

Bill No. CS for SB 1574

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Saunders moved the following amendment:

**Senate Amendment (with title amendment)**

On page 34, lines 23 and 24, delete those lines

and insert:

Section 7. Section 196.1975, Florida Statutes, is amended to read:

196.1975 Exemption for property used by nonprofit homes for the aged.--Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

- (1) The applicant must be a corporation not for profit or a Florida limited partnership, the sole general partner of which is a corporation not for profit, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

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1           (2) A facility will not qualify as a "home for the  
2 aged" unless at least 75 percent of the occupants are over the  
3 age of 62 years or totally and permanently disabled. For  
4 homes for the aged which are exempt from paying income taxes  
5 to the United States as specified in subsection (1), licensing  
6 by the Agency for Health Care Administration is required for  
7 ad valorem tax exemption hereunder only if the home:

8           (a) Furnishes medical facilities or nursing services  
9 to its residents, or

10          (b) Qualifies as an assisted living facility under  
11 part III of chapter 400.

12          (3) Those portions of the home for the aged which are  
13 devoted exclusively to the conduct of religious services or  
14 the rendering of nursing or medical services are exempt from  
15 ad valorem taxation.

16          (4)(a) After removing the assessed value exempted in  
17 subsection (3), units or apartments in homes for the aged  
18 shall be exempt only to the extent that residency in the  
19 existing unit or apartment of the applicant home is reserved  
20 for or restricted to or the unit or apartment is occupied by  
21 persons who have resided in the applicant home and in good  
22 faith made this state their permanent residence as of January  
23 1 of the year in which exemption is claimed and who also meet  
24 the requirements set forth in one of the following  
25 subparagraphs:

26           1. Persons who have gross incomes of not more than  
27 \$7,200 per year and who are 62 years of age or older.

28           2. Couples, one of whom must be 62 years of age or  
29 older, having a combined gross income of not more than \$8,000  
30 per year, or the surviving spouse thereof, who lived with the  
31 deceased at the time of the deceased's death in a home for the

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1 aged.

2 3. Persons who are totally and permanently disabled  
3 and who have gross incomes of not more than \$7,200 per year.

4 4. Couples, one or both of whom are totally and  
5 permanently disabled, having a combined gross income of not  
6 more than \$8,000 per year, or the surviving spouse thereof,  
7 who lived with the deceased at the time of the deceased's  
8 death in a home for the aged.

9  
10 However, the income limitations do not apply to totally and  
11 permanently disabled veterans, provided they meet the  
12 requirements of s. 196.081.

13 (b) The maximum income limitations permitted in this  
14 subsection shall be adjusted, effective January 1, 1977, and  
15 on each succeeding year, by the percentage change in the  
16 average cost-of-living index in the period January 1 through  
17 December 31 of the immediate prior year compared with the same  
18 period for the year prior to that. The index is the average  
19 of the monthly consumer price index figures for the stated  
20 12-month period, relative to the United States as a whole,  
21 issued by the United States Department of Labor.

22 (5) Nonprofit housing projects which are financed by a  
23 mortgage loan made or insured by the United States Department  
24 of Housing and Urban Development under s. 202, s. 202 with a  
25 s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the National  
26 Housing Act, as amended, and which are subject to the income  
27 limitations established by that department shall be exempt  
28 from ad valorem taxation.

29 (6) For the purposes of this section, gross income  
30 includes social security benefits payable to the person or  
31 couple or assigned to an organization designated specifically

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1 for the support or benefit of that person or couple.

2 (7) It is hereby declared to be the intent of the  
3 Legislature that subsection (3) implements the ad valorem tax  
4 exemption authorized in the third sentence of s. 3(a), Art.  
5 VII, State Constitution, and the remaining subsections  
6 implement s. 6(e), Art. VII, State Constitution, for purposes  
7 of granting such exemption to homes for the aged.

8 (8) Physical occupancy on January 1 is not required in  
9 those instances in which a home restricts occupancy to persons  
10 meeting the income requirements specified in this section.  
11 Those portions of a ~~such~~ property failing to meet those  
12 requirements shall qualify for an alternative exemption as  
13 provided in subsection (9). In a home in which at least 25  
14 percent of the units or apartments of the home are restricted  
15 to or occupied by persons meeting the income requirements  
16 specified in this section, the common areas of that home are  
17 exempt from taxation.

18 (9)(a) Each unit or apartment of a home for the aged  
19 not exempted in subsection (3) or subsection (4), which is  
20 operated by a not for profit corporation and is owned by such  
21 corporation or leased by such corporation from a health  
22 facilities authority pursuant to part III of chapter 154 or an  
23 industrial development authority pursuant to part III of  
24 chapter 159, and which property is used by such home for the  
25 aged for the purposes for which it was organized, is exempt  
26 from all ad valorem taxation, except for assessments for  
27 special benefits, to the extent of \$25,000 of assessed  
28 valuation of such property for each apartment or unit:

29 1. Which is used by such home for the aged for the  
30 purposes for which it was organized; and

31 2. Which is occupied, on January 1 of the year in

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1 which exemption from ad valorem property taxation is  
2 requested, by a person who resides therein and in good faith  
3 makes the same his or her permanent home.

4           (b) Each home applying for an exemption under  
5 paragraph (a) of this subsection or paragraph (4)(a) must file  
6 with the annual application for exemption an affidavit from  
7 each person who occupies a unit or apartment for which an  
8 exemption under either of those paragraphs ~~that paragraph~~ is  
9 claimed stating that the person resides therein and in good  
10 faith makes that unit or apartment his or her permanent  
11 residence.

12           (10) Homes for the aged, or life care communities,  
13 however designated, which are financed through the sale of  
14 health facilities authority bonds or bonds of any other public  
15 entity, whether on a sale-leaseback basis, a sale-repurchase  
16 basis, or other financing arrangement, or which are financed  
17 without public-entity bonds, are exempt from ad valorem  
18 taxation only in accordance with the provisions of this  
19 section.

20           (11) Any portion of such property used for nonexempt  
21 purposes may be valued and placed upon the tax rolls  
22 separately from any portion entitled to exemption pursuant to  
23 this chapter.

24           (12) When it becomes necessary for the property  
25 appraiser to determine the value of a unit, he or she shall  
26 include in such valuation the proportionate share of the  
27 common areas, including the land, fairly attributable to such  
28 unit, based upon the value of such unit in relation to all  
29 other units in the home, unless the common areas are otherwise  
30 exempted by subsection (8).

31           (13) Sections 196.195 and 196.196 do not apply to this

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1 section.

2           Section 8. Effective January 1, 2001, subsections (2)  
3 and (3) and paragraph (a) of subsection (5) of section  
4 159.805, Florida Statutes, are amended to read:

5           159.805 Procedures for obtaining allocations;  
6 requirements; limitations on allocations; issuance reports.--

7           (2) Any written confirmation issued by the director  
8 pursuant to subsection (1) ceases to be effective unless the  
9 bonds to which that confirmation applies have been issued by  
10 the agency and written notice of such issuance has been  
11 provided to the director within 155 ~~90~~ calendar days after the  
12 date the confirmation was issued or December 29, whichever  
13 occurs first.

14           (3) Upon the expiration of the confirmation or at any  
15 time the agency decides the allocation is no longer necessary,  
16 but, in any event, not later than the 160th ~~95th~~ calendar day  
17 after the date the confirmation was issued, the agency shall  
18 notify the division, by overnight common carrier delivery  
19 service, of its failure to issue any bonds pursuant to the  
20 written confirmation. Such notice of failure to issue shall  
21 be filed with the division and the allocation provided in the  
22 expired confirmation shall be made available for reallocation  
23 pursuant to this part. Upon determining that it will not be  
24 using allocation for mortgage credit certificates, the issuer  
25 will notify the division in writing within 5 business days  
26 that such allocation for mortgage credit certificates,  
27 referencing the dollar amount, will not be used, thereby  
28 allowing the division to reallocate such amounts.

29           (5)(a) When bonds with a written confirmation of an  
30 allocation are issued, the agency issuing such bonds, or its  
31 designee, shall provide the division with same-day telephonic

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1 notice of such issuance, the principal amount of bonds issued,  
2 and the availability of any excess unissued allocation. On  
3 the day of issuance of the bonds, the agency, or its designee,  
4 shall send a written issuance report to the division to arrive  
5 no later than the following business day ~~by overnight common~~  
6 ~~carrier delivery service~~ containing the information described  
7 in paragraph (b). At issuance, any excess allocation  
8 unissued, except in the case of a project that received an  
9 allocation of \$50 million or more, immediately reverts to the  
10 pool from which the allocation was made, except that, after  
11 June 30 of such year, it reverts to the state allocation pool  
12 and shall be made available for reallocation. Except for  
13 allocations for which an election has been made to issue  
14 mortgage credit certificates, any allocation made under this  
15 part is contingent upon the filing of the issuance report ~~by~~  
16 ~~overnight common carrier delivery service~~ with the division no  
17 later than the following business day.

18 Section 9. Effective January 1, 2001, subsection (1)  
19 of section 159.806, Florida Statutes, is amended to read:

20 159.806 Regional allocation pools.--

21 (1) Each region listed in s. 159.804(2) has an  
22 allocation pool for issuing written confirmations of  
23 allocation for private activity bonds. In issuing such  
24 written confirmations, the division must first use the  
25 allocation pool for the region in which the agency issuing  
26 such bonds or on whose behalf such bonds are being issued is  
27 located, except prior to ~~June~~ April 1, when the state  
28 allocation pool or the Florida First Business allocation pool  
29 must be used to finance priority projects until such  
30 allocation is exhausted ~~unless the agency requests an~~  
31 ~~allocation for a priority project from the regional allocation~~

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1 ~~pool~~. Unless otherwise agreed to by the affected agencies,  
2 when such bonds are to be issued by an agency whose boundaries  
3 include more than one region, the division must first issue an  
4 allocation from the allocation pool for the region in which  
5 the project is to be located.

6 Section 10. Effective January 1, 2001, subsection (2)  
7 of section 159.807, Florida Statutes, is amended to read:

8 159.807 State allocation pool.--

9 (2) Except as provided in subsection (1), prior to  
10 ~~June April~~ 1 of each year, the state allocation pool shall be  
11 available solely to provide written confirmations for private  
12 activity bonds to finance priority projects except  
13 manufacturing facilities. To obtain a written allocation for  
14 private activity bonds to finance a priority project from the  
15 state allocation pool prior to ~~June April~~ 1 of each year, the  
16 notice of intent to issue must be filed with the division no  
17 later than ~~May March~~ 1. If the total amount requested in  
18 notices of intent to issue for priority projects does not  
19 exceed the total amount of the state allocation pool, the  
20 director shall issue written confirmation for each notice of  
21 intent to issue by ~~May March~~ 15. If the total amount  
22 requested in notices of intent to issue private activity bonds  
23 for priority projects exceeds the total amount of the state  
24 allocation pool, the director shall forward all timely notices  
25 of intent to issue received by the division for those projects  
26 to the Governor who shall render a decision by ~~June April~~ 1 as  
27 to which notices of intent to issue are to receive written  
28 confirmations. If additional portions of the state volume  
29 limitation of private activity bonds permitted to be issued in  
30 the state are subsequently placed into the state allocation  
31 pool, the remainder of the timely notices of intent to issue



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1 for priority projects shall be provided written confirmations  
2 in the order established by the Governor prior to any other  
3 notices of intent to issue filed with the division.

4 Section 11. Section 159.809, Florida Statutes, is  
5 amended to read:

6 159.809 Recapture of unused amounts.--

7 (1) On April 1 of each year, any portion of each  
8 ~~initial~~ allocation made pursuant to s. 159.804(4) for which  
9 the division has not issued a written confirmation ~~has not~~  
10 ~~been issued by the director or for which an issuance report~~  
11 ~~for bonds utilizing such an allocation has not been received~~  
12 ~~by the division prior to such date~~ shall be added to the  
13 Florida First Business allocation pool.

14 (2) On July 1 of each year, any portion of each  
15 ~~initial~~ allocation made pursuant to s. 159.804(2) ~~or (3)~~ for  
16 which the division has not issued a written confirmation ~~has~~  
17 ~~not been issued by the director or for which an issuance~~  
18 ~~report for bonds utilizing such an allocation has not been~~  
19 ~~received by the division prior to that date~~ shall be added to  
20 the Florida First Business allocation pool. On July 1 of each  
21 year, any portion of each allocation made pursuant to s.  
22 159.804(3) for which the division has not issued a written  
23 confirmation or has not received an issuance report shall be  
24 added to the Florida First Business allocation pool. On and  
25 after July 2 of each year, any portion of such allocations for  
26 which a written confirmation has been issued and which  
27 confirmation expires or is relinquished by the agency  
28 receiving the allocation, shall be added to the state  
29 allocation pool.

30 (3) On October 1 of each year, any portion of the  
31 allocation made to the Florida First Business allocation pool

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1 pursuant to s. 159.804(5) or subsection (1) or subsection (2),  
 2 which is eligible for carryforward pursuant to s. 146(f) of  
 3 the Code but which has not been certified for carryforward by  
 4 the Office of Tourism, Trade, and Economic Development, shall  
 5 be returned to the Florida First Business allocation pool.

6 ~~(4)(3)~~ On November 16 of each year, any portion of the  
 7 ~~initial~~ allocation, made pursuant to s. 159.804(1), s.  
 8 159.804(5), or subsection (1), ~~or~~ subsection (2), ~~or~~  
 9 subsection (3), other than as provided in s. 159.8083, for  
 10 which an issuance report for bonds utilizing such an  
 11 allocation has not been received by the division prior to that  
 12 date shall be added to the state allocation pool.

13 Section 12. Subsection (1) of section 159.81, Florida  
 14 Statutes, is amended to read:

15 159.81 Unused allocations; carryforwards.--

16 (1) The division shall, when requested, provide  
 17 carryforwards pursuant to s. 146(f) of the Code for written  
 18 confirmations for priority projects which qualify for a  
 19 carryforward pursuant to s. 146(f) of the Code, if such  
 20 request is accompanied by an opinion of bond counsel to that  
 21 effect. In addition, in the case of Florida First Business  
 22 projects, the division shall, when requested, grant requests  
 23 for carryforward only after receipt of a certification from  
 24 the Office of Tourism, Trade, and Economic Development that  
 25 the project has been approved by such office to receive  
 26 carryforward.

27 Section 13. Section 159.8083, Florida Statutes, is  
 28 amended to read:

29 159.8083 Florida First Business allocation pool.--The  
 30 Florida First Business allocation pool is hereby established.  
 31 The Florida First Business allocation pool shall be available

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1 solely to provide written confirmation for private activity  
2 bonds to finance Florida First Business projects certified by  
3 the Office of Tourism, Trade, and Economic Development as  
4 eligible to receive a written confirmation. Allocations from  
5 such pool shall be awarded statewide pursuant to procedures  
6 specified in s. 159.805, except that the provisions of s.  
7 159.805(2), (3), and (6) do not apply. Florida First Business  
8 projects that are eligible for a carryforward shall not lose  
9 their allocation pursuant to s. 159.809(3) on October 1, or  
10 pursuant to s. 159.809(4) on November 16, if they have applied  
11 for and have been granted a carryforward by the division  
12 pursuant to s. 159.81(1). In issuing written confirmations of  
13 allocations for Florida First Business projects, the division  
14 shall use the Florida First Business allocation pool. If  
15 allocation is not available from the Florida First Business  
16 allocation pool, the division shall issue written  
17 confirmations of allocations for Florida First Business  
18 projects pursuant to s. 159.806 or s. 159.807, in such order.  
19 For the purpose of determining priority within a regional  
20 allocation pool or the state allocation pool, notices of  
21 intent to issue bonds for Florida First Business projects to  
22 be issued from a regional allocation pool or the state  
23 allocation pool shall be considered to have been received by  
24 the division at the time it is determined by the division that  
25 the Florida First Business allocation pool is unavailable to  
26 issue confirmation for such Florida First Business project.  
27 If the total amount requested in notices of intent to issue  
28 private activity bonds for Florida First Business projects  
29 exceeds the total amount of the Florida First Business  
30 allocation pool, the director shall forward all timely notices  
31 of intent to issue, which are received by the division for

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1 such projects, to the Office of Tourism, Trade, and Economic  
2 Development which shall render a decision as to which notices  
3 of intent to issue are to receive written confirmations. The  
4 Office of Tourism, Trade, and Economic Development, in  
5 consultation with the division, shall develop rules to ensure  
6 that the allocation provided in such pool is available solely  
7 to provide written confirmations for private activity bonds to  
8 finance Florida First Business projects and that such projects  
9 are feasible and financially solvent.

10 Section 14. Effective upon this act becoming a law and  
11 operating retroactively to January 1, 2000, section 196.1978,  
12 Florida Statutes, is amended to read:

13 196.1978 Affordable ~~low-income~~ housing property  
14 exemption.--Property used to provide affordable housing  
15 serving eligible pursuant to any state housing program  
16 ~~authorized under chapter 420 to low-income or very-low-income~~  
17 persons as defined by s. 159.603(7) and persons meeting income  
18 limits specified in s. 420.0004(9), (10), and (14), which  
19 property is owned entirely by a nonprofit entity corporation  
20 which is qualified as charitable under s. 501(c)(3) of the  
21 Internal Revenue Code and which complies with Rev. Proc.  
22 96-32, 1996-1 C.B. 717, shall be considered property owned by  
23 an exempt entity and used for a charitable purpose, and those  
24 portions of the affordable housing property which provide  
25 housing to individuals with incomes as defined in s.  
26 420.0004(9), (10), and (14)~~such property~~ shall be exempt from  
27 ad valorem taxation to the extent authorized in s. 196.196.  
28 All property identified in this section shall comply with the  
29 criteria for determination of exempt status to be applied by  
30 property appraisers on an annual basis as defined in s.  
31 196.195. The Legislature intends that any property owned by a

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1 limited liability company which is disregarded as an entity  
2 for federal income tax purposes pursuant to Treasury  
3 Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by  
4 its sole member.

5 Section 15. Subsections (37) and (38) are added to  
6 section 420.507, Florida Statutes, to read:

7 420.507 Powers of the corporation.--The corporation  
8 shall have all the powers necessary or convenient to carry out  
9 and effectuate the purposes and provisions of this part,  
10 including the following powers which are in addition to all  
11 other powers granted by other provisions of this part:

12 (37) To provide by rule, in connection with any  
13 corporation competitive program, for the reservation of future  
14 allocation or funding to provide a remedy for a litigant which  
15 is ultimately successful in its litigation regarding a  
16 competitive application, and to establish a date certain by  
17 which, if litigation is not resolved, the successful litigant  
18 will be funded from a subsequent year's available allocation  
19 or funding.

20 (38) To designate private activity allocation for  
21 tax-exempt bonds received by the corporation pursuant to part  
22 VI of chapter 159 between single-family and multifamily  
23 projects.

24 Section 16. Subsection (3) of section 420.5099,  
25 Florida Statutes, is amended to read:

26 420.5099 Allocation of the low-income housing tax  
27 credit.--

28 (3) The corporation may request such information from  
29 applicants as will enable it to make the allocations according  
30 to the guidelines set forth in subsection (2), including, but  
31 not limited to, the information required to be provided the

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1 corporation by chapter 67 9F-21, Florida Administrative Code.

2 Section 17. Section 420.526, Florida Statutes, is  
3 amended to read:

4 420.526 Predevelopment Loan Program; loans and grants  
5 authorized; activities eligible for support.--

6 (1) The corporation is authorized to ~~underwrite and~~  
7 make loans and grants from the Housing Predevelopment Fund to  
8 eligible sponsors when it determines that:

9 (a) A need for housing for the target population  
10 exists in the area described in the application; and

11 (b) Federal, state, or local public funds or private  
12 funds are available or likely to be available to aid in the  
13 site acquisition, site development, construction,  
14 rehabilitation, maintenance, or support of the housing  
15 proposed in the application.

16 (2) If a loan is made, the corporation is authorized  
17 to forgive such loan, and thereby make a grant to a sponsor  
18 for any moneys which are unable to be repaid due to the  
19 sponsor's inability to obtain construction or permanent  
20 financing for the development. The corporation shall not  
21 forgive the portion of the loan, if any, which is secured by a  
22 mortgage to the extent such loan could be repaid from the sale  
23 of the mortgaged property shall not award a grant or loan to a  
24 sponsor that is unable to demonstrate the ability to proceed  
25 as verified by a qualified development team.

26 (3) The corporation shall establish rules for the  
27 equitable distribution of the funds in a manner that meets the  
28 need and demand for housing for the target population.  
29 ~~However, during the first 6 months of fund availability, at~~  
30 ~~least 40 percent of the total funds made available under this~~  
31 ~~program shall be reserved for Sponsors of farmworker housing,~~

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1 if any, shall receive first priority under this program, and  
2 further priorities shall be as established by rule of the  
3 corporation.

4 (4) The activities of sponsors which are eligible for  
5 housing predevelopment loans and grants shall include, but not  
6 be limited to:

7 (a) Site acquisition.

8 (b) Site development.

9 (c) Fees for requisite services from architects,  
10 engineers, surveyors, attorneys, and other professionals.

11 (d) Marketing expenses relating to advertisement.

12 ~~(5) The activities of sponsors which are eligible for~~  
13 ~~housing predevelopment grants shall include, but not be~~  
14 ~~limited to:~~

15 ~~(e)(a) Administrative expenses.~~

16 ~~(f)(b) Market and feasibility studies.~~

17 ~~(g)(c) Consulting fees.~~

18 ~~(5)(6) Any funds paid out of the Housing~~  
19 ~~Predevelopment Fund for activities under ss. 420.521-420.529~~  
20 ~~which are reimbursed to the sponsor from another source shall~~  
21 ~~be repaid to the fund.~~

22 ~~(7) Sponsors receiving loans for professional fees may~~  
23 ~~receive forgiveness of such loans if it is determined that the~~  
24 ~~proposed project would not be feasible for housing for the~~  
25 ~~target population.~~

26 ~~(6)(8) Terms and conditions of housing predevelopment~~  
27 ~~loan agreements shall be established by rule and shall~~  
28 ~~include:~~

29 (a) Provision for interest, which shall be set at  
30 between 0 and 3 percent per year, as established by the  
31 corporation.

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1           (b) Provision of a schedule for the repayment of  
2 principal and interest for a term not to exceed 3 years or  
3 initiation of permanent financing, whichever event occurs  
4 first. However, the corporation may extend the term of a loan  
5 for an additional period ~~not to exceed 1 year~~ if extraordinary  
6 circumstances exist and if such extension would not jeopardize  
7 the corporation's security interest.

8           (c) Provision of reasonable security for the housing  
9 predevelopment loan to ensure the repayment of the principal  
10 and any interest accrued within the term specified.

11 ~~Reasonable security shall be a promissory note secured by a~~  
12 ~~mortgage from the sponsor on the property to be purchased,~~  
13 ~~improved, or purchased and improved with the proceeds of the~~  
14 ~~housing predevelopment loan or other collateral acceptable to~~  
15 ~~the corporation.~~

16           (d) Provisions to ensure that the land acquired will  
17 be used for the development of housing and related services  
18 for the target population.

19           (e) Provisions to ensure, to the extent possible, that  
20 any accrued savings in cost due to the availability of these  
21 funds will be passed on to the target population in the form  
22 of lower land prices. The corporation shall ensure that such  
23 savings in land prices shall be passed on in the form of lower  
24 prices or rents for dwellings constructed on such land.

25           (f) Provisions to ensure that any land acquired  
26 through assistance under ss. 420.521-420.529 for housing for  
27 the target population shall not be disposed of or alienated in  
28 a manner that violates Title VII of the 1968 Civil Rights Act,  
29 which specifically prohibits discrimination based on race,  
30 sex, color, religion, or national origin or that violates  
31 other applicable federal or state laws.



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1           ~~(7)(9)~~ No predevelopment loan made under this section  
2 shall exceed the lesser of:

3           (a) The development and acquisition costs for the  
4 project, as determined by rule of the corporation; or

5           (b) Five hundred thousand dollars.

6           ~~(8)(10)~~ Any real property or any portion thereof  
7 purchased or developed under ss. 420.521-420.529 may be  
8 disposed of by the eligible sponsor upon the terms and  
9 conditions established by rule of the corporation and  
10 consistent with ss. 420.521-420.529, at a price not to exceed  
11 the actual prorated land costs, development costs, accrued  
12 taxes, and interest.

13           Section 18. Subsections (3), (5), (7), and (8) of  
14 section 420.609, Florida Statutes, are amended to read:

15           420.609 Affordable Housing Study Commission.--Because  
16 the Legislature firmly supports affordable housing in Florida  
17 for all economic classes:

18           (3) The department and the corporation ~~agency~~ shall  
19 supply such information, assistance, and facilities as are  
20 deemed necessary for the commission to carry out its duties  
21 under this section and shall provide such staff assistance as  
22 is necessary for the performance of required clerical and  
23 administrative functions of the commission.

24           (5) The commission shall review, evaluate, and make  
25 recommendations regarding existing and proposed housing  
26 programs and initiatives. The commission shall provide these  
27 and any other housing recommendations to the secretary of the  
28 Department of Community Affairs and the executive director of  
29 the corporation.

30           (7) By July 15 ~~December 31~~ of each year beginning in  
31 2001 ~~1992~~, the commission shall prepare and submit to the

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1 Governor, the President of the Senate, and the Speaker of the  
2 House of Representatives a report detailing its findings and  
3 making specific program, legislative, and funding  
4 recommendations and any other recommendations it deems  
5 appropriate.

6 (8) The commission shall recommend studies to be  
7 ~~conducted for included in the annual research agenda of the~~  
8 ~~Multidisciplinary Center for affordable housing. These~~  
9 ~~recommendations shall be submitted to the department and the~~  
10 ~~center in order to assist them in establishing an appropriate~~  
11 ~~research agenda for the center.~~

12 Section 19. Subsections (4) and (27) of section  
13 420.9071, Florida Statutes, are amended to read:

14 420.9071 Definitions.--As used in ss.  
15 420.907-420.9079, the term:

16 (4) "Annual gross income" means annual income as  
17 defined under the Section 8 housing assistance payments  
18 programs in 24 C.F.R. part 5; annual income as reported under  
19 the census long form for the recent available decennial  
20 census; or adjusted gross income as defined for purposes of  
21 reporting under Internal Revenue Service Form 1040 for  
22 individual federal annual income tax purposes. Counties and  
23 eligible municipalities shall calculate income by annualizing  
24 verified sources ~~projecting the prevailing annual rate of~~  
25 ~~income for all adults in the household as the amount of income~~  
26 ~~to be received in a household during the 12 months following~~  
27 ~~the effective date of the determination.~~

28 (27) "Sales price" or "value" means, in the case of  
29 acquisition of an existing or newly constructed unit, the  
30 amount on the executed sales contract. For eligible persons  
31 who are building a unit on land that they own, the sales price

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1 is determined by an appraisal performed by a state-certified  
 2 appraiser. The appraisal must include the value of the land  
 3 and the improvements using the after-construction value of the  
 4 property and must be dated within 12 months of the date  
 5 construction is to commence. The sales price of any unit must  
 6 include the value of the land in order to qualify as eligible  
 7 housing as defined in subsection (8). In the case of  
 8 rehabilitation or emergency repair of an existing unit that  
 9 does not create additional living space, sales price or value  
 10 means the value of the real property, as determined by an  
 11 appraisal performed by a state-certified appraiser and dated  
 12 within 12 months of the date construction is to commence or  
 13 the assessed value of the real property as determined by the  
 14 county property appraiser, ~~plus the cost of the improvements.~~  
 15 In the case of rehabilitation of an existing unit that  
 16 includes the addition of new living space, sales price or  
 17 value means the value of the real property, as determined by  
 18 an appraisal performed by a state-certified appraiser and  
 19 dated within 12 months of the date construction is to commence  
 20 or the assessed value of the real property as determined by  
 21 the county property appraiser, plus the cost of the  
 22 improvements in either case.

23 Section 20. Paragraph (e) of subsection (3) and  
 24 paragraph (c) of subsection (4) of section 420.9075, Florida  
 25 Statutes, are amended to read:

26 420.9075 Local housing assistance plans;  
 27 partnerships.--

28 (3) Each local housing assistance plan is governed by  
 29 the following criteria and administrative procedures:

30 (e) The staff or entity that has administrative  
 31 authority for implementing a local housing assistance plan

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1 assisting rental developments shall annually monitor and  
2 determine tenant eligibility or, to the extent the Florida  
3 Housing Finance Corporation provides the same monitoring and  
4 determination, a municipality, county, or local housing  
5 financing authority may rely on such monitoring and  
6 determination of tenant eligibility.

7 (4) The following criteria apply to awards made to  
8 eligible sponsors or eligible persons for the purpose of  
9 providing eligible housing:

10 (c) The sales price or value of new or existing  
11 eligible housing may not exceed 90 percent of the average  
12 median area purchase price in the statistical area in which  
13 where the eligible housing is located, which housing was  
14 purchased during the most recent 12-month period for which  
15 sufficient statistical information is available or, as  
16 established by the United States Department of Treasury.

17  
18 If both an award under the local housing assistance plan and  
19 federal low-income housing tax credits are used to assist a  
20 project and there is a conflict between the criteria  
21 prescribed in this subsection and the requirements of s. 42 of  
22 the Internal Revenue Code of 1986, as amended, the county or  
23 eligible municipality may resolve the conflict by giving  
24 precedence to the requirements of s. 42 of the Internal  
25 Revenue Code of 1986, as amended, in lieu of following the  
26 criteria prescribed in this subsection with the exception of  
27 paragraphs (a) and (d) of this subsection.

28 Section 21. Section 760.26, Florida Statutes, is  
29 created to read:

30 760.26 Prohibited discrimination in land use decisions  
31 and in permitting of development.--It is unlawful to

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1 discriminate in land use decisions or in the permitting of  
2 development based on race, color, national origin, sex,  
3 disability, familial status, religion, or, except as otherwise  
4 provided by law, the source of financing of a development or  
5 proposed development.

6 Section 22. State Farmworker Housing Pilot Loan  
7 Program.--The State Farmworker Housing Pilot Loan Program is  
8 created for the purpose of demonstrating the ability to use  
9 state dedicated funds to leverage Federal Government, local  
10 government, and private resources to provide affordable, safe,  
11 and sanitary rental housing units for farmworkers.

12 (1) Subject to the availability of funds appropriated  
13 to fund the State Farmworker Housing Pilot Loan Program, the  
14 Florida Housing Finance Corporation shall have the authority  
15 to make farmworker housing loans to a sponsor, as defined in  
16 s. 420.503(37), Florida Statutes, provided the sponsor:

17 (a) Agrees to:

18 1. Set aside at least 80 percent of the units for  
19 eligible farmworkers, as defined in s. 420.503(18), Florida  
20 Statutes;

21 2. Set aside 100 percent of the units for households  
22 whose family income does not exceed:

23 a. Fifty percent of the adjusted local median income  
24 in areas which are not metropolitan statistical areas; or

25 b. Forty percent of adjusted local median income in  
26 metropolitan statistical areas; and

27 3. Limit rents to no more than 30 percent of the  
28 maximum household income adjusted to unit size; or

29 (b) Uses federal funds provided under section 514 or  
30 section 516 of Title V of the Federal Housing Act of 1949 and  
31 meets maximum rental limits, tenant eligibility, and other

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1 regulatory requirements established pursuant to such programs.

2 (2) The corporation shall issue a request for  
3 proposals to solicit applications for loans offered pursuant  
4 to this section and shall establish a funding cycle to  
5 distribute funds pursuant to this section. The corporation  
6 shall coordinate this cycle with the fiscal year 2001 federal  
7 funding cycle for section 514 or section 516 of Title V of the  
8 Federal Housing Act of 1949. The corporation may distribute  
9 through this funding cycle any additional funds set aside for  
10 farmworker housing under the State Apartment Incentive Loan  
11 Program authorized by s. 420.5087, Florida Statutes, or other  
12 funds appropriated for the State Farmworker Housing Pilot Loan  
13 Program.

14 (3) All eligible applications shall:

15 (a) Demonstrate that the sponsor possesses title to or  
16 firm site control of land and evidences availability of  
17 required infrastructure.

18 (b) Have grants, donations of land, or contributions  
19 from other sources collectively totaling at least 25 percent  
20 of the total development cost. Such grants, donations of land,  
21 or contributions need not be committed at the time of  
22 application. The corporation shall establish a set time for  
23 receipt of such commitments.

24 (c) Have local government contributions and private  
25 agriculture producer funds and other private leveraged funds  
26 totaling no less than 3 percent of the total development cost.

27 (d) Demonstrate accessibility to commercial businesses  
28 and services needed to serve the needs of the resident  
29 farmworkers or include a viable plan to provide access to  
30 those commercial businesses and services.

31 (e) Limit developer fees to no more than 15 percent of

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1 the total development cost, less developer fees and land cost.

2 (4) The corporation shall establish a review committee  
3 composed of staff of the Department of Community Affairs  
4 selected by the Secretary of Community Affairs and staff of  
5 the corporation and shall establish a scoring system for  
6 evaluation and competitive ranking of applications submitted  
7 in this program.

8 (a) Each application shall address and be evaluated  
9 and ranked based on the following criteria:

10 1. A demonstrated need for farmworker housing:  
11 Proposed developments in a county determined by the Shimberg  
12 Center for Affordable Housing's April 1997 Migrant Farm Worker  
13 Needs Assessment, or any subsequent assessment, to have a  
14 shortage of affordable housing for 3,000 or more farmworkers  
15 shall receive maximum points. Sponsors proposing developments  
16 in other counties and demonstrating a high need for farmworker  
17 housing through other state or local governmental reports or  
18 market studies are eligible for funding under this section,  
19 but shall receive less points.

20 2. Developer fees: Sponsors with developer fees less  
21 than 15 percent shall be awarded additional points. There  
22 shall be no identity of interest between the sponsor,  
23 affiliated entities, and the contractor, and the sponsor or  
24 affiliated entities shall not receive any financial or other  
25 remuneration from the contractor as a condition of the  
26 contractor's selection.

27 3. The project's mix: Applications providing a  
28 set-aside of 20 percent or more units for seasonal, temporary,  
29 or migrant workers, including unaccompanied workers, shall  
30 receive additional points.

31 4. Innovation: Innovative planning concepts such as a

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1 phased development plan for mixed-income or occupational  
2 groups, home ownership, or commercial uses on a nearby parcel  
3 shall receive additional points.

4 5. Innovative building designs: Innovative building  
5 designs, which are targeted to meet the needs of the  
6 hard-to-serve population of migrant, seasonal, and  
7 very-low-income tenants which lower costs and rents while  
8 providing safe, sanitary, and decent housing shall receive  
9 additional points.

10 6. Federal Government contributions: Scoring shall  
11 provide additional points based on the percentage of federal  
12 funds leveraged. Such funds need not be committed to the  
13 proposed project. The corporation shall establish a set time  
14 for receipt of such commitments, taking into consideration the  
15 application deadlines and projected determination periods set  
16 by each of the agencies responsible for the federal funds  
17 proposed as leveraged. The corporation may give more points  
18 to applications with commitments of federal contributions.

19 7. Local government participation: Evidence of local  
20 government participation in project planning demonstrating a  
21 commitment to the project's success, including, but not  
22 limited to, comprehensive planning, letters of support, and  
23 other activities, shall receive additional points.

24 8. A provision for supportive services accessible  
25 onsite or through cooperative agreements with service  
26 providers in the community: Scoring shall provide additional  
27 points to eligible applications that provide one or more  
28 qualified tenant programs to enhance quality of life for  
29 residents. Such programs include, but are not limited to, the  
30 inclusion of a Title XX or Head Start child care facility for  
31 children onsite or within 3 miles of the development, tenant



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1 activities, health care, financial counseling, English as a  
2 Second Language courses, and GED courses.

3 9. The quality of the project's design: All  
4 developments shall include the equivalent of 0.25 full  
5 bathroom facilities per bed or tenant; onsite laundry, laundry  
6 sink, or hookups and space for a washer and dryer inside each  
7 unit; and appropriate minimum storage space. Flexibility shall  
8 be permitted for innovative designs which meet the needs of  
9 the population served.

10 a. The following items are not required and shall  
11 receive no points in the scoring of applications: two full  
12 bathrooms in all three-bedroom units, one and one-half  
13 bathrooms in all two-bedroom units, swimming pool, dishwasher,  
14 garbage disposals, and cable television hookups.

15 b. The following items are not required but shall  
16 receive additional points in the scoring of applications:  
17 window treatments, 30-year roofing on all buildings, gated  
18 community with carded entry or security guard, car care area,  
19 covered picnic area, playground, outdoor recreation area for  
20 older children, two or more parking spaces per unit, large  
21 multipurpose room or clubhouse, air conditioning or  
22 whole-house fan as determined by geographic region or seasonal  
23 occupancy, hurricane shutters or resistant glass, and energy  
24 conservation features.

25 10. The feasibility and economic viability of the  
26 project.

27 11. The sponsor's development experience: Scoring  
28 shall provide the most points to eligible applicants with  
29 successful experience in the development of farmworker housing  
30 commensurate to the size and scope of the proposed  
31 development. Applicants with less development experience or

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1 experience in projects substantially smaller than that  
2 proposed shall receive less points. The experience may be  
3 that of an affiliated or controlling corporation where the  
4 eligible applicant is established to limit liability of the  
5 affiliated group.

6 12. The sponsor's management experience: Scoring shall  
7 provide the most points to eligible applicants with successful  
8 experience in the management of farmworker housing  
9 commensurate to the size and scope of the proposed  
10 development. Applicants with less management experience or  
11 experience in projects substantially smaller than the proposed  
12 development shall receive less points. The experience may be  
13 that of an affiliated or controlling nonprofit corporation  
14 where the eligible applicant is established to limit liability  
15 of the affiliated group.

16 13. The ability to proceed with construction: Scoring  
17 shall provide the most points to those applicants able to  
18 proceed in a timely manner. In addition to local government  
19 participation as addressed in subparagraph 7., items to be  
20 scored shall include, but not be limited to: environmental  
21 safety, infrastructure availability, schematic site plans and  
22 elevations, and conceptual, preliminary, or final site plan  
23 approval.

24 14. A management plan to attract, serve, and keep  
25 eligible farmworker tenants.

26 (b) The corporation may reject any application.

27 (c) The review committee established by the  
28 corporation shall make recommendations to the board of  
29 directors of the corporation regarding program participation  
30 under the State Farmworker Housing Pilot Loan Program. The  
31 corporation board shall make the final ranking and the

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1 decisions regarding which applicants shall become program  
2 participants based on the scores received in the competitive  
3 ranking, further review of applications, and the  
4 recommendations of the review committee. The corporation  
5 board shall approve or reject applications for loans and shall  
6 determine the tentative loan amount available to each  
7 applicant selected for participation in the program.

8 (5) Loans provided pursuant to this section shall be  
9 nonamortizing. The corporation shall establish interest rates  
10 for loans made pursuant to this section. Loans to  
11 not-for-profit applicants shall have interest rates of zero  
12 percent if no low-income housing tax credits are allocated to  
13 the development. If low-income housing tax credits are  
14 allocated to the development, the interest rate may be  
15 adjusted upward to meet appropriate federal requirements.  
16 Loans to for-profit applicants shall have interest rates of 3  
17 percent if no low-income housing tax credits are allocated to  
18 the development. If low-income housing tax credits are  
19 allocated to the development, the interest rate may be  
20 adjusted upward to meet appropriate federal requirements.  
21 Loans shall not exceed \$5 million. The following provisions  
22 shall apply to all loans provided under this section:

23 (a) No loan combined with any other mortgage in a  
24 superior position shall exceed the development cost or the  
25 value of security, whichever is less.

26 (b) The loan term shall be for a period of not less  
27 than 20 years. The corporation may renegotiate and extend the  
28 loan in order to extend the availability of housing for  
29 farmworkers. The term of a loan may not extend beyond the  
30 period for which the sponsor agrees to provide housing for  
31 farmworkers as provided in subsection (1). Payment on the

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1 loans shall be based on the actual development cash flow and  
2 principal and interest may be deferred without constituting a  
3 default on the loan. The corporation may defer repayment of  
4 loans made under this section until the end of the loan  
5 period, including any extension, or until the housing no  
6 longer meets the requirements of subsection (1), whichever  
7 occurs first.

8 (c) The discrimination provisions of s. 420.516,  
9 Florida Statutes, shall apply to all loans.

10 (d) The proceeds of all loans shall be used for new  
11 construction or substantial rehabilitation which creates  
12 affordable, safe, and sanitary housing units.

13 (e) Sponsors shall annually certify the eligibility  
14 status and adjusted gross income of all persons or families  
15 qualified under subsection (1) who are residing in a project  
16 funded by this program. For monitoring purposes, the  
17 corporation may rely on a federal governmental entity which is  
18 also required to monitor and determine tenant eligibility.

19 (f) If agricultural and market conditions change  
20 substantially in a market area in which a project is located,  
21 the sponsor may request approval from the corporation for  
22 changes in the occupational or income set-aside requirements.  
23 The sponsor shall submit evidence of such market changes,  
24 including, but not limited to, a market study and statements  
25 from agricultural producers and agricultural labor  
26 representatives. The board of directors of the corporation  
27 may amend set-aside requirements; however, such changes shall  
28 preserve the maximum percentage of units for eligible  
29 farmworkers as market conditions permit.

30 (6) If a default on a loan occurs, the corporation may  
31 foreclose on any mortgage or security interest or commence any

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1 legal action to protect the interest of the corporation and  
2 recover the amount of the unpaid principal, accrued interest,  
3 and fees. The corporation may acquire real or personal  
4 property or any interest in such property when that  
5 acquisition is necessary or appropriate to: protect any loan;  
6 sell, transfer, and convey any such property to a buyer  
7 without regard to the provisions of chapters 253 and 270,  
8 Florida Statutes; and, if that sale, transfer, or conveyance  
9 cannot be effected within a reasonable time, lease such  
10 property for occupancy by eligible persons. All sums recovered  
11 from the sale, transfer, conveyance, or lease of such property  
12 shall be deposited into an account established by the  
13 corporation in a qualified public depository meeting the  
14 requirements of chapter 280, Florida Statutes, for purposes of  
15 expending moneys appropriated to fund the State Farmworker  
16 Housing Pilot Loan Program as provided in subsection (1).

17 (7) Subject to the availability of funds appropriated  
18 to fund the State Farmworker Housing Pilot Loan Program, the  
19 Florida Housing Finance Corporation shall contract with a  
20 nonprofit corporation, qualified under s. 501(c)(3) of the  
21 Internal Revenue Code, representing a mix of stakeholders  
22 concerned with housing conditions faced by migrant and  
23 seasonal farmworkers with demonstrated expertise in housing  
24 issues. The corporation shall select such contractor within 90  
25 days after the effective date of this section to assist the  
26 corporation in establishing and implementing the State  
27 Farmworker Housing Pilot Loan Program, and to prepare a  
28 research report that includes a needs assessment and strategic  
29 plan for agricultural labor housing in this state. The  
30 research report shall be submitted to the Governor, the  
31 President of the Senate, and the Speaker of the House of

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1 Representatives. The report shall:

2 (a) Identify localities throughout this state having  
3 the greatest need for newly-constructed or rehabilitated  
4 agricultural labor housing.

5 (b) Identify successful project prototypes to provide  
6 safe, decent, and affordable agricultural housing.

7 (c) Provide an analysis of state and local barriers to  
8 the development of agricultural housing.

9 (d) Profile successful state and local government  
10 programs within and without this state that address  
11 agricultural housing needs.

12 Section 23. This act shall take effect upon becoming a  
13 law.

14  
15  
16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Delete everything before the enacting clause

19  
20 and insert:

21 A bill to be entitled  
22 An act relating to housing; amending s.  
23 228.056, F.S.; revising terminology; clarifying  
24 time periods; revising criteria for renewal of  
25 a charter; requiring compliance with certain  
26 statutes; providing for exemption from ad  
27 valorem taxation; amending s. 228.0561, F.S.;  
28 changing the formula for charter school  
29 facilities funding; revising requirements for  
30 reversions of property to a school board;  
31 authorizing pilot program grants for the

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1 construction of charter school facilities;  
2 establishing criteria; amending s. 196.29,  
3 F.S.; granting charter schools an exemption  
4 from ad valorem taxes; amending s. 236.0817,  
5 F.S.; providing for a developmental research  
6 school that is issued a charter to be eligible  
7 for categorical funding; amending s. 228.053,  
8 F.S.; exempting a chartered developmental  
9 research school from the requirement that it be  
10 of closest geographic proximity to the college  
11 of education to which it is affiliated;  
12 providing for funding developmental research  
13 schools that are issued a charter; revising  
14 requirements for determining  
15 full-time-equivalent membership; providing for  
16 capital outlay funding for a chartered  
17 developmental research school; amending s.  
18 228.505, F.S.; providing for governance of  
19 certain charter technical career centers;  
20 amending s. 196.1975, F.S., which provides  
21 exemptions for nonprofit homes for the aged;  
22 specifying that the exemption applicable to  
23 such homes whose residents meet certain income  
24 limitations applies to certain individual units  
25 or apartments of such homes; providing for  
26 application of a residency affidavit  
27 requirement to applicants for such exemption;  
28 revising provisions relating to qualification  
29 for the alternative exemption provided by that  
30 section for those portions of a home which do  
31 not meet the income limitations; providing that

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1 s. 196.195, F.S., which provides requirements  
2 and criteria for determining the profit or  
3 nonprofit status of an applicant for exemption,  
4 and s. 196.196, F.S., which provides criteria  
5 for determining whether property is entitled to  
6 a charitable, religious, scientific, or  
7 literary exemption, do not apply to that  
8 section; amending s. 159.805, F.S.; revising  
9 procedures for obtaining allocations of private  
10 activity bonds; amending s. 159.806, F.S.;  
11 specifying use of Florida First Business  
12 allocation pool for priority projects before  
13 using regional allocation pools; amending s.  
14 159.807, F.S.; requiring availability of the  
15 state allocation pool for certain purposes;  
16 amending s. 159.8083, F.S.; clarifying  
17 preservation of allocations for certain Florida  
18 First Business projects; amending s. 159.809,  
19 F.S.; clarifying recapture by the Florida First  
20 Business allocation pool of portions of certain  
21 unused allocations; amending s. 159.81, F.S.;  
22 providing for granting requests for  
23 carryforward of certain allocations relating to  
24 Florida First Business projects under certain  
25 circumstances; amending s. 196.1978, F.S.;  
26 expanding the classes of certain low-income  
27 housing property as property owned by an exempt  
28 entity and used for charitable purposes;  
29 amending s. 420.507, F.S.; providing special  
30 powers of the corporation with respect to  
31 reservation of future allocation or funding and



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1 designation of private activity bond  
2 allocation; amending s. 420.5099, F.S.;  
3 correcting an administrative rule cross  
4 reference; amending s. 420.526, F.S.; revising  
5 provisions of the Predevelopment Loan Program  
6 to provide for targeting of funds and  
7 forgiveness of loans under certain  
8 circumstances; amending s. 420.609, F.S.;  
9 requiring the corporation to assist the  
10 Affordable Housing Study Commission for certain  
11 purposes; requiring the commission to provide  
12 certain commission recommendations to the  
13 corporation; changing the date of submittal for  
14 the commission's report; revising the  
15 commission's recommended studies requirements;  
16 amending s. 420.9071, F.S.; revising certain  
17 definitions; amending s. 420.9075, F.S.;  
18 revising entities authorized to monitor and  
19 determine tenant eligibility under local  
20 housing assistance plans; revising criteria for  
21 eligibility awards under such plans; creating  
22 s. 760.26, F.S.; prohibiting discrimination in  
23 land use decisions and in permitting of  
24 development; establishing the State Farmworker  
25 Housing Pilot Loan Program; providing for  
26 administration by the Florida Housing Finance  
27 Corporation; providing sponsor requirements;  
28 requiring the corporation to issue a request  
29 for proposals for loan applications for certain  
30 purposes; requiring the corporation to  
31 establish a loan distribution mechanism;

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1 providing eligible loan applicant requirements;  
 2 providing for establishment of an application  
 3 review committee; providing criteria for loan  
 4 applications; providing duties and  
 5 responsibilities of the corporation and review  
 6 committee; providing requirements for such  
 7 loans; providing procedures and requirements  
 8 for loan defaults; requiring the corporation to  
 9 contract with the Florida Farmworker Housing  
 10 Coalition, Inc., for certain purposes;  
 11 requiring a report to the Governor and  
 12 Legislature; providing report requirements;  
 13 providing an effective date.

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