

By Senator Simpson

18-00907-13

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1 A bill to be entitled

2 An act relating to tax exemptions for property used
3 for affordable housing; amending s. 196.1978, F.S.;
4 deleting an ad valorem tax exemption for property
5 owned by certain Florida-based limited partnerships
6 and used for affordable housing for certain income-
7 qualified persons; providing for retroactive
8 application; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 196.1978, Florida Statutes, is amended
13 to read:

14 196.1978 Affordable housing property exemption.—Property
15 used to provide affordable housing to ~~to serving~~ eligible persons
16 as defined by s. 159.603~~(7)~~ and natural persons or families
17 meeting the extremely-low-income, very-low-income, low-income,
18 or moderate-income limits specified in s. 420.0004, which
19 ~~property~~ is owned entirely by a nonprofit entity that is a
20 corporation not for profit, qualified as charitable under s.
21 501(c)(3) of the Internal Revenue Code and in compliance with
22 Rev. Proc. 96-32, 1996-1 C.B. 717, is ~~or a Florida-based limited~~
23 ~~partnership, the sole general partner of which is a corporation~~
24 ~~not for profit which is qualified as charitable under s.~~
25 ~~501(c)(3) of the Internal Revenue Code and which complies with~~
26 ~~Rev. Proc. 96-32, 1996-1 C.B. 717,~~ shall be considered property
27 owned by an exempt entity and used for a charitable purpose, and
28 those portions of the affordable housing property that ~~which~~
29 provide housing to natural persons or families classified as

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30 extremely low income, very low income, low income, or moderate
31 income under s. 420.0004 are ~~shall be~~ exempt from ad valorem
32 taxation to the extent authorized under ~~in~~ s. 196.196. All
33 property identified in this section must ~~shall~~ comply with the
34 criteria provided under s. 196.195 for determining ~~determination~~
35 ~~of~~ exempt status and to be applied by property appraisers on an
36 annual basis ~~as defined in s. 196.195~~. The Legislature intends
37 that any property owned by a limited liability company ~~or~~
38 ~~limited partnership~~ which is disregarded as an entity for
39 federal income tax purposes pursuant to Treasury Regulation
40 301.7701-3(b)(1)(ii) ~~shall~~ be treated as owned by its sole
41 member ~~or sole general partner~~.

42 Section 2. This act shall take effect upon becoming a law
43 and shall first apply to the 2013 ad valorem tax rolls.