



1           commitment; encouraging counties and eligible  
2           municipalities to develop annual county housing  
3           plans that emphasize the recruitment and  
4           retention of certain classroom teachers;  
5           amending s. 420.9079, F.S.; conforming a  
6           cross-reference; amending s. 723.061, F.S.;  
7           providing notice requirements to certain mobile  
8           home lot tenants regarding entitlement to  
9           compensation from the Florida Mobile Home  
10          Relocation Trust Fund; amending s. 723.06116,  
11          F.S.; providing for late fees if a mobile home  
12          park owner does not make payments to the  
13          Florida Mobile Home Relocation Corporation  
14          within the required time period; amending s.  
15          723.0612, F.S.; prohibiting approval of certain  
16          applications for funding submitted by persons  
17          who have settled certain claims or causes of  
18          action; providing certain time periods within  
19          which an application for funding for relocation  
20          expenses must be submitted to the corporation;  
21          amending s. 723.071, F.S.; providing  
22          legislative findings relating to the sale of  
23          mobile home parks; amending s. 723.072, F.S.,  
24          relating to an affidavit of compliance by an  
25          owner of a mobile home park; conforming  
26          cross-references; amending s. 723.083, F.S.;  
27          requiring an agency of municipal, local,  
28          county, or state government to provide a report  
29          that substantiates the existence of adequate  
30          mobile home parks before approving the removal  
31          or relocation of a park; requiring a written

1 estimate of fiscal costs and benefits;  
2 requiring certain reports to be made available  
3 to the public within a specified time period;  
4 providing appropriations; providing effective  
5 dates.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

9 Section 1. Section 163.31772, Florida Statutes, is  
10 created to read:

11 163.31772 Mobile home parks; change in use of land;  
12 legislative findings and intent.--

13 (1) The Legislature finds that:

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

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

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

23 (d) The loss of this type of affordable housing is of  
24 statewide concern; and

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

30 (2) It is the intent of the Legislature that local  
31 governments and redevelopment agencies assist in the

1 relocation of and the provision of assistance to mobile home  
2 owners and are authorized to use all available funding sources  
3 to further this intent.

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

5 (a) "Affordable" has the same meaning as provided in  
6 s. 420.602.

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

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

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

12 (4) Any local government or community redevelopment  
13 agency having jurisdiction over a mobile home park that is  
14 being closed due to a change in the use of land shall provide  
15 financial assistance to any mobile home resident who is  
16 displaced as a result of the change in use and who meets the  
17 requirements of subsection (5) to:

18 (a) Assist the homeowner with the cost of relocating  
19 his or her home;

20 (b) Assist the homeowner in purchasing a new  
21 manufactured or mobile home if the home he or she is currently  
22 occupying is not capable of being moved to another location;  
23 or

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

26  
27 The financial assistance provided under this subsection to  
28 each qualified homeowner shall be made as a supplement to the  
29 funds provided to each qualified homeowner under the Florida  
30 Mobile Home Relocation Trust Fund.

31

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

6  
7 Notwithstanding any other provision of law, a local government  
8 or community redevelopment agency is authorized to and shall,  
9 for the purposes described in subsection (4), use revenues  
10 derived from sources that include, but need not be limited to,  
11 tax increment financing pursuant to s. 163.387, urban infill  
12 and redevelopment funds pursuant to s. 163.2523, general  
13 revenue funding, housing loan assistance programs, documentary  
14 stamp tax revenues derived from the redevelopment of the  
15 property which are available to the local government, and  
16 impact and permit fees derived from the redevelopment of the  
17 property.

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

23           (7) Any local government or community redevelopment  
24 agency having jurisdiction over a mobile home park providing  
25 affordable housing as defined in this section may enter into a  
26 development agreement with the owner of the mobile home park  
27 to encourage the continued use of the mobile home park for  
28 affordable housing by incentives, including, but not limited  
29 to:

30           (a) Awarding transferable development credits to the  
31 community. The Department of Community Affairs shall provide

1 technical assistance to local governments in order to promote  
2 the transfer of development rights for mobile home park owners  
3 who provide affordable housing. The department may adopt rules  
4 pursuant to ss. 120.536(1) and 120.54 to administer this  
5 paragraph;

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

8 (c) Providing housing assistance to the mobile home  
9 park owner for the difference between the lot rental amount  
10 paid by the homeowners and either the lot rental amount  
11 charged in comparable mobile home parks that have similar  
12 facilities, services, amenities, and management or based upon  
13 the rental value of the property being dedicated to affordable  
14 housing based upon the property's fair market value. The  
15 Department of Community Affairs shall provide technical  
16 assistance to local governments in order to promote housing  
17 assistance to mobile home park owners who provide affordable  
18 housing in urban areas. The department shall adopt rules  
19 pursuant to ss. 120.536(1) and 120.54 to administer this  
20 paragraph.

21  
22 Any development agreement entered into under this subsection  
23 shall have a term that does not exceed 10 years.

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

26 420.9072 State Housing Initiatives Partnership  
27 Program.--The State Housing Initiatives Partnership Program is  
28 created for the purpose of providing funds to counties and  
29 eligible municipalities as an incentive for the creation of  
30 local housing partnerships, to expand production of and  
31 preserve affordable housing, to further the housing element of

1 the local government comprehensive plan specific to affordable  
2 housing, and to increase housing-related employment.

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

5 1. Submit to the corporation its local housing  
6 assistance plan describing the local housing assistance  
7 strategies established pursuant to s. 420.9075;

8 2. Within 12 months after adopting the local housing  
9 assistance plan, amend the plan to incorporate the local  
10 housing incentive strategies defined in s. 420.9071(16) and  
11 described in s. 420.9076; and

12 3. Within 24 months after adopting the amended local  
13 housing assistance plan to incorporate the local housing  
14 incentive strategies, amend its land development regulations  
15 or establish local policies and procedures, as necessary, to  
16 implement the local housing incentive strategies adopted by  
17 the local governing body. A county or an eligible municipality  
18 that has adopted a housing incentive strategy pursuant to s.  
19 420.9076 before the effective date of this act shall review  
20 the status of implementation of the plan according to its  
21 adopted schedule for implementation and report its findings in  
22 the annual report required by s. 420.9075(11)(~~10~~). If, as a  
23 result of the review, a county or an eligible municipality  
24 determines that the implementation is complete and in  
25 accordance with its schedule, no further action is necessary.  
26 If a county or an eligible municipality determines that  
27 implementation according to its schedule is not complete, it  
28 must amend its land development regulations or establish local  
29 policies and procedures, as necessary, to implement the  
30 housing incentive plan within 12 months after the effective  
31 date of this act, or if extenuating circumstances prevent

1 implementation within 12 months, pursuant to s.  
2 420.9075(14)(~~13~~), enter into an extension agreement with the  
3 corporation.

4 (b) A county or an eligible municipality seeking  
5 approval to receive its share of the local housing  
6 distribution must adopt an ordinance containing the following  
7 provisions:

8 1. Creation of a local housing assistance trust fund  
9 as described in s. 420.9075(7)(~~6~~).

10 2. Adoption by resolution of a local housing  
11 assistance plan as defined in s. 420.9071(14) to be  
12 implemented through a local housing partnership as defined in  
13 s. 420.9071(18).

14 3. Designation of the responsibility for the  
15 administration of the local housing assistance plan. Such  
16 ordinance may also provide for the contracting of all or part  
17 of the administrative or other functions of the program to a  
18 third person or entity.

19 4. Creation of the affordable housing advisory  
20 committee as provided in s. 420.9076.

21  
22 The ordinance must not take effect until at least 30 days  
23 after the date of formal adoption. Ordinances in effect prior  
24 to the effective date of amendments to this section shall be  
25 amended as needed to conform to new provisions.

26 Section 3. Present subsections (6) through (13) of  
27 section 420.9075, Florida Statutes, are renumbered as  
28 subsections (7) through (14), respectively, and a new  
29 subsection (6) is added to that section, to read:

30 420.9075 Local housing assistance plans;  
31 partnerships.--



1           (6) In order to assist in the recruitment and  
2 retention of teachers, the following shall be included in the  
3 local housing assistance plan:

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

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

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

12           3. The person shall declare his or her homestead and  
13 maintain residency at his or her homestead.

14           4. The person shall be employed in a full-time,  
15 permanent capacity.

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

19           (b) Compliance with the employment eligibility  
20 criteria established under this subsection shall be verified  
21 during the life of the loan by the school district in which  
22 the teacher is employed.

23           (c)1. The program shall provide \$4,000 as down payment  
24 assistance if the city, county, or appropriate governmental  
25 subdivision or agency within which an eligible recipient is  
26 employed and resides waives all impact fees that occur  
27 incidental to the recipient's home purchase.

28           2. In addition to the amount provided under  
29 subparagraph 1., the program shall provide \$4,000 as down  
30 payment assistance if the county or eligible municipality  
31 within which an eligible recipient is employed provides

1 funding through the State Housing Initiatives Partnership  
2 Program to the eligible recipient under ss. 420.907-420.9079.

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

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

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

13 420.9079 Local Government Housing Trust Fund.--

14 (2) The corporation shall administer the fund  
15 exclusively for the purpose of implementing the programs  
16 described in ss. 420.907-420.9078 and this section. With the  
17 exception of monitoring the activities of counties and  
18 eligible municipalities to determine local compliance with  
19 program requirements, the corporation shall not receive  
20 appropriations from the fund for administrative or personnel  
21 costs. For the purpose of implementing the compliance  
22 monitoring provisions of s. 420.9075~~(10)(9)~~, the corporation  
23 may request a maximum of one-quarter of 1 percent of the  
24 annual appropriation per state fiscal year. When such funding  
25 is appropriated, the corporation shall deduct the amount  
26 appropriated prior to calculating the local housing  
27 distribution pursuant to ss. 420.9072 and 420.9073.

28 Section 5. Paragraph (d) of subsection (1) of section  
29 723.061, Florida Statutes, is amended to read:

30 723.061 Eviction; grounds, proceedings.--

31

1           (1) A mobile home park owner may evict a mobile home  
2 owner, a mobile home tenant, a mobile home occupant, or a  
3 mobile home only on one or more of the grounds provided in  
4 this section.

5           (d) Change in use of the land comprising the mobile  
6 home park, or the portion thereof from which mobile homes are  
7 to be evicted, from mobile home lot rentals to some other use,  
8 provided all tenants affected are given at least 6 months'  
9 notice of the projected change of use and of their need to  
10 secure other accommodations. The notice shall include in a  
11 font no smaller than the body of the notice: YOU MAY BE  
12 ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME  
13 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME  
14 RELOCATION CORPORATION (FMHRC); FMHRC CONTACT INFORMATION IS  
15 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND  
16 PROFESSIONAL REGULATION. The park owner may not give a notice  
17 of increase in lot rental amount within 90 days before giving  
18 notice of a change in use.

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

21           723.06116 Payments to the Florida Mobile Home  
22 Relocation Corporation.--

23           (1) If a mobile home owner is required to move due to  
24 a change in use of the land comprising a mobile home park as  
25 set forth in s. 723.061(1)(d), the mobile home park owner  
26 shall, upon such change in use, pay to the Florida Mobile Home  
27 Relocation Corporation for deposit in the Florida Mobile Home  
28 Relocation Trust Fund \$2,750 for each single-section mobile  
29 home and \$3,750 for each multisection mobile home for which a  
30 mobile home owner has made application for payment of moving  
31 expenses. The mobile home park owner shall make the payments

1 required by this section and by s. 723.0612(7) to the  
2 corporation within 30 days after receipt from the corporation  
3 of the invoice for payment. Failure to make such payment  
4 within the required time period shall result in a late fee  
5 being imposed.

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

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

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

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

17 Section 7. Subsection (9) of section 723.0612, Florida  
18 Statutes, is amended, and subsection (12) is added to that  
19 section, to read:

20 723.0612 Change in use; relocation expenses; payments  
21 by park owner.--

22 (9) Any person whose application for funding pursuant  
23 to subsection (1) or subsection (7) is approved for payment by  
24 the corporation shall be barred from asserting any claim or  
25 cause of action under this chapter directly relating to or  
26 arising out of the change in use of the mobile home park  
27 against the corporation, the park owner, or the park owner's  
28 successors in interest. No application for funding pursuant to  
29 subsection (1) or subsection (7) shall be approved by the  
30 corporation if the applicant has ~~either~~ filed a claim or cause  
31 of action, is actively pursuing a claim or cause of action,

1 has settled a claim or cause of action, or has a judgment  
2 against the corporation, the park owner, or the park owner's  
3 successors in interest under this chapter directly relating to  
4 or arising out of the change in use of the mobile home park,  
5 unless such claim or cause of action is dismissed with  
6 prejudice.

7 (12) An application to the corporation for  
8 compensation under subsection (1) or subsection (7) must be  
9 received within 1 year after the expiration of the eviction  
10 period as established in the notice required under s.  
11 723.061(1)(d). If the applicant files a claim or cause of  
12 action that disqualifies the applicant under subsection (9)  
13 and the claim is subsequently dismissed, the application must  
14 be received within 6 months following filing of the dismissal  
15 with prejudice as required under subsection (9). However, such  
16 an applicant must apply within 2 years after the expiration of  
17 the eviction period as established in the notice required  
18 under s. 723.061(1)(d).

19 Section 8. Section 723.071, Florida Statutes, is  
20 amended to read:

21 723.071 Sale of mobile home parks; legislative  
22 findings.--

23 (1) The Legislature finds that a right of first  
24 refusal to purchase a mobile home park is a property right  
25 that should be negotiated between two parties at arm's length  
26 and for due consideration. The Legislature further finds that  
27 this chapter does not preclude mobile home owners from  
28 purchasing a right of first refusal from a willing park owner.  
29 The Legislature therefore encourages mobile home owners to  
30 organize as a homeowners' association in accordance with this  
31

1 chapter for the purpose of negotiating a right of first  
2 refusal with a park owner.

3 ~~(2)(1)~~(a) If a mobile home park owner offers a mobile  
4 home park for sale, she or he shall notify the officers of the  
5 homeowners' association created pursuant to ss.  
6 723.075-723.079 of the offer, stating the price and the terms  
7 and conditions of sale.

8 (b) The mobile home owners, by and through the  
9 association defined in s. 723.075, shall have the right to  
10 purchase the park, provided the home owners meet the price and  
11 terms and conditions of the mobile home park owner by  
12 executing a contract with the park owner within 45 days,  
13 unless agreed to otherwise, from the date of mailing of the  
14 notice and provided they have complied with ss.  
15 723.075-723.079. If a contract between the park owner and the  
16 association is not executed within such 45-day period, then,  
17 unless the park owner thereafter elects to offer the park at a  
18 price lower than the price specified in her or his notice to  
19 the officers of the homeowners' association, the park owner  
20 has no further obligations under this subsection, and her or  
21 his only obligation shall be as set forth in subsection (3)  
22 ~~(2)~~.

23 (c) If the park owner thereafter elects to offer the  
24 park at a price lower than the price specified in her or his  
25 notice to the home owners, the home owners, by and through the  
26 association, will have an additional 10 days to meet the price  
27 and terms and conditions of the park owner by executing a  
28 contract.

29 ~~(3)(2)~~ If a mobile home park owner receives a bona  
30 fide offer to purchase the park that she or he intends to  
31 consider or make a counteroffer to, the park owner's only

1 obligation shall be to notify the officers of the homeowners'  
2 association that she or he has received an offer and disclose  
3 the price and material terms and conditions upon which she or  
4 he would consider selling the park and consider any offer made  
5 by the home owners, provided the home owners have complied  
6 with ss. 723.075-723.079. The park owner shall be under no  
7 obligation to sell to the home owners or to interrupt or delay  
8 other negotiations and shall be free at any time to execute a  
9 contract for the sale of the park to a party or parties other  
10 than the home owners or the association.

11 (4)(3)(a) As used in subsections (2)(1) and (3)(2),  
12 the term "notify" means the placing of a notice in the United  
13 States mail addressed to the officers of the homeowners'  
14 association. Each such notice shall be deemed to have been  
15 given upon the deposit of the notice in the United States  
16 mail.

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

20 (5)(4) This section does not apply to:

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

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

25 (c) Any transfer by a corporation to an affiliate. As  
26 used herein, the term "affiliate" means any shareholder of the  
27 transferring corporation; any corporation or entity owned or  
28 controlled, directly or indirectly, by the transferring  
29 corporation; or any other corporation or entity owned or  
30 controlled, directly or indirectly, by any shareholder of the  
31 transferring corporation.

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

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

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

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

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

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

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

18           723.072 Affidavit of compliance with statutory  
19 requirements.--

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

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

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

31



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

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

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

12  
13 Any party acquiring an interest in a mobile home park, and any  
14 and all title insurance companies and attorneys preparing,  
15 furnishing, or examining any evidence of title, have the  
16 absolute right to rely on the truth and accuracy of all  
17 statements appearing in such affidavit and are under no  
18 obligation to inquire further as to any matter or fact  
19 relating to the park owner's compliance with the provisions of  
20 s. 723.071.

21           Section 10. Section 723.083, Florida Statutes, is  
22 amended to read:

23           723.083 Governmental action affecting removal of  
24 mobile home owners.--

25           (1) No agency of municipal, local, county, or state  
26 government shall approve any application for rezoning, or take  
27 any other official action, which would result in the removal  
28 or relocation of mobile home owners residing in a mobile home  
29 park without first determining that adequate mobile home parks  
30 or other suitable facilities exist for the relocation of the  
31 mobile home owners. The existence of adequate mobile home

1 parks or other suitable facilities shall be substantiated in a  
2 written document provided by the agency.

3 (2) The agency of municipal, local, county, or state  
4 government considering an application for rezoning or other  
5 official action shall make a written good faith estimate of  
6 the fiscal costs and benefits of rezoning or official action.  
7 The good faith estimate shall include, but need not be limited  
8 to, annual increases in property taxes or other revenue  
9 sources and any nonrecurring revenues or fees, including, but  
10 not limited to, impact fees, permit fees, connection fees,  
11 utility charges, or other revenues.

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

16 Section 11. The sum of \$50 million is appropriated for  
17 fiscal year 2007-2008 from the State Housing Trust Fund to the  
18 State Housing Initiatives Partnership Program for the purposes  
19 of s. 420.9075(6), Florida Statutes, as created by this act.  
20 This section shall take effect July 1, 2007.

21 Section 12. Effective July 1, 2007, the sum of \$5  
22 million is appropriated from the Local Government Housing  
23 Trust Fund to the Florida Housing Finance Corporation for  
24 distribution through the State Housing Initiatives Partnership  
25 Program, notwithstanding the provisions of ss. 420.9072 and  
26 420.9073, Florida Statutes, for the purpose of providing funds  
27 to eligible teachers for affordable housing to assist in  
28 teacher retention and recruitment in accordance with s.  
29 420.9075(6), Florida Statutes.

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