

CHAMBER ACTION

1 The Growth Management 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. 420.9072, F.S.; correcting cross-references;
22 amending s. 420.9075, F.S.; providing down payment
23 assistance under the State Housing Initiatives Partnership

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24 Program to certain persons employed as K-12 classroom
25 teachers in the schools in this state; requiring the
26 Florida Housing Finance Corporation to develop eligibility
27 criteria; providing conditions for counties under which
28 funds may be distributed; providing for a lien to be
29 placed on a recipient's property if the recipient does not
30 fulfill a specified commitment; encouraging counties to
31 develop annual county housing plans that emphasize the
32 recruitment and retention of certain classroom teachers;
33 amending s. 420.9079, F.S.; correcting a cross-reference;
34 amending s. 723.061, F.S.; providing notice requirements
35 to certain mobile home lot tenants regarding entitlement
36 to compensation from the Florida Mobile Home Relocation
37 Trust Fund; amending s. 723.06116, F.S.; providing for
38 late fees if a mobile home park owner does not make
39 payments to the Florida Mobile Home Relocation Corporation
40 within the required time period; amending s. 723.0612,
41 F.S.; prohibiting approval of certain applications for
42 funding submitted by persons who have settled certain
43 claims or causes of action; providing certain time periods
44 within which an application for funding for relocation
45 expenses must be submitted to the corporation; amending s.
46 723.071, F.S.; providing legislative findings relating to
47 the sale of mobile home parks; amending s. 723.072, F.S.,
48 relating to an affidavit of compliance by an owner of a
49 mobile home park; conforming cross-references; amending s.
50 723.083, F.S.; requiring an agency of municipal, local,
51 county, or state government to provide a report that

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

58

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

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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.

162 Section 2. Subsection (2) of section 420.9072, Florida
163 Statutes, is amended to read:

164 420.9072 State Housing Initiatives Partnership
165 Program.--The State Housing Initiatives Partnership Program is
166 created for the purpose of providing funds to counties and
167 eligible municipalities as an incentive for the creation of
168 local housing partnerships, to expand production of and preserve
169 affordable housing, to further the housing element of the local
170 government comprehensive plan specific to affordable housing,
171 and to increase housing-related employment.

172 (2) (a) To be eligible to receive funds under the program,
173 a county or eligible municipality must:

174 1. Submit to the corporation its local housing assistance
175 plan describing the local housing assistance strategies
176 established pursuant to s. 420.9075;

177 2. Within 12 months after adopting the local housing
178 assistance plan, amend the plan to incorporate the local housing
179 incentive strategies defined in s. 420.9071(16) and described in
180 s. 420.9076; and

181 3. Within 24 months after adopting the amended local
182 housing assistance plan to incorporate the local housing
183 incentive strategies, amend its land development regulations or
184 establish local policies and procedures, as necessary, to
185 implement the local housing incentive strategies adopted by the
186 local governing body. A county or an eligible municipality that
187 has adopted a housing incentive strategy pursuant to s. 420.9076
188 before the effective date of this act shall review the status of
189 implementation of the plan according to its adopted schedule for

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190 implementation and report its findings in the annual report
191 required by s. 420.9075 (10) ~~(9)~~. If as a result of the review, a
192 county or an eligible municipality determines that the
193 implementation is complete and in accordance with its schedule,
194 no further action is necessary. If a county or an eligible
195 municipality determines that implementation according to its
196 schedule is not complete, it must amend its land development
197 regulations or establish local policies and procedures, as
198 necessary, to implement the housing incentive plan within 12
199 months after the effective date of this act, or if extenuating
200 circumstances prevent implementation within 12 months, pursuant
201 to s. 420.9075 (13) ~~(12)~~, enter into an extension agreement with
202 the corporation.

203 (b) A county or an eligible municipality seeking approval
204 to receive its share of the local housing distribution must
205 adopt an ordinance containing the following provisions:

206 1. Creation of a local housing assistance trust fund as
207 described in s. 420.9075 (6) ~~(5)~~.

208 2. Adoption by resolution of a local housing assistance
209 plan as defined in s. 420.9071(14) to be implemented through a
210 local housing partnership as defined in s. 420.9071(18).

211 3. Designation of the responsibility for the
212 administration of the local housing assistance plan. Such
213 ordinance may also provide for the contracting of all or part of
214 the administrative or other functions of the program to a third
215 person or entity.

216 4. Creation of the affordable housing advisory committee
217 as provided in s. 420.9076.

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219 The ordinance must not take effect until at least 30 days after
220 the date of formal adoption. Ordinances in effect prior to the
221 effective date of amendments to this section shall be amended as
222 needed to conform to new provisions.

223 Section 3. Present subsections (5) through (12) of section
224 420.9075, Florida Statutes, are renumbered as subsections (6)
225 through (13), respectively, and a new subsection (5) is added to
226 that section, to read:

227 420.9075 Local housing assistance plans; partnerships.--

228 (5) In order to assist in the recruitment and retention of
229 teachers, the following shall be included in the local housing
230 assistance plan:

231 (a) Down payment assistance shall be provided to eligible
232 persons who meet the following criteria, in addition to other
233 requirements of the plan:

234 1. The person shall be employed full time as a K-12
235 classroom teacher in this state.

236 2. The person shall be state certified in a critical need
237 area of exceptional student education, mathematics, or science.

238 3. The person shall declare his or her homestead and
239 maintain residency at his or her homestead.

240 4. The person shall be employed in a full-time, permanent
241 capacity.

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

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245 (b) Compliance with the employment eligibility criteria
246 established under this subsection shall be verified during the
247 life of the loan by the school district in which the teacher is
248 employed.

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

254 2. In addition to the amount provided under subparagraph
255 1., the program shall provide \$4,000 as down payment assistance
256 if the county or eligible municipality within which an eligible
257 recipient is employed provides funding through the State Housing
258 Initiatives Partnership Program to the eligible recipient under
259 ss. 420.907-420.9079.

260 (d) Any lien on the recipient's property securing the
261 assistance provided under this subsection shall be released if
262 the recipient fulfills the 5-year commitment specified in
263 subparagraph (a)5.

264 (e) Each county and each eligible municipality is
265 encouraged to develop an element within its local housing
266 assistance plan emphasizing the recruitment and retention of
267 classroom teachers certified in critical need areas.

268 Section 4. Subsection (2) of section 420.9079, Florida
269 Statutes, is amended to read:

270 420.9079 Local Government Housing Trust Fund.--

271 (2) The corporation shall administer the fund exclusively
272 for the purpose of implementing the programs described in ss.

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273 420.907-420.9078 and this section. With the exception of
 274 monitoring the activities of counties and eligible
 275 municipalities to determine local compliance with program
 276 requirements, the corporation shall not receive appropriations
 277 from the fund for administrative or personnel costs. For the
 278 purpose of implementing the compliance monitoring provisions of
 279 s. 420.9075 (9) ~~(8)~~, the corporation may request a maximum of
 280 \$200,000 per state fiscal year. When such funding is
 281 appropriated, the corporation shall deduct the amount
 282 appropriated prior to calculating the local housing distribution
 283 pursuant to ss. 420.9072 and 420.9073.

284 Section 5. Paragraph (d) of subsection (1) of section
 285 723.061, Florida Statutes, is amended to read:

286 723.061 Eviction; grounds, proceedings.--

287 (1) A mobile home park owner may evict a mobile home
 288 owner, a mobile home tenant, a mobile home occupant, or a mobile
 289 home only on one or more of the grounds provided in this
 290 section.

291 (d) Change in use of the land comprising the mobile home
 292 park, or the portion thereof from which mobile homes are to be
 293 evicted, from mobile home lot rentals to some other use,
 294 provided all tenants affected are given at least 6 months'
 295 notice of the projected change of use and of their need to
 296 secure other accommodations. The notice shall include in a font
 297 no smaller than the body of the notice: YOU MAY BE ENTITLED TO
 298 COMPENSATION FROM THE FLORIDA MOBILE HOME RELOCATION TRUST FUND,
 299 ADMINISTERED BY THE FLORIDA MOBILE HOME RELOCATION CORPORATION
 300 (FMHRC); FMHRC CONTACT INFORMATION IS AVAILABLE FROM THE FLORIDA

301 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION. The park
302 owner may not give a notice of increase in lot rental amount
303 within 90 days before giving notice of a change in use.

304 Section 6. Subsection (1) of section 723.06116, Florida
305 Statutes, is amended to read:

306 723.06116 Payments to the Florida Mobile Home Relocation
307 Corporation.--

308 (1) If a mobile home owner is required to move due to a
309 change in use of the land comprising a mobile home park as set
310 forth in s. 723.061(1)(d), the mobile home park owner shall,
311 upon such change in use, pay to the Florida Mobile Home
312 Relocation Corporation for deposit in the Florida Mobile Home
313 Relocation Trust Fund \$2,750 for each single-section mobile home
314 and \$3,750 for each multisection mobile home for which a mobile
315 home owner has made application for payment of moving expenses.
316 The mobile home park owner shall make the payments required by
317 this section and by s. 723.0612(7) to the corporation within 30
318 days after receipt from the corporation of the invoice for
319 payment. Failure to make such payment within the required time
320 period shall result in a late fee being imposed.

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

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

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

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

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329 Section 7. Subsection (9) of section 723.0612, Florida
330 Statutes, is amended, and subsection (12) is added to that
331 section, to read:

332 723.0612 Change in use; relocation expenses; payments by
333 park owner.--

334 (9) Any person whose application for funding pursuant to
335 subsection (1) or subsection (7) is approved for payment by the
336 corporation shall be barred from asserting any claim or cause of
337 action under this chapter directly relating to or arising out of
338 the change in use of the mobile home park against the
339 corporation, the park owner, or the park owner's successors in
340 interest. No application for funding pursuant to subsection (1)
341 or subsection (7) shall be approved by the corporation if the
342 applicant has ~~either~~ filed a claim or cause of action, is
343 actively pursuing a claim or cause of action, has settled a
344 claim or cause of action, or has a judgment against the
345 corporation, the park owner, or the park owner's successors in
346 interest under this chapter directly relating to or arising out
347 of the change in use of the mobile home park, unless such claim
348 or cause of action is dismissed with prejudice.

349 (12) An application to the corporation for compensation
350 under subsection (1) or subsection (7) must be received within 1
351 year after the expiration of the eviction period as established
352 in the notice required under s. 723.061(1)(d). If the applicant
353 files a claim or cause of action that disqualifies the applicant
354 under subsection (9) and the claim is subsequently dismissed,
355 the application must be received within 6 months following
356 filing of the dismissal with prejudice as required under

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357 subsection (9). However, such an applicant must apply within 2
358 years after the expiration of the eviction period as established
359 in the notice required under s. 723.061(1)(d).

360 Section 8. Section 723.071, Florida Statutes, is amended
361 to read:

362 723.071 Sale of mobile home parks; legislative findings.--

363 (1) The Legislature finds that a right of first refusal to
364 purchase a mobile home park is a property right that should be
365 negotiated between two parties at arm's length and for due
366 consideration. The Legislature further finds that this chapter
367 does not preclude mobile home owners from purchasing a right of
368 first refusal from a willing park owner. The Legislature
369 therefore encourages mobile home owners to organize as a
370 homeowners' association in accordance with this chapter for the
371 purpose of negotiating a right of first refusal with a park
372 owner.

373 (2)~~(1)~~(a) If a mobile home park owner offers a mobile home
374 park for sale, she or he shall notify the officers of the
375 homeowners' association created pursuant to ss. 723.075-723.079
376 of the offer, stating the price and the terms and conditions of
377 sale.

378 (b) The mobile home owners, by and through the association
379 defined in s. 723.075, shall have the right to purchase the
380 park, provided the home owners meet the price and terms and
381 conditions of the mobile home park owner by executing a contract
382 with the park owner within 45 days, unless agreed to otherwise,
383 from the date of mailing of the notice and provided they have
384 complied with ss. 723.075-723.079. If a contract between the

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385 park owner and the association is not executed within such 45-
386 day period, then, unless the park owner thereafter elects to
387 offer the park at a price lower than the price specified in her
388 or his notice to the officers of the homeowners' association,
389 the park owner has no further obligations under this subsection,
390 and her or his only obligation shall be as set forth in
391 subsection (3) ~~(2)~~.

392 (c) If the park owner thereafter elects to offer the park
393 at a price lower than the price specified in her or his notice
394 to the home owners, the home owners, by and through the
395 association, will have an additional 10 days to meet the price
396 and terms and conditions of the park owner by executing a
397 contract.

398 (3) ~~(2)~~ If a mobile home park owner receives a bona fide
399 offer to purchase the park that she or he intends to consider or
400 make a counteroffer to, the park owner's only obligation shall
401 be to notify the officers of the homeowners' association that
402 she or he has received an offer and disclose the price and
403 material terms and conditions upon which she or he would
404 consider selling the park and consider any offer made by the
405 home owners, provided the home owners have complied with ss.
406 723.075-723.079. The park owner shall be under no obligation to
407 sell to the home owners or to interrupt or delay other
408 negotiations and shall be free at any time to execute a contract
409 for the sale of the park to a party or parties other than the
410 home owners or the association.

411 (4) ~~(3)~~ (a) As used in subsections (2) ~~(1)~~ and (3) ~~(2)~~, the
412 term "notify" means the placing of a notice in the United States

413 mail addressed to the officers of the homeowners' association.
 414 Each such notice shall be deemed to have been given upon the
 415 deposit of the notice in the United States mail.

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

418 (5)~~(4)~~ This section does not apply to:

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

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

423 (c) Any transfer by a corporation to an affiliate. As used
 424 herein, the term "affiliate" means any shareholder of the
 425 transferring corporation; any corporation or entity owned or
 426 controlled, directly or indirectly, by the transferring
 427 corporation; or any other corporation or entity owned or
 428 controlled, directly or indirectly, by any shareholder of the
 429 transferring corporation.

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

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

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

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

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

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

443 Section 9. Subsection (1) of section 723.072, Florida
444 Statutes, is amended to read:

445 723.072 Affidavit of compliance with statutory
446 requirements.--

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

450 (a) With reference to an offer by him or her for the sale
451 of such park, he or she has complied with the provisions of s.
452 723.071(2)~~(1)~~;

453 (b) With reference to an offer received by him or her for
454 the purchase of such park, or with reference to a counteroffer
455 which he or she intends to make, or has made, for the sale of
456 such park, he or she has complied with the provisions of s.
457 723.071(3)~~(2)~~;

458 (c) Notwithstanding his or her compliance with the
459 provisions of either subsection (2) ~~(1)~~ or subsection (3) ~~(2)~~ of
460 s. 723.071, no contract has been executed for the sale of such
461 park between himself or herself and the park homeowners'
462 association;

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

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

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470 Any party acquiring an interest in a mobile home park, and any
471 and all title insurance companies and attorneys preparing,
472 furnishing, or examining any evidence of title, have the
473 absolute right to rely on the truth and accuracy of all
474 statements appearing in such affidavit and are under no
475 obligation to inquire further as to any matter or fact relating
476 to the park owner's compliance with the provisions of s.
477 723.071.

478 Section 10. Section 723.083, Florida Statutes, is amended
479 to read:

480 723.083 Governmental action affecting removal of mobile
481 home owners.--

482 (1) No agency of municipal, local, county, or state
483 government shall approve any application for rezoning, or take
484 any other official action, which would result in the removal or
485 relocation of mobile home owners residing in a mobile home park
486 without first determining that adequate mobile home parks or
487 other suitable facilities exist for the relocation of the mobile
488 home owners. The existence of adequate mobile home parks or
489 other suitable facilities shall be substantiated in a written
490 document provided by the agency.

491 (2) The agency of municipal, local, county, or state
492 government considering an application for rezoning or other
493 official action shall make a written good faith estimate of the
494 fiscal costs and benefits of rezoning or official action. The
495 good faith estimate shall include, but need not be limited to,
496 annual increases in property taxes or other revenue sources and

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497 any nonrecurring revenues or fees, including, but not limited
498 to, impact fees, permit fees, connection fees, utility charges,
499 or other revenues.

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

504 Section 11. The sum of \$50,000,000 is appropriated for
505 fiscal year 2006-2007 from the State Housing Trust Fund to the
506 Florida Homeownership Assistance Program for the purposes of s.
507 420.9075(5), Florida Statutes, as created by this act. This
508 section shall take effect July 1, 2006.

509 Section 12. Effective July 1, 2006, the sum of \$
510 million is appropriated from the Local Government Housing Trust
511 Fund to the Florida Housing Finance Corporation for distribution
512 through the State Housing Initiatives Partnership Program,
513 notwithstanding the provisions of ss. 420.9072 and 420.9073,
514 Florida Statutes, for the purpose of providing funds to eligible
515 teachers for affordable housing to assist in teacher retention
516 and recruitment in accordance with s. 420.9075(5), Florida
517 Statutes.

518 Section 13. Except as otherwise expressly provided in this
519 act, this act shall take effect upon becoming a law.