A bill to be entitled
An act relating to termination of easer

An act relating to termination of easements and related rights or interests for affordable housing development; amending s. 420.0003, F.S.; requiring local assistance plans to authorize the termination of easements or rights, interests, or servitudes in the nature of easements for use of or access to a lake and its upland banks in specified circumstances to develop affordable housing; providing a termination method; requiring specified notice; requiring the recording of such notice in the public records; requiring the recording of specified final orders in the public records; providing an effective date.

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

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Section 1. New paragraph (f) of subsection (3) of section 420.0003, Florida Statutes, is created to read:

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(3) IMPLEMENTATION.—The state, in carrying out the strategy articulated in this section, shall have the following duties:

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(a) State fiscal resources must be directed to achieve the following programmatic objectives:

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1. Effective technical assistance and capacity-building

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

420.0003 State housing strategy.-

programs must be established at the state and local levels.

- 2. The Shimberg Center for Housing Studies at the University of Florida shall develop and maintain statewide data on housing needs and production, provide technical assistance relating to real estate development and finance, operate an information clearinghouse on housing programs, and coordinate state housing initiatives with local government and federal programs.
- 3. The corporation shall maintain a consumer-focused website for connecting tenants with affordable housing.
- (b) The long-range program plan of the department must include specific goals, objectives, and strategies that implement the housing policies in this section.
- (c) The Shimberg Center for Housing Studies at the University of Florida, in consultation with the department and the corporation, shall perform functions related to the research and planning for affordable housing. Functions must include quantifying affordable housing needs, documenting results of programs administered, and inventorying the supply of affordable housing units made available in this state. The recommendations required in this section and a report of any programmatic modifications made as a result of these policies must be included in the housing report required by s. 420.6075. The report must identify the needs of specific populations, including, but not limited to, elderly persons, persons with

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disabilities, and persons with special needs, and may recommend statutory modifications when appropriate.

- The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate affordable housing issues pursuant to the schedule set forth in this paragraph. OPPAGA may coordinate with and rely upon the expertise and research activities of the Shimberg Center for Housing Studies in conducting the evaluations. The analysis may include relevant reports prepared by the Shimberg Center for Housing Studies, the department, the corporation, and the provider of the Affordable Housing Catalyst Program; interviews with the agencies, providers, offices, developers, and other organizations related to the development and provision of affordable housing at the state and local levels; and any other relevant data. When appropriate, each report must recommend policy and statutory modifications for consideration by the Legislature. Each report must be submitted to the President of the Senate and the Speaker of the House of Representatives pursuant to the schedule. OPPAGA shall review and evaluate:
- 1. By December 15, 2023, and every 5 years thereafter, innovative affordable housing strategies implemented by other states, their effectiveness, and their potential for implementation in this state.
- 2. By December 15, 2024, and every 5 years thereafter, affordable housing policies enacted by local governments, their

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effectiveness, and which policies constitute best practices for replication across this state. The report must include a review and evaluation of the extent to which interlocal cooperation is used, effective, or hampered.

- 3. By December 15, 2025, and every 5 years thereafter, existing state-level housing rehabilitation, production, preservation, and finance programs to determine their consistency with relevant policies in this section and effectiveness in providing affordable housing. The report must also include an evaluation of the degree of coordination between housing programs of this state, and between state, federal, and local housing activities, and shall recommend improved program linkages when appropriate.
- (e) The department and the corporation should conform the administrative rules for each housing program to the policies stated in this section, provided that such changes in the rules are consistent with the statutory intent or requirements for the program. This authority applies only to programs offering loans, grants, or tax credits and only to the extent that state policies are consistent with applicable federal requirements.
- (f) Local assistance plans shall authorize the termination of recorded and unrecorded easements or rights, interests, or servitudes in the nature of easements for use of or access to a lake with respect to up to no more than one-third of the area of such lake and its upland banks for purposes of redeveloping the

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land to create affordable housing under this Chapter and pursuant to s. 196.1978 within 90 days from the date of such authorization request. The authorization may apply to easements, interests, and servitudes in favor of the public or any other party, other than a public utility or governmental body or agency. Termination of interests shall be achieved through a quiet title action, for which service of process may be made to a party by certified mail, return receipt requested. At the time of filing a quiet title action, a notice must be recorded in the public records in the county in which the land is located. Said notice shall identify the action seeking to terminate easements, rights, or servitudes to use or access the specified lake; the interests to be terminated; the names of the record owners of those interests and the owners of the land underlying the lake and its banks, and a legal description of the lake and its banks. Upon issuance of a final order quieting title to any interest, that order together with an instrument describing all interests that have been extinguished and providing a legal description of the newly established boundaries of the lake shall also be recorded in the public records in the county in which the land is located.

Section 2. This act shall take effect July 1, 2024.

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