

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to a tax exemption for affordable
3 housing; amending s. 196.196, F.S.; authorizing
4 counties and municipalities to adopt ordinances to
5 grant ad valorem tax exemptions to certain property
6 owners whose properties are used for the governmental
7 or public purpose of providing affordable housing to
8 certain persons or families; providing conditions for
9 such exemptions; defining the term "affordable
10 housing"; providing construction; specifying
11 procedures that apply to persons if property is
12 transferred for other purposes; specifying that an
13 exemption improperly granted by a property appraiser
14 to a person will not be assessed a penalty or
15 interest; providing applicability; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Present paragraph (b) of subsection (5) of
21 section 196.196, Florida Statutes, is redesignated as paragraph
22 (c) and amended, and a new paragraph (b) is added to that
23 subsection, to read:

24 196.196 Determining whether property is entitled to
25 charitable, religious, scientific, or literary exemption.—

26 (5)

27 (b) The governing authority of a county or municipality may
28 adopt an ordinance to grant an ad valorem tax exemption under s.
29 3, Art. VII of the State Constitution to any property owner

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30 whose property is used for the governmental or public purpose of
31 providing affordable housing in a multifamily project comprising
32 at least 50 dwelling units, subject to the following:

33 1. For purposes of this paragraph, the term "affordable
34 housing" means a dwelling unit occupied by or restricted to the
35 occupancy of extremely-low-income persons, very-low-income
36 persons, low-income persons, or moderate-income persons, as
37 defined in s. 420.0004. Physical occupancy in a dwelling unit on
38 January 1 is not required for the grant of an exemption if
39 occupancy of the unit is restricted to persons or families who
40 meet these income limits.

41 2. An exemption of up to 75 percent of the assessed value
42 for each dwelling unit used for affordable housing may be
43 granted if at least 10 percent of the multifamily project's
44 total units are used for providing affordable housing and the
45 multifamily project has a recorded land use restriction
46 agreement as required by subparagraph 5.

47 3. An exemption of up to 100 percent of the assessed value
48 for each dwelling unit may be granted if 100 percent of the
49 multifamily project's total units are used for providing
50 affordable housing and the multifamily project has a recorded
51 land use restriction agreement as required by subparagraph 5.

52 4. An exemption of up to 100 percent of the assessed value
53 of a multifamily project's common areas may be granted if at
54 least 25 percent of the multifamily project's total units are
55 used for providing affordable housing and the multifamily
56 project has a recorded land use restriction agreement as
57 required by subparagraph 5.

58 5. An exemption may not be granted for property in a

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59 multifamily project unless the multifamily project has a
60 recorded land use restriction agreement in favor of the Florida
61 Housing Finance Corporation or any other governmental or quasi-
62 governmental jurisdiction which requires that any units
63 qualifying for the exemption are used for providing affordable
64 housing.

65
66 For purposes of this paragraph, a governmental or public purpose
67 is served if a person provides a service that the state or any
68 of its political subdivisions, or any municipality, agency,
69 special district, authority, or other public body corporate of
70 the state, could properly perform or serve, and if the
71 governmental or public purpose would otherwise be a valid
72 purpose for the allocation of public funds.

73 (c)1.~~(b)1.~~ If property owned by an organization or a person
74 granted an exemption under this subsection is transferred for a
75 purpose other than directly providing affordable homeownership
76 or rental housing to persons or families who meet the extremely-
77 low-income, very-low-income, low-income, or moderate-income
78 limits, as defined ~~specified~~ in s. 420.0004, or is not in actual
79 use to provide such affordable housing within 5 years after the
80 date the organization or person is granted the exemption, the
81 property appraiser making such determination shall serve upon
82 the organization or person that illegally or improperly received
83 the exemption a notice of intent to record in the public records
84 of the county a notice of tax lien against any property owned by
85 that organization or person in the county, and such property
86 shall be identified in the notice of tax lien. The organization
87 or person owning such property is subject to the taxes otherwise

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88 due and owing as a result of the failure to use the property to
89 provide affordable housing plus 15 percent interest per annum
90 and a penalty of 50 percent of the taxes owed.

91 2. Such lien, when filed, attaches to any property
92 identified in the notice of tax lien owned by the organization
93 or person that illegally or improperly received the exemption.
94 If such organization or person no longer owns property in the
95 county but owns property in any other county in the state, the
96 property appraiser shall record in each such other county a
97 notice of tax lien identifying the property owned by such
98 organization or person in such county which shall become a lien
99 against the identified property. Before any such lien may be
100 filed, the organization or person so notified must be given 30
101 days to pay the taxes, penalties, and interest.

102 3. If an exemption is improperly granted as a result of a
103 clerical mistake or an omission by the property appraiser, the
104 organization or person improperly receiving the exemption shall
105 not be assessed a penalty or interest.

106 4. The 5-year limitation specified in this subsection may
107 be extended if the holder of the exemption continues to take
108 affirmative steps to develop the property for the purposes
109 specified in this subsection.

110 Section 2. The amendments made by this act to s. 196.196,
111 Florida Statutes, first apply to taxable years beginning on or
112 after January 1, 2023.

113 Section 3. This act shall take effect July 1, 2022.