

1 A bill to be entitled

2 An act relating to affordable housing; creating s.
3 163.31772, F.S.; providing legislative findings and intent
4 relating to changes in land use affecting mobile home
5 parks; providing definitions; providing requirements for
6 local governments and community redevelopment agencies
7 regarding specified funding sources to assist certain
8 mobile home owners; requiring local governments to permit
9 and approve rezoning of property for the development of
10 new mobile home parks; providing that a local government
11 or redevelopment agency may enter into a development
12 agreement with the owner of a mobile home park to
13 encourage its continued use for affordable housing;
14 limiting the length of certain development agreements;
15 amending s. 420.5088, F.S.; providing down payment
16 assistance under the Florida Homeownership Assistance
17 Program to certain persons employed as K-12 classroom
18 teachers in the schools in this state; requiring the
19 Florida Housing Finance Corporation to develop eligibility
20 criteria; providing conditions for counties under which
21 funds may be distributed; providing for a lien to be
22 placed on a recipient's property if the recipient does not
23 fulfill a specified commitment; encouraging counties to
24 develop annual county housing plans that emphasize the
25 recruitment and retention of certain classroom teachers;
26 requiring the corporation to encourage and review county
27 housing plans; amending s. 723.06116, F.S.; providing for
28 late fees if a mobile home park owner does not make

29 payments to the Florida Mobile Home Relocation Corporation
 30 within the required time period; amending s. 723.0612,
 31 F.S.; prohibiting approval of certain applications for
 32 funding submitted by persons who have settled certain
 33 claims or causes of action; providing certain time periods
 34 within which an application for funding for relocation
 35 expenses must be submitted to the corporation; amending s.
 36 723.071, F.S.; providing legislative findings relating to
 37 the sale of mobile home parks; amending s. 723.072, F.S.,
 38 relating to an affidavit of compliance by an owner of a
 39 mobile home park; conforming cross-references; amending s.
 40 723.083, F.S.; requiring an agency of municipal, local,
 41 county, or state government to provide a report that
 42 substantiates the existence of adequate mobile home parks
 43 before approving the removal or relocation of a park;
 44 requiring a written estimate of fiscal benefits; requiring
 45 certain reports to be made available to the public within
 46 a specified time period; providing an appropriation;
 47 providing effective dates.

48
 49 Be It Enacted by the Legislature of the State of Florida:

50
 51 Section 1. Section 163.31772, Florida Statutes, is created
 52 to read:

53 163.31772 Mobile home parks; change in use of land;

54 legislative findings and intent.--

55 (1) The Legislature finds that:

56 (a) Mobile home parks provide safe and affordable housing

HB 835

2006

57 to many residents of this state;

58 (b) The rising price of real estate in this state is
59 causing significant loss of affordable housing, including mobile
60 home parks;

61 (c) Some mobile home park residents are being evicted and
62 forced to relocate from their communities due to the change in
63 the use of land from mobile home park rentals to some other use;

64 (d) The loss of this type of affordable housing is of
65 statewide concern; and

66 (e) Local governments benefit significantly from the
67 redevelopment of these mobile home parks through increased local
68 and state tax revenues but may not have authority to use all
69 available funding and revenue sources to assist these displaced
70 residents.

71 (2) It is the intent of the Legislature that local
72 governments and redevelopment agencies assist in the relocation
73 of and the provision of assistance to mobile home owners and are
74 authorized to use all available funding sources so that the
75 state's most needy residents are protected.

76 (3) As used in this section, the term:

77 (a) "Affordable" has the same meaning as provided in s.
78 420.602.

79 (b) "Community redevelopment agency" has the same meaning
80 as provided in s. 163.340.

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

82 (d) "Mobile home park" has the same meaning as provided in
83 s. 723.003.

84 (4) Any local government or community redevelopment agency

85 having jurisdiction over a mobile home park that is being closed
 86 due to a change in the use of land shall use all available
 87 funding sources to:

88 (a) Assist homeowners with the cost of relocating their
 89 homes;

90 (b) Assist homeowners in purchasing new manufactured or
 91 mobile homes if the home they are currently occupying is not
 92 capable of being moved to another location;

93 (c) Assist homeowners in relocating to any other adequate
 94 and suitable housing; and

95 (d) To the greatest extent possible, assist in the
 96 relocation of the homes of the mobile home owners to a mobile
 97 home park in the same neighborhood or community.

98 (5) Notwithstanding any other provision of law, a local
 99 government or community redevelopment agency is authorized to
 100 and shall, for the purposes described in subsection (4), use
 101 revenues derived from sources that include, but need not be
 102 limited to, tax increment financing pursuant to s. 163.387,
 103 urban infill and redevelopment funds pursuant to s. 163.2523,
 104 general revenue funding, housing loan assistance programs,
 105 documentary stamp tax revenues derived from the redevelopment of
 106 the property which are available to the local government, and
 107 impact and permit fees derived from the redevelopment of the
 108 property.

109 (6) A local government shall take action to permit and
 110 approve the rezoning of property for development of new mobile
 111 home parks for the purpose of providing new homes or affordable
 112 housing or for the relocation of mobile home owners who are

HB 835

2006

113 displaced by a change in the use of land.

114 (7) Any local government or community redevelopment agency
115 having jurisdiction over a mobile home park providing affordable
116 housing as defined in this section may enter into a development
117 agreement with the owner of the mobile home park to encourage
118 the continued use of the mobile home park for affordable housing
119 by incentives, including, but not limited to:

120 (a) Awarding transferable development credits to the
121 community. The Department of Community Affairs shall provide
122 technical assistance to local governments in order to promote
123 the transfer of development rights for mobile home park owners
124 who provide affordable housing. The department may adopt rules
125 to administer this paragraph;

126 (b) Providing tax incentives, such as property tax
127 abatement, for providing affordable housing; and

128 (c) Providing housing assistance to the mobile home park
129 owner for the difference between the lot rental amount paid by
130 the homeowners and either the lot rental amount charged in
131 comparable mobile home parks that have similar facilities,
132 services, amenities, and management or based upon the rental
133 value of the property being dedicated to affordable housing
134 based upon the property's fair market value. The Department of
135 Community Affairs shall provide technical assistance to local
136 governments in order to promote housing assistance to mobile
137 home park owners who provide affordable housing in urban areas.
138 The department shall adopt rules to administer this paragraph.

139
140 Any development agreement entered into under this subsection

HB 835

2006

141 shall have a term that does not exceed 10 years.

142 Section 2. Subsection (7) is added to section 420.5088,
143 Florida Statutes, to read:

144 420.5088 Florida Homeownership Assistance Program.--There
145 is created the Florida Homeownership Assistance Program for the
146 purpose of assisting low-income persons in purchasing a home by
147 reducing the cost of the home with below-market construction
148 financing, by reducing the amount of down payment and closing
149 costs paid by the borrower to a maximum of 5 percent of the
150 purchase price, or by reducing the monthly payment to an
151 affordable amount for the purchaser. Loans shall be made
152 available at an interest rate that does not exceed 3 percent.
153 The balance of any loan is due at closing if the property is
154 sold or transferred.

155 (7) (a) The program shall provide down payment assistance
156 to each person who is employed as a K-12 classroom teacher and
157 certified in a critical need area in this state.

158 (b) The corporation shall develop criteria to determine
159 which persons are eligible to receive down payment assistance,
160 including the following criteria:

161 1. The person shall be employed as a K-12 classroom
162 teacher in this state.

163 2. The person shall be state certified in a critical need
164 area of exceptional student education, mathematics, science, or
165 reading.

166 3. The person shall declare his or her homestead and
167 maintain residency at his or her homestead.

HB 835

2006

168 4. The person shall be employed in a full-time, permanent
169 capacity.

170 5. The person shall demonstrate a 5-year minimum
171 commitment to continued employment as a K-12 classroom teacher
172 in a school within the county of current employment.

173 (c)1. The program shall provide \$4,000 as down payment
174 assistance if all city, county, or appropriate governmental
175 subdivisions or agencies within which an eligible recipient is
176 employed and resides waives any impact fees that occur
177 incidental to the recipient's home purchase.

178 2. In addition to the amount provided under subparagraph
179 1., the program shall provide matching funds up to \$4,000 as
180 down payment assistance if the county within which an eligible
181 recipient is employed provides State Housing Initiatives
182 Partnership Program funds to the eligible recipient under ss.
183 420.907-420.9079.

184 (d) A lien shall be placed on the recipient's property if
185 the recipient does not fulfill his or her 5-year commitment
186 specified in subparagraph (b)5.

187 (e) Each county is encouraged to develop an annual county
188 housing plan that emphasizes the recruitment and retention of
189 classroom teachers certified in critical need areas. The
190 corporation shall review and encourage such plans as a part of
191 the overall housing assistance effort of counties. Such plans
192 shall not affect any formulas relating to low or very low income
193 assistance programs approved by the corporation.

194 Section 3. Subsection (1) of section 723.06116, Florida
195 Statutes, is amended to read:

196 723.06116 Payments to the Florida Mobile Home Relocation
197 Corporation.--

198 (1) If a mobile home owner is required to move due to a
199 change in use of the land comprising a mobile home park as set
200 forth in s. 723.061(1)(d), the mobile home park owner shall,
201 upon such change in use, pay to the Florida Mobile Home
202 Relocation Corporation for deposit in the Florida Mobile Home
203 Relocation Trust Fund \$2,750 for each single-section mobile home
204 and \$3,750 for each multisection mobile home for which a mobile
205 home owner has made application for payment of moving expenses.
206 The mobile home park owner shall make the payments required by
207 this section and by s. 723.0612(7) to the corporation within 30
208 days after receipt from the corporation of the invoice for
209 payment. Failure to make such payment within the required time
210 period shall result in a late fee being imposed.

211 (a) If payment is not submitted within 30 days after
212 receipt of the invoice, a 10-percent late fee shall be assessed.

213 (b) If payment is not submitted within 60 days after
214 receipt of the invoice, a 15-percent late fee shall be assessed.

215 (c) If payment is not submitted within 90 days after
216 receipt of the invoice, a 20-percent late fee shall be assessed.

217 (d) Any payment received 120 days or more after receipt of
218 the invoice shall include a 25-percent late fee.

219 Section 4. Subsection (9) of section 723.0612, Florida
220 Statutes, is amended, and subsection (12) is added to that
221 section, to read:

222 723.0612 Change in use; relocation expenses; payments by
223 park owner.--

HB 835

2006

224 (9) Any person whose application for funding pursuant to
225 subsection (1) or subsection (7) is approved for payment by the
226 corporation shall be barred from asserting any claim or cause of
227 action under this chapter directly relating to or arising out of
228 the change in use of the mobile home park against the
229 corporation, the park owner, or the park owner's successors in
230 interest. No application for funding pursuant to subsection (1)
231 or subsection (7) shall be approved by the corporation if the
232 applicant has ~~either~~ filed a claim or cause of action, is
233 actively pursuing a claim or cause of action, has settled a
234 claim or cause of action, or has a judgment against the
235 corporation, the park owner, or the park owner's successors in
236 interest under this chapter directly relating to or arising out
237 of the change in use of the mobile home park, unless such claim
238 or cause of action is dismissed with prejudice.

239 (12) An application to the corporation for compensation
240 under subsection (1) or subsection (7) must be received within 1
241 year after the expiration of the eviction period as established
242 in the notice required under s. 723.061(1)(d). If the applicant
243 files a claim or cause of action that disqualifies the applicant
244 under subsection (9) and the claim is subsequently dismissed,
245 the application must be received by the corporation within 6
246 months following filing of the dismissal with prejudice as
247 required under subsection (9). However, such an applicant must
248 apply within 2 years after the expiration of the eviction period
249 as established in the notice required under s. 723.061(1)(d).

250 Section 5. Section 723.071, Florida Statutes, is amended
251 to read:

252 723.071 Sale of mobile home parks; legislative findings.--

253 (1) The Legislature finds that a right of first refusal to
 254 purchase a mobile home park is a property right that should be
 255 negotiated between two parties at arm's length and for due
 256 consideration. The Legislature further finds that this chapter
 257 does not preclude mobile home owners from purchasing a right of
 258 first refusal from a willing park owner. The Legislature
 259 therefore encourages mobile home owners to organize as a
 260 homeowners' association in accordance with this chapter for the
 261 purpose of negotiating a right of first refusal with a park
 262 owner.

263 (2)~~(1)~~(a) If a mobile home park owner offers a mobile home
 264 park for sale, she or he shall notify the officers of the
 265 homeowners' association created pursuant to ss. 723.075-723.079
 266 of the offer, stating the price and the terms and conditions of
 267 sale.

268 (b) The mobile home owners, by and through the association
 269 defined in s. 723.075, shall have the right to purchase the
 270 park, provided the home owners meet the price and terms and
 271 conditions of the mobile home park owner by executing a contract
 272 with the park owner within 45 days, unless agreed to otherwise,
 273 from the date of mailing of the notice and provided they have
 274 complied with ss. 723.075-723.079. If a contract between the
 275 park owner and the association is not executed within such 45-
 276 day period, then, unless the park owner thereafter elects to
 277 offer the park at a price lower than the price specified in her
 278 or his notice to the officers of the homeowners' association,
 279 the park owner has no further obligations under this subsection,

HB 835

2006

280 and her or his only obligation shall be as set forth in
281 subsection (3) ~~(2)~~.

282 (c) If the park owner thereafter elects to offer the park
283 at a price lower than the price specified in her or his notice
284 to the home owners, the home owners, by and through the
285 association, will have an additional 10 days to meet the price
286 and terms and conditions of the park owner by executing a
287 contract.

288 (3)~~(2)~~ If a mobile home park owner receives a bona fide
289 offer to purchase the park that she or he intends to consider or
290 make a counteroffer to, the park owner's only obligation shall
291 be to notify the officers of the homeowners' association that
292 she or he has received an offer and disclose the price and
293 material terms and conditions upon which she or he would
294 consider selling the park and consider any offer made by the
295 home owners, provided the home owners have complied with ss.
296 723.075-723.079. The park owner shall be under no obligation to
297 sell to the home owners or to interrupt or delay other
298 negotiations and shall be free at any time to execute a contract
299 for the sale of the park to a party or parties other than the
300 home owners or the association.

301 (4)~~(3)~~(a) As used in subsections (2) ~~(1)~~ and (3) ~~(2)~~, the
302 term "notify" means the placing of a notice in the United States
303 mail addressed to the officers of the homeowners' association.
304 Each such notice shall be deemed to have been given upon the
305 deposit of the notice in the United States mail.

306 (b) As used in subsection (2) ~~(1)~~, the term "offer" means
307 any solicitation by the park owner to the general public.

308 (5)~~(4)~~ This section does not apply to:

309 (a) Any sale or transfer to a person who would be included
310 within the table of descent and distribution if the park owner
311 were to die intestate.

312 (b) Any transfer by gift, devise, or operation of law.

313 (c) Any transfer by a corporation to an affiliate. As used
314 herein, the term "affiliate" means any shareholder of the
315 transferring corporation; any corporation or entity owned or
316 controlled, directly or indirectly, by the transferring
317 corporation; or any other corporation or entity owned or
318 controlled, directly or indirectly, by any shareholder of the
319 transferring corporation.

320 (d) Any transfer by a partnership to any of its partners.

321 (e) Any conveyance of an interest in a mobile home park
322 incidental to the financing of such mobile home park.

323 (f) Any conveyance resulting from the foreclosure of a
324 mortgage, deed of trust, or other instrument encumbering a
325 mobile home park or any deed given in lieu of such foreclosure.

326 (g) Any sale or transfer between or among joint tenants or
327 tenants in common owning a mobile home park.

328 (h) Any exchange of a mobile home park for other real
329 property, whether or not such exchange also involves the payment
330 of cash or other boot.

331 (i) The purchase of a mobile home park by a governmental
332 entity under its powers of eminent domain.

333 Section 6. Subsection (1) of section 723.072, Florida
334 Statutes, is amended to read:

335 723.072 Affidavit of compliance with statutory

HB 835

2006

336 requirements.--

337 (1) A park owner may at any time record, in the official
338 records of the county where a mobile home park is situated, an
339 affidavit in which the park owner certifies that:

340 (a) With reference to an offer by him or her for the sale
341 of such park, he or she has complied with the provisions of s.
342 723.071(2) ~~(1)~~;

343 (b) With reference to an offer received by him or her for
344 the purchase of such park, or with reference to a counteroffer
345 which he or she intends to make, or has made, for the sale of
346 such park, he or she has complied with the provisions of s.
347 723.071(3) ~~(2)~~;

348 (c) Notwithstanding his or her compliance with the
349 provisions of either subsection (2) ~~(1)~~ or subsection (3) ~~(2)~~ of
350 s. 723.071, no contract has been executed for the sale of such
351 park between himself or herself and the park homeowners'
352 association;

353 (d) The provisions of subsections (2) ~~(1)~~ and (3) ~~(2)~~ of
354 s. 723.071 are inapplicable to a particular sale or transfer of
355 such park by him or her, and compliance with such subsections is
356 not required; or

357 (e) A particular sale or transfer of such park is exempted
358 from the provisions of this section and s. 723.071.

359
360 Any party acquiring an interest in a mobile home park, and any
361 and all title insurance companies and attorneys preparing,
362 furnishing, or examining any evidence of title, have the
363 absolute right to rely on the truth and accuracy of all

HB 835

2006

364 statements appearing in such affidavit and are under no
365 obligation to inquire further as to any matter or fact relating
366 to the park owner's compliance with the provisions of s.
367 723.071.

368 Section 7. Section 723.083, Florida Statutes, is amended
369 to read:

370 723.083 Governmental action affecting removal of mobile
371 home owners.--

372 (1) No agency of municipal, local, county, or state
373 government shall approve any application for rezoning, or take
374 any other official action, which would result in the removal or
375 relocation of mobile home owners residing in a mobile home park
376 without first determining that adequate mobile home parks or
377 other suitable facilities exist for the relocation of the mobile
378 home owners. The existence of adequate mobile home parks or
379 other suitable facilities shall be substantiated in a written
380 document provided by the agency.

381 (2) The agency of municipal, local, county, or state
382 government considering an application for rezoning or other
383 official action shall make a written good faith estimate of the
384 fiscal benefits of rezoning or official action. The good faith
385 estimate shall include, but need not be limited to, annual
386 increases in property taxes or other revenue sources and any
387 nonrecurring revenues or fees, including, but not limited to,
388 impact fees, permit fees, connection fees, utility charges, or
389 other revenues.

390 (3) The written reports required under this section shall
391 be made available to the public for inspection and copying at

HB 835

2006

392 least 10 days prior to the scheduled meeting for consideration
393 of any such rezoning or other official act.

394 Section 8. The sum of \$50,000,000 is appropriated for
395 fiscal year 2006-2007 from the State Housing Trust Fund to the
396 Florida Homeownership Assistance Program for the purposes of s.
397 420.5088(7), Florida Statutes, as created by this act. This
398 section shall take effect July 1, 2006.

399 Section 9. Except as otherwise expressly provided in this
400 act, this act shall take effect upon becoming a law.