

Bill No. CS for SB 1648, 1st Eng.

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Kurth moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 1, line 19,		
15			
16	insert:		
17	Section 1. Section 196.1975, Florida Statutes, is		
18	amended to read:		
19	196.1975 Exemption for property used by nonprofit		
20	homes for the aged.--Nonprofit homes for the aged are exempt		
21	to the extent that they meet the following criteria:		
22	(1) The applicant must be a corporation not for profit		
23	<u>pursuant to the provisions of chapter 617</u> or a Florida limited		
24	partnership, the sole general partner of which is a		
25	corporation not for profit <u>pursuant to the provisions of</u>		
26	<u>chapter 617</u> , and the corporation not for profit must have been		
27	exempt as of January 1 of the year for which exemption from ad		
28	valorem property taxes is requested from federal income		
29	taxation by having qualified as an exempt charitable		
30	organization under the provisions of s. 501(c)(3) of the		
31	Internal Revenue Code of 1954 or of the corresponding section		

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1 of a subsequently enacted federal revenue act.

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

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

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

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

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

27 1. Persons who have gross incomes of not more than
28 \$7,200 per year and who are 62 years of age or older.

29 2. Couples, one of whom must be 62 years of age or
30 older, having a combined gross income of not more than \$8,000
31 per year, or the surviving spouse thereof, who lived with the

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1 deceased at the time of the deceased's death in a home for the
2 aged.

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

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

10

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

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

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

30 (6) For the purposes of this section, gross income
31 includes social security benefits payable to the person or

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1 couple or assigned to an organization designated specifically
2 for the support or benefit of that person or couple.

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

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

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

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

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

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

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

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

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

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1 (13) Sections 196.195 and 196.196 do not apply to this
2 section.

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

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

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

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

30 (5)(a) When bonds with a written confirmation of an
31 allocation are issued, the agency issuing such bonds, or its

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

19 Section 3. Effective January 1, 2001, subsection (1)
 20 of section 159.806, Florida Statutes, is amended to read:

21 159.806 Regional allocation pools.--

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

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

7 Section 4. Effective January 1, 2001, subsection (2)
8 of section 159.807, Florida Statutes, is amended to read:

9 159.807 State allocation pool.--

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

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

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

7 159.809 Recapture of unused amounts.--

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

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

31 (3) On October 1 of each year, any portion of the

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

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

14 Section 6. Subsection (1) of section 159.81, Florida
 15 Statutes, is amended to read:

16 159.81 Unused allocations; carryforwards.--

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

28 Section 7. Section 159.8083, Florida Statutes, is
 29 amended to read:

30 159.8083 Florida First Business allocation pool.--The
 31 Florida First Business allocation pool is hereby established.

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

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

11 Section 8. Effective upon this act becoming a law and
12 operating retroactively to January 1, 2000, section 196.1978,
13 Florida Statutes, is amended to read:

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

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1 196.195. The Legislature intends that any property owned by a
2 limited liability company which is disregarded as an entity
3 for federal income tax purposes pursuant to Treasury
4 Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by
5 its sole member.

6 Section 9. Subsections (37) and (38) are added to
7 section 420.507, Florida Statutes, to read:

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

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

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

25 Section 10. Subsection (3) of section 420.5099,
26 Florida Statutes, is amended to read:

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

29 (3) The corporation may request such information from
30 applicants as will enable it to make the allocations according
31 to the guidelines set forth in subsection (2), including, but

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1 not limited to, the information required to be provided the
2 corporation by chapter ~~67 91-21~~, Florida Administrative Code.

3 Section 11. Section 420.526, Florida Statutes, is
4 amended to read:

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

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

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

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

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

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

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1 ~~program shall be reserved for Sponsors of farmworker housing,~~
2 if any, shall receive first priority under this program, and
3 further priorities shall be as established by rule of the
4 corporation.

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

8 (a) Site acquisition.

9 (b) Site development.

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

12 (d) Marketing expenses relating to advertisement.

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

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

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

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

19 ~~(5)(6)~~ Any funds paid out of the Housing

20 Predevelopment Fund for activities under ss. 420.521-420.529
21 which are reimbursed to the sponsor from another source shall
22 be repaid to the fund.

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

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

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

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1 corporation.

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

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

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

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

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

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

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1 other applicable federal or state laws.

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

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

6 (b) Five hundred thousand dollars.

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

14 Section 12. Subsections (3), (5), (7), and (8) of
15 section 420.609, Florida Statutes, are amended to read:

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

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

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

31 (7) By July 15 ~~December 31~~ of each year beginning in

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1 2001 ~~1992~~, the commission shall prepare and submit to the
2 Governor, the President of the Senate, and the Speaker of the
3 House of Representatives a report detailing its findings and
4 making specific program, legislative, and funding
5 recommendations and any other recommendations it deems
6 appropriate.

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

13 Section 13. Subsections (4) and (27) of section
14 420.9071, Florida Statutes, are amended to read:

15 420.9071 Definitions.--As used in ss.
16 420.907-420.9079, the term:

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

29 (27) "Sales price" or "value" means, in the case of
30 acquisition of an existing or newly constructed unit, the
31 amount on the executed sales contract. For eligible persons

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

24 Section 14. Paragraph (e) of subsection (3) and
25 paragraph (c) of subsection (4) of section 420.9075, Florida
26 Statutes, are amended to read:

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

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

31 (e) The staff or entity that has administrative

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

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

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

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

29 Section 15. Section 760.26, Florida Statutes, is
30 created to read:

31 760.26 Prohibited discrimination in land use decisions

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

7 Section 16. State Farmworker Housing Pilot Loan
8 Program.--The State Farmworker Housing Pilot Loan Program is
9 created for the purpose of demonstrating the ability to use
10 state dedicated funds to leverage Federal Government, local
11 government, and private resources to provide affordable, safe,
12 and sanitary rental housing units for farmworkers.

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

18 (a) Agrees to:

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

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

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

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

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

30 (b) Uses federal funds provided under section 514 or
31 section 516 of Title V of the Federal Housing Act of 1949 and

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1 meets maximum rental limits, tenant eligibility, and other
2 regulatory requirements established pursuant to such programs.

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

15 (3) All eligible applications shall:

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

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

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

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

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1 (e) Limit developer fees to no more than 15 percent of
2 the total development cost, less developer fees and land cost.

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

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

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

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

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

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1 children onsite or within 3 miles of the development, tenant
2 activities, health care, financial counseling, English as a
3 Second Language courses, and GED courses.

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

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

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

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

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

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

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

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

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

27 (b) The corporation may reject any application.

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

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

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

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

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

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

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

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

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

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

31 (6) If a default on a loan occurs, the corporation may

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

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

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1 President of the Senate, and the Speaker of the House of
2 Representatives. The report shall:

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

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

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

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

13 Section 17. Nothing in this act shall serve to remove
14 the exemption from any entity that is currently eligible for
15 and receives the exemption.

16
17 (Redesignate subsequent sections.)

18
19

20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 1, lines 2 and 3, delete those lines

23

24 and insert:

25 An act relating to taxation; amending s.
26 196.1975, F.S., which provides exemptions for
27 nonprofit homes for the aged; specifying that
28 the exemption applicable to such homes whose
29 residents meet certain income limitations
30 applies to certain individual units or
31 apartments of such homes; providing for

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1 application of a residency affidavit
2 requirement to applicants for such exemption;
3 revising provisions relating to qualification
4 for the alternative exemption provided by that
5 section for those portions of a home which do
6 not meet the income limitations; providing that
7 s. 196.195, F.S., which provides requirements
8 and criteria for determining the profit or
9 nonprofit status of an applicant for exemption,
10 and s. 196.196, F.S., which provides criteria
11 for determining whether property is entitled to
12 a charitable, religious, scientific, or
13 literary exemption, do not apply to that
14 section; amending s. 159.805, F.S.; revising
15 procedures for obtaining allocations of private
16 activity bonds; amending s. 159.806, F.S.;
17 specifying use of Florida First Business
18 allocation pool for priority projects before
19 using regional allocation pools; amending s.
20 159.807, F.S.; requiring availability of the
21 state allocation pool for certain purposes;
22 amending s. 159.8083, F.S.; clarifying
23 preservation of allocations for certain Florida
24 First Business projects; amending s. 159.809,
25 F.S.; clarifying recapture by the Florida First
26 Business allocation pool of portions of certain
27 unused allocations; amending s. 159.81, F.S.;
28 providing for granting requests for
29 carryforward of certain allocations relating to
30 Florida First Business projects under certain
31 circumstances; amending s. 196.1978, F.S.;

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1 expanding the classes of certain low-income
2 housing property as property owned by an exempt
3 entity and used for charitable purposes;
4 amending s. 420.507, F.S.; providing special
5 powers of the corporation with respect to
6 reservation of future allocation or funding and
7 designation of private activity bond
8 allocation; amending s. 420.5099, F.S.;
9 correcting an administrative rule cross
10 reference; amending s. 420.526, F.S.; revising
11 provisions of the Predevelopment Loan Program
12 to provide for targeting of funds and
13 forgiveness of loans under certain
14 circumstances; amending s. 420.609, F.S.;
15 requiring the corporation to assist the
16 Affordable Housing Study Commission for certain
17 purposes; requiring the commission to provide
18 certain commission recommendations to the
19 corporation; changing the date of submittal for
20 the commission's report; revising the
21 commission's recommended studies requirements;
22 amending s. 420.9071, F.S.; revising certain
23 definitions; amending s. 420.9075, F.S.;
24 revising entities authorized to monitor and
25 determine tenant eligibility under local
26 housing assistance plans; revising criteria for
27 eligibility awards under such plans; creating
28 s. 760.26, F.S.; prohibiting discrimination in
29 land use decisions and in permitting of
30 development; establishing the State Farmworker
31 Housing Pilot Loan Program; providing for

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1 administration by the Florida Housing Finance
2 Corporation; providing sponsor requirements;
3 requiring the corporation to issue a request
4 for proposals for loan applications for certain
5 purposes; requiring the corporation to
6 establish a loan distribution mechanism;
7 providing eligible loan applicant requirements;
8 providing for establishment of an application
9 review committee; providing criteria for loan
10 applications; providing duties and
11 responsibilities of the corporation and review
12 committee; providing requirements for such
13 loans; providing procedures and requirements
14 for loan defaults; requiring the corporation to
15 contract with the Florida Farmworker Housing
16 Coalition, Inc., for certain purposes;
17 requiring a report to the Governor and
18 Legislature; providing report requirements;
19 amending s. 212.12, F.S.;

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