

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

Representative(s) Gay offered the following:

Amendment (with title amendment)

On page 4, line 7,
remove from the bill: everything after the enacting clause,
and insert in lieu thereof:

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,

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 but, in any event, not later than the 160th ~~95th~~ calendar day
2 after the date the confirmation was issued, the agency shall
3 notify the division, by overnight common carrier delivery
4 service, of its failure to issue any bonds pursuant to the
5 written confirmation. Such notice of failure to issue shall
6 be filed with the division and the allocation provided in the
7 expired confirmation shall be made available for reallocation
8 pursuant to this part. Upon determining that it will not be
9 using allocation for mortgage credit certificates, the issuer
10 will notify the division in writing within 5 business days
11 that such allocation for mortgage credit certificates,
12 referencing the dollar amount, will not be used, thereby
13 allowing the division to reallocate such amounts.

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 ~~overnight common carrier delivery service~~ with the division no
2 later than the following business day.

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

5 159.806 Regional allocation pools.--

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

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

24 159.807 State allocation pool.--

25 (2) Except as provided in subsection (1), prior to
26 June ~~April~~ 1 of each year, the state allocation pool shall be
27 available solely to provide written confirmations for private
28 activity bonds to finance priority projects except
29 manufacturing facilities. To obtain a written allocation for
30 private activity bonds to finance a priority project from the
31 state allocation pool prior to June ~~April~~ 1 of each year, the

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 notice of intent to issue must be filed with the division no
 2 later than May ~~March~~ 1. If the total amount requested in
 3 notices of intent to issue for priority projects does not
 4 exceed the total amount of the state allocation pool, the
 5 director shall issue written confirmation for each notice of
 6 intent to issue by May ~~March~~ 15. If the total amount
 7 requested in notices of intent to issue private activity bonds
 8 for priority projects exceeds the total amount of the state
 9 allocation pool, the director shall forward all timely notices
 10 of intent to issue received by the division for those projects
 11 to the Governor who shall render a decision by June ~~April~~ 1 as
 12 to which notices of intent to issue are to receive written
 13 confirmations. If additional portions of the state volume
 14 limitation of private activity bonds permitted to be issued in
 15 the state are subsequently placed into the state allocation
 16 pool, the remainder of the timely notices of intent to issue
 17 for priority projects shall be provided written confirmations
 18 in the order established by the Governor prior to any other
 19 notices of intent to issue filed with the division.

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

22 159.809 Recapture of unused amounts.--

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

30 (2) On July 1 of each year, any portion of each
 31 ~~initial~~ allocation made pursuant to s. 159.804(2) ~~or (3)~~ for

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

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

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

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

31 159.81 Unused allocations; carryforwards.--

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

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

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

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

29 196.1978 Affordable ~~Low-income~~ housing property
30 exemption.--Property used to provide affordable housing
31 serving eligible ~~pursuant to any state housing program~~

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 ~~authorized under chapter 420 to low-income or very-low-income~~
 2 ~~persons as defined by s. 159.603(7) and persons meeting income~~
 3 ~~limits specified in s. 420.0004(9), (10), and (14), which~~
 4 ~~property is owned entirely by a nonprofit entity ~~corporation~~~~
 5 ~~which is qualified as charitable under s. 501(c)(3) of the~~
 6 ~~Internal Revenue Code and which complies with Rev. Proc.~~
 7 ~~96-32, 1996-1 C.B. 717, shall be considered property owned by~~
 8 ~~an exempt entity and used for a charitable purpose, and those~~
 9 ~~portions of the affordable housing property which provide~~
 10 ~~housing to individuals with incomes as defined in s.~~
 11 ~~420.0004(9) and (14) ~~such property~~ shall be exempt from ad~~
 12 ~~valorem taxation to the extent authorized in s. 196.196. All~~
 13 ~~property identified in this section shall comply with the~~
 14 ~~criteria for determination of exempt status to be applied by~~
 15 ~~property appraisers on an annual basis as defined in s.~~
 16 ~~196.195. The Legislature intends that any property owned by a~~
 17 ~~limited liability company which is disregarded as an entity~~
 18 ~~for federal income tax purposes pursuant to Treasury~~
 19 ~~Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by~~
 20 ~~its sole member.~~

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

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

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 competitive application, and to establish a date certain by
2 which, if litigation is not resolved, the successful litigant
3 will be funded from a subsequent year's available allocation
4 or funding.

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

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

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

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

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

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

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

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

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

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

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

- 23 (a) Site acquisition.
- 24 (b) Site development.
- 25 (c) Fees for requisite services from architects,
 26 engineers, surveyors, attorneys, and other professionals.
- 27 (d) Marketing expenses relating to advertisement.

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

31 (e)(a) Administrative expenses.

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

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

3 ~~(5)(6)~~ Any funds paid out of the Housing

4 Predevelopment Fund for activities under ss. 420.521-420.529
5 which are reimbursed to the sponsor from another source shall
6 be repaid to the fund.

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

11 ~~(6)(8)~~ Terms and conditions of housing predevelopment
12 loan agreements shall be established by rule and shall
13 include:

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

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

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

27 ~~Reasonable security shall be a promissory note secured by a~~
28 ~~mortgage from the sponsor on the property to be purchased,~~
29 ~~improved, or purchased and improved with the proceeds of the~~
30 ~~housing predevelopment loan or other collateral acceptable to~~
31 ~~the corporation.~~

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 (d) Provisions to ensure that the land acquired will
2 be used for the development of housing and related services
3 for the target population.

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

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

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

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

21 (b) Five hundred thousand dollars.

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

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

31 420.609 Affordable Housing Study Commission.--Because

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 the Legislature firmly supports affordable housing in Florida
2 for all economic classes:

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

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

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

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

28 Section 12. Subsections (4) and (27) of section
29 420.9071, Florida Statutes, are amended to read:

30 420.9071 Definitions.--As used in ss.

31 420.907-420.9079, the term:

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

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

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 s. 420.503(37), Florida Statutes, provided the sponsor:
2 (a) Agrees to:
3 1. Set aside at least 80 percent of the units for
4 eligible farmworkers, as defined in s. 420.503(18), Florida
5 Statutes;
6 2. Set aside 100 percent of the units for households
7 whose family income does not exceed:
8 a. Fifty percent of the adjusted local median income
9 in areas which are not metropolitan statistical areas; or
10 b. Forty percent of adjusted local median income in
11 metropolitan statistical areas; and
12 3. Limit rents to no more than 30 percent of the
13 maximum household income adjusted to unit size; or
14 (b) Uses federal funds provided under section 514 or
15 section 516 of Title V of the Federal Housing Act of 1949 and
16 meets maximum rental limits, tenant eligibility, and other
17 regulatory requirements established pursuant to such programs.
18 (2) The corporation shall issue a request for
19 proposals to solicit applications for loans offered pursuant
20 to this section and shall establish a funding cycle to
21 distribute funds pursuant to this section. The corporation
22 shall coordinate this cycle with the fiscal year 2001 federal
23 funding cycle for section 514 or section 516 of Title V of the
24 Federal Housing Act of 1949. The corporation may distribute
25 through this funding cycle any additional funds set aside for
26 farmworker housing under the State Apartment Incentive Loan
27 Program authorized by s. 420.5087, Florida Statutes, or other
28 funds appropriated for the State Farmworker Housing Pilot Loan
29 Program.
30 (3) All eligible applications shall:
31 (a) Demonstrate that the sponsor possesses title to or

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 firm site control of land and evidences availability of
2 required infrastructure.

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

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

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

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

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

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

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 in other counties and demonstrating a high need for farmworker
2 housing through other state or local governmental reports or
3 market studies are eligible for funding under this section,
4 but shall receive less points.

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

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

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

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

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 by each of the agencies responsible for the federal funds
2 proposed as leveraged. The corporation may give more points
3 to applications with commitments of federal contributions.

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

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

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

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

31 b. The following items are not required but shall

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

- 1 receive additional points in the scoring of applications:
2 window treatments, 30-year roofing on all buildings, gated
3 community with carded entry or security guard, car care area,
4 covered picnic area, playground, outdoor recreation area for
5 older children, two or more parking spaces per unit, large
6 multipurpose room or clubhouse, air conditioning or
7 whole-house fan as determined by geographic region or seasonal
8 occupancy, hurricane shutters or resistant glass, and energy
9 conservation features.
- 10 10. The feasibility and economic viability of the
11 project.
- 12 11. The sponsor's development experience: Scoring
13 shall provide the most points to eligible applicants with
14 successful experience in the development of farmworker housing
15 commensurate to the size and scope of the proposed
16 development. Applicants with less development experience or
17 experience in projects substantially smaller than that
18 proposed shall receive less points. The experience may be
19 that of an affiliated or controlling corporation where the
20 eligible applicant is established to limit liability of the
21 affiliated group.
- 22 12. The sponsor's management experience: Scoring shall
23 provide the most points to eligible applicants with successful
24 experience in the management of farmworker housing
25 commensurate to the size and scope of the proposed
26 development. Applicants with less management experience or
27 experience in projects substantially smaller than the proposed
28 development shall receive less points. The experience may be
29 that of an affiliated or controlling nonprofit corporation
30 where the eligible applicant is established to limit liability
31 of the affiliated group.

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

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

11 (b) The corporation may reject any application.

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

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 Loans to for-profit applicants shall have interest rates of 3
2 percent if no low-income housing tax credits are allocated to
3 the development. If low-income housing tax credits are
4 allocated to the development, the interest rate may be
5 adjusted upward to meet appropriate federal requirements.
6 Loans shall not exceed \$5 million. The following provisions
7 shall apply to all loans provided under this section:
8 (a) No loan combined with any other mortgage in a
9 superior position shall exceed the development cost or the
10 value of security, whichever is less.
11 (b) The loan term shall be for a period of not less
12 than 20 years. The corporation may renegotiate and extend the
13 loan in order to extend the availability of housing for
14 farmworkers. The term of a loan may not extend beyond the
15 period for which the sponsor agrees to provide housing for
16 farmworkers as provided in subsection (1). Payment on the
17 loans shall be based on the actual development cash flow and
18 principal and interest may be deferred without constituting a
19 default on the loan. The corporation may defer repayment of
20 loans made under this section until the end of the loan
21 period, including any extension, or until the housing no
22 longer meets the requirements of subsection (1), whichever
23 occurs first.
24 (c) The discrimination provisions of s. 420.516,
25 Florida Statutes, shall apply to all loans.
26 (d) The proceeds of all loans shall be used for new
27 construction or substantial rehabilitation which creates
28 affordable, safe, and sanitary housing units.
29 (e) Sponsors shall annually certify the eligibility
30 status and adjusted gross income of all persons or families
31 qualified under subsection (1) who are residing in a project

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 funded by this program. For monitoring purposes, the
2 corporation may rely on a federal governmental entity which is
3 also required to monitor and determine tenant eligibility.

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

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

1 Housing Pilot Loan Program as provided in subsection (1).
 2 (7) Subject to the availability of funds appropriated
 3 to fund the State Farmworker Housing Pilot Loan Program, the
 4 Florida Housing Finance Corporation shall contract with a
 5 nonprofit corporation, qualified under s. 501(c)(3) of the
 6 Internal Revenue Code, representing a mix of stakeholders
 7 concerned with housing conditions faced by migrant and
 8 seasonal farmworkers with demonstrated expertise in housing
 9 issues. The corporation shall select such contractor within 90
 10 days after the effective date of this section to assist the
 11 corporation in establishing and implementing the State
 12 Farmworker Housing Pilot Loan Program, and to prepare a
 13 research report that includes a needs assessment and strategic
 14 plan for agricultural labor housing in this state. The
 15 research report shall be submitted to the Governor, the
 16 President of the Senate, and the Speaker of the House of
 17 Representatives. The report shall:

18 (a) Identify localities throughout this state having
 19 the greatest need for newly-constructed or rehabilitated
 20 agricultural labor housing.

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

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

25 (d) Profile successful state and local government
 26 programs within and without this state that address
 27 agricultural housing needs.

28 Section 16. Except as otherwise provided herein, this
 29 act shall take effect July 1, 2000.
 30
 31

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

2 And the title is amended as follows:

3 On page 1, line 3, through page 4, line 4,
4 remove from the title of the bill: all of said lines,

5
6 and insert in lieu thereof:

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

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

2 correcting an administrative rule cross

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

4 provisions of the Predevelopment Loan Program

5 to provide for targeting of funds and

6 forgiveness of loans under certain

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

8 requiring the corporation to assist the

9 Affordable Housing Study Commission for certain

10 purposes; requiring the commission to provide

11 certain commission recommendations to the

12 corporation; changing the date of submittal for

13 the commission's report; revising the

14 commission's recommended studies requirements;

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

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

17 revising entities authorized to monitor and

18 determine tenant eligibility under local

19 housing assistance plans; revising criteria for

20 eligibility awards under such plans; creating

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

22 land use decisions and in permitting of

23 development; establishing the State Farmworker

24 Housing Pilot Loan Program; providing for

25 administration by the Florida Housing Finance

26 Corporation; providing sponsor requirements;

27 requiring the corporation to issue a request

28 for proposals for loan applications for certain

29 purposes; requiring the corporation to

30 establish a loan distribution mechanism;

31 providing eligible loan applicant requirements;

hbd-032

Bill No. HB 2261

Amendment No. ____ (for drafter's use only)

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

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31