

1 A bill to be entitled
 2 An act relating to 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; specifying procedures that apply to
 10 persons if property is transferred for other purposes;
 11 specifying that an exemption improperly granted by a
 12 property appraiser to a person will not be assessed a
 13 penalty or interest; providing applicability;
 14 providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

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

22 196.196 Determining whether property is entitled to
 23 charitable, religious, scientific, or literary exemption.—

24 (5)

25 (b) The governing authority of a county or municipality

26 may adopt an ordinance to grant an ad valorem tax exemption
 27 under s. 3, Art. VII of the State Constitution to any property
 28 owner whose property is used for the governmental or public
 29 purpose of providing affordable housing in a multifamily project
 30 comprising at least 50 dwelling units, subject to the following:

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

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

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

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

56 5. An exemption may not be granted for property in a
57 multifamily project unless the multifamily project has a
58 recorded land use restriction agreement in favor of the Florida
59 Housing Finance Corporation or any other governmental or quasi-
60 governmental jurisdiction which requires that any units
61 qualifying for the exemption are used for providing affordable
62 housing.

63
64 For purposes of this paragraph, a governmental or public purpose
65 is served if a person provides a service that the state or any
66 of its political subdivisions, or any municipality, agency,
67 special district, authority, or other public body corporate of
68 the state, could properly perform or serve, and if the
69 governmental or public purpose would otherwise be a valid
70 purpose for the allocation of public funds.

71 (c)1.~~(b)1.~~ If property owned by an organization or a
72 person granted an exemption under this subsection is transferred
73 for a purpose other than directly providing affordable
74 homeownership or rental housing to persons or families who meet

75 | the extremely-low-income, very-low-income, low-income, or
76 | moderate-income limits, as defined ~~specified~~ in s. 420.0004, or
77 | is not in actual use to provide such affordable housing within 5
78 | years after the date the organization or person is granted the
79 | exemption, the property appraiser making such determination
80 | shall serve upon the organization or person that illegally or
81 | improperly received the exemption a notice of intent to record
82 | in the public records of the county a notice of tax lien against
83 | any property owned by that organization or person in the county,
84 | and such property shall be identified in the notice of tax lien.
85 | The organization or person owning such property is subject to
86 | the taxes otherwise due and owing as a result of the failure to
87 | use the property to provide affordable housing plus 15 percent
88 | interest per annum and a penalty of 50 percent of the taxes
89 | owed.

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

100 days to pay the taxes, penalties, and interest.

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

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

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

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