

Bill No. CS for SB 194

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators Kurth and Klein moved the following amendment to amendment (133044):

**Senate Amendment (with title amendment)**

On page 21, between lines 22 and 23,

insert:

Section 5. 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 pursuant to the provisions of chapter 617 or a Florida limited partnership, the sole general partner of which is a corporation not for profit pursuant to the provisions of chapter 617, 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

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1 Internal Revenue Code of 1954 or of the corresponding section  
2 of a subsequently enacted federal revenue act.

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

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

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

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

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

28 1. Persons who have gross incomes of not more than  
29 \$7,200 per year and who are 62 years of age or older.

30 2. Couples, one of whom must be 62 years of age or  
31 older, having a combined gross income of not more than \$8,000

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1 per year, or the surviving spouse thereof, who lived with the  
2 deceased at the time of the deceased's death in a home for the  
3 aged.

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

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

11

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

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

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

31 (6) For the purposes of this section, gross income

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1 includes social security benefits payable to the person or  
2 couple or assigned to an organization designated specifically  
3 for the support or benefit of that person or couple.

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

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

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

31 1. Which is used by such home for the aged for the

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1 purposes for which it was organized; and

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

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

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

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

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

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1 exempted by subsection (8).

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

4 Section 6. Effective January 1, 2001, subsections (2)  
5 and (3) and paragraph (a) of subsection (5) of section  
6 159.805, Florida Statutes, are amended to read:

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

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

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

31 (5)(a) When bonds with a written confirmation of an

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

20 Section 7. Effective January 1, 2001, subsection (1)  
 21 of section 159.806, Florida Statutes, is amended to read:

22 159.806 Regional allocation pools.--

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

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

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

10 159.807 State allocation pool.--

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



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

6 Section 9. Section 159.809, Florida Statutes, is  
7 amended to read:

8 159.809 Recapture of unused amounts.--

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

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

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

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

15           Section 10. Subsection (1) of section 159.81, Florida  
 16 Statutes, is amended to read:

17           159.81 Unused allocations; carryforwards.--

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

29           Section 11. Section 159.8083, Florida Statutes, is  
 30 amended to read:

31           159.8083 Florida First Business allocation pool.--The

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

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

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

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

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

7 Section 13. Subsections (37) and (38) are added to  
8 section 420.507, Florida Statutes, to read:

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

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

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

26 Section 14. Subsection (3) of section 420.5099,  
27 Florida Statutes, is amended to read:

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

30 (3) The corporation may request such information from  
31 applicants as will enable it to make the allocations according

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1 to the guidelines set forth in subsection (2), including, but  
2 not limited to, the information required to be provided the  
3 corporation by chapter 67 9F-21, Florida Administrative Code.

4 Section 15. Section 420.526, Florida Statutes, is  
5 amended to read:

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

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

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

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

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

28 (3) The corporation shall establish rules for the  
29 equitable distribution of the funds in a manner that meets the  
30 need and demand for housing for the target population.

31 ~~However, during the first 6 months of fund availability, at~~

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1 ~~least 40 percent of the total funds made available under this~~  
2 ~~program shall be reserved for Sponsors of farmworker housing,~~  
3 ~~if any, shall receive first priority under this program, and~~  
4 ~~further priorities shall be as established by rule of the~~  
5 ~~corporation.~~

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

9 (a) Site acquisition.

10 (b) Site development.

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

13 (d) Marketing expenses relating to advertisement.

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

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

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

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

20 ~~(5)(6)~~ Any funds paid out of the Housing

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

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

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

31 (a) Provision for interest, which shall be set at





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1 sex, color, religion, or national origin or that violates  
2 other applicable federal or state laws.

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

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

7 (b) Five hundred thousand dollars.

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

15 Section 16. Subsections (3), (5), (7), and (8) of  
16 section 420.609, Florida Statutes, are amended to read:

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

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

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

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1           (7) By July 15 ~~December 31~~ of each year beginning in  
2 2001 ~~1992~~, the commission shall prepare and submit to the  
3 Governor, the President of the Senate, and the Speaker of the  
4 House of Representatives a report detailing its findings and  
5 making specific program, legislative, and funding  
6 recommendations and any other recommendations it deems  
7 appropriate.

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

14           Section 17. Subsections (4) and (27) of section  
15 420.9071, Florida Statutes, are amended to read:

16           420.9071 Definitions.--As used in ss.  
17 420.907-420.9079, the term:

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

30           (27) "Sales price" or "value" means, in the case of  
31 acquisition of an existing or newly constructed unit, the

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

25 Section 18. Paragraph (e) of subsection (3) and  
26 paragraph (c) of subsection (4) of section 420.9075, Florida  
27 Statutes, are amended to read:

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

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

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

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

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

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

30           Section 19. Section 760.26, Florida Statutes, is  
 31 created to read:

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1           760.26 Prohibited discrimination in land use decisions  
2 and in permitting of development.--It is unlawful to  
3 discriminate in land use decisions or in the permitting of  
4 development based on race, color, national origin, sex,  
5 disability, familial status, religion, or, except as otherwise  
6 provided by law, the source of financing of a development or  
7 proposed development.

8           Section 20. State Farmworker Housing Pilot Loan  
9 Program.--The State Farmworker Housing Pilot Loan Program is  
10 created for the purpose of demonstrating the ability to use  
11 state dedicated funds to leverage Federal Government, local  
12 government, and private resources to provide affordable, safe,  
13 and sanitary rental housing units for farmworkers.

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

19           (a) Agrees to:

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

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

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

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

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

31           (b) Uses federal funds provided under section 514 or

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1 section 516 of Title V of the Federal Housing Act of 1949 and  
2 meets maximum rental limits, tenant eligibility, and other  
3 regulatory requirements established pursuant to such programs.

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

16 (3) All eligible applications shall:

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

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

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

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

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1 those commercial businesses and services.

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

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

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

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

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

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

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1 receive additional points.

2 4. Innovation: Innovative planning concepts such as a  
3 phased development plan for mixed-income or occupational  
4 groups, home ownership, or commercial uses on a nearby parcel  
5 shall receive additional points.

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

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

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

26 8. A provision for supportive services accessible  
27 onsite or through cooperative agreements with service  
28 providers in the community: Scoring shall provide additional  
29 points to eligible applications that provide one or more  
30 qualified tenant programs to enhance quality of life for  
31 residents. Such programs include, but are not limited to, the



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1 inclusion of a Title XX or Head Start child care facility for  
2 children onsite or within 3 miles of the development, tenant  
3 activities, health care, financial counseling, English as a  
4 Second Language courses, and GED courses.

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

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

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

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

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

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

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

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

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

28 (b) The corporation may reject any application.

29 (c) The review committee established by the  
30 corporation shall make recommendations to the board of  
31 directors of the corporation regarding program participation

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

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

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

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

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

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

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

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

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

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

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

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1 research report shall be submitted to the Governor, the  
2 President of the Senate, and the Speaker of the House of  
3 Representatives. The report shall:

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

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

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

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

14 Section 21. Nothing in this act shall serve to remove  
15 the exemption from any entity that is currently eligible for  
16 and receives the exemption

17  
18  
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 22, line 2, through page 23, line 3, delete  
22 those lines

23  
24 and insert:

25 A bill to be entitled

26 An act relating to taxation; amending s.

27 196.1975, F.S., which provides exemptions for

28 nonprofit homes for the aged; specifying that

29 the exemption applicable to such homes whose

30 residents meet certain income limitations

31 applies to certain individual units or

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

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1           circumstances; amending s. 196.1978, F.S.;

2           expanding the classes of certain low-income

3           housing property as property owned by an exempt

4           entity and used for charitable purposes;

5           amending s. 420.507, F.S.; providing special

6           powers of the corporation with respect to

7           reservation of future allocation or funding and

8           designation of private activity bond

9           allocation; amending s. 420.5099, F.S.;

10          correcting an administrative rule cross

11          reference; amending s. 420.526, F.S.; revising

12          provisions of the Predevelopment Loan Program

13          to provide for targeting of funds and

14          forgiveness of loans under certain

15          circumstances; amending s. 420.609, F.S.;

16          requiring the corporation to assist the

17          Affordable Housing Study Commission for certain

18          purposes; requiring the commission to provide

19          certain commission recommendations to the

20          corporation; changing the date of submittal for

21          the commission's report; revising the

22          commission's recommended studies requirements;

23          amending s. 420.9071, F.S.; revising certain

24          definitions; amending s. 420.9075, F.S.;

25          revising entities authorized to monitor and

26          determine tenant eligibility under local

27          housing assistance plans; revising criteria for

28          eligibility awards under such plans; creating

29          s. 760.26, F.S.; prohibiting discrimination in

30          land use decisions and in permitting of

31          development; establishing the State Farmworker



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1           Housing Pilot Loan Program; providing for  
2           administration by the Florida Housing Finance  
3           Corporation; providing sponsor requirements;  
4           requiring the corporation to issue a request  
5           for proposals for loan applications for certain  
6           purposes; requiring the corporation to  
7           establish a loan distribution mechanism;  
8           providing eligible loan applicant requirements;  
9           providing for establishment of an application  
10          review committee; providing criteria for loan  
11          applications; providing duties and  
12          responsibilities of the corporation and review  
13          committee; providing requirements for such  
14          loans; providing procedures and requirements  
15          for loan defaults; requiring the corporation to  
16          contract with the Florida Farmworker Housing  
17          Coalition, Inc., for certain purposes;  
18          requiring a report to the Governor and  
19          Legislature; providing report requirements;  
20          amending s. 212.031, F.S.; providing that the  
21          act does not remove the exemption from any  
22          entity that currently is eligible for and  
23          receives the exemption;

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