

By the Committee on Comprehensive Planning

316-1472A-04

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

1 residential use based upon certain findings;
2 providing for certain accessory dwelling units
3 to apply towards satisfying the affordable
4 housing component of the housing element in a
5 local government's comprehensive plan;
6 requiring the Department of Community Affairs
7 to report to the Legislature; providing an
8 effective date.

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

11
12 Section 1. Subsection (8) of section 197.502, Florida
13 Statutes, is amended to read:

14 197.502 Application for obtaining tax deed by holder
15 of tax sale certificate; fees.--

16 (8) Taxes shall not be extended against parcels listed
17 as lands available for taxes, but in each year the taxes that
18 would have been due shall be treated as omitted years and
19 added to the required minimum bid. Three years after ~~from~~ the
20 day the land was offered for public sale, the land shall
21 escheat to the county in which it is located, free and clear.
22 All tax certificates, accrued taxes, and liens of any nature
23 against the property shall be deemed canceled as a matter of
24 law and of no further legal force and effect, and the clerk
25 shall execute an escheatment ~~a~~ tax deed vesting title in the
26 board of county commissioners of the county in which the land
27 ~~it~~ is located.

28 (a) When a property escheats to the county under this
29 subsection, the county is not subject to any liability imposed
30 by chapter 376 or chapter 403 for preexisting soil or
31 groundwater contamination due solely to its ownership.

1 However, this subsection does not affect the rights or
2 liabilities of any past or future owners of the escheated
3 property and does not affect the liability of any governmental
4 entity for the results of its actions that create or
5 exacerbate a pollution source.

6 (b) The county and the Department of Environmental
7 Protection may enter into a written agreement for the
8 performance, funding, and reimbursement of the investigative
9 and remedial acts necessary for a property that escheats to
10 the county.

11 Section 2. Present paragraphs (d), (e), and (f) of
12 subsection (11) of section 163.3177, Florida Statutes, are
13 redesignated as paragraphs (f), (g), and (h), respectively,
14 and new paragraphs (d) and (e) are added to that subsection,
15 to read:

16 163.3177 Required and optional elements of
17 comprehensive plan; studies and surveys.--

18 (11)

19 (d) The Legislature finds that mixed-use, high-density
20 development is appropriate for urban infill and redevelopment
21 areas. Mixed-use projects accommodate a variety of uses,
22 including residential and commercial, and usually at higher
23 densities that promote pedestrian-friendly, sustainable
24 communities. The Legislature recognizes that mixed-use,
25 high-density development improves the quality of life for
26 residents and businesses in urban areas. The Legislature finds
27 that mixed-use, high-density redevelopment and infill benefits
28 residents by creating a livable community with alternative
29 modes of transportation. Furthermore, the Legislature finds
30 that local zoning ordinances often discourage mixed-use,
31 high-density development in areas that are appropriate for

1 urban infill and redevelopment. The Legislature intends to
2 discourage single-use zoning in urban areas which often leads
3 to lower-density, land-intensive development outside an urban
4 service area. Therefore, the Department of Community Affairs
5 shall provide technical assistance to local governments,
6 including a model ordinance, to encourage mixed-use,
7 high-density urban infill and redevelopment projects.

8 (e) The Legislature finds that a program for the
9 transfer of development rights is a useful tool to preserve
10 historic buildings and create public open spaces in urban
11 areas. A program for the transfer of development rights allows
12 the transfer of density credits from historic properties and
13 public open spaces to areas designated for high-density
14 development. The Legislature recognizes that high-density
15 development is integral to the success of many urban infill
16 and redevelopment projects. The Legislature intends to
17 encourage high-density urban infill and redevelopment while
18 preserving historic structures and open spaces. Therefore, the
19 Department of Community Affairs shall provide technical
20 assistance to local governments, including a model ordinance,
21 in order to promote the transfer of development rights within
22 urban areas for high-density infill and redevelopment
23 projects.

24 Section 3. Accessory dwelling units.--

25 (1) The Legislature finds that the median price of
26 homes in this state has increased steadily over the last
27 decade and at a greater rate of increase than the median
28 income in many urban areas. The Legislature finds that the
29 cost of rental housing has also increased steadily and the
30 cost often exceeds an amount that is affordable to
31 very-low-income, low-income, or moderate-income persons and

1 has resulted in a critical shortage of affordable rentals in
2 many urban areas in the state. This shortage of affordable
3 rentals constitutes a threat to the health, safety, and
4 welfare of the residents of the state. Therefore, the
5 Legislature finds that it serves an important public purpose
6 to encourage the permitting of accessory dwelling units in
7 single-family residential areas in order to increase the
8 availability of affordable rentals for very-low-income,
9 low-income, or moderate-income persons.

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

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

15 (b) "Affordable rental" means that monthly rent and
16 utilities do not exceed 30 percent of that amount which
17 represents the percentage of the median adjusted gross annual
18 income for very-low-income, low-income, or moderate-income
19 persons.

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

21 (d) "Low-income persons" has the same meaning as in
22 section 420.0004(9), Florida Statutes.

23 (e) "Moderate-income persons" has the same meaning as
24 in section 420.0004(10), Florida Statutes.

25 (f) "Very-low-income persons" has the same meaning as
26 in section 420.0004(14), Florida Statutes.

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

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

7 (5) Each accessory dwelling unit allowed by an
8 ordinance adopted under this section shall apply towards
9 satisfying the affordable housing component of the housing
10 element in the local government's comprehensive plan under
11 section 163.3177(6)(f), Florida Statutes.

12 (6) The Department of Community Affairs shall evaluate
13 the effectiveness of using accessory dwelling units to address
14 a local government's shortage of affordable housing and report
15 to the Legislature by January 1, 2007. The report must specify
16 the number of ordinances adopted by a local government under
17 this section and the number of accessory dwelling units that
18 were created under these ordinances.

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

20
21 *****

22 SENATE SUMMARY

23 Requires that a county be issued an escheatment tax deed
24 that is free and clear of tax certificates, accrued
25 taxes, and liens under certain circumstances. Absolves
26 the county of liability for certain preexisting soil or
27 water contamination of land that escheats to the county.
28 Authorizes agreements with the Department of
29 Environmental Protection regarding such property.
30 Requires the Department of Community Affairs to provide
31 technical assistance to local governments in encouraging
 mixed-use, high-density urban infill and redevelopment,
 including a model ordinance. Authorizes local governments
 to permit accessory dwelling units in certain areas zoned
 for single-family residential use. Provides for the
 accessory dwelling units to apply towards satisfying the
 affordable housing component of the housing element in a
 local government's comprehensive plan. Requires the
 Department of Community Affairs to report to the
 Legislature. (See bill for details.)