the date of payment of such damage.

(b) To perfect such lien, the executive officer or agent of a hospital, before, or within ten (10) days after, any such person shall have been discharged from such hospital, shall file, and record and pay the recording fee, in the office of the clerk of the circuit court, a verified claim in writing setting forth the name and address of such patient, as it shall appear on the records of such hospital, the name and location of such hospital, and the name and address of the executive officer or agent of such hospital, the dates of admission to and discharge of such patient therefrom, the amount claimed to be due for such hospital care, treatment and maintenance, and, to the best knowledge of the person signing such claim, the names and addresses of all persons, firms or corporations claimed by such injured person or by the legal representative of such person, to be liable on account of such injuries; such claimant shall also, within one (1) day after the filing of such claim or lien, mail a copy thereof by registered mail; postage prepaid, to each person, firm or corporation so claimed to be liable on account of such injuries, at the address so given in such statement, and to the patient, his guardian or his personal representative at the address given at the time of admission. The filing of such claim or lien with the clerk of the circuit court shall constitute notice of such lien to all persons who pay any judgment, compromise or settlement to the injured party arising out of a claim for damages from such injury which the injured party has against such persons, firms or corporations, their assignees, agents or parties having an interest by or through

such persons.

(c) The clerk of the circuit court shall endorse on such claim the date and hour of filing and shall record the same in the official records upon receipt of payment therefor.

(d) No release or satisfaction of any action, suit, claim, counterclaim, demand, judgment, settlement or settlement agreement, or of any of them, shall be valid or effectual as against such lien unless such lienholder shall join therein or execute a release of such lien. Any acceptance of a release or satisfaction of any such cause of action, suit, claim, counterclaim, demand or judgment and any settlement of any of the foregoing in the absence of a release or satisfaction of the lien referred to in this article shall prima facie constitute an impairment of such lien, and the lienholder shall be entitled to an action at law for damages on account of such impairment, and in such action may recover from the one accepting such release or satisfaction or making such settlement the reasonable cost of such hospital care, treatment and maintenance.

(e) Satisfaction of any judgment rendered in favor of the lienholder in any such action shall operate as a satisfaction of the lien. Any action by the lienholder shall be brought in any court having jurisdiction thereof and may be brought and maintained in the county wherein the lienholder has his, its or their residence or place of business. If the lienholder shall prevail in such action, the lienholder shall be entitled to recover from the defendant, costs and reasonable attorney's fees. If the patient shall have employed an attorney, the attorney shall be paid a reasonable fee of not less than twenty-five (25) percent of the lien claimed by lienor upon collection or satisfaction of the lien.

(f) The provisions of this section shall not be applicable to accidents or injuries within the purview of the Workers' Compensation Law (F.S. Ch. 440).  
(Ord. No. 1972-1, § 5, 5-22-72)

**Secs. 11-2--11-15. Reserved.**

## ARTICLE II.

### EMERGENCY SERVICES\*

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\* **Cross References:** Ambulance service declared public purpose, App. A, § 11-27.  
**State Law References:** Medical telecommunications and transportation, F.S. Ch. 401.

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**Sec. 11-16. Reserved.**

**Editors Note:** Ord. No. 1994-15, § 1, adopted Oct. 18, 1994, repealed § 11-16, which pertained to the emergency services council. See the Code Comparative Table.

**Secs. 11-17, 11-18. Reserved.**

**Editors Note:** Ord. No. 1988-5, §§ 2, 3, adopted May 3, 1988, repealed §§ 11-17, 11-18, pertaining to the county medical director and registration of emergency medical technicians and paramedics, which derived from Ord. No. 1978-4, §§ III--V, adopted July 18, 1978.

**Sec. 11-19. Certificate of public convenience and necessity.**

(a) Every person, firm, corporation, association, or governmental entity owning or acting as agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, or professes to engage in the business or service of providing prehospital or interfacility advanced life support services or basic life support transportation services must obtain a certificate of public convenience and necessity from the board of county commissioners before offering such service to the public.

(b) The certificate issued in accordance with the provisions of this section shall automatically expire two (2) years after the date of issuance. The requirements for renewal of any certificate issued under the provisions of this section shall be the same as the requirement for a new certification current at the time or renewal.

(c) The board of county commissioners may, after holding a public hearing, issue a certificate of public convenience and necessity to any applicant complying with the following requirements if the board of county commissioners determines that issuance of the certificate of public convenience and necessity is in the best interests of the residents of Lake County, Florida:

- (1) A county application and any required application fee are submitted by the applicant.
- (2) The applicant has submitted a copy of the application form required by the state department of health and rehabilitative services under the provisions of the Florida Emergency and Non-Emergency Medical Services Act (F.S. 401.21. et. seq.).
- (3) Any other information deemed necessary by the county is provided by the applicant.

(d) The application and fee shall be filed with the department of fire and emergency services and the department of fire and emergency services shall cause notice of such filing to be sent to each municipality within the geographic area to be served by the applicant.

(e) Upon receipt of the application, filing fee and a copy of the state application, the matter shall be placed on an agenda for a hearing before the board of county commissioners during a regularly scheduled meeting. Notice of the time and date for such hearing shall be sent to the applicant and to any municipality within the geographic area to be served by the applicant. In determining that the issuance of the certificate of public convenience and necessity is in the best interests of the residents of Lake County, Florida, the board of county commissioners shall consider the following factors:

- (1) The impact on current services;
- (2) The benefit to county residents;
- (3) Experience of the applicant and the applicant's employees;
- (4) Financial stability of the applicant;
- (5) Experience and record of the applicant's medical director;

- (6) Ability to comply with county records and reporting requirements;
- (7) Applicant's ability to provide additional or back-up service during disaster situations;
- (8) Condition of applicant's proposed fleet and equipment;
- (9) Any other considerations considered relevant by county.
- (f) The certificate of public convenience and necessity shall be in substantially the following form:

**CERTIFICATE OF PUBLIC CONVENIENCE & NECESSITY**

WHEREAS, name of provider will provide als transport/als nontransport/bls to the citizens of geographic area, and

WHEREAS, there has been demonstrated a need for this emergency medical transportation provider to operate in the County to provide essential services to the citizens of this County, and

WHEREAS, the above-mentioned emergency medical transportation provider has indicated that it will comply with all requirements of the Florida Emergency and Non-Emergent Medical Services Act, the Board of County Commissioners of Lake County hereby

CERTIFIES that the public convenience and necessity will be served by name of provider.

In issuing this Certificate, the Board of County Commissioners attest that recommendations of the municipalities within the provider's service area were considered.

This Certificate shall expire expiration date.

DONE AND RESOLVED by the Lake County Board of County Commissioners in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

(Ord. No. 1983-1, §§ 1--5, 1-4-83; Ord. No. 1988-5, § 4, 5-3-88; Ord. No. 1994-15, §§ 2, 3, 10-18-94; Ord. No. 1996-59, § 1, 7-23-96)

**State Law References:** Licensing of basic life support or advance license support systems and local certificates of public convenience and necessity authorized, F.S. § 401.25.

**Secs. 11-20--11-30. Reserved.**

**ARTICLE III.**

**HOUSING ASSISTANCE PROGRAM\***

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\* **Cross References:** Housing finance authority, § 2-81 et seq.; affordable housing advisory committee, § 2-86 et seq.

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### **Sec. 11-31. Creation of the "Lake County Housing Assistance Program."**

The "Lake County Housing Assistance Program" is hereby created for the purpose of providing affordable housing to very low-income, low-income and moderate-income persons, as well as Persons with Special Housing Needs, through the use of all monies of Lake County received from its share of the local housing distribution pursuant to F.S. §§ 402.9078 through 429.9079, the "State Housing Initiative Partnership Act."

(Ord. No. 1993-6, § 1, 4-20-93)

### **Sec. 11-32. Definitions.**

The following definitions are hereby adopted for the purpose of this article:

*Adjusted for family size* means adjusted in a manner which results in an income eligibility level that is lower for households having fewer than four (4) people, or higher for households having more than four (4) people, than the base income eligibility determined as provided for very low-income persons, low-income persons or moderate income persons, as defined herein, based upon a formula established by the United States Department of Housing and Urban Development.

*Adjusted gross income* means wages, income from assets, regular cash or noncash contributions, and any other resources and benefits determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, minus the deductions allowable under Section 61 of the Internal Revenue Code of 1986, as amended.

*Administrative expenses* means those expenses directly related to implementation of the local housing assistance plan and local housing assistance programs.

*Affordable* means that monthly rents or monthly mortgage payments, including taxes and insurance, that do not exceed thirty (30) percent of an amount representing the percentage of the median adjusted gross income for the household as indicated for very-low income, low-income or moderate income persons, as defined herein. However, it is not the intent to limit an individual's ability to devote more than thirty (30) percent of his or her income for housing.

*Agency* means the Florida Housing Finance Agency identified in F.S. Ch. 420, Art.

*Award* means a loan, grant, or subsidy funded wholly or partially by the local housing distribution.

*Board of county commissioners of Lake County* means the governing body of Lake County, Florida.

*Community-based organization* means a not-for-profit organization that has among its purposes the provision of affordable housing to persons who have special needs or have very low-income, low-income, or moderate-income within a designated area, which may include a municipality, a county, or more than one municipality or county, and maintains, through a minimum of one-third ( 1/3) representation on the organization's governing board and otherwise, accountability to housing program beneficiaries and residents of the designated area. A community housing development organization established pursuant to 24 CFR, Part 92.2

and a community development corporation created pursuant to F.S. Ch. 290, are examples of community based organizations.

*County* means Lake County, Florida, as described in F.S. Ch. 11.

*Department* means the department of community affairs.

*Disbursed* means the request submitted by the agency to the comptroller for release of funds from the local government housing trust fund for credit to participating counties, eligible municipalities or interlocal entities.

*Eligible housing* means any real and personal property located within the county which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designed to meet the standards of F.S. Ch. 553, for homeownership or rental for eligible persons as designated by each county participating in the local housing assistance program.

*Eligible municipality* means a municipality that is eligible for federal community development block grants as an entitlement community identified in 24 C.F.R.s. 570, Subpart D, Entitlement Grants.

*Eligible person* means one or more natural persons or a family determined by the county to be persons who have special housing needs, very-low income, low-income, or moderate-income according to the adjusted gross income of the resident.

*Eligible sponsor* means a person or a private or public for-profit or not-for-profit entity that applies for an award under the local housing assistance program for the purpose of providing eligible housing for eligible persons.

*Encumbered* means monies committed by contract or purchase order in a manner that obligates the county or interlocal entity to expend the encumbered amount upon delivery of goods, the rendering of services or the conveyance of real property by a vendor, supplier, contractor or owner.

*Grant* means a distribution of a portion of a local housing distribution to an eligible sponsor or eligible person to partially assist in the construction or rehabilitation of eligible housing or to provide the cost of tenant or ownership qualification.

*Homeownership* means the use of the local housing distribution monies for the purpose of providing owner-occupied housing. Such uses may include, but are not limited to, construction, rehabilitation, purchase, and lease-purchase financing where the primary purpose is eventual purchase of the housing by the occupant.

*Interlocal entity* means an entity created pursuant to the provisions of F.S. Ch. 163, Pt. I, for the purpose of establishing a joint Local Housing Assistance Program pursuant to the provisions of F.S. § 420.9072(5).

*Interlocal entity in good standing* means a local government or interlocal entity which has an approved local housing assistance plan and amendments, has timely submitted the required SHIP reports, and has adopted a local housing incentive plan within the required timeframe specified in Chapter 9I-37, Florida Administrative

Code, Section 9I-37.010.

*Loan* means a pledge of the local housing distribution monies to an eligible sponsor or eligible person to partially finance the construction or rehabilitation of eligible housing.

*Local government* means a local government or interlocal entity which has an approved local housing assistance plan and amendments, has timely submitted the required SHIP reports, and has adopted a local housing incentive plan within the required timeframe specified in Chapter 9E-37, Florida Administrative Code, Section 9I-37.010.

*Local housing assistance plan* means a concise description of the local housing assistance program adopted by county ordinance or resolution with an explanation of the way in which the program meets the requirements of F.S. §§ 420.907 through 420.9079.

*Local housing assistance program* means the housing construction, rehabilitation, repair, and finance program adopted by this article and implemented by the county with the local housing distribution or other funds deposited into the local housing assistance trust fund to make affordable residential units available to persons who have special housing needs, and persons having very low-income, low-income or moderate-income.

*Local housing distribution funds* means the proceeds of the taxes collected under F.S. Ch. 201, deposited into the local government housing trust fund, created pursuant to F.S. § 420.9079, and distributed to counties and eligible municipalities participating in the state housing initiatives partnership program (SHIP) pursuant to F.S. 420.9073.

*Local housing incentive plan* means the plan addressing affordable housing incentives required by F.S. § 420.9076.

*Local housing partnership* means the implementation of the local housing assistance program in a manner that, to the greatest extent possible, includes full representation from both the public and private sector. Such partnership shall not be required to be a corporate or physical entity, but should involve the county, lending institutions, housing developers, community-based organizations and community service organizations, and providers of professional services relating to affordable housing as equal participants in the partnership. The term includes initiatives to provide support services for housing program beneficiaries such as training to prepare persons for the responsibility of homeownership, counseling of tenants, and the establishing of support services such as day care, health care and transportation.

*Low-income person* means one (1) or more natural persons or a family, not including students, that has a total annual adjusted gross income for the household that does not exceed eighty (80) percent of the median annual adjusted gross income for households within the state or eighty (80) percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county, whichever amount is greater. With respect to rental units, the low-income person's annual adjusted gross income at the time of initial occupancy may not exceed eighty (80) percent of the state's median income adjusted for family size. While occupying the rental unit, a low-income person's annual adjusted gross income may increase to an amount not to exceed one hundred forty (140) percent of eighty (80)

percent of the state's median income adjusted for family size for purposes of meeting the requirements of Rule 9I-37.007(9).

*Moderate-income person* means one (1) or more natural persons or a family, not including students, that has a total annual adjusted gross income for the household that is less than one hundred twenty (120) percent of the median annual adjusted gross income for households within the state or one hundred twenty (120) percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county, whichever is greater. With respect to rental units, the moderate-income person's annual adjusted gross income at the time of initial occupancy may not exceed one hundred twenty (120) percent of the state's median income adjusted for family size. While occupying the rental unit, a moderate-income person's annual adjusted gross income may increase to an amount not to exceed one hundred forty (140) percent of one hundred twenty (120) percent of the state's median income adjusted for family size.

*Personal property* means major appliances, including a freestanding refrigerator or stove, to be identified on the encumbering documents.

*Persons who have special housing needs* means individuals who have income not exceeding moderate income and, because of particular social, economic or health-related circumstances, may have greater difficulty acquiring or maintaining affordable housing. Such persons may have, for example, encountered resistance to their residing in particular communities, and may have suffered increased housing costs resulting from their unique needs and high risk of institutionalization. Such persons may include, but are not limited to, persons with developmental disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) disease; runaway and abandoned youth; public assistance recipients; migrant and seasonal farmworkers; refugees and entrants; the elderly; and disabled adults.

*Population* means the latest official state estimate of population certified pursuant to F.S. § 186.901, prior to the beginning of the fiscal year.

*Review committee* means the committee established pursuant to Chapter 9I-37, Florida Administrative Code, Section 9I-37.012.

*SHIP funds* means the proceeds of the taxes collected under F.S. Ch. 201, deposited into the local government housing trust fund, created pursuant to F.S. § 420.9079, and distributed to counties and eligible municipalities participating in the state housing initiatives partnership program (SHIP) pursuant to F.S. § 420.9073.

*SHIP or SHIP program* means the state housing initiatives partnership program created pursuant to the state Housing Initiative Partnership Act, F.S. §§ 420.907 through 420.9079.

*Student* means a person not living with the person's parent or guardian who is eligible to be claimed by the person's parent or guardian as a dependent under the Federal Income Tax Code and who is enrolled at least half time in a secondary school, vocational-technical center, community college, or university. The term does not include a person participating in a job training program approved by the county.

*Very low-income person* means one (1) or more natural persons or a family, not including students, that has a total annual adjusted gross income for the household that does not exceed fifty (50) percent of the median annual adjusted gross income for households within the state or fifty (50) percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county, whichever is greater. With respect to rental units, the very low-income person's annual adjusted gross income at the time of initial occupancy may not exceed fifty (50) percent of the state's median income adjusted for family size. While occupying the rental unit, a very low-income person's annual adjusted gross income may increase to an amount not to exceed one hundred forty (140) percent of fifty (50) percent of the state's median income adjusted for family size for purposes of meeting the requirements of Chapter 9I-37, Florida Administrative Code, Section 9I-37.007(11). (Ord. No. 1993-6, § 2, 4-20-93)

### **Sec. 11-33. Uses and restrictions upon funds for the Lake County Housing Assistance Program.**

(a) Funds deposited in the "Lake County Affordable Housing Assistance Trust Fund" shall be used to implement the Lake County Housing Assistance Program as provided for in the Lake County Housing Assistance Plan adopted by Resolution No. 1993-60.

- (1) All monies of Lake County received from its share of the local housing distribution pursuant to the State Housing Initiative Partnership Act, other monies received or budgeted by Lake County to provide funding for the Lake County Housing Assistance Program, as well as monies generated from Lake County Housing Assistance Program activities such as interest earned on loans, shall be deposited into the Lake County Affordable Housing Assistance Trust Fund. Expenditures other than for the administration and implementation of the Lake County Affordable Housing Assistance Program shall not be made from the Lake County Affordable Housing Assistance Trust Fund.
- (2) Amounts on deposit in the Lake County Affordable Housing Assistance Trust Fund shall be invested in the state board of administrator's local government surplus fund trust fund established pursuant to F.S. Ch. 218, Pt. IV. All investment earnings shall be retained in the Lake County Affordable Housing Assistance Trust Fund and used for the purposes thereof. Until used for the purposes thereof, monies in the Lake County Affordable Housing Assistance Trust Fund shall be separately stated as a special revenue fund in the audited financial statements of Lake County. Copies of such audited financial statements shall be forwarded to the Agency as soon as such statements are available.

(b) Funds distributed from the "Lake County Affordable Housing Assistance Trust Fund" for implementation of the Lake County Housing Assistance Program shall be used in accordance with the following criteria:

- (1) A minimum of seventy-five (75) percent of the funds shall be used for construction, rehabilitation or emergency repairs. Funds not used for construction, rehabilitation or emergency repair shall be used for administrative expenses or for grants or loans to community-based organizations established for the purpose of providing affordable housing. The following

activities constitute construction, rehabilitation or emergency repair:

- a. *New home construction:* Expenditure of funds used to compensate all related costs attributable to the construction of a new home including such costs as, engineering studies, appraisals, site development, materials, labor, permitting, impact fees, infrastructure expenses and land purchase.
  - b. *Down payment assistance:* Expenditure of funds used to pay financing or "buy-down" costs including all or part of the down payment, closing costs, surveys, appraisals, points limited to one (1), and other landing preparation activities.
  - c. *Rehabilitation:* Expenditures of funds used to rehabilitate eligible housing for eligible persons.
  - d. *Emergency repair:* Expenditure of funds used to weatherize eligible housing for eligible persons.
  - e. *Weatherization:* Expenditure of funds used to weatherize eligible housing for eligible persons.
- (2) A minimum of sixty-five (65) percent of the funds shall be used for homeownership activities limited to the construction, rehabilitation and emergency repair activities identified above.
- (3) Five (5) percent of the funds shall be used for administrative expenses. If the county wishes to spend an additional five (5) percent on administrative expenses, such expenditure must be approved by resolution of the board of county commissioners. No more than ten (10) percent of SHIP funds shall be used for administrative expenses. Such administrative expenses shall be limited to the following expenditure categories:
- a. Salaries of persons directly responsible for preparation of the plans or reporting required as part of the administration of the Lake County Housing Assistance Program.
  - b. Office expenses of persons responsible for the administration of the Lake County Housing Assistance Program.
  - c. Studies conducted by county or by consultants selected by county to provide data on affordable housing needs and demands within the county.
- (5) The county shall not treat as administrative expenses any costs previously borne by another funding source which could continue to be available at the time the Lake County Housing Assistance Program is established.
- (6) The Lake County Housing Assistance Program shall include all other lawful objectives not previously listed if said objectives have been adopted into the Lake County Housing Assistance Plan in the manner provided for by F.S. §§ 420.907 through 420.9079, and Chapter 9I-37,

Florida Administrative Code.

(c) The sales price of new or existing eligible housing, constructed, rehabilitated, or otherwise assisted with funds provided for the Lake County Housing Assistance Program shall not exceed ninety (90) percent of the median area purchase price in the area where the eligible housing is located as established by the United States Department of Treasury in accordance with Section 3(b) 2 of the United States Housing Act of 1937.

(d) Loans provided under the Lake County Housing Assistance Program shall not have terms exceeding thirty (30) years, except for deferred payment loans.

(e) All eligible housing constructed, rehabilitated, or otherwise assisted with funds provided for the Lake County Housing Assistance Program shall be occupied by very low-income, low-income, or moderate-income persons or persons with special housing needs. At least thirty (30) percent of the eligible housing units must be occupied by very low-income persons and at least an additional thirty (30) percent by low-income persons. The remainder shall be occupied by very low-income, low-income, or moderate-income persons or persons with special housing needs.

(f) All eligible rental housing constructed, rehabilitated, or otherwise assisted with funds provided for the Lake County Housing Assistance Program shall provide the minimum set aside of units for very low-income, low-income, and moderate-income residents for at least fifteen (15) years.

(g) The amount of monthly mortgage payments and the amount of monthly rents charged by the eligible sponsor shall be affordable for very low-income, low-income, and moderate-income persons who will benefit from the Lake County Housing Assistance Program.

(h) All eligible rental housing units constructed, rehabilitated, or otherwise assisted with funds provided for the Lake County Housing Assistance Program shall be monitored annually for compliance with tenant income requirements and affordability requirements as specified in Rule 9I-37.015, Florida Administrative Code, as amended from time to time.

(i) Eligible housing constructed, rehabilitated, or otherwise assisted with funds provided for the Lake County Housing Assistance Program shall be subject to the long-term affordability and recapture requirements as provided by the County.

(j) Eligible sponsors receiving assistance from both the State Housing Initiative Partnership (SHIP) Program and the Low Income Housing Tax Credit (LIHTC) Program shall be required to comply with the income, affordability and other LIHTC requirements. Similarly, any eligible housing receiving assistance from SHIP and other federal programs shall be required to comply with any requirements specified by the federal program in addition to SHIP Program requirements.

(k) Assisted homes shall be located in Lake County and shall serve as the primary residence of program beneficiaries.

(l) Proceeds provided for the Lake County Housing Assistance Program shall not be used as a

pledge of the debt service on bonds or as rent subsidies.  
(Ord. No. 1993-6, § 3, 4-20-93; Ord. No. 1994-1, §§ 1, 2, 1-4-94)

**Sec. 11-34. Designation of responsibility for administration and implementation of the Lake County Housing Assistance Program.**

(a) The Lake County Housing Partnership as defined in the Lake County Housing Assistance Plan, adopted in Resolution No. 1993-60, shall be responsible for the administration and implementation of the Lake County Housing Assistance Program.

(b) Lake County, as a representative from the public sector and part of the Lake County Housing Partnership, shall designate a full-time County employee for administration of the Lake County Housing Assistance Program whose responsibility shall be to:

- (1) Ensure that distributions from the Lake County Affordable Housing Assistance Trust Fund, through contractual agreement comply with Lake County Housing Assistance Program and Chapter 9I-37, Florida Administrative Code.
- (2) Ensure that the Lake County Housing Partnership does not discriminate on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin or handicap.
- (3) Provide staff support for the Lake County Affordable Housing Advisory Committee.
- (4) Monitor the success of the Lake County Housing Assistance Program, and provide recommendations to the board of county commissioners and the agency for improvement to the Lake County Housing Assistance Program.
- (5) Coordinate other local, state and federal programs, as applied for and successfully awarded, with the Lake County Housing Assistance Program so as to maximize the production of eligible housing within Lake County.
- (6) Ensure compliance with all rules and regulations of the agency and the department in connection with required reporting by the county for compliance with the Lake County Housing Assistance Program.

(c) The Lake County Housing Partnership shall provide personnel for the implementation of the Lake County Housing Assistance Program whose responsibility shall be to:

- (1) Ensure the advertisement of the availability of Lake County Housing Assistance Program funds in a newspaper of general circulation, at least thirty (30) days before the beginning of any application period.
- (2) Ensure the use of a qualification system for applicants for awards consistent with the intent of the Lake County Housing Assistance Program and F.S. §§ 420.907 through 420.9079, which shall be made part of the Lake County Housing Assistance Plan.

- (3) Ensure all eligible persons are not discriminated against on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin or handicap.
- (4) Provide annual monitoring for compliance with tenant income requirements and affordability requirements pursuant to the provisions of this article, F.S. §§ 420.907 through 420.9079, and Chapter 9I-37, Florida Administrative Code, as amended from time to time.
- (5) Ensure, prior to receiving an award, all eligible persons or eligible sponsors enter into an agreement to comply with the affordable housing criteria provided under F.S. §§ 420.907 through 420.9079, and this article. All eligible persons or eligible sponsors shall include in the deed transferring ownership of the property to the eligible person or eligible sponsor a covenant agreeing to comply with the terms of the above described laws which covenant shall run with the land or in the alternative, the agreement shall be made a part of the mortgage agreement. Failure to comply with the covenant in the mortgage shall result in a default of the mortgage with all remedies and rights for enforcement inuring to the benefit of Lake County.

(Ord. No. 1993-6, § 4, 4-20-93)

**Sec. 11-35. Establishment of a schedule for adoption of the Lake County Affordable Housing Incentive Plan.**

(a) Within nine (9) months of the effective date of this article the Lake County Affordable Housing Advisory Committee shall present affordable housing incentive recommendations to the board of county commissioners. The board of county commissioners shall adopt an affordable housing incentive plan within twelve (12) months of the effective date of this article.

(b) Upon adoption of the affordable housing incentive plan the board of county commissioners shall so notify the Florida Housing Finance Agency by certified mail. The notice shall include a copy of the approved affordable housing incentive plan.

(Ord. No. 1993-6, § 5, 4-20-93)

**Sec. 11-36. Distribution of Choose Life license plate revenue.**

Funds distributed by the state to the county from the sale of the Choose Life license plate shall be disbursed in accordance with the following criteria:

- (1) The county manager or designee may, upon notification from the state that these license plate revenues are available, prepare a request for proposal (RFP) to solicit funding requests from qualified agencies. Proposals shall be accepted only from agencies that are:
  - a. Non-governmental;
  - b. Not-for-profit; and
  - c. That offer services limited to counseling and meeting the physical needs of pregnant

women who are committed to placing their children for adoption.

Agencies that do not meet these criteria and/or agencies that are involved or associated with abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, pro-abortion advertising, and/or agencies that charge women for services received shall not be entitled to receive funding under this section.

- (2) At the date and time specified within the RFP, the county manager or designee shall review the proposals for eligibility. A funding recommendation shall then be forwarded to the board of county commissioners for approval. If approved, all agencies to receive funding shall execute a funding agreement with the board of county commissioners.
- (3) Funds distributed to agencies qualifying under subsection (1) and approved by the board of county commissioners shall be used in accordance with the following:
  - a. Agencies that receive the funds must use at least seventy (70) percent of the funds to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents.
  - b. The remaining funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.
  - c. Each agency that receives such funds must submit an annual attestation, to the county manager or designee. Any unused funds that exceed ten (10) percent of the funds received by an agency during its fiscal year must be returned to the county manager or designee, who shall distribute them to other qualified agencies.
- (4) Agencies meeting the eligibility requirements of paragraph 1, in lieu of submitting a proposal, may seek reimbursement for expenses incurred on or after January 1, 2004 to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such expenses may also include expenses paid on behalf of infants awaiting placement with adoptive parents.
  - a. The agency seeking reimbursement shall submit documentation of funds expended and attest as to its eligibility for reimbursement under this program.
  - b. The county manager or designee shall review the documentation submitted for eligibility. The documentation shall then be forwarded to the appropriate office in accordance with the county's customary and usual payment procedures.
  - c. Approval of reimbursement requests is contingent upon available funds. Eligible reimbursement requests will be reviewed and approved on a first-come-first-served basis subject to available funding.

(Ord. No. 2001-76, § 2, 5-1-01; Ord. No. 2005-93, § 2, 11-15-05)