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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RS	.	
3/27/2008	.	
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	.	

1 The Committee on Community Affairs (Wise) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. Section 193.018, Florida Statutes, is created to
 8 read:

9 193.018 Land owned by a community land trust used to
 10 provide affordable housing; assessment; structural
 11 improvements.--

12 (1) As used in this section, the term "community land
 13 trust" means a nonprofit entity that is qualified as charitable
 14 under s. 501(c) (3) of the Internal Revenue Code and has as one of
 15 its purposes the acquisition of land to be held in perpetuity for
 16 the primary purpose of providing affordable homeownership.



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17 (2) A community land trust may convey structural
18 improvements located on specific parcels of land, for the purpose
19 of providing affordable housing, which are identified by a legal
20 description contained in and subject to a ground lease having a
21 term of at least 99 years, to natural persons or families who
22 meet the extremely-low, very-low, low, or moderate-income limits
23 specified in s. 420.0004, or the income limits for workforce
24 housing as specified in s. 420.5095(3). A community land trust
25 shall retain a preemptive option to purchase any structural
26 improvements, condominium parcels, or cooperative parcels on the
27 land at a price determined by a formula specified in the ground
28 lease designed to ensure that such structural improvements,
29 condominium parcels, or cooperative parcels remain affordable.

30 (3) In arriving at just valuation under s. 193.011, a
31 structural improvement, condominium parcel, or cooperative parcel
32 providing affordable housing on land owned by a community land
33 trust, and the land owned by a community land trust that is
34 subject to a 99-year or longer ground lease, shall be assessed
35 using the following criteria:

36 (a) The amount a willing purchaser would pay a willing
37 seller for the land is limited to an amount commensurate with the
38 terms of the ground lease, which restricts the use of the land to
39 the provision of affordable housing in perpetuity.

40 (b) The amount a willing purchaser would pay a willing
41 seller for the resale-restricted improvements, condominium
42 parcel, or cooperative parcel is limited to the amount determined
43 by the formula in the ground lease.

44 (c) If the ground lease and all amendments and supplements
45 thereto, or a memorandum documenting how such lease and
46 amendments or supplements restrict the price at which the



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47 improvements, condominium parcel, or cooperative parcel may be
48 sold, is recorded in the official public records of the county in
49 which the leased land is located, the recorded lease and any
50 amendments or supplements, or the recorded memorandum, shall be
51 deemed a land use regulation during the term of the lease as
52 amended or supplemented.

53 Section 2. Section 196.1978, Florida Statutes, is amended
54 to read:

55 196.1978 Affordable housing property exemption.--

56 (1) Property used or held for the purpose of providing to
57 provide affordable housing serving eligible persons as defined by
58 s. 159.603(7) and natural persons or families meeting the
59 extremely low, very low, low, or moderate persons meeting income
60 limits specified in s. 420.0004 s. 420.0004(8), (10), (11), and
61 (15), which property is owned entirely by a nonprofit entity that
62 is a corporation not for profit, qualified as charitable under s.
63 501 (c) (3) of the Internal Revenue Code, and in compliance with
64 Rev. Proc. 96-32, 1996-1 C.B. 717, or a Florida-based limited
65 partnership, the sole general partner of which is a corporation
66 not for profit which is qualified as charitable under s.
67 501(c) (3) of the Internal Revenue Code and which complies with
68 Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property
69 owned by an exempt entity and used for a charitable purpose, and
70 those portions of the affordable housing property which provide
71 housing to natural persons or families classified as extremely-
72 low income, very-low income, low-income, or moderate-income under
73 s. 420.0004 individuals with incomes as defined in s.
74 420.0004(10) and (15) shall be exempt from ad valorem taxation to
75 the extent authorized in s. 196.196. All property identified in
76 this section shall comply with the criteria for determination of



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77 exempt status to be applied by property appraisers on an annual
78 basis as defined in s. 196.195. The Legislature intends that any
79 property owned by a limited liability company or limited
80 partnership which is disregarded as an entity for federal income
81 tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii)
82 shall be treated as owned by its sole member or sole general
83 partner.

84 (2) (a) The exemption provided in this section shall extend
85 to land that is owned by an exempt entity and that is subject to
86 a 99-year ground lease for the purpose of providing affordable
87 housing.

88 (b) The exemption provided in this section shall also
89 extend to undeveloped property owned by an exempt entity that
90 takes affirmative steps to prepare the property to provide
91 affordable housing to eligible persons as defined by s.
92 159.603(7) and natural persons or families meeting the extremely
93 low, very low, low, or moderate income limits specified in s.
94 420.0004. For purposes of this paragraph , the term "affirmative
95 steps" means demonstrating to the property appraiser that
96 activities have been initiated which will ensure future use of
97 the property for affordable housing, including, but not limited
98 to, proposals for property development, preliminary environmental
99 or land use permitting activities, site plans or architectural
100 plans, site preparation, construction or renovation activities,
101 financial plans, or any other activities demonstrating that the
102 property will be used to provide affordable housing. If the
103 property appraiser determines that affirmative steps to ensure
104 the future use of the property for affordable housing have not
105 been taken within 5 years after an exemption is granted under
106 this paragraph, the property appraiser may reject or rescind the



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107 exempt status of the property and reassess it based on other
108 uses.

109 Section 3. This act shall take effect July 1, 2008

110
111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete everything before the enacting clause
114 and insert:

115 A bill to be entitled
116 An act relating to affordable housing; creating s.
117 193.018, F.S.; defining the term "community land trust";
118 providing for the assessment of structural improvements,
119 condominium parcels, or cooperative parcels on land owned
120 by a community land trust and used to provide affordable
121 housing; providing for the conveyance of structural
122 improvements, condominium parcels, or cooperative parcels
123 subject to certain conditions; specifying the criteria to
124 be used in arriving at just valuation of a structural
125 improvement, condominium parcel, or cooperative parcel;
126 specifying the criteria to be used in arriving at just
127 valuation of land owned by a community land trust that is
128 subject to limited uses; amending s. 196.1978, F.S.;
129 providing that property owned by certain nonprofit
130 entities or Florida-based limited partnerships and used or
131 held for the purpose of providing affordable housing to
132 certain income-qualified persons is exempt from ad valorem
133 taxation; revising legislative intent; providing that such
134 ad valorem tax exemption extends to land owned by an
135 exempt entity and subject to a 99-year ground lease for
136 the purpose of providing affordable housing; providing



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137 | that such ad valorem tax exemption extends to undeveloped
138 | property owned by an exempt entity that has taken
139 | affirmative steps to prepare the property for future use
140 | as affordable housing; defining the term "affirmative
141 | steps"; providing for the rejection or rescission of the
142 | ad valorem tax exemption under certain circumstances;
143 | providing an effective date.