

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Kurth

316-2025-00

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; amending
4 s. 420.526, F.S.; revising provisions of the
5 Predevelopment Loan Program to provide for
6 targeting of funds and forgiveness of loans
7 under certain circumstances; amending s.
8 420.609, F.S.; requiring the corporation to
9 assist the Affordable Housing Study Commission
10 for certain purposes; requiring the commission
11 to provide certain commission recommendations
12 to the corporation; changing the date of
13 submittal for the commission's report; revising
14 the commission's recommended studies
15 requirements; amending s. 420.9071, F.S.;
16 revising certain definitions; amending s.
17 420.9075, F.S.; revising entities authorized to
18 monitor and determine tenant eligibility under
19 local housing assistance plans; revising
20 criteria for eligibility awards under such
21 plans; creating s. 760.26, F.S.; prohibiting
22 discrimination in land use decisions and in
23 permitting of development; establishing the
24 State Farmworker Housing Pilot Loan Program;
25 providing for administration by the Florida
26 Housing Finance Corporation; providing sponsor
27 requirements; requiring the corporation to
28 issue a request for proposals for loan
29 applications for certain purposes; requiring
30 the corporation to establish a loan
31 distribution mechanism; providing eligible loan

1 applicant requirements; providing for
2 establishment of an application review
3 committee; providing criteria for loan
4 applications; providing duties and
5 responsibilities of the corporation and review
6 committee; providing requirements for such
7 loans; providing procedures and requirements
8 for loan defaults; requiring the corporation to
9 contract with the Florida Farmworker Housing
10 Coalition, Inc., for certain purposes;
11 requiring a report to the Governor and
12 Legislature; providing report requirements;
13 providing for the transfer of unencumbered
14 appropriations to the Department of Children
15 and Family Services for coalitions for the
16 homeless; amending ss. 220.02, 220.13, F.S.;
17 deleting a cross-reference; repealing s.
18 220.185, F.S., relating to the state housing
19 tax credit; repealing s. 420.5093, F.S.,
20 relating to the State Housing Tax Credit
21 Program; providing retroactive applicability;
22 providing effective dates.

23

24 Be It Enacted by the Legislature of the State of Florida:

25

26 Section 1. Effective January 1, 2001, paragraph (b) of
27 subsection (1), paragraph (a) of subsection (2), and
28 subsection (5) of section 159.804, Florida Statutes, are
29 amended to read:

30 159.804 Allocation of state volume limitation.--The
31 division shall annually determine the amount of private

1 activity bonds permitted to be issued in this state under the
2 Code and shall make such information available upon request to
3 any person or agency. The total amount of private activity
4 bonds authorized to be issued in this state pursuant to the
5 Code shall be initially allocated as follows on January 1 of
6 each year:

7 (1)

8 (b) If on January 1 of any year, under federal law,
9 bonds for manufacturing facilities no longer require or are
10 eligible for an allocation pursuant to s. 146 of the Code, the
11 allocation of the state volume limitation in the manufacturing
12 facility pool shall be divided among the remaining pools in
13 the following manner: 60 ~~50~~ percent to be shared by the 17
14 regions for use in the manner prescribed in subsection (2); 25
15 percent for use by the Florida Housing Finance Corporation in
16 the manner prescribed in subsection (3); 5 percent for use in
17 the state allocation pool in the manner prescribed in
18 subsection (4); and 10 ~~20~~ percent for use in the Florida First
19 Business allocation pool in the manner prescribed in
20 subsection (5).

21 (2)(a) Sixty ~~Fifty~~ percent of the state volume
22 limitation remaining after the allocation made pursuant to
23 subsection (1) shall be allocated among the regions
24 established in paragraph (b) for use by all agencies whose
25 boundaries are coterminous with or contained within each
26 region for purposes other than to finance Florida First
27 Business projects prior to June 1 or to issue bonds requiring
28 an allocation under s. 146(m) of the Code. The volume
29 limitation for each regional allocation pool must be an amount
30 that bears the same ratio to 60 ~~50~~ percent of the state volume
31 limitation remaining after the allocation made pursuant to

1 subsection (1) for such calendar year as the population of the
2 region bears to the population of the entire state.

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

7 Section 2. Effective January 1, 2001, subsections (2)
8 and (3) and paragraph (a) of subsection (5) of section
9 159.805, Florida Statutes, are amended to read:

10 159.805 Procedures for obtaining allocations;
11 requirements; limitations on allocations; issuance reports.--

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

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

1 referencing the dollar amount, will not be used, thereby
2 allowing the division to reallocate such amounts.

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

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

25 159.806 Regional allocation pools.--

26 (1) Each region listed in s. 159.804(2) has an
27 allocation pool for issuing written confirmations of
28 allocation for private activity bonds. In issuing such
29 written confirmations, the division must first use the
30 allocation pool for the region in which the agency issuing
31 such bonds or on whose behalf such bonds are being issued is

1 located, except prior to June ~~April~~ 1, when the state
2 allocation pool or the Florida First Business allocation pool
3 must be used to finance priority projects ~~unless the agency~~
4 ~~requests an allocation for a priority project from the~~
5 ~~regional allocation pool~~. Unless otherwise agreed to by the
6 affected agencies, when such bonds are to be issued by an
7 agency whose boundaries include more than one region, the
8 division must first issue an allocation from the allocation
9 pool for the region in which the project is to be located.

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

12 159.807 State allocation pool.--

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

1 confirmations. If additional portions of the state volume
2 limitation of private activity bonds permitted to be issued in
3 the state are subsequently placed into the state allocation
4 pool, the remainder of the timely notices of intent to issue
5 for priority projects shall be provided written confirmations
6 in the order established by the Governor prior to any other
7 notices of intent to issue filed with the division.

8 Section 5. Effective January 1, 2001, section
9 159.8083, Florida Statutes, is amended to read:

10 159.8083 Florida First Business allocation pool.--The
11 Florida First Business allocation pool is hereby established.
12 The Florida First Business allocation pool shall be available
13 solely to provide written confirmation for private activity
14 bonds to finance Florida First Business projects certified by
15 the Office of Tourism, Trade, and Economic Development as
16 eligible to receive a written confirmation. Allocations from
17 such pool shall be awarded statewide pursuant to procedures
18 specified in s. 159.805, except that the provisions of s.
19 159.805(2), (3), and (6) do not apply. Florida First Business
20 projects that are eligible for a carryforward shall not lose
21 their allocation on November 16 if they have applied and have
22 been granted a carryforward. In issuing written confirmations
23 of allocations for Florida First Business projects, the
24 division shall use the Florida First Business allocation pool.
25 If allocation is not available from the Florida First Business
26 allocation pool on or after June 1 of each year, the division
27 shall issue written confirmations of allocations for Florida
28 First Business projects pursuant to s. 159.806 or s. 159.807,
29 in such order. For the purpose of determining priority within
30 a regional allocation pool or the state allocation pool,
31 notices of intent to issue bonds for Florida First Business

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

20 Section 6. Effective January 1, 2001, section 159.809,
21 Florida Statutes, is 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 a~~
25 ~~written confirmation has not been issued by the director or~~
26 ~~for which an issuance report for bonds utilizing such an~~
27 ~~allocation has not been received by the division prior to such~~
28 ~~date shall be added to the Florida First Business allocation~~
29 ~~pool.~~

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

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

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

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

19 159.813 Future federal amendments.--In the event that
20 the Code is amended or replaced, or amendments or successor
21 provisions to the Code are proposed which are or would be
22 inconsistent with this part or which would have the effect of
23 impeding the purposes of this part or the purposes for which
24 bonds are authorized to be issued under the laws of this
25 state, the Governor may issue an executive order that shall
26 revise the allocation system provided in this part to be
27 consistent with the Code as amended or as proposed to be
28 amended or replaced. The authority granted to the Governor
29 under this section may be exercised for allocation of any
30 volume limitation imposed by any enacted or proposed federal
31 law or regulation upon bonds authorized to be issued in this

1 state. If such executive order is issued, the division shall
2 notify the President of the Senate and Minority Leader of the
3 Senate and the Speaker of the House of Representatives and
4 Minority Leader of the House of Representatives in writing of
5 such an order and the reasons such order was issued, within 10
6 days of the issuance of the order. Any such order shall remain
7 effective until this part is amended to be consistent with
8 federal law or the regulations issued thereunder. If any such
9 order is issued based upon proposed amendments or successor
10 provisions to the Code, the allocation system provided in this
11 part and the system provided under any such order shall be
12 administered concurrent with one another, to the extent
13 feasible, as long as may be required due to the pendency of
14 any proposed amendments or successor provisions to the Code.
15 It is the intent of the Legislature that the provisions of
16 this section be construed and applied so as to give effect to
17 the framework for the relative allocations of state volume
18 limitation in accordance with the various formulas set forth
19 in this part, and nothing in this section shall be construed
20 or applied so as to have the effect of altering the
21 percentages set forth in this part unless and until the
22 categories of private activity bonds requiring an allocation
23 of such volume limitation are substantially restricted,
24 altered, or deleted under the Code.

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

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

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

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

19 420.507 Powers of the corporation.--The corporation
20 shall have all the powers necessary or convenient to carry out
21 and effectuate the purposes and provisions of this part,
22 including the following powers which are in addition to all
23 other powers granted by other provisions of this part:

24 (37) To provide by rule, in connection with any
25 corporation competitive program, for the reservation of future
26 allocation or funding to provide a remedy for a litigant which
27 is ultimately successful in its litigation regarding a
28 competitive application, and to establish a date certain by
29 which, if litigation is not resolved, the successful litigant
30 will be funded from a subsequent year's available allocation
31 or funding.

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

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

7 420.5092 Florida Affordable Housing Guarantee
8 Program.--

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

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

14 420.5099 Allocation of the low-income housing tax
15 credit.--

16 (3) The corporation may request such information from
17 applicants as will enable it to make the allocations according
18 to the guidelines set forth in subsection (2), including, but
19 not limited to, the information required to be provided the
20 corporation by chapter ~~67 9F-21~~, Florida Administrative Code.

21 Section 12. Section 420.526, Florida Statutes, is
22 amended to read:

23 420.526 Predevelopment Loan Program; loans and grants
24 authorized; activities eligible for support.--

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

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

30 (b) Federal, state, or local public funds or private
31 funds are available or likely to be available to aid in the

1 site acquisition, site development, construction,
2 rehabilitation, maintenance, or support of the housing
3 proposed in the application.

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

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

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

26 (a) Site acquisition.

27 (b) Site development.

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

30 (d) Marketing expenses relating to advertisement.

31

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

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

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

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

7 (5)~~(6)~~ Any funds paid out of the Housing
8 Predevelopment Fund for activities under ss. 420.521-420.529
9 which are reimbursed to the sponsor from another source shall
10 be repaid to the fund.

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

15 (6)~~(8)~~ Terms and conditions of housing predevelopment
16 loan agreements shall be established by rule and shall
17 include:

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

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

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

31 ~~Reasonable security shall be a promissory note secured by a~~

1 ~~mortgage from the sponsor on the property to be purchased,~~
2 ~~improved, or purchased and improved with the proceeds of the~~
3 ~~housing predevelopment loan or other collateral acceptable to~~
4 ~~the corporation.~~

5 (d) Provisions to ensure that the land acquired will
6 be used for the development of housing and related services
7 for the target population.

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

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

21 (7)~~(9)~~ No predevelopment loan made under this section
22 shall exceed the lesser of:

23 (a) The development and acquisition costs for the
24 development ~~project~~, as determined by rule of the corporation;
25 or

26 (b) Five hundred thousand dollars.

27 (8)~~(10)~~ Any real property or any portion thereof
28 purchased or developed under ss. 420.521-420.529 may be
29 disposed of by the eligible sponsor upon the terms and
30 conditions established by rule of the corporation and
31 consistent with ss. 420.521-420.529, at a price not to exceed

1 the actual prorated land costs, development costs, accrued
2 taxes, and interest.

3 Section 13. Subsections (3), (5), (7), and (8) of
4 section 420.609, Florida Statutes, are amended to read:

5 420.609 Affordable Housing Study Commission.--Because
6 the Legislature firmly supports affordable housing in Florida
7 for all economic classes:

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

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

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

27 (8) The commission shall recommend studies to be
28 conducted for ~~included in the annual research agenda of the~~
29 ~~Multidisciplinary Center for affordable housing. These~~
30 ~~recommendations shall be submitted to the department and the~~
31

1 ~~center in order to assist them in establishing an appropriate~~
2 ~~research agenda for the center.~~

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

5 420.9071 Definitions.--As used in ss.
6 420.907-420.9079, the term:

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

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

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

14 Section 15. Paragraph (e) of subsection (3) and
15 paragraph (c) of subsection (4) of section 420.9075, Florida
16 Statutes, are amended to read:

17 420.9075 Local housing assistance plans;
18 partnerships.--

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

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

27 (4) The following criteria apply to awards made to
28 eligible sponsors or eligible persons for the purpose of
29 providing eligible housing:

30 (c) The sales price or value of new or existing
31 eligible housing may not exceed 90 percent of the average

1 ~~median~~ area purchase price in the statistical area in which
2 ~~where~~ the eligible housing is located, which housing was
3 purchased during the most recent 12-month period for which
4 sufficient statistical information is available or, as
5 established by the United States Department of Treasury.

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

17 Section 16. Section 760.26, Florida Statutes, is
18 created to read:

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

26 Section 17. State Farmworker Housing Pilot Loan
27 Program.--The State Farmworker Housing Pilot Loan Program is
28 created for the purpose of demonstrating the ability to use
29 state dedicated funds to leverage Federal Government, local
30 government, and private resources to provide affordable, safe,
31 and sanitary rental housing units for farmworkers.

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

6 (a) Agrees to:

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

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

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

14 b. Forty percent of adjusted local median income in
15 metropolitan statistical areas; and

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

18 (b) Uses federal funds provided under section 514 or
19 section 516 of Title V of the Federal Housing Act of 1949 and
20 meets maximum rental limits, tenant eligibility, and other
21 regulatory requirements established pursuant to such programs.

22 (2) The corporation shall issue a request for
23 proposals to solicit applications for loans offered pursuant
24 to this section and shall establish a funding cycle to
25 distribute funds pursuant to this section. The corporation
26 shall coordinate this cycle with the fiscal year 2001 federal
27 funding cycle for section 514 or section 516 of Title V of the
28 Federal Housing Act of 1949. The corporation may distribute
29 through this funding cycle any additional funds set aside for
30 farmworker housing under the State Apartment Incentive Loan
31 Program authorized by s. 420.5087, Florida Statutes, the HOME

1 Investment Partnership Program authorized by s. 420.5089,
2 Florida Statutes, the low-income housing tax credit authorized
3 by s. 420.5099, Florida Statutes, or other appropriated funds.

4 (3) All eligible applications shall:

5 (a) Demonstrate that the sponsor possesses title to or
6 firm site control of land and evidences availability of
7 required infrastructure.

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

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

17 (d) Demonstrate accessibility to commercial businesses
18 and services needed to serve the needs of the resident
19 farmworkers or include a viable plan to provide access to
20 those commercial businesses and services.

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

23 (4) The corporation shall establish a review committee
24 composed of staff of the Department of Community Affairs
25 selected by the Secretary of Community Affairs and staff of
26 the corporation and shall establish a scoring system for
27 evaluation and competitive ranking of applications submitted
28 in this program.

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

31

1 1. A demonstrated need for farmworker housing:
2 Proposed developments in a county determined by the Shimberg
3 Center for Affordable Housing's April 1997 Migrant Farm Worker
4 Needs Assessment, or any subsequent assessment, to have a
5 shortage of affordable housing for 3,000 or more farmworkers
6 shall receive maximum points. Sponsors proposing developments
7 in other counties and demonstrating a high need for farmworker
8 housing through other state or local governmental reports or
9 market studies are eligible for funding under this section,
10 but shall receive less points.

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

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

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

26 5. 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

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 6. 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 7. 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 8. The quality of the project's design: All
20 developments shall include two full bathrooms in all
21 four-bedroom or larger units; onsite laundromat or laundry
22 hookups and space for washer and dryer inside each unit; and
23 exterior storage rooms of a minimum 35 square feet interior
24 area for duplex or detached units and 28 square feet for
25 multifamily or townhouse units.

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.

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1 b. The following items are not required but shall
2 receive additional points in the scoring of applications:
3 window treatments, 30-year roofing on all buildings, gated
4 community with carded entry or security guard, pantry in or
5 adjacent to kitchen area, car care area, covered picnic area,
6 playground, outdoor recreation area for older children, two or
7 more parking spaces per unit, large multipurpose room or
8 clubhouse, air conditioning or whole-house fan as determined
9 by geographic region, hurricane shutters or resistant glass,
10 and energy conservation features.

11 9. The feasibility and economic viability of the
12 project.

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

23 11. The sponsor's management experience: Scoring shall
24 provide the most points to eligible applicants with successful
25 experience in the management of farmworker housing
26 commensurate to the size and scope of the proposed
27 development. Applicants with less management experience or
28 experience in projects substantially smaller than the proposed
29 development shall receive less points. The experience may be
30 that of an affiliated or controlling nonprofit corporation
31

1 where the eligible applicant is established to limit liability
2 of the affiliated group.

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

11 13. A management plan to attract, serve, and keep
12 eligible farmworker tenants.

13 (b) The corporation may reject any application.

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

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

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

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

1 corporation in a qualified public depository meeting the
2 requirements of chapter 280, Florida Statutes, for purposes of
3 expending moneys appropriated to fund the State Farmworker
4 Housing Pilot Loan Program as provided in subsection (1).

5 (7) Subject to the availability of funds appropriated
6 to fund the State Farmworker Housing Pilot Loan Program, the
7 Florida Housing Finance Corporation shall contract with the
8 Florida Farmworker Housing Coalition, Inc., a nonprofit
9 corporation established under chapter 617, Florida Statutes,
10 and qualified under s. 501(c)(3) of the Internal Revenue Code,
11 to assist the corporation in establishing and implementing the
12 State 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 (8) Any balance of funds appropriated to fund the
29 State Farmworker Housing Pilot Loan Program which are
30 unencumbered at the end of the fiscal year shall be
31 transferred by the corporation to the Department of Children

1 and Family Services to distribute to local coalitions for the
2 homeless pursuant to s. 420.625.

3 Section 18. Subsection (10) of section 220.02, Florida
4 Statutes, is amended to read:

5 220.02 Legislative intent.--

6 (10) It is the intent of the Legislature that credits
7 against either the corporate income tax or the franchise tax
8 be applied in the following order: those enumerated in s.
9 220.18, those enumerated in s. 631.828, those enumerated in s.
10 220.191, those enumerated in s. 220.181, those enumerated in
11 s. 220.183, those enumerated in s. 220.182, those enumerated
12 in s. 220.1895, those enumerated in s. 221.02, those
13 enumerated in s. 220.184, those enumerated in s. 220.186,
14 those enumerated in s. 220.188, those enumerated in s.
15 220.1845, and those enumerated in s. 220.19, ~~and those~~
16 ~~enumerated in s. 220.185.~~

17 Section 19. Paragraph (a) of subsection (1) of section
18 220.13, Florida Statutes, is amended to read:

19 220.13 "Adjusted federal income" defined.--

20 (1) The term "adjusted federal income" means an amount
21 equal to the taxpayer's taxable income as defined in
22 subsection (2), or such taxable income of more than one
23 taxpayer as provided in s. 220.131, for the taxable year,
24 adjusted as follows:

25 (a) Additions.--There shall be added to such taxable
26 income:

27 1. The amount of any tax upon or measured by income,
28 excluding taxes based on gross receipts or revenues, paid or
29 accrued as a liability to the District of Columbia or any
30 state of the United States which is deductible from gross
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1 income in the computation of taxable income for the taxable
2 year.

3 2. The amount of interest which is excluded from
4 taxable income under s. 103(a) of the Internal Revenue Code or
5 any other federal law, less the associated expenses disallowed
6 in the computation of taxable income under s. 265 of the
7 Internal Revenue Code or any other law, excluding 60 percent
8 of any amounts included in alternative minimum taxable income,
9 as defined in s. 55(b)(2) of the Internal Revenue Code, if the
10 taxpayer pays tax under s. 220.11(3).

11 3. In the case of a regulated investment company or
12 real estate investment trust, an amount equal to the excess of
13 the net long-term capital gain for the taxable year over the
14 amount of the capital gain dividends attributable to the
15 taxable year.

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

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

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

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1 7. That portion of assessments to fund a guaranty
2 association incurred for the taxable year which is equal to
3 the amount of the credit allowable for the taxable year.

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

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

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

14 Section 20. Sections 220.185 and 420.5093, Florida
15 Statutes, are repealed.

16 Section 21. Except as otherwise provided in this act,
17 this act shall take effect July 1, 2000.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 2310

4 Increases the percentage of the state private activity bond
5 allocation going to regional pools from 50 percent to 60
6 percent, and decreases the percentage going to the Florida
7 First Business allocation pool from 20 percent to 10 percent.
8 The time within which an allocation must be used by an issuer
9 that receives an allocation from a regional pool is increased
10 from 90 to 155 days. Extends the time period for utilization
11 of the state private activity pool and the Florida First
12 Business Pool for priority projects from April 1 to June 1.

9 Clarifies the reference to s. 420.004, F.S., as it relates to
10 persons meeting certain income limits defined as very
11 low-income, low-income and moderate income for purposes of
12 determining whether an affordable housing property is exempt
13 from ad valorem taxation.

12 Provides specific rule-making authority for the Florida
13 Housing Finance Corporation to reserve future allocation or
14 funding to provide a remedy for an applicant that appeals the
15 status of its application.

15 Increases the maximum total amount of revenue bonds which may
16 be issued to fund the Florida Affordable Housing Guarantee
17 Program from \$200 to \$300 million.

17 Changes the Predevelopment Loan Program to allow the Florida
18 Housing Finance Corporation to forgive certain loans and
19 convert the loans to grants where the sponsor is unable to
20 obtain financing for the development.

19 Changes the reporting date of the Affordable Housing Study
20 Commission from December 31st to July 15th of each year and
21 adds the executive director of the corporation as a recipient
22 of the report.

22 Changes the method of calculation of annual gross income under
23 the SHIP program by annualizing verified sources of income
24 instead of projecting prevailing rate of income and changes
25 the definition of "sales price" for purposes of the program.
26 In addition, allows another governmental entity than an entity
27 implementing a local housing assistance plan to monitor tenant
28 eligibility.

26 Amends the Florida Fair Housing Act to prohibit
27 discrimination in land use decisions or in the permitting of
28 development based on the source of financing of the
29 development, in addition to race, color, national origin, sex,
30 disability, familial status or religion.

29 Establishes a State Farmworker Housing Pilot Loan Program
30 where the corporation makes farmworker housing loans to an
31 eligible sponsor. Provides that any funds appropriated to the
32 program that are unencumbered at the end of the fiscal year
33 shall be transferred to the Department of Children and
34 Families to distribute to local coalitions for the homeless.

1 Repeals the State Housing Tax Credit Program.
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