

26 exemption.—

27 (1)(a) Notwithstanding ss. 196.195 and 196.196, the board
28 of county commissioners of a county or the governing body of a
29 municipality may adopt an ordinance to grant an ad valorem
30 property tax exemption for property used to provide affordable
31 housing to persons or families meeting the extremely-low-income,
32 very-low-income, low-income, or moderate-income limits specified
33 in s. 420.0004. Such property is considered property used for a
34 charitable purpose. To be eligible for the exemption, the
35 property must be within a multifamily project containing 50 or
36 more residential units, at least 10 percent of which are used to
37 provide affordable housing meeting the requirements of this
38 paragraph, and be subject to a recorded land use restriction
39 agreement in favor of the Florida Housing Finance Corporation or
40 any other governmental or quasi-governmental jurisdiction which
41 requires that any units qualifying for the exemption be used to
42 provide affordable housing. Except as provided in paragraph (b),
43 eligible property may receive an exemption of up to 75 percent
44 of the assessed value of the residential units used to provide
45 affordable housing. For purposes of this subsection, the term
46 "affordable" has the same meaning as in s. 420.0004.

47 (b) Property eligible for the exemption under paragraph
48 (a) may receive an exemption of up to 100 percent of the
49 assessed value if 100 percent of the project's residential units
50 are used to provide affordable housing.

51 (2) An ordinance granting the exemption authorized by this
52 section must:

53 (a) Be adopted under the procedures for adoption of a
54 nonemergency ordinance by a board of county commissioners
55 specified in chapter 125 or by a municipal governing body
56 specified in chapter 166.

57 (b) Require that a taxpayer claiming the exemption submit
58 an application to the property appraiser no later than March 1
59 of each year. The annual application must be accompanied by an
60 affidavit from the taxpayer certifying that the taxpayer has
61 verified that, at the time of application, each person or family
62 occupying an exempt residential unit meets the household income
63 limitations specified in paragraph (1) (a).

64 (c) Specify that the exemption applies only to taxes
65 levied by the unit of government granting the exemption.

66 (d) Specify that the property may not receive an exemption
67 authorized by this section after the expiration or repeal of the
68 ordinance.

69 (e) Identify the percentage of the assessed value that may
70 be exempted, subject to the percentage limitations in subsection
71 (1).

72 (3) The board of county commissioners or municipal
73 governing body must deliver a copy of any ordinance adopted
74 under this section to the property appraiser no later than
75 December 1 of the year before the year the exemption will take

76 effect. If the ordinance is repealed, the board of county
77 commissioners or municipal governing body must notify the
78 property appraiser no later than December 1 of the year before
79 the year the exemption is set to expire.

80 (4) The property appraiser shall apply the exemption only
81 to those portions of property which are used to provide
82 affordable housing. Units that are vacant must be treated as
83 portions of the affordable housing property exempt under this
84 section if the use of the units is restricted to providing
85 affordable housing to persons or families described in paragraph
86 (1)(a) and a reasonable effort is made to lease the units to
87 qualifying persons or families.

88 (5) If the property appraiser determines that for any year
89 during the immediately previous 10 years a property that was not
90 entitled to an exemption under this section was granted such an
91 exemption, the property appraiser must serve upon the property
92 owner a notice of intent to record in the public records of the
93 county a notice of tax lien against any property owned by that
94 person in the county, and that property must be identified in
95 the notice of tax lien. Any property owned by such person and
96 situated in this state is subject to the taxes exempted by the
97 improper exemption, plus a penalty of 50 percent of the unpaid
98 taxes for each year and interest at a rate of 15 percent per
99 annum. If an exemption is improperly granted as a result of a
100 clerical mistake or an omission by the property appraiser, the

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101 property owner improperly receiving the exemption may not be
102 assessed a penalty or interest.

103 (6) Eligibility criteria other than those specified in
104 paragraph (1)(a) may not be applied in determining whether
105 property qualifies for an exemption under this section.

106 Section 2. The creation by this act of s. 196.1979,
107 Florida Statutes, first applies to the 2024 tax roll.

108 Section 3. This act shall take effect July 1, 2023.