

Bill No. SB 2102

Amendment No. ____

| | | |
|---------------|----------------|--------------|
| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
|---------------|----------------|--------------|

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.
.

Senator Saunders moved the following amendment:

Senate Amendment (with title amendment)

On page 1, line 25

insert:

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

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

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

(3) Upon the expiration of the confirmation or at any time the agency decides the allocation is no longer necessary, but, in any event, not later than the 160th ~~95th~~ calendar day

Bill No. SB 2102

Amendment No. ____

1 after the date the confirmation was issued, the agency shall
2 notify the division, by overnight common carrier delivery
3 service, of its failure to issue any bonds pursuant to the
4 written confirmation. Such notice of failure to issue shall
5 be filed with the division and the allocation provided in the
6 expired confirmation shall be made available for reallocation
7 pursuant to this part. Upon determining that it will not be
8 using allocation for mortgage credit certificates, the issuer
9 will notify the division in writing within 5 business days
10 that such allocation for mortgage credit certificates,
11 referencing the dollar amount, will not be used, thereby
12 allowing the division to reallocate such amounts.

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

Bill No. SB 2102

Amendment No. ____

1 later than the following business day.

2 Section 2. Effective January 1, 2001, subsection (1)
3 of section 159.806, Florida Statutes, is amended to read:

4 159.806 Regional allocation pools.--

5 (1) Each region listed in s. 159.804(2) has an
6 allocation pool for issuing written confirmations of
7 allocation for private activity bonds. In issuing such
8 written confirmations, the division must first use the
9 allocation pool for the region in which the agency issuing
10 such bonds or on whose behalf such bonds are being issued is
11 located, except prior to June ~~April~~ 1, when the state
12 allocation pool or the Florida First Business allocation pool
13 must be used to finance priority projects until such
14 allocation is exhausted unless the agency requests an
15 allocation for a priority project from the regional allocation
16 pool. Unless otherwise agreed to by the affected agencies,
17 when such bonds are to be issued by an agency whose boundaries
18 include more than one region, the division must first issue an
19 allocation from the allocation pool for the region in which
20 the project is to be located.

21 Section 3. Effective January 1, 2001, subsection (2)
22 of section 159.807, Florida Statutes, is amended to read:

23 159.807 State allocation pool.--

24 (2) Except as provided in subsection (1), prior to
25 June ~~April~~ 1 of each year, the state allocation pool shall be
26 available solely to provide written confirmations for private
27 activity bonds to finance priority projects except
28 manufacturing facilities. To obtain a written allocation for
29 private activity bonds to finance a priority project from the
30 state allocation pool prior to June ~~April~~ 1 of each year, the
31 notice of intent to issue must be filed with the division no

Bill No. SB 2102

Amendment No. ____

1 later than ~~May~~ March 1. If the total amount requested in
2 notices of intent to issue for priority projects does not
3 exceed the total amount of the state allocation pool, the
4 director shall issue written confirmation for each notice of
5 intent to issue by ~~May~~ March 15. If the total amount
6 requested in notices of intent to issue private activity bonds
7 for priority projects exceeds the total amount of the state
8 allocation pool, the director shall forward all timely notices
9 of intent to issue received by the division for those projects
10 to the Governor who shall render a decision by ~~June~~ April 1 as
11 to which notices of intent to issue are to receive written
12 confirmations. If additional portions of the state volume
13 limitation of private activity bonds permitted to be issued in
14 the state are subsequently placed into the state allocation
15 pool, the remainder of the timely notices of intent to issue
16 for priority projects shall be provided written confirmations
17 in the order established by the Governor prior to any other
18 notices of intent to issue filed with the division.

19 Section 4. Section 159.809, Florida Statutes, is
20 amended to read:

21 159.809 Recapture of unused amounts.--

22 (1) On April 1 of each year, any portion of each
23 ~~initial~~ allocation made pursuant to s. 159.804(4) for which
24 the division has not issued a written confirmation ~~has not~~
25 ~~been issued by the director or for which an issuance report~~
26 ~~for bonds utilizing such an allocation has not been received~~
27 ~~by the division prior to such date~~ shall be added to the
28 Florida First Business allocation pool.

29 (2) On July 1 of each year, any portion of each
30 ~~initial~~ allocation made pursuant to s. 159.804(2) ~~or (3)~~ for
31 which the division has not issued a written confirmation ~~has~~

Bill No. SB 2102

Amendment No. ____

1 ~~not been issued by the director or for which an issuance~~
 2 ~~report for bonds utilizing such an allocation has not been~~
 3 ~~received by the division prior to that date shall be added to~~
 4 the Florida First Business allocation pool. On July 1 of each
 5 year, any portion of each allocation made pursuant to s.
 6 159.804(3) for which the division has not issued a written
 7 confirmation or has not received an issuance report shall be
 8 added to the Florida First Business allocation pool.On and
 9 after July 2 of each year, any portion of such allocations for
 10 which a written confirmation has been issued and which
 11 confirmation expires or is relinquished by the agency
 12 receiving the allocation, shall be added to the state
 13 allocation pool.

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

21 ~~(4)(3)~~ On November 16 of each year, any portion of the
 22 ~~initial~~ allocation, made pursuant to s. 159.804(1), s.
 23 159.804(5), or subsection (1), ~~or~~ subsection (2), or
 24 subsection (3), other than as provided in s. 159.8083, for
 25 which an issuance report for bonds utilizing such an
 26 allocation has not been received by the division prior to that
 27 date shall be added to the state allocation pool.

28 Section 5. Subsection (1) of section 159.81, Florida
 29 Statutes, is amended to read:

30 159.81 Unused allocations; carryforwards.--

31 (1) The division shall, when requested, provide

Bill No. SB 2102

Amendment No. ____

1 carryforwards pursuant to s. 146(f) of the Code for written
2 confirmations for priority projects which qualify for a
3 carryforward pursuant to s. 146(f) of the Code, if such
4 request is accompanied by an opinion of bond counsel to that
5 effect. In addition, in the case of Florida First Business
6 projects, the division shall, when requested, grant requests
7 for carryforward only after receipt of a certification from
8 the Office of Tourism, Trade, and Economic Development that
9 the project has been approved by such office to receive
10 carryforward.

11 Section 6. Section 159.8083, Florida Statutes, is
12 amended to read:

13 159.8083 Florida First Business allocation pool.--The
14 Florida First Business allocation pool is hereby established.
15 The Florida First Business allocation pool shall be available
16 solely to provide written confirmation for private activity
17 bonds to finance Florida First Business projects certified by
18 the Office of Tourism, Trade, and Economic Development as
19 eligible to receive a written confirmation. Allocations from
20 such pool shall be awarded statewide pursuant to procedures
21 specified in s. 159.805, except that the provisions of s.
22 159.805(2), (3), and (6) do not apply. Florida First Business
23 projects that are eligible for a carryforward shall not lose
24 their allocation pursuant to s. 159.809(3) on October 1, or
25 pursuant to s. 159.809(4) on November 16, if they have applied
26 for and have been granted a carryforward by the division
27 pursuant to s. 159.81(1). In issuing written confirmations of
28 allocations for Florida First Business projects, the division
29 shall use the Florida First Business allocation pool. If
30 allocation is not available from the Florida First Business
31 allocation pool, the division shall issue written

Bill No. SB 2102

Amendment No. ____

1 confirmations of allocations for Florida First Business
2 projects pursuant to s. 159.806 or s. 159.807, in such order.
3 For the purpose of determining priority within a regional
4 allocation pool or the state allocation pool, notices of
5 intent to issue bonds for Florida First Business projects to
6 be issued from a regional allocation pool or the state
7 allocation pool shall be considered to have been received by
8 the division at the time it is determined by the division that
9 the Florida First Business allocation pool is unavailable to
10 issue confirmation for such Florida First Business project.
11 If the total amount requested in notices of intent to issue
12 private activity bonds for Florida First Business projects
13 exceeds the total amount of the Florida First Business
14 allocation pool, the director shall forward all timely notices
15 of intent to issue, which are received by the division for
16 such projects, to the Office of Tourism, Trade, and Economic
17 Development which shall render a decision as to which notices
18 of intent to issue are to receive written confirmations. The
19 Office of Tourism, Trade, and Economic Development, in
20 consultation with the division, shall develop rules to ensure
21 that the allocation provided in such pool is available solely
22 to provide written confirmations for private activity bonds to
23 finance Florida First Business projects and that such projects
24 are feasible and financially solvent.

25 Section 7. Effective upon this act becoming a law and
26 operating retroactively to January 1, 2000, section 196.1978,
27 Florida Statutes, is amended to read:

28 196.1978 Affordable ~~Low-income~~ housing property
29 exemption.--Property used to provide affordable housing
30 servicing eligible ~~pursuant to any state housing program~~
31 ~~authorized under chapter 420 to low-income or very-low-income~~

Bill No. SB 2102

Amendment No. ____

1 persons as defined by s. 159.603(7) and persons meeting income
 2 limits specified in s. 420.0004(9), (10), and (14), which
 3 property is owned entirely by a nonprofit entity corporation
 4 which is qualified as charitable under s. 501(c)(3) of the
 5 Internal Revenue Code and which complies with Rev. Proc.
 6 96-32, 1996-1 C.B. 717, shall be considered property owned by
 7 an exempt entity and used for a charitable purpose, and those
 8 portions of the affordable housing property which provide
 9 housing to individuals with incomes as defined in s.
 10 420.0004(9), (10), and (14) such property shall be exempt from
 11 ad valorem taxation to the extent authorized in s. 196.196.
 12 All property identified in this section shall comply with the
 13 criteria for determination of exempt status to be applied by
 14 property appraisers on an annual basis as defined in s.
 15 196.195. The Legislature intends that any property owned by a
 16 limited liability company which is disregarded as an entity
 17 for federal income tax purposes pursuant to Treasury
 18 Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by
 19 its sole member.

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

22 420.507 Powers of the corporation.--The corporation
 23 shall have all the powers necessary or convenient to carry out
 24 and effectuate the purposes and provisions of this part,
 25 including the following powers which are in addition to all
 26 other powers granted by other provisions of this part:

27 (37) To provide by rule, in connection with any
 28 corporation competitive program, for the reservation of future
 29 allocation or funding to provide a remedy for a litigant which
 30 is ultimately successful in its litigation regarding a
 31 competitive application, and to establish a date certain by

Bill No. SB 2102

Amendment No. ____

1 which, if litigation is not resolved, the successful litigant
2 will be funded from a subsequent year's available allocation
3 or funding.

4 (38) To designate private activity allocation for
5 tax-exempt bonds received by the corporation pursuant to part
6 VI of chapter 159 between single-family and multifamily
7 projects.

8 Section 9. Subsection (3) of section 420.5099, Florida
9 Statutes, is amended to read:

10 420.5099 Allocation of the low-income housing tax
11 credit.--

12 (3) The corporation may request such information from
13 applicants as will enable it to make the allocations according
14 to the guidelines set forth in subsection (2), including, but
15 not limited to, the information required to be provided the
16 corporation by chapter 67 91-21, Florida Administrative Code.

17 Section 10. Section 420.526, Florida Statutes, is
18 amended to read:

19 420.526 Predevelopment Loan Program; loans and grants
20 authorized; activities eligible for support.--

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

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

26 (b) Federal, state, or local public funds or private
27 funds are available or likely to be available to aid in the
28 site acquisition, site development, construction,
29 rehabilitation, maintenance, or support of the housing
30 proposed in the application.

31 (2) If a loan is made, the corporation is authorized

Bill No. SB 2102

Amendment No. ____

1 to forgive such loan, and thereby make a grant to a sponsor
2 for any moneys which are unable to be repaid due to the
3 sponsor's inability to obtain construction or permanent
4 financing for the development. The corporation shall not
5 forgive the portion of the loan, if any, which is secured by a
6 mortgage to the extent such loan could be repaid from the sale
7 of the mortgaged property ~~shall not award a grant or loan to a~~
8 ~~sponsor that is unable to demonstrate the ability to proceed~~
9 ~~as verified by a qualified development team.~~

10 (3) The corporation shall establish rules for the
11 equitable distribution of the funds in a manner that meets the
12 need and demand for housing for the target population.
13 ~~However, during the first 6 months of fund availability, at~~
14 ~~least 40 percent of the total funds made available under this~~
15 ~~program shall be reserved for Sponsors of farmworker housing,~~
16 if any, shall receive first priority under this program, and
17 further priorities shall be as established by rule of the
18 corporation.

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

22 (a) Site acquisition.

23 (b) Site development.

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

26 (d) Marketing expenses relating to advertisement.

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

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

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

Bill No. SB 2102

Amendment No. ____

1 be used for the development of housing and related services
2 for the target population.

3 (e) Provisions to ensure, to the extent possible, that
4 any accrued savings in cost due to the availability of these
5 funds will be passed on to the target population in the form
6 of lower land prices. The corporation shall ensure that such
7 savings in land prices shall be passed on in the form of lower
8 prices or rents for dwellings constructed on such land.

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

16 ~~(7)(9)~~ No predevelopment loan made under this section
17 shall exceed the lesser of:

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

20 (b) Five hundred thousand dollars.

21 ~~(8)(10)~~ Any real property or any portion thereof
22 purchased or developed under ss. 420.521-420.529 may be
23 disposed of by the eligible sponsor upon the terms and
24 conditions established by rule of the corporation and
25 consistent with ss. 420.521-420.529, at a price not to exceed
26 the actual prorated land costs, development costs, accrued
27 taxes, and interest.

28 Section 11. Subsections (3), (5), (7), and (8) of
29 section 420.609, Florida Statutes, are amended to read:

30 420.609 Affordable Housing Study Commission.--Because
31 the Legislature firmly supports affordable housing in Florida

Bill No. SB 2102

Amendment No. ____

1 for all economic classes:

2 (3) The department and the corporation ~~agency~~ shall
 3 supply such information, assistance, and facilities as are
 4 deemed necessary for the commission to carry out its duties
 5 under this section and shall provide such staff assistance as
 6 is necessary for the performance of required clerical and
 7 administrative functions of the commission.

8 (5) The commission shall review, evaluate, and make
 9 recommendations regarding existing and proposed housing
 10 programs and initiatives. The commission shall provide these
 11 and any other housing recommendations to the secretary of the
 12 Department of Community Affairs and the executive director of
 13 the corporation.

14 (7) By July 15 ~~December 31~~ of each year beginning in
 15 2001 ~~1992~~, the commission shall prepare and submit to the
 16 Governor, the President of the Senate, and the Speaker of the
 17 House of Representatives a report detailing its findings and
 18 making specific program, legislative, and funding
 19 recommendations and any other recommendations it deems
 20 appropriate.

21 (8) The commission shall recommend studies to be
 22 conducted for ~~included in the annual research agenda of the~~
 23 ~~Multidisciplinary Center for affordable housing. These~~
 24 ~~recommendations shall be submitted to the department and the~~
 25 ~~center in order to assist them in establishing an appropriate~~
 26 ~~research agenda for the center.~~

27 Section 12. Subsections (4) and (27) of section
 28 420.9071, Florida Statutes, are amended to read:

29 420.9071 Definitions.--As used in ss.

30 420.907-420.9079, the term:

31 (4) "Annual gross income" means annual income as

Bill No. SB 2102

Amendment No. ____

1 defined under the Section 8 housing assistance payments
2 programs in 24 C.F.R. part 5; annual income as reported under
3 the census long form for the recent available decennial
4 census; or adjusted gross income as defined for purposes of
5 reporting under Internal Revenue Service Form 1040 for
6 individual federal annual income tax purposes. Counties and
7 eligible municipalities shall calculate income by annualizing
8 verified sources ~~projecting the prevailing annual rate~~ of
9 income for ~~all adults in~~ the household as the amount of income
10 to be received in a household during the 12 months following
11 the effective date of the determination.

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

Bill No. SB 2102

Amendment No. ____

1 value means the value of the real property, as determined by
2 an appraisal performed by a state-certified appraiser and
3 dated within 12 months of the date construction is to commence
4 or the assessed value of the real property as determined by
5 the county property appraiser, plus the cost of the
6 improvements in either case.

7 Section 13. Paragraph (e) of subsection (3) and
8 paragraph (c) of subsection (4) of section 420.9075, Florida
9 Statutes, are amended to read:

10 420.9075 Local housing assistance plans;
11 partnerships.--

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

14 (e) The staff or entity that has administrative
15 authority for implementing a local housing assistance plan
16 assisting rental developments shall annually monitor and
17 determine tenant eligibility or, to the extent the Florida
18 Housing Finance Corporation provides the same monitoring and
19 determination, a municipality, county, or local housing
20 financing authority may rely on such monitoring and
21 determination of tenant eligibility.

22 (4) The following criteria apply to awards made to
23 eligible sponsors or eligible persons for the purpose of
24 providing eligible housing:

25 (c) The sales price or value of new or existing
26 eligible housing may not exceed 90 percent of the average
27 median area purchase price in the statistical area in which
28 where the eligible housing is located, which housing was
29 purchased during the most recent 12-month period for which
30 sufficient statistical information is available or, as
31 established by the United States Department of Treasury.

Bill No. SB 2102

Amendment No. ____

1
2 If both an award under the local housing assistance plan and
3 federal low-income housing tax credits are used to assist a
4 project and there is a conflict between the criteria
5 prescribed in this subsection and the requirements of s. 42 of
6 the Internal Revenue Code of 1986, as amended, the county or
7 eligible municipality may resolve the conflict by giving
8 precedence to the requirements of s. 42 of the Internal
9 Revenue Code of 1986, as amended, in lieu of following the
10 criteria prescribed in this subsection with the exception of
11 paragraphs (a) and (d) of this subsection.

12 Section 14. Section 760.26, Florida Statutes, is
13 created to read:

14 760.26 Prohibited discrimination in land use decisions
15 and in permitting of development.--It is unlawful to
16 discriminate in land use decisions or in the permitting of
17 development based on race, color, national origin, sex,
18 disability, familial status, religion, or, except as otherwise
19 provided by law, the source of financing of a development or
20 proposed development.

21 Section 15. State Farmworker Housing Pilot Loan
22 Program.--The State Farmworker Housing Pilot Loan Program is
23 created for the purpose of demonstrating the ability to use
24 state dedicated funds to leverage Federal Government, local
25 government, and private resources to provide affordable, safe,
26 and sanitary rental housing units for farmworkers.

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

Bill No. SB 2102

Amendment No. ____

- 1 (a) Agrees to:
- 2 1. Set aside at least 80 percent of the units for
- 3 eligible farmworkers, as defined in s. 420.503(18), Florida
- 4 Statutes;
- 5 2. Set aside 100 percent of the units for households
- 6 whose family income does not exceed:
- 7 a. Fifty percent of the adjusted local median income
- 8 in areas which are not metropolitan statistical areas; or
- 9 b. Forty percent of adjusted local median income in
- 10 metropolitan statistical areas; and
- 11 3. Limit rents to no more than 30 percent of the
- 12 maximum household income adjusted to unit size; or
- 13 (b) Uses federal funds provided under section 514 or
- 14 section 516 of Title V of the Federal Housing Act of 1949 and
- 15 meets maximum rental limits, tenant eligibility, and other
- 16 regulatory requirements established pursuant to such programs.
- 17 (2) The corporation shall issue a request for
- 18 proposals to solicit applications for loans offered pursuant
- 19 to this section and shall establish a funding cycle to
- 20 distribute funds pursuant to this section. The corporation
- 21 shall coordinate this cycle with the fiscal year 2001 federal
- 22 funding cycle for section 514 or section 516 of Title V of the
- 23 Federal Housing Act of 1949. The corporation may distribute
- 24 through this funding cycle any additional funds set aside for
- 25 farmworker housing under the State Apartment Incentive Loan
- 26 Program authorized by s. 420.5087, Florida Statutes, or other
- 27 funds appropriated for the State Farmworker Housing Pilot Loan
- 28 Program.
- 29 (3) All eligible applications shall:
- 30 (a) Demonstrate that the sponsor possesses title to or
- 31 firm site control of land and evidences availability of

Bill No. SB 2102

Amendment No. ____

1 required infrastructure.

2 (b) Have grants, donations of land, or contributions
3 from other sources collectively totaling at least 25 percent
4 of the total development cost. Such grants, donations of land,
5 or contributions need not be committed at the time of
6 application. The corporation shall establish a set time for
7 receipt of such commitments.

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

11 (d) Demonstrate accessibility to commercial businesses
12 and services needed to serve the needs of the resident
13 farmworkers or include a viable plan to provide access to
14 those commercial businesses and services.

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

17 (4) The corporation shall establish a review committee
18 composed of staff of the Department of Community Affairs
19 selected by the Secretary of Community Affairs and staff of
20 the corporation and shall establish a scoring system for
21 evaluation and competitive ranking of applications submitted
22 in this program.

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

25 1. A demonstrated need for farmworker housing:
26 Proposed developments in a county determined by the Shimberg
27 Center for Affordable Housing's April 1997 Migrant Farm Worker
28 Needs Assessment, or any subsequent assessment, to have a
29 shortage of affordable housing for 3,000 or more farmworkers
30 shall receive maximum points. Sponsors proposing developments
31 in other counties and demonstrating a high need for farmworker

Bill No. SB 2102

Amendment No. ____

1 housing through other state or local governmental reports or
2 market studies are eligible for funding under this section,
3 but shall receive less points.

4 2. Developer fees: Sponsors with developer fees less
5 than 15 percent shall be awarded additional points. There
6 shall be no identity of interest between the sponsor,
7 affiliated entities, and the contractor, and the sponsor or
8 affiliated entities shall not receive any financial or other
9 remuneration from the contractor as a condition of the
10 contractor's selection.

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

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

19 5. Innovative building designs: Innovative building
20 designs, which are targeted to meet the needs of the
21 hard-to-serve population of migrant, seasonal, and
22 very-low-income tenants which lower costs and rents while
23 providing safe, sanitary, and decent housing shall receive
24 additional points.

25 6. Federal Government contributions: Scoring shall
26 provide additional points based on the percentage of federal
27 funds leveraged. Such funds need not be committed to the
28 proposed project. The corporation shall establish a set time
29 for receipt of such commitments, taking into consideration the
30 application deadlines and projected determination periods set
31 by each of the agencies responsible for the federal funds

Bill No. SB 2102

Amendment No.

1 proposed as leveraged. The corporation may give more points
2 to applications with commitments of federal contributions.

3 7. Local government participation: Evidence of local
4 government participation in project planning demonstrating a
5 commitment to the project's success, including, but not
6 limited to, comprehensive planning, letters of support, and
7 other activities, shall receive additional points.

8 8. A provision for supportive services accessible
9 onsite or through cooperative agreements with service
10 providers in the community: Scoring shall provide additional
11 points to eligible applications that provide one or more
12 qualified tenant programs to enhance quality of life for
13 residents. Such programs include, but are not limited to, the
14 inclusion of a Title XX or Head Start child care facility for
15 children onsite or within 3 miles of the development, tenant
16 activities, health care, financial counseling, English as a
17 Second Language courses, and GED courses.

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

25 a. The following items are not required and shall
26 receive no points in the scoring of applications: two full
27 bathrooms in all three-bedroom units, one and one-half
28 bathrooms in all two-bedroom units, swimming pool, dishwasher,
29 garbage disposals, and cable television hookups.

30 b. The following items are not required but shall
31 receive additional points in the scoring of applications:

Bill No. SB 2102

Amendment No. ____

1 window treatments, 30-year roofing on all buildings, gated
2 community with carded entry or security guard, car care area,
3 covered picnic area, playground, outdoor recreation area for
4 older children, two or more parking spaces per unit, large
5 multipurpose room or clubhouse, air conditioning or
6 whole-house fan as determined by geographic region or seasonal
7 occupancy, hurricane shutters or resistant glass, and energy
8 conservation features.

9 10. The feasibility and economic viability of the
10 project.

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

21 12. The sponsor's management experience: Scoring shall
22 provide the most points to eligible applicants with successful
23 experience in the management of farmworker housing
24 commensurate to the size and scope of the proposed
25 development. Applicants with less management experience or
26 experience in projects substantially smaller than the proposed
27 development shall receive less points. The experience may be
28 that of an affiliated or controlling nonprofit corporation
29 where the eligible applicant is established to limit liability
30 of the affiliated group.

31 13. The ability to proceed with construction: Scoring

Bill No. SB 2102

Amendment No. ____

1 shall provide the most points to those applicants able to
2 proceed in a timely manner. In addition to local government
3 participation as addressed in subparagraph 7., items to be
4 scored shall include, but not be limited to: environmental
5 safety, infrastructure availability, schematic site plans and
6 elevations, and conceptual, preliminary, or final site plan
7 approval.

8 14. A management plan to attract, serve, and keep
9 eligible farmworker tenants.

10 (b) The corporation may reject any application.

11 (c) The review committee established by the
12 corporation shall make recommendations to the board of
13 directors of the corporation regarding program participation
14 under the State Farmworker Housing Pilot Loan Program. The
15 corporation board shall make the final ranking and the
16 decisions regarding which applicants shall become program
17 participants based on the scores received in the competitive
18 ranking, further review of applications, and the
19 recommendations of the review committee. The corporation
20 board shall approve or reject applications for loans and shall
21 determine the tentative loan amount available to each
22 applicant selected for participation in the program.

23 (5) Loans provided pursuant to this section shall be
24 nonamortizing. The corporation shall establish interest rates
25 for loans made pursuant to this section. Loans to
26 not-for-profit applicants shall have interest rates of zero
27 percent if no low-income housing tax credits are allocated to
28 the development. If low-income housing tax credits are
29 allocated to the development, the interest rate may be
30 adjusted upward to meet appropriate federal requirements.
31 Loans to for-profit applicants shall have interest rates of 3

Bill No. SB 2102

Amendment No.

1 percent if no low-income housing tax credits are allocated to
2 the development. If low-income housing tax credits are
3 allocated to the development, the interest rate may be
4 adjusted upward to meet appropriate federal requirements.
5 Loans shall not exceed \$5 million. The following provisions
6 shall apply to all loans provided under this section:

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

10 (b) The loan term shall be for a period of not less
11 than 20 years. The corporation may renegotiate and extend the
12 loan in order to extend the availability of housing for
13 farmworkers. The term of a loan may not extend beyond the
14 period for which the sponsor agrees to provide housing for
15 farmworkers as provided in subsection (1). Payment on the
16 loans shall be based on the actual development cash flow and
17 principal and interest may be deferred without constituting a
18 default on the loan. The corporation may defer repayment of
19 loans made under this section until the end of the loan
20 period, including any extension, or until the housing no
21 longer meets the requirements of subsection (1), whichever
22 occurs first.

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

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

28 (e) Sponsors shall annually certify the eligibility
29 status and adjusted gross income of all persons or families
30 qualified under subsection (1) who are residing in a project
31 funded by this program. For monitoring purposes, the

Bill No. SB 2102

Amendment No. ____

1 corporation may rely on a federal governmental entity which is
2 also required to monitor and determine tenant eligibility.

3 (f) If agricultural and market conditions change
4 substantially in a market area in which a project is located,
5 the sponsor may request approval from the corporation for
6 changes in the occupational or income set-aside requirements.
7 The sponsor shall submit evidence of such market changes,
8 including, but not limited to, a market study and statements
9 from agricultural producers and agricultural labor
10 representatives. The board of directors of the corporation
11 may amend set-aside requirements; however, such changes shall
12 preserve the maximum percentage of units for eligible
13 farmworkers as market conditions permit.

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

Bill No. SB 2102

Amendment No. ____

1 and insert:

2 An act relating to affordable housing; amending
3 s. 159.805, F.S.; revising procedures for
4 obtaining allocations of private activity
5 bonds; amending s. 159.806, F.S.; specifying
6 use of Florida First Business allocation pool
7 for priority projects before using regional
8 allocation pools; amending s. 159.807, F.S.;
9 requiring availability of the state allocation
10 pool for certain purposes; amending s.
11 159.8083, F.S.; clarifying preservation of
12 allocations for certain Florida First Business
13 projects; amending s. 159.809, F.S.; clarifying
14 recapture by the Florida First Business
15 allocation pool of portions of certain unused
16 allocations; amending s. 159.81, F.S.;
17 providing for granting requests for
18 carryforward of certain allocations relating to
19 Florida First Business projects under certain
20 circumstances; amending s. 196.1978, F.S.;
21 expanding the classes of certain low-income
22 housing property as property owned by an exempt
23 entity and used for charitable purposes;
24 amending s. 420.507, F.S.; providing special
25 powers of the corporation with respect to
26 reservation of future allocation or funding and
27 designation of private activity bond
28 allocation; amending s. 420.5099, F.S.;
29 correcting an administrative rule cross
30 reference; amending s. 420.526, F.S.; revising
31 provisions of the Predevelopment Loan Program

Bill No. SB 2102

Amendment No. ____

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

Bill No. SB 2102

Amendment No. ____

1 committee; providing requirements for such
2 loans; providing procedures and requirements
3 for loan defaults; requiring the corporation to
4 contract with the Florida Farmworker Housing
5 Coalition, Inc., for certain purposes;
6 requiring a report to the Governor and
7 Legislature; providing report requirements;
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31