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1 A bill to be entitled

2 An act relating to land development; amending s. 197.502,
3 F.S.; providing for the issuance of an escheatment tax
4 deed that is free and clear of any tax certificates,
5 accrued taxes, and liens of any nature for certain
6 properties; providing immunity for a county from
7 environmental liability for certain properties that
8 escheat to the county; providing for a written agreement
9 between a county and the Department of Environmental
10 Protection which addresses any investigative and remedial
11 acts necessary for certain properties; amending s.
12 163.3177, F.S.; providing legislative findings regarding
13 mixed-use, high-density urban infill and redevelopment
14 projects; requiring the Department of Community Affairs to
15 provide technical assistance to local governments,
16 including a model ordinance; providing legislative
17 findings regarding a program for the transfer of
18 development rights and urban infill and redevelopment;
19 requiring the Department of Community Affairs to provide
20 technical assistance to local governments, including a
21 model ordinance; providing legislative findings with
22 respect to the shortage of affordable rentals in the
23 state; providing a statement of important public purpose;
24 providing definitions; authorizing local governments to
25 permit accessory dwelling units in areas zoned for single-
26 family residential use based upon certain findings;
27 providing for certain accessory dwelling units to apply
28 towards satisfying the affordable housing component of the
29 housing element in a local government's comprehensive

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30 plan; requiring the Department of Community Affairs to
 31 report to the Legislature; providing an effective date.

32

33 Be It Enacted by the Legislature of the State of Florida:

34

35 Section 1. Subsection (8) of section 197.502, Florida
 36 Statutes, is amended to read:

37 197.502 Application for obtaining tax deed by holder of
 38 tax sale certificate; fees.--

39 (8) Taxes shall not be extended against parcels listed as
 40 lands available for taxes, but in each year the taxes that would
 41 have been due shall be treated as omitted years and added to the
 42 required minimum bid. Three years after ~~from~~ the day the land
 43 was offered for public sale, the land shall escheat to the
 44 county in which it is located, free and clear. All tax
 45 certificates, accrued taxes, and liens of any nature against the
 46 property shall be deemed canceled as a matter of law and of no
 47 further legal force and effect, and the clerk shall execute an
 48 escheatment a tax deed vesting title in the board of county
 49 commissioners of the county in which the land ~~it~~ is located.

50 (a) When a property escheats to the county under this
 51 subsection, the county is not subject to any liability imposed
 52 by ch. 376 or ch. 403 for preexisting soil or groundwater
 53 contamination due solely to its ownership. However, this
 54 subsection does not affect the rights or liabilities of any past
 55 or future owners of the escheated property and does not affect
 56 the liability of any governmental entity for the results of its
 57 actions that create or exacerbate a pollution source.

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58 (b) The county and the Department of Environmental
59 Protection may enter into a written agreement for the
60 performance, funding, and reimbursement of the investigative and
61 remedial acts necessary for a property that escheats to the
62 county.

63 Section 2. Present paragraphs (d), (e), and (f) of
64 subsection (11) of section 163.3177, Florida Statutes, are
65 redesignated as paragraphs (f), (g), and (h), respectively, and
66 new paragraphs (d) and (e) are added to that subsection, to
67 read:

68 163.3177 Required and optional elements of comprehensive
69 plan; studies and surveys.--

70 (11)

71 (d) The Legislature finds that mixed-use, high-density
72 development is appropriate for urban infill and redevelopment
73 areas. Mixed-use projects accommodate a variety of uses,
74 including residential and commercial, and usually at higher
75 densities that promote pedestrian-friendly, sustainable
76 communities. The Legislature recognizes that mixed-use, high-
77 density development improves the quality of life for residents
78 and businesses in urban areas. The Legislature finds that mixed-
79 use, high-density redevelopment and infill benefits residents by
80 creating a livable community with alternative modes of
81 transportation. Furthermore, the Legislature finds that local
82 zoning ordinances often discourage mixed-use, high-density
83 development in areas that are appropriate for urban infill and
84 redevelopment. The Legislature intends to discourage single-use
85 zoning in urban areas which often leads to lower-density, land-
86 intensive development outside an urban service area. Therefore,

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87 the Department of Community Affairs shall provide technical
88 assistance to local governments, including a model ordinance, to
89 encourage mixed-use, high-density urban infill and redevelopment
90 projects.

91 (e) The Legislature finds that a program for the transfer
92 of development rights is a useful tool to preserve historic
93 buildings and create public open spaces in urban areas. A
94 program for the transfer of development rights allows the
95 transfer of density credits from historic properties and public
96 open spaces to areas designated for high-density development.
97 The Legislature recognizes that high-density development is
98 integral to the success of many urban infill and redevelopment
99 projects. The Legislature intends to encourage high-density
100 urban infill and redevelopment while preserving historic
101 structures and open spaces. Therefore, the Department of
102 Community Affairs shall provide technical assistance to local
103 governments, including a model ordinance, in order to promote
104 the transfer of development rights within urban areas for high-
105 density infill and redevelopment projects.

106 Section 3. Accessory dwelling units.--

107 (1) The Legislature finds that the median price of homes
108 in this state has increased steadily over the last decade and at
109 a greater rate of increase than the median income in many urban
110 areas. The Legislature finds that the cost of rental housing has
111 also increased steadily and the cost often exceeds an amount
112 that is affordable to very-low-income, low-income, or moderate-
113 income persons and has resulted in a critical shortage of
114 affordable rentals in many urban areas in the state. This
115 shortage of affordable rentals constitutes a threat to the

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116 health, safety, and welfare of the residents of the state.
 117 Therefore, the Legislature finds that it serves an important
 118 public purpose to encourage the permitting of accessory dwelling
 119 units in single-family residential areas in order to increase
 120 the availability of affordable rentals for very-low-income, low-
 121 income, or moderate-income persons.

122 (2) As used in this section, the term:

123 (a) "Accessory dwelling unit" means an ancillary or
 124 secondary living unit, that has a separate kitchen, bathroom,
 125 and sleeping area, existing either within the same structure, or
 126 on the same lot, as the primary dwelling unit.

127 (b) "Affordable rental" means that monthly rent and
 128 utilities do not exceed 30 percent of that amount which
 129 represents the percentage of the median adjusted gross annual
 130 income for very-low-income, low-income, or moderate-income
 131 persons.

132 (c) "Local government" means a county or municipality.

133 (d) "Low-income persons" has the same meaning as in s.
 134 420.0004(9).

135 (e) "Moderate-income persons" has the same meaning as in
 136 s. 420.0004(10).

137 (f) "Very-low-income persons" has the same meaning as in
 138 s. 420.0004(14).

139 (3) Upon a finding by a local government that there is a
 140 shortage of affordable rentals within its jurisdiction, the
 141 local government may adopt an ordinance to allow accessory
 142 dwelling units in any area zoned for single-family residential
 143 use.

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144 (4) If the local government adopts an ordinance under this
 145 section, an application for a building permit to construct an
 146 accessory dwelling unit must include an affidavit from the
 147 applicant which attests that the unit will be rented at an
 148 affordable rate to a very-low-income, low-income, or moderate-
 149 income person or persons.

150 (5) Each accessory dwelling unit allowed by an ordinance
 151 adopted under this section shall apply towards satisfying the
 152 affordable housing component of the housing element in the local
 153 government's comprehensive plan under s. 163.3177(6)(f), Florida
 154 Statutes.

155 (6) The Department of Community Affairs shall evaluate the
 156 effectiveness of using accessory dwelling units to address a
 157 local government's shortage of affordable housing and report to
 158 the Legislature by January 1, 2007. The report must specify the
 159 number of ordinances adopted by a local government under this
 160 section and the number of accessory dwelling units that were
 161 created under these ordinances.

162 Section 4. This act shall take effect July 1, 2004.