

By Senator Soto

14-00267-14

20141592__

1 A bill to be entitled
2 An act relating to the Florida Homestead Recovery Act;
3 providing a short title; providing definitions;
4 requiring a seller of residential real property who
5 receives offers from homestead buyers and secondary
6 buyers to accept a homestead buyer's offer if it is
7 equal to or greater than a secondary buyer's offer, if
8 the seller accepts an offer; providing civil remedies
9 to homestead buyers for violations of the act;
10 providing criminal penalties for submitting a false
11 affidavit of intent to establish homestead to a seller
12 of residential real property; providing for future
13 review and repeal; providing an effective date.

14
15 WHEREAS, residential real estate property values in the
16 wake of the Great Recession are at the lowest in decades, making
17 home ownership affordable for many individuals and families
18 seeking to establish or maintain homesteads in Florida, and

19 WHEREAS, home ownership by individuals and families seeking
20 to establish homestead in Florida will not only benefit those
21 persons but also provide tangible and intangible benefits to the
22 state, including greater community stability and investment,
23 positive educational outcomes for children, increased charitable
24 activity, and greater civic participation, and

25 WHEREAS, despite this favorable real estate market, many
26 individuals and families seeking to establish homestead in
27 Florida who intend to purchase their homestead through
28 traditional mortgage financing are locked out of the market in
29 this state because of discrimination against mortgage buyers in

14-00267-14

20141592__

30 favor of quick cash sales, and

31 WHEREAS, Florida now leads the nation in the percentage of
32 residential real property bought for cash by investor groups,
33 international buyers, landlords, and persons in the market for
34 vacation homes, and

35 WHEREAS, this alarming trend threatens to turn Florida into
36 a renter state that leaves individuals and families at the mercy
37 of Wall Street landlords, destroys home values and community
38 engagement, and pushes willing and able ordinary homebuyers
39 without large cash reserves out of the residential real estate
40 market, and

41 WHEREAS, there is a compelling state interest to prevent
42 discrimination against individuals and families seeking to
43 purchase homestead property in this state through traditional
44 mortgage financing, to afford the same opportunities to such
45 persons as to other residential real estate buyers, to increase
46 home ownership to ensure a stable community and family
47 environment, and to minimize reliance on state benefits, NOW,
48 THEREFORE,

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

51
52 Section 1. Florida Homestead Recovery Act.—

53 (1) This section may be cited as the "Florida Homestead
54 Recovery Act."

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

56 (a) "Homestead" means that property described in s. 6(a),
57 Article VII of the State Constitution.

58 (b) "Homestead buyer" means a person who intends to

14-00267-14

20141592__

59 immediately establish his or her homestead at the residential
60 real property for which he or she submits an offer for purchase
61 and who provides the seller of such residential real property an
62 affidavit attesting thereto at the time he or she submits such
63 offer for purchase.

64 (c) "Secondary buyer" means a person who does not intend to
65 immediately establish his or her homestead at the residential
66 real property for which he or she submits an offer for purchase.

67 (3) If the seller of residential real property in this
68 state receives offers for such property from a homestead buyer
69 and a secondary buyer, and if the seller accepts an offer, the
70 seller must accept the homestead buyer's offer if it is equal to
71 or greater than the highest offer from a secondary buyer.

72 (4) A homestead buyer who is injured by a violation of this
73 section by a seller of residential real property has a cause of
74 action against that seller for actual damages and attorney fees.

75 (5) A prospective buyer who submits a false affidavit to a
76 seller of residential property attesting to his or her intent to
77 immediately establish homestead at such real property commits a
78 misdemeanor of the second degree, punishable as provided in s.
79 775.082 or s. 775.083.

80 (6) This section shall stand repealed on June 1, 2017,
81 unless reviewed and saved from repeal through reenactment by the
82 Legislature.

83 Section 2. This act shall take effect June 1, 2014.