

## CHAMBER ACTION

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1 The Business Regulation Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to affordable housing; creating s.  
7 163.31772, F.S.; providing legislative findings and intent  
8 relating to changes in land use affecting mobile home  
9 parks; providing definitions; providing requirements for  
10 local governments and community redevelopment agencies  
11 regarding specified funding sources to provide financial  
12 assistance to certain mobile home owners; providing  
13 requirements for mobile home owners to qualify for  
14 financial assistance; requiring local governments to  
15 permit and approve rezoning of property for the  
16 development of new mobile home parks; providing that a  
17 local government or redevelopment agency may enter into a  
18 development agreement with the owner of a mobile home park  
19 to encourage its continued use for affordable housing;  
20 limiting the length of certain development agreements;  
21 amending s. 420.5088, F.S.; providing down payment  
22 assistance under the Florida Homeownership Assistance  
23 Program to certain persons employed as K-12 classroom

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24 teachers in the schools in this state; requiring the  
25 Florida Housing Finance Corporation to develop eligibility  
26 criteria; providing conditions for counties under which  
27 funds may be distributed; providing for a lien to be  
28 placed on a recipient's property if the recipient does not  
29 fulfill a specified commitment; encouraging counties to  
30 develop annual county housing plans that emphasize the  
31 recruitment and retention of certain classroom teachers;  
32 requiring the corporation to encourage and review county  
33 housing plans; amending s. 723.061, F.S.; providing notice  
34 requirements to certain mobile home lot tenants regarding  
35 entitlement to compensation from the Florida Mobile Home  
36 Relocation Trust Fund; amending s. 723.06116, F.S.;  
37 providing for late fees if a mobile home park owner does  
38 not make payments to the Florida Mobile Home Relocation  
39 Corporation within the required time period; amending s.  
40 723.0612, F.S.; prohibiting approval of certain  
41 applications for funding submitted by persons who have  
42 settled certain claims or causes of action; providing  
43 certain time periods within which an application for  
44 funding for relocation expenses must be submitted to the  
45 corporation; amending s. 723.071, F.S.; providing  
46 legislative findings relating to the sale of mobile home  
47 parks; amending s. 723.072, F.S., relating to an affidavit  
48 of compliance by an owner of a mobile home park;  
49 conforming cross-references; amending s. 723.083, F.S.;  
50 requiring an agency of municipal, local, county, or state  
51 government to provide a report that substantiates the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 existence of adequate mobile home parks before approving  
53 the removal or relocation of a park; requiring a written  
54 estimate of fiscal costs and benefits; requiring certain  
55 reports to be made available to the public within a  
56 specified time period; providing an appropriation;  
57 providing effective dates.

58  
59 Be It Enacted by the Legislature of the State of Florida:

60  
61 Section 1. Section 163.31772, Florida Statutes, is created  
62 to read:

63 163.31772 Mobile home parks; change in use of land;  
64 legislative findings and intent.--

65 (1) The Legislature finds that:

66 (a) Mobile home parks provide safe and affordable housing  
67 to many residents of this state;

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

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

74 (d) The loss of this type of affordable housing is of  
75 statewide concern; and

76 (e) Local governments benefit from the redevelopment of  
77 these mobile home parks through increased local and state tax  
78 revenues but may not have authority to use all available funding  
79 and revenue sources to assist these displaced residents.

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80        (2) It is the intent of the Legislature that local  
81 governments and redevelopment agencies assist in the relocation  
82 of and the provision of assistance to mobile home owners and are  
83 authorized to use all available funding sources to further this  
84 intent.

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

86        (a) "Affordable" has the same meaning as provided in s.  
87 420.602.

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

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

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

93        (4) Any local government or community redevelopment agency  
94 having jurisdiction over a mobile home park that is being closed  
95 due to a change in the use of land shall provide financial  
96 assistance to any mobile home resident who is displaced as a  
97 result of the change in use and who meets the requirements of  
98 subsection (5) to:

99        (a) Assist the homeowner with the cost of relocating his  
100 or her home;

101        (b) Assist the homeowner in purchasing a new manufactured  
102 or mobile home if the home he or she is currently occupying is  
103 not capable of being moved to another location; and

104        (c) Assist the homeowner in relocating to any other  
105 adequate and suitable housing.

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107 The financial assistance provided under this subsection to each  
108 qualified homeowner shall be made as a supplement to the funds  
109 provided to each qualified homeowner under the Florida Mobile  
110 Home Relocation Trust Fund.

111 (5) In order to receive supplemental financial assistance  
112 under subsection (4) from the local government or community  
113 redevelopment agency, the displaced mobile home owner must  
114 qualify as a very-low-income, low-income, or moderate-income  
115 person as defined in s. 420.0004.

116  
117 Notwithstanding any other provision of law, a local government  
118 or community redevelopment agency is authorized to and shall,  
119 for the purposes described in subsection (4), use revenues  
120 derived from sources that include, but need not be limited to,  
121 tax increment financing pursuant to s. 163.387, urban infill and  
122 redevelopment funds pursuant to s. 163.2523, general revenue  
123 funding, housing loan assistance programs, documentary stamp tax  
124 revenues derived from the redevelopment of the property which  
125 are available to the local government, and impact and permit  
126 fees derived from the redevelopment of the property.

127 (6) A local government shall take action to permit and  
128 approve the rezoning of property for development of new mobile  
129 home parks for the purpose of providing new homes or affordable  
130 housing or for the relocation of mobile home owners who are  
131 displaced by a change in the use of land.

132 (7) Any local government or community redevelopment agency  
133 having jurisdiction over a mobile home park providing affordable  
134 housing as defined in this section may enter into a development

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135 agreement with the owner of the mobile home park to encourage  
136 the continued use of the mobile home park for affordable housing  
137 by incentives, including, but not limited to:

138 (a) Awarding transferable development credits to the  
139 community. The Department of Community Affairs shall provide  
140 technical assistance to local governments in order to promote  
141 the transfer of development rights for mobile home park owners  
142 who provide affordable housing. The department may adopt rules  
143 pursuant to ss. 120.536(1) and 120.54 to administer this  
144 paragraph;

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

147 (c) Providing housing assistance to the mobile home park  
148 owner for the difference between the lot rental amount paid by  
149 the homeowners and either the lot rental amount charged in  
150 comparable mobile home parks that have similar facilities,  
151 services, amenities, and management or based upon the rental  
152 value of the property being dedicated to affordable housing  
153 based upon the property's fair market value. The Department of  
154 Community Affairs shall provide technical assistance to local  
155 governments in order to promote housing assistance to mobile  
156 home park owners who provide affordable housing in urban areas.  
157 The department shall adopt rules pursuant to ss. 120.536(1) and  
158 120.54 to administer this paragraph.

159  
160 Any development agreement entered into under this subsection  
161 shall have a term that does not exceed 10 years.

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

164 420.5088 Florida Homeownership Assistance Program.--There  
165 is created the Florida Homeownership Assistance Program for the  
166 purpose of assisting low-income persons in purchasing a home by  
167 reducing the cost of the home with below-market construction  
168 financing, by reducing the amount of down payment and closing  
169 costs paid by the borrower to a maximum of 5 percent of the  
170 purchase price, or by reducing the monthly payment to an  
171 affordable amount for the purchaser. Loans shall be made  
172 available at an interest rate that does not exceed 3 percent.  
173 The balance of any loan is due at closing if the property is  
174 sold or transferred.

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

178 (b) The corporation shall develop criteria to determine  
179 which persons are eligible to receive down payment assistance,  
180 including the following criteria:

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

183 2. The person shall be state certified in a critical need  
184 area of exceptional student education, mathematics, science, or  
185 reading.

186 3. The person shall declare his or her homestead and  
187 maintain residency at his or her homestead.

188 4. The person shall be employed in a full-time, permanent  
189 capacity.

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

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

198       2. In addition to the amount provided under subparagraph  
199 1., the program shall provide matching funds up to \$4,000 as  
200 down payment assistance if the county within which an eligible  
201 recipient is employed provides State Housing Initiatives  
202 Partnership Program funds to the eligible recipient under ss.  
203 420.907-420.9079.

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

207       (e) Each county is encouraged to develop an annual county  
208 housing plan that emphasizes the recruitment and retention of  
209 classroom teachers certified in critical need areas. The  
210 corporation shall review and encourage such plans as a part of  
211 the overall housing assistance effort of counties. Such plans  
212 shall not affect any formulas relating to low-income or very-  
213 low-income assistance programs approved by the corporation.

214       Section 3. Paragraph (d) of subsection (1) of section  
215 723.061, Florida Statutes, is amended to read:

216       723.061 Eviction; grounds, proceedings.--

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217 (1) A mobile home park owner may evict a mobile home  
218 owner, a mobile home tenant, a mobile home occupant, or a mobile  
219 home only on one or more of the grounds provided in this  
220 section.

221 (d) Change in use of the land comprising the mobile home  
222 park, or the portion thereof from which mobile homes are to be  
223 evicted, from mobile home lot rentals to some other use,  
224 provided all tenants affected are given at least 6 months'  
225 notice of the projected change of use and of their need to  
226 secure other accommodations. The notice shall include in a font  
227 no smaller than the body of the notice: YOU MAY BE ENTITLED TO  
228 COMPENSATION FROM THE FLORIDA MOBILE HOME RELOCATION TRUST FUND,  
229 ADMINISTERED BY THE FLORIDA MOBILE HOME RELOCATION CORPORATION  
230 (FMHRC); FMHRC CONTACT INFORMATION IS AVAILABLE FROM THE FLORIDA  
231 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION. The park  
232 owner may not give a notice of increase in lot rental amount  
233 within 90 days before giving notice of a change in use.

234 Section 4. Subsection (1) of section 723.06116, Florida  
235 Statutes, is amended to read:

236 723.06116 Payments to the Florida Mobile Home Relocation  
237 Corporation.--

238 (1) If a mobile home owner is required to move due to a  
239 change in use of the land comprising a mobile home park as set  
240 forth in s. 723.061(1)(d), the mobile home park owner shall,  
241 upon such change in use, pay to the Florida Mobile Home  
242 Relocation Corporation for deposit in the Florida Mobile Home  
243 Relocation Trust Fund \$2,750 for each single-section mobile home  
244 and \$3,750 for each multisection mobile home for which a mobile

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245 home owner has made application for payment of moving expenses.  
246 The mobile home park owner shall make the payments required by  
247 this section and by s. 723.0612(7) to the corporation within 30  
248 days after receipt from the corporation of the invoice for  
249 payment. Failure to make such payment within the required time  
250 period shall result in a late fee being imposed.

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

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

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

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

259 Section 5. Subsection (9) of section 723.0612, Florida  
260 Statutes, is amended, and subsection (12) is added to that  
261 section, to read:

262 723.0612 Change in use; relocation expenses; payments by  
263 park owner.--

264 (9) Any person whose application for funding pursuant to  
265 subsection (1) or subsection (7) is approved for payment by the  
266 corporation shall be barred from asserting any claim or cause of  
267 action under this chapter directly relating to or arising out of  
268 the change in use of the mobile home park against the  
269 corporation, the park owner, or the park owner's successors in  
270 interest. No application for funding pursuant to subsection (1)  
271 or subsection (7) shall be approved by the corporation if the  
272 applicant has ~~either~~ filed a claim or cause of action, is

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273 actively pursuing a claim or cause of action, has settled a  
274 claim or cause of action, or has a judgment against the  
275 corporation, the park owner, or the park owner's successors in  
276 interest under this chapter directly relating to or arising out  
277 of the change in use of the mobile home park, unless such claim  
278 or cause of action is dismissed with prejudice.

279 (12) An application to the corporation for compensation  
280 under subsection (1) or subsection (7) must be received within 1  
281 year after the expiration of the eviction period as established  
282 in the notice required under s. 723.061(1)(d). If the applicant  
283 files a claim or cause of action that disqualifies the applicant  
284 under subsection (9) and the claim is subsequently dismissed,  
285 the application must be received within 6 months following  
286 filing of the dismissal with prejudice as required under  
287 subsection (9). However, such an applicant must apply within 2  
288 years after the expiration of the eviction period as established  
289 in the notice required under s. 723.061(1)(d).

290 Section 6. Section 723.071, Florida Statutes, is amended  
291 to read:

292 723.071 Sale of mobile home parks; legislative findings.--

293 (1) The Legislature finds that a right of first refusal to  
294 purchase a mobile home park is a property right that should be  
295 negotiated between two parties at arm's length and for due  
296 consideration. The Legislature further finds that this chapter  
297 does not preclude mobile home owners from purchasing a right of  
298 first refusal from a willing park owner. The Legislature  
299 therefore encourages mobile home owners to organize as a  
300 homeowners' association in accordance with this chapter for the

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301 purpose of negotiating a right of first refusal with a park  
302 owner.

303 (2)~~(1)~~(a) If a mobile home park owner offers a mobile home  
304 park for sale, she or he shall notify the officers of the  
305 homeowners' association created pursuant to ss. 723.075-723.079  
306 of the offer, stating the price and the terms and conditions of  
307 sale.

308 (b) The mobile home owners, by and through the association  
309 defined in s. 723.075, shall have the right to purchase the  
310 park, provided the home owners meet the price and terms and  
311 conditions of the mobile home park owner by executing a contract  
312 with the park owner within 45 days, unless agreed to otherwise,  
313 from the date of mailing of the notice and provided they have  
314 complied with ss. 723.075-723.079. If a contract between the  
315 park owner and the association is not executed within such 45-  
316 day period, then, unless the park owner thereafter elects to  
317 offer the park at a price lower than the price specified in her  
318 or his notice to the officers of the homeowners' association,  
319 the park owner has no further obligations under this subsection,  
320 and her or his only obligation shall be as set forth in  
321 subsection (3) ~~(2)~~.

322 (c) If the park owner thereafter elects to offer the park  
323 at a price lower than the price specified in her or his notice  
324 to the home owners, the home owners, by and through the  
325 association, will have an additional 10 days to meet the price  
326 and terms and conditions of the park owner by executing a  
327 contract.

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328        (3)~~(2)~~ If a mobile home park owner receives a bona fide  
329 offer to purchase the park that she or he intends to consider or  
330 make a counteroffer to, the park owner's only obligation shall  
331 be to notify the officers of the homeowners' association that  
332 she or he has received an offer and disclose the price and  
333 material terms and conditions upon which she or he would  
334 consider selling the park and consider any offer made by the  
335 home owners, provided the home owners have complied with ss.  
336 723.075-723.079. The park owner shall be under no obligation to  
337 sell to the home owners or to interrupt or delay other  
338 negotiations and shall be free at any time to execute a contract  
339 for the sale of the park to a party or parties other than the  
340 home owners or the association.

341        (4)~~(3)~~(a) As used in subsections (2) ~~(1)~~ and (3) ~~(2)~~, the  
342 term "notify" means the placing of a notice in the United States  
343 mail addressed to the officers of the homeowners' association.  
344 Each such notice shall be deemed to have been given upon the  
345 deposit of the notice in the United States mail.

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

348        (5)~~(4)~~ This section does not apply to:

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

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

353        (c) Any transfer by a corporation to an affiliate. As used  
354 herein, the term "affiliate" means any shareholder of the  
355 transferring corporation; any corporation or entity owned or

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356 controlled, directly or indirectly, by the transferring  
357 corporation; or any other corporation or entity owned or  
358 controlled, directly or indirectly, by any shareholder of the  
359 transferring corporation.

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

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

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

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

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

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

373 Section 7. Subsection (1) of section 723.072, Florida  
374 Statutes, is amended to read:

375 723.072 Affidavit of compliance with statutory  
376 requirements.--

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

380 (a) With reference to an offer by him or her for the sale  
381 of such park, he or she has complied with the provisions of s.  
382 723.071 (2) ~~(1)~~;

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383 (b) With reference to an offer received by him or her for  
384 the purchase of such park, or with reference to a counteroffer  
385 which he or she intends to make, or has made, for the sale of  
386 such park, he or she has complied with the provisions of s.  
387 723.071(3)~~(2)~~;

388 (c) Notwithstanding his or her compliance with the  
389 provisions of either subsection (2)~~(1)~~ or subsection (3)~~(2)~~ of  
390 s. 723.071, no contract has been executed for the sale of such  
391 park between himself or herself and the park homeowners'  
392 association;

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

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

399  
400 Any party acquiring an interest in a mobile home park, and any  
401 and all title insurance companies and attorneys preparing,  
402 furnishing, or examining any evidence of title, have the  
403 absolute right to rely on the truth and accuracy of all  
404 statements appearing in such affidavit and are under no  
405 obligation to inquire further as to any matter or fact relating  
406 to the park owner's compliance with the provisions of s.  
407 723.071.

408 Section 8. Section 723.083, Florida Statutes, is amended  
409 to read:

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410           723.083 Governmental action affecting removal of mobile  
411 home owners.--

412           (1) No agency of municipal, local, county, or state  
413 government shall approve any application for rezoning, or take  
414 any other official action, which would result in the removal or  
415 relocation of mobile home owners residing in a mobile home park  
416 without first determining that adequate mobile home parks or  
417 other suitable facilities exist for the relocation of the mobile  
418 home owners. The existence of adequate mobile home parks or  
419 other suitable facilities shall be substantiated in a written  
420 document provided by the agency.

421           (2) The agency of municipal, local, county, or state  
422 government considering an application for rezoning or other  
423 official action shall make a written good faith estimate of the  
424 fiscal costs and benefits of rezoning or official action. The  
425 good faith estimate shall include, but need not be limited to,  
426 annual increases in property taxes or other revenue sources and  
427 any nonrecurring revenues or fees, including, but not limited  
428 to, impact fees, permit fees, connection fees, utility charges,  
429 or other revenues.

430           (3) The written reports required under this section shall  
431 be made available to the public for inspection and copying at  
432 least 10 days prior to the scheduled meeting for consideration  
433 of any such rezoning or other official act.

434           Section 9. The sum of \$50,000,000 is appropriated for  
435 fiscal year 2006-2007 from the State Housing Trust Fund to the  
436 Florida Homeownership Assistance Program for the purposes of s.

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437 | 420.5088(7), Florida Statutes, as created by this act. This  
438 | section shall take effect July 1, 2006.

439 |       Section 10. Except as otherwise expressly provided in this  
440 | act, this act shall take effect upon becoming a law.