

By the Committee on Community Affairs and Representatives
Gay, Turnbull, Ritchie, Johnson, Barreiro, Andrews and Arnall

1 A bill to be entitled
2 An act relating to affordable housing; amending
3 s. 159.804, F.S.; revising allocations of
4 private activity bonds for Florida First
5 Business projects; amending s. 159.805, F.S.;
6 revising procedures for obtaining allocations
7 of private activity bonds; amending s. 159.806,
8 F.S.; specifying use of Florida First Business
9 allocation pool for priority projects before
10 using regional allocation pools; amending s.
11 159.807, F.S.; requiring availability of the
12 state allocation pool for certain purposes;
13 amending s. 159.8083, F.S.; clarifying
14 availability of allocations from the Florida
15 First Business allocation pool; amending s.
16 159.809, F.S.; deleting a provision for adding
17 certain unused initial allocations to the
18 Florida First Business allocation pool;
19 amending s. 159.813, F.S.; providing
20 legislative intent relating to construction of
21 certain allocation formula provisions; amending
22 s. 196.1978, F.S.; expanding the classes of
23 certain low-income housing property as property
24 owned by an exempt entity and used for
25 charitable purposes; amending s. 420.507, F.S.;
26 providing special powers of the corporation
27 with respect to reservation of future
28 allocation or funding and designation of
29 private activity bond allocation; amending s.
30 420.5092, F.S.; increasing the maximum total
31 amount of bonds issued to capitalize the

1 Florida Affordable Housing Guarantee Program;
2 amending s. 420.5099, F.S.; correcting an
3 administrative rule cross reference; creating
4 s. 420.518, F.S.; creating the Florida's Front
5 Porch Housing Initiative; providing legislative
6 findings; providing a state policy; providing
7 definitions; providing powers of the Florida
8 Housing Finance Corporation; providing duties
9 of the corporation; specifying maturity of
10 certain loans made by the corporation;
11 specifying uses of certain loan proceeds;
12 providing for sources of moneys and uses of
13 such moneys in the Florida Front Porch Housing
14 Loan Fund; providing for interfund loans from
15 the State Housing Trust Fund to the Florida
16 Front Porch Housing Loan Fund under certain
17 circumstances; authorizing the corporation to
18 transfer moneys in the Florida Front Porch
19 Housing Loan Fund to the State Apartment
20 Incentive Loan Fund for certain purposes under
21 certain circumstances; amending s. 420.526,
22 F.S.; revising provisions of the Predevelopment
23 Loan Program to provide for targeting of funds
24 and forgiveness of loans under certain
25 circumstances; amending s. 420.609, F.S.;
26 requiring the corporation to assist the
27 Affordable Housing Study Commission for certain
28 purposes; requiring the commission to provide
29 certain commission recommendations to the
30 corporation; changing the date of submittal for
31 the commission's report; revising the

1 commission's recommended studies requirements;
2 amending s. 420.9071, F.S.; revising certain
3 definitions; amending s. 420.9075, F.S.;
4 revising entities authorized to monitor and
5 determine tenant eligibility under local
6 housing assistance plans; revising criteria for
7 eligibility awards under such plans; creating
8 s. 760.26, F.S.; prohibiting discrimination in
9 land use decisions and in permitting of
10 development; establishing the State Farmworker
11 Housing Pilot Loan Program; providing for
12 administration by the Florida Housing Finance
13 Corporation; providing sponsor requirements;
14 requiring the corporation to issue a request
15 for proposals for loan applications for certain
16 purposes; requiring the corporation to
17 establish a loan distribution mechanism;
18 providing eligible loan applicant requirements;
19 providing for establishment of an application
20 review committee; providing criteria for loan
21 applications; providing duties and
22 responsibilities of the corporation and review
23 committee; providing requirements for such
24 loans; providing procedures and requirements
25 for loan defaults; requiring the corporation to
26 contract with the Florida Farmworker Housing
27 Coalition, Inc., for certain purposes;
28 requiring a report to the Governor and
29 Legislature; providing report requirements;
30 amending ss. 220.02 and 220.13, F.S.; deleting
31 a cross reference; repealing s. 220.185, F.S.,

1 relating to the state housing tax credit;
2 repealing s. 420.5093, F.S., relating to the
3 State Housing Tax Credit Program; providing
4 effective dates.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Effective January 1, 2001, paragraph (b) of
9 subsection (1), paragraph (a) of subsection (2), and
10 subsection (5) of section 159.804, Florida Statutes, are
11 amended to read:

12 159.804 Allocation of state volume limitation.--The
13 division shall annually determine the amount of private
14 activity bonds permitted to be issued in this state under the
15 Code and shall make such information available upon request to
16 any person or agency. The total amount of private activity
17 bonds authorized to be issued in this state pursuant to the
18 Code shall be initially allocated as follows on January 1 of
19 each year:

20 (1)

21 (b) If on January 1 of any year, under federal law,
22 bonds for manufacturing facilities no longer require or are
23 eligible for an allocation pursuant to s. 146 of the Code, the
24 allocation of the state volume limitation in the manufacturing
25 facility pool shall be divided among the remaining pools in
26 the following manner: 60 ~~50~~ percent to be shared by the 17
27 regions for use in the manner prescribed in subsection (2); 25
28 percent for use by the Florida Housing Finance Corporation in
29 the manner prescribed in subsection (3); 5 percent for use in
30 the state allocation pool in the manner prescribed in
31 subsection (4); and 10 ~~20~~ percent for use in the Florida First

1 Business allocation pool in the manner prescribed in
2 subsection (5).

3 (2)(a) Sixty ~~Fifty~~ percent of the state volume
4 limitation remaining after the allocation made pursuant to
5 subsection (1) shall be allocated among the regions
6 established in paragraph (b) for use by all agencies whose
7 boundaries are coterminous with or contained within each
8 region for purposes other than to finance Florida First
9 Business projects prior to June 1 or to issue bonds requiring
10 an allocation under s. 146(m) of the Code. The volume
11 limitation for each regional allocation pool must be an amount
12 that bears the same ratio to 60 ~~50~~ percent of the state volume
13 limitation remaining after the allocation made pursuant to
14 subsection (1) for such calendar year as the population of the
15 region bears to the population of the entire state.

16 (5) Ten ~~Twenty~~ percent of the state volume limitation
17 remaining after the allocation made pursuant to subsection (1)
18 shall be allocated to the Florida First Business allocation
19 pool, to be used as provided in s. 159.8083.

20 Section 2. Effective January 1, 2001, subsections (2)
21 and (3) and paragraph (a) of subsection (5) of section
22 159.805, Florida Statutes, are amended to read:

23 159.805 Procedures for obtaining allocations;
24 requirements; limitations on allocations; issuance reports.--

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

1 (3) Upon the expiration of the confirmation or at any
2 time the agency decides the allocation is no longer necessary,
3 but, in any event, not later than the 160th ~~95th~~ calendar day
4 after the date the confirmation was issued, the agency shall
5 notify the division, by overnight common carrier delivery
6 service, of its failure to issue any bonds pursuant to the
7 written confirmation. Such notice of failure to issue shall
8 be filed with the division and the allocation provided in the
9 expired confirmation shall be made available for reallocation
10 pursuant to this part. Upon determining that it will not be
11 using allocation for mortgage credit certificates, the issuer
12 will notify the division in writing within 5 business days
13 that such allocation for mortgage credit certificates,
14 referencing the dollar amount, will not be used, thereby
15 allowing the division to reallocate such amounts.

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

1 mortgage credit certificates, any allocation made under this
2 part is contingent upon the filing of the issuance report ~~by~~
3 ~~overnight common carrier delivery service~~ with the division no
4 later than the following business day.

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

7 159.806 Regional allocation pools.--

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

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

25 159.807 State allocation pool.--

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

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

21 Section 5. Effective January 1, 2001, section
22 159.8083, Florida Statutes, is amended to read:

23 159.8083 Florida First Business allocation pool.--The
24 Florida First Business allocation pool is hereby established.
25 The Florida First Business allocation pool shall be available
26 solely to provide written confirmation for private activity
27 bonds to finance Florida First Business projects certified by
28 the Office of Tourism, Trade, and Economic Development as
29 eligible to receive a written confirmation. Allocations from
30 such pool shall be awarded statewide pursuant to procedures
31 specified in s. 159.805, except that the provisions of s.

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

1 activity bonds to finance Florida First Business projects and
2 that such projects are feasible and financially solvent.

3 Section 6. Effective January 1, 2001, section 159.809,
4 Florida Statutes, is amended to read:

5 159.809 Recapture of unused amounts.--

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

13 (1)(2) On and after July 1 of each year, any portion
14 of each initial allocation made pursuant to s. 159.804(2), or
15 (3), or (4) for which a written confirmation has not been
16 issued by the director or for which an issuance report for
17 bonds utilizing such an allocation has not been received by
18 the division prior to that date shall be added to the Florida
19 First Business allocation pool. On and after July 2 of each
20 year, any portion of such allocations for which a written
21 confirmation has been issued and which confirmation expires or
22 is relinquished by the agency receiving the allocation, shall
23 be added to the state allocation pool.

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

31

1 Section 7. Effective January 1, 2001, section 159.813,
2 Florida Statutes, is amended to read:

3 159.813 Future federal amendments.--In the event that
4 the Code is amended or replaced, or amendments or successor
5 provisions to the Code are proposed which are or would be
6 inconsistent with this part or which would have the effect of
7 impeding the purposes of this part or the purposes for which
8 bonds are authorized to be issued under the laws of this
9 state, the Governor may issue an executive order that shall
10 revise the allocation system provided in this part to be
11 consistent with the Code as amended or as proposed to be
12 amended or replaced. The authority granted to the Governor
13 under this section may be exercised for allocation of any
14 volume limitation imposed by any enacted or proposed federal
15 law or regulation upon bonds authorized to be issued in this
16 state. If such executive order is issued, the division shall
17 notify the President of the Senate and Minority Leader of the
18 Senate and the Speaker of the House of Representatives and
19 Minority Leader of the House of Representatives in writing of
20 such an order and the reasons such order was issued, within 10
21 days of the issuance of the order. Any such order shall remain
22 effective until this part is amended to be consistent with
23 federal law or the regulations issued thereunder. If any such
24 order is issued based upon proposed amendments or successor
25 provisions to the Code, the allocation system provided in this
26 part and the system provided under any such order shall be
27 administered concurrent with one another, to the extent
28 feasible, as long as may be required due to the pendency of
29 any proposed amendments or successor provisions to the Code.
30 It is the intent of the Legislature that the provisions of
31 this section be construed and applied so as to give effect to

1 the framework for the relative allocations of state volume
2 limitation in accordance with the various formulas set forth
3 in this part, and nothing in this section shall be construed
4 or applied so as to have the effect of altering the
5 percentages set forth in this part unless and until the
6 categories of private activity bonds requiring an allocation
7 of such volume limitation are substantially restricted,
8 altered, or deleted under the Code.

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

12 196.1978 Affordable ~~Low-income~~ housing property
13 exemption.--Property used to provide affordable housing
14 serving eligible pursuant to any state housing program
15 ~~authorized under chapter 420 to low-income or very-low-income~~
16 persons as defined by s. 159.603(7) and persons meeting income
17 limits specified in s. 420.0004(9), (10), and (14), which
18 property is owned entirely by a nonprofit entity ~~corporation~~
19 which is qualified as charitable under s. 501(c)(3) of the
20 Internal Revenue Code and which complies with Rev. Proc.
21 96-32, 1996-1 C.B. 717, shall be considered property owned by
22 an exempt entity and used for a charitable purpose, and such
23 property shall be exempt from ad valorem taxation to the
24 extent authorized in s. 196.196. All property identified in
25 this section shall comply with the criteria for determination
26 of exempt status to be applied by property appraisers on an
27 annual basis as defined in s. 196.195. The Legislature intends
28 that any property owned by a limited liability company which
29 is disregarded as an entity for federal income tax purposes
30 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be
31 treated as owned by its sole member.

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

3 420.507 Powers of the corporation.--The corporation
4 shall have all the powers necessary or convenient to carry out
5 and effectuate the purposes and provisions of this part,
6 including the following powers which are in addition to all
7 other powers granted by other provisions of this part:

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

16 (38) To designate private activity allocation for
17 tax-exempt bonds received by the corporation pursuant to part
18 VI of chapter 159 between single-family and multifamily
19 projects.

20 Section 10. Subsection (11) of section 420.5092,
21 Florida Statutes, is amended to read:

22 420.5092 Florida Affordable Housing Guarantee
23 Program.--

24 (11) The maximum total amount of revenue bonds that
25 may be issued by the corporation pursuant to subsection (5) is
26 ~~\$300~~~~\$200~~ million.

27 Section 11. Subsection (3) of section 420.5099,
28 Florida Statutes, is amended to read:

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

31

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

6 Section 12. Section 420.518, Florida Statutes, is
7 created to read:

8 420.518 Florida's Front Porch Housing Initiative.--

9 (1) This section may be cited as the "Florida's Front
10 Porch Housing Initiative."

11 (2) The Legislature finds that:

12 (a) There exist within urban areas of the state
13 conditions of blight evidenced by extensive deterioration of
14 public and private facilities, abandonment of sound
15 structures, and high unemployment, and these conditions impede
16 the conservation and development of healthy, safe, and
17 economically viable communities.

18 (b) Deterioration of housing and industrial,
19 commercial, and public facilities:

20 1. Contributes to the decline of neighborhoods and
21 communities and leads to the loss of their historic character
22 and the sense of community which this inspires.

23 2. Reduces the value of property comprising the tax
24 base of local communities.

25 3. Discourages private investment.

26 4. Requires a disproportionate expenditure of public
27 funds for the social services, unemployment benefits, and
28 police protection required to combat the social and economic
29 problems found in urban communities.

30 (c) In order to ultimately restore social and economic
31 viability to urban areas, it is necessary to acquire urban

1 land and to renovate or construct new infrastructure and
2 housing, including housing specifically targeted for the
3 elderly, and to specifically provide mechanisms to attract and
4 encourage private economic activity.

5 (d) The various local governments and other
6 redevelopment organizations now undertaking physical
7 revitalization projects and new housing developments in urban
8 areas are limited by tightly constrained budgets and
9 inadequate resources.

10 (e) In order to significantly improve revitalization
11 efforts by local governments and community development
12 organizations and to retain as much of the historic character
13 of our communities as possible, it is necessary to provide
14 additional resources, and the participation of private
15 enterprise in revitalization efforts is an effective means for
16 accomplishing that goal.

17 (3) It is the policy of this state to encourage the
18 participation of private corporations in revitalization
19 projects within urban areas. The purpose of this section is
20 to provide an additional funding mechanism for the
21 acquisition, construction, and rehabilitation of qualified
22 urban housing developments, including, but not limited to,
23 housing specifically designed for the elderly, and to
24 specifically address the difficulty in acquiring urban land
25 for such developments. The Legislature therefore declares
26 this to be a public purpose for which public money may be
27 borrowed, expended, loaned, and granted.

28 (4) As used in this section:

29 (a) "Front Porch community" means a community
30 designated as a Front Porch community by the Executive Office
31 of the Governor.

1 (b) "Front Porch loan" means a loan by the corporation
2 for the acquisition of land for use in a qualified urban
3 housing development or for the acquisition, construction, or
4 rehabilitation of a qualified urban housing development, or a
5 combination of such purposes.

6 (c) "Land" means the parcel or parcels of land
7 included in a qualified urban housing development.

8 (d) "Qualified urban housing development" means that
9 portion of an urban housing development designated by the
10 corporation for funding from a Front Porch loan pursuant to
11 the provisions of this section. Any portion of an urban
12 housing development consisting of a commercial facility shall
13 not be eligible for a Front Porch loan.

14 (e) "Urban housing development" means a development
15 located in a Front Porch community or in an urban infill and
16 redevelopment area, as defined in s. 163.2514(2), at least 50
17 percent of which consists of:

18 1. Multifamily rental housing units available for
19 lease to persons designated by rule of the corporation; or

20 2. Residential single-family developments available
21 for purchase by persons designated by rule of the corporation,
22
23 and the remainder of which constitutes commercial development,
24 such multifamily rental housing, or such residential
25 single-family developments.

26 (5) The corporation shall have the power to underwrite
27 and make loans for qualified urban housing developments. The
28 corporation shall establish by rule the procedure and criteria
29 for receiving, evaluating, and designating for funding
30 qualified urban housing developments. The corporation shall
31 also establish criteria for any commercial component of an

1 urban housing development not eligible to be financed from a
2 Front Porch loan. The corporation shall adopt allocation
3 procedures which will encourage maximum production of urban
4 housing developments in Front Porch communities, taking into
5 account the timeliness of the application, the location of the
6 proposed development, the relative need in the area of
7 revitalization, the availability of affordable housing in the
8 area, the economic feasibility of the development, and the
9 ability of the applicant to proceed to completion of the
10 development. Priority in allocation shall be established by
11 rule of the corporation.

12 (6) Front Porch loans shall mature at such times as
13 established by rule of the corporation, not to exceed 40
14 years. As provided by rule of the corporation, Front Porch
15 loans may be interest-only or interest-deferred during the
16 period prior to construction and lease-up or sale of the
17 qualified urban housing development and may be payable as
18 interest-only to the extent of available cash flow of the
19 development.

20 (7) The corporation shall have the authority to
21 establish all terms and conditions of Front Porch loans,
22 including, but not limited to, the establishment of provisions
23 with respect to foreclosure or other reversion to the
24 corporation if the development fails to proceed after a
25 designated period of time and the establishment of provisions
26 relating to forgiveness of Front Porch loans.

27 (8) If an applicant receives a Front Porch loan for
28 land acquisition in a Front Porch community and subsequently
29 determines to use such land for purposes other than a
30 qualified urban housing development, the corporation shall
31

1 have the right to demand repayment of the Front Porch loan,
2 foreclose on the property, or consent to such use of the land.

3 (9) Eligible costs for use of proceeds of a Front
4 Porch loan include land acquisition, site preparation, costs
5 for appraisals, environmental reviews and feasibility studies,
6 costs of acquisition and construction of infrastructure or
7 relocation of infrastructure, costs of enhanced security
8 features for urban developments, costs of construction and
9 rehabilitation, and such other costs established by the
10 corporation.

11 (10) Moneys appropriated to fund the Florida Front
12 Porch Housing Initiative shall be deposited by the corporation
13 into an account with a qualified public depository meeting the
14 requirements of chapter 280. All amounts received by the
15 corporation as budget allocation or appropriation for the
16 Florida Front Porch Housing Initiative, including all amounts
17 allocated pursuant to chapter 99-378, Laws of Florida, shall
18 be deposited into such account. There shall also be deposited
19 into such account moneys received from any source for the
20 purpose of such program and all proceeds derived from the use
21 of such moneys, including any repayment of Front Porch loans.
22 All unencumbered funds, proceeds from the sale of any
23 property, and any other proceeds that would otherwise accrue
24 pursuant to the activities of the program described in this
25 section shall be transferred to such account. In addition,
26 all loan repayments, proceeds from the sale of any property,
27 and any other proceeds that would otherwise accrue pursuant to
28 the activities conducted under the provisions of Florida's
29 Front Porch Housing Initiative shall be deposited into such
30 account and shall not revert to the General Revenue Fund.
31 Expenditures for the Florida Front Porch Housing Initiative

1 shall not be required to be included in the corporation's
2 budget request or be subject to appropriation by the
3 Legislature.

4 (11) The corporation shall have the authority to make
5 an interfund loan from amounts deposited to the State Housing
6 Trust Fund on behalf of the corporation pursuant to s.
7 201.15(7)(a) to the account established under subsection (10)
8 for purposes of advance funding of Front Porch loans. Any
9 such interfund loan may be repaid from moneys subsequently
10 deposited into such account.

11 (12) If the corporation determines that amounts on
12 deposit in the account established under subsection (10) are
13 unlikely to be able to be used for making Front Porch loans,
14 the corporation may transfer amounts on deposit in such
15 account to the State Apartment Incentive Loan Fund for use for
16 the purposes of such fund.

17 Section 13. 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

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.

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

2 ~~(g)(e)~~ 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.~~

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 development project, as determined by rule of the corporation;
21 or

22 (b) Five hundred thousand dollars.

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

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

1 420.609 Affordable Housing Study Commission.--Because
2 the Legislature firmly supports affordable housing in Florida
3 for all economic classes:

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

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

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

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

29 Section 15. Subsections (4) and (27) of section
30 420.9071, Florida Statutes, are amended to read:

31

1 420.9071 Definitions.--As used in ss.
2 420.907-420.9079, the term:
3 (4) "Annual gross income" means annual income as
4 defined under the Section 8 housing assistance payments
5 programs in 24 C.F.R. part 5; annual income as reported under
6 the census long form for the recent available decennial
7 census; or adjusted gross income as defined for purposes of
8 reporting under Internal Revenue Service Form 1040 for
9 individual federal annual income tax purposes. Counties and
10 eligible municipalities shall calculate income by annualizing
11 verified sources ~~projecting the prevailing annual rate~~ of
12 income for ~~all adults in~~ the household as the amount of income
13 to be received in a household during the 12 months following
14 the effective date of the determination.
15 (27) "Sales price" or "value" means, in the case of
16 acquisition of an existing or newly constructed unit, the
17 amount on the executed sales contract. For eligible persons
18 who are building a unit on land that they own, the sales price
19 is determined by an appraisal performed by a state-certified
20 appraiser. The appraisal must include the value of the land
21 and the improvements using the after-construction value of the
22 property and must be dated within 12 months of the date
23 construction is to commence. The sales price of any unit must
24 include the value of the land in order to qualify as eligible
25 housing as defined in subsection (8). In the case of
26 rehabilitation or emergency repair of an existing unit that
27 does not create additional living space, sales price or value
28 means the value of the real property, as determined by an
29 appraisal performed by a state-certified appraiser and dated
30 within 12 months of the date construction is to commence or
31 the assessed value of the real property as determined by the

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

10 Section 16. Paragraph (e) of subsection (3) and
11 paragraph (c) of subsection (4) of section 420.9075, Florida
12 Statutes, are amended to read:

13 420.9075 Local housing assistance plans;
14 partnerships.--

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

17 (e) The staff or entity that has administrative
18 authority for implementing a local housing assistance plan
19 assisting rental developments shall annually monitor and
20 determine tenant eligibility or may rely on another
21 governmental entity which is also required to monitor and
22 determine 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

1 sufficient statistical information is available or, as
2 established by the United States Department of Treasury.

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

14 Section 17. Section 760.26, Florida Statutes, is
15 created to read:

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

23 Section 18. State Farmworker Housing Pilot Loan
24 Program.--The State Farmworker Housing Pilot Loan Program is
25 created for the purpose of demonstrating the ability to use
26 state dedicated funds to leverage Federal Government, local
27 government, and private resources to provide affordable, safe,
28 and sanitary rental housing units for farmworkers.

29 (1) Subject to the availability of funds appropriated
30 to fund the State Farmworker Housing Pilot Loan Program, the
31 Florida Housing Finance Corporation shall have the authority

1 to make farmworker housing loans to a sponsor, as defined in
2 s. 420.503(37), Florida Statutes, provided the sponsor:
3 (a) Agrees to:
4 1. Set aside at least 80 percent of the units for
5 eligible farmworkers, as defined in s. 420.503(18), Florida
6 Statutes;
7 2. Set aside 100 percent of the units for households
8 whose family income does not exceed:
9 a. Fifty percent of the adjusted local median income
10 in areas which are not metropolitan statistical areas; or
11 b. Forty percent of adjusted local median income in
12 metropolitan statistical areas; and
13 3. Limit rents to no more than 30 percent of the
14 maximum household income adjusted to unit size; or
15 (b) Uses federal funds provided under section 514 or
16 section 516 of Title V of the Federal Housing Act of 1949 and
17 meets maximum rental limits, tenant eligibility, and other
18 regulatory requirements established pursuant to such programs.
19 (2) The corporation shall issue a request for
20 proposals to solicit applications for loans offered pursuant
21 to this section and shall establish a funding cycle to
22 distribute funds pursuant to this section. The corporation
23 shall coordinate this cycle with the fiscal year 2001 federal
24 funding cycle for section 514 or section 516 of Title V of the
25 Federal Housing Act of 1949. The corporation may distribute
26 through this funding cycle any additional funds set aside for
27 farmworker housing under the State Apartment Incentive Loan
28 Program authorized by s. 420.5087, Florida Statutes, the HOME
29 Investment Partnership Program authorized by s. 420.5089,
30 Florida Statutes, the low-income housing tax credit authorized
31 by s. 420.5099, Florida Statutes, or other appropriated funds.

- 1 (3) All eligible applications shall:
2 (a) Demonstrate that the sponsor possesses title to or
3 firm site control of land and evidences availability of
4 required infrastructure.
5 (b) Have grants, donations of land, or contributions
6 from other sources collectively totaling at least 25 percent
7 of the total development cost. Such grants, donations of land,
8 or contributions need not be committed at the time of
9 application. The corporation shall establish a set time for
10 receipt of such commitments.
11 (c) Have local government contributions and private
12 agriculture producer funds and other private leveraged funds
13 totaling no less than 3 percent of the total development cost.
14 (d) Demonstrate accessibility to commercial businesses
15 and services needed to serve the needs of the resident
16 farmworkers or include a viable plan to provide access to
17 those commercial businesses and services.
18 (e) Limit developer fees to no more than 15 percent of
19 the total development cost, less developer fees and land cost.
20 (4) The corporation shall establish a review committee
21 composed of staff of the Department of Community Affairs
22 selected by the Secretary of Community Affairs and staff of
23 the corporation and shall establish a scoring system for
24 evaluation and competitive ranking of applications submitted
25 in this program.
26 (a) Each application shall address and be evaluated
27 and ranked based on the following criteria:
28 1. A demonstrated need for farmworker housing:
29 Proposed developments in a county determined by the Shimberg
30 Center for Affordable Housing's April 1997 Migrant Farm Worker
31 Needs Assessment, or any subsequent assessment, to have a

1 shortage of affordable housing for 3,000 or more farmworkers
2 shall receive maximum points. Sponsors proposing developments
3 in other counties and demonstrating a high need for farmworker
4 housing through other state or local governmental reports or
5 market studies are eligible for funding under this section,
6 but shall receive less points.

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

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

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

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

31

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

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

16 8. The quality of the project's design: All
17 developments shall include two full bathrooms in all
18 four-bedroom or larger units; onsite laundromat or laundry
19 hookups and space for washer and dryer inside each unit; and
20 exterior storage rooms of a minimum 35 square feet interior
21 area for duplex or detached units and 28 square feet for
22 multifamily or townhouse units.

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

28 b. The following items are not required but shall
29 receive additional points in the scoring of applications:
30 window treatments, 30-year roofing on all buildings, gated
31 community with carded entry or security guard, pantry in or

1 adjacent to kitchen area, car care area, covered picnic area,
2 playground, outdoor recreation area for older children, two or
3 more parking spaces per unit, large multipurpose room or
4 clubhouse, air conditioning or whole-house fan as determined
5 by geographic region, hurricane shutters or resistant glass,
6 and energy conservation features.

7 9. The feasibility and economic viability of the
8 project.

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

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

29 12. The ability to proceed with construction: Scoring
30 shall provide the most points to those applicants able to
31 proceed in a timely manner. In addition to local government

1 participation as addressed in subparagraph 7., items to be
2 scored shall include, but not be limited to: environmental
3 safety, infrastructure availability, schematic site plans and
4 elevations, and conceptual, preliminary, or final site plan
5 approval.

6 13. A management plan to attract, serve, and keep
7 eligible farmworker tenants.

8 (b) The corporation may reject any application.

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

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

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

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

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

30 (7) Subject to the availability of funds appropriated
31 to fund the State Farmworker Housing Pilot Loan Program, the

1 Florida Housing Finance Corporation shall contract with the
2 Florida Farmworker Housing Coalition, Inc., a nonprofit
3 corporation established under chapter 617, Florida Statutes,
4 and qualified under s. 501(c)(3) of the Internal Revenue Code,
5 to assist the corporation in establishing and implementing the
6 State Farmworker Housing Pilot Loan Program, and to prepare a
7 research report that includes a needs assessment and strategic
8 plan for agricultural labor housing in this state. The
9 research report shall be submitted to the Governor, the
10 President of the Senate, and the Speaker of the House of
11 Representatives. The report shall:

12 (a) Identify localities throughout this state having
13 the greatest need for newly-constructed or rehabilitated
14 agricultural labor housing.

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

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

19 (d) Profile successful state and local government
20 programs within and without this state that address
21 agricultural housing needs.

22 Section 19. Subsection (10) of section 220.02, Florida
23 Statutes, is amended to read:

24 220.02 Legislative intent.--

25 (10) It is the intent of the Legislature that credits
26 against either the corporate income tax or the franchise tax
27 be applied in the following order: those enumerated in s.
28 220.18, those enumerated in s. 631.828, those enumerated in s.
29 220.191, those enumerated in s. 220.181, those enumerated in
30 s. 220.183, those enumerated in s. 220.182, those enumerated
31 in s. 220.1895, those enumerated in s. 221.02, those

1 enumerated in s. 220.184, those enumerated in s. 220.186,
2 those enumerated in s. 220.188, those enumerated in s.
3 220.1845, and those enumerated in s. 220.19, ~~and those~~
4 ~~enumerated in s. 220.185.~~

5 Section 20. Paragraph (a) of subsection (1) of section
6 220.13, Florida Statutes, is amended to read:

7 220.13 "Adjusted federal income" defined.--

8 (1) The term "adjusted federal income" means an amount
9 equal to the taxpayer's taxable income as defined in
10 subsection (2), or such taxable income of more than one
11 taxpayer as provided in s. 220.131, for the taxable year,
12 adjusted as follows:

13 (a) Additions.--There shall be added to such taxable
14 income:

15 1. The amount of any tax upon or measured by income,
16 excluding taxes based on gross receipts or revenues, paid or
17 accrued as a liability to the District of Columbia or any
18 state of the United States which is deductible from gross
19 income in the computation of taxable income for the taxable
20 year.

21 2. The amount of interest which is excluded from
22 taxable income under s. 103(a) of the Internal Revenue Code or
23 any other federal law, less the associated expenses disallowed
24 in the computation of taxable income under s. 265 of the
25 Internal Revenue Code or any other law, excluding 60 percent
26 of any amounts included in alternative minimum taxable income,
27 as defined in s. 55(b)(2) of the Internal Revenue Code, if the
28 taxpayer pays tax under s. 220.11(3).

29 3. In the case of a regulated investment company or
30 real estate investment trust, an amount equal to the excess of
31 the net long-term capital gain for the taxable year over the

1 amount of the capital gain dividends attributable to the
2 taxable year.

3 4. That portion of the wages or salaries paid or
4 incurred for the taxable year which is equal to the amount of
5 the credit allowable for the taxable year under s. 220.181.
6 The provisions of this subparagraph shall expire and be void
7 on June 30, 2005.

8 5. That portion of the ad valorem school taxes paid or
9 incurred for the taxable year which is equal to the amount of
10 the credit allowable for the taxable year under s. 220.182.
11 The provisions of this subparagraph shall expire and be void
12 on June 30, 2005.

13 6. The amount of emergency excise tax paid or accrued
14 as a liability to this state under chapter 221 which tax is
15 deductible from gross income in the computation of taxable
16 income for the taxable year.

17 7. That portion of assessments to fund a guaranty
18 association incurred for the taxable year which is equal to
19 the amount of the credit allowable for the taxable year.

20 8. In the case of a nonprofit corporation which holds
21 a pari-mutuel permit and which is exempt from federal income
22 tax as a farmers' cooperative, an amount equal to the excess
23 of the gross income attributable to the pari-mutuel operations
24 over the attributable expenses for the taxable year.

25 9. The amount taken as a credit for the taxable year
26 under s. 220.1895.

27 ~~10. Up to nine percent of the eligible basis of any~~
28 ~~designated project which is equal to the credit allowable for~~
29 ~~the taxable year under s. 220.185.~~

30 Section 21. Sections 220.185 and 420.5093, Florida
31 Statutes, are repealed.

