

By Senator Hutson

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1                   A bill to be entitled  
2       An act relating to housing; amending s. 125.01055,  
3       F.S.; authorizing a board of county commissioners to  
4       approve development of affordable housing on any  
5       parcel zoned for residential, commercial, or  
6       industrial use; beginning on a specified date,  
7       prohibiting counties from collecting certain fees for  
8       the development or construction of affordable housing;  
9       amending s. 163.31771, F.S.; revising legislative  
10      findings; requiring local governments to adopt  
11      ordinances that allow accessory dwelling units in any  
12      area zoned for residential use; amending s. 163.31801,  
13      F.S.; requiring counties, municipalities, and special  
14      districts to include certain data relating to impact  
15      fees in their annual financial reports; deleting a  
16      provision authorizing counties, municipalities, and  
17      special districts to provide an exception for or  
18      waiver on impact fees for the development or  
19      construction of affordable housing; amending s.  
20      166.04151, F.S.; authorizing governing bodies of  
21      municipalities to approve the development of  
22      affordable housing on any parcel zoned for  
23      residential, commercial, or industrial use; beginning  
24      on a specified date, prohibiting municipalities from  
25      collecting certain fees for the development or  
26      construction of affordable housing; amending s.  
27      212.05, F.S.; providing the percentage of the sales  
28      price of certain mobile homes which is subject to  
29      sales tax; providing a sales tax exemption for certain

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30 mobile homes; amending s. 212.06, F.S.; revising the  
31 definition of the term "fixtures" to include certain  
32 mobile homes; amending s. 320.77, F.S.; revising a  
33 certification requirement for mobile home dealer  
34 applicants relating to the applicant's business  
35 location; amending s. 320.822, F.S.; revising the  
36 definition of the term "code"; amending s. 320.8232,  
37 F.S.; revising applicable standards for the repair and  
38 remodeling of mobile and manufactured homes; amending  
39 s. 367.022, F.S.; exempting certain mobile home park  
40 and mobile home subdivision owners from regulation  
41 relating to water and wastewater systems by the  
42 Florida Public Service Commission; revising an  
43 exemption from regulation for certain water service  
44 resellers; creating s. 420.0007, F.S.; providing a  
45 local permit approval process for affordable housing;  
46 requiring local governments to issue development  
47 permits if certain conditions are met; requiring  
48 applicants for development permits to submit certain  
49 notice to the local government if relying on a  
50 specified approval provision; amending s. 420.5087,  
51 F.S.; revising the criteria used by a review committee  
52 when evaluating and selecting specified applications  
53 for state apartment incentive loans; amending s.  
54 420.5095, F.S.; renaming the Community Workforce  
55 Housing Innovation Pilot Program as the Community  
56 Workforce Housing Loan Program to provide workforce  
57 housing for essential services personnel affected by  
58 the high cost of housing; revising the definition of

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59 the term "workforce housing"; deleting the definition  
60 of the term "public-private partnership"; authorizing  
61 the corporation to provide loans under the program to  
62 applicants for construction of workforce housing;  
63 requiring the corporation to establish a certain loan  
64 application process; deleting provisions requiring the  
65 corporation to provide incentives for local  
66 governments to use certain funds; requiring projects  
67 to receive priority consideration for funding under  
68 certain circumstances; deleting a provision providing  
69 for the expedition of local government comprehensive  
70 plan amendments to implement a program project;  
71 requiring that the corporation award loans at a  
72 specified interest rate and for a limited term;  
73 conforming provisions to changes made by the act;  
74 creating s. 420.5098, F.S.; creating the Rental to  
75 Homeownership Opportunity Program; requiring certain  
76 rental developments to establish a resident  
77 homeownership opportunity financial incentive program;  
78 specifying requirements relating to the program;  
79 authorizing the Florida Housing Finance Corporation to  
80 adopt rules; amending s. 420.531, F.S.; specifying  
81 that technical support provided to local governments  
82 and community-based organizations includes  
83 implementation of the State Apartment Incentive Loan  
84 Program; requiring the entity providing training and  
85 technical assistance to convene and administer  
86 quarterly workshops; requiring such entity to annually  
87 compile and submit certain information to the

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88 Legislature and the corporation by a specified date;  
89 amending s. 420.9071, F.S.; revising the definition of  
90 the term "local housing incentive strategies";  
91 amending s. 420.9075, F.S.; revising the criteria for  
92 awards made to eligible sponsors or persons relating  
93 to local housing assistance plans; revising the amount  
94 of funds that may be reserved for certain purposes;  
95 reenacting and amending s. 420.9076, F.S.; beginning  
96 on a specified date, revising the membership of local  
97 affordable housing advisory committees; requiring the  
98 committees to perform specified duties annually  
99 instead of triennially; requiring locally elected  
100 officials serving on advisory committees, or their  
101 designees, to attend quarterly regional workshops;  
102 providing a penalty; amending s. 723.041, F.S.;  
103 providing that a mobile home park damaged or destroyed  
104 due to natural force may be rebuilt with the same  
105 density as previously approved, permitted, or built;  
106 providing construction; amending s. 723.061, F.S.;  
107 revising a requirement related to mailing eviction  
108 notices; specifying the waiver and nonwaiver of  
109 certain rights of the park owner under certain  
110 circumstances; requiring the accounting at final  
111 hearing of rents received; requiring a tenant  
112 defending certain actions by a landlord to comply with  
113 certain requirements; amending s. 723.063, F.S.;  
114 revising procedures and requirements for mobile home  
115 owners and revising construction, relating to park  
116 owners' actions for rent or possession; revising

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117 conditions under which a park owner may apply to a  
118 court for disbursement of certain funds; reenacting s.  
119 420.507(22)(i), F.S., relating to powers of the  
120 Florida Housing Finance Corporation, to incorporate  
121 the amendment made to s. 420.5087, F.S., in a  
122 reference thereto; reenacting s. 193.018(2), F.S.,  
123 relating to land owned by a community land trust used  
124 to provide affordable housing, to incorporate the  
125 amendment made to s. 420.5095, F.S., in a reference  
126 thereto; reenacting s. 420.9072(2)(a), F.S., relating  
127 to the State Housing Initiatives Partnership Program,  
128 to incorporate the amendment made to s. 420.9071,  
129 F.S., in a reference thereto; providing an effective  
130 date.

131  
132 Be It Enacted by the Legislature of the State of Florida:

133  
134 Section 1. Subsections (4) and (5) are added to section  
135 125.01055, Florida Statutes, to read:

136 125.01055 Affordable housing.—

137 (4) Notwithstanding any other law or local ordinance or  
138 regulation to the contrary, the board of county commissioners  
139 may approve the development of housing that is affordable, as  
140 defined in s. 420.0004, on any parcel zoned for residential,  
141 commercial, or industrial use.

142 (5) Beginning October 1, 2020, a county may not collect an  
143 impact fee, a permit or inspection fee, a tree mitigation fee, a  
144 water and sewer connection fee, or a proportionate share  
145 contribution for the development or construction of housing that

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146 is affordable, as defined in s. 420.0004.

147 Section 2. Subsections (1), (3), and (4) of section  
148 163.31771, Florida Statutes, are amended to read:

149 163.31771 Accessory dwelling units.—

150 (1) The Legislature finds that the median price of homes in  
151 this state has increased steadily over the last decade and at a  
152 greater rate of increase than the median income in many urban  
153 areas. The Legislature finds that the cost of rental housing has  
154 also increased steadily and the cost often exceeds an amount  
155 that is affordable to extremely-low-income, very-low-income,  
156 low-income, or moderate-income persons and has resulted in a  
157 critical shortage of affordable rentals in many urban areas in  
158 the state. This shortage of affordable rentals constitutes a  
159 threat to the health, safety, and welfare of the residents of  
160 the state. Therefore, the Legislature finds that it serves an  
161 important public purpose to require ~~encourage~~ the permitting of  
162 accessory dwelling units in single-family residential areas in  
163 order to increase the availability of affordable rentals for  
164 extremely-low-income, very-low-income, low-income, or moderate-  
165 income persons.

166 (3) ~~A Upon a finding by a local government that there is a~~  
167 ~~shortage of affordable rentals within its jurisdiction, the~~  
168 local government shall ~~may~~ adopt an ordinance to allow accessory  
169 dwelling units in any area zoned for ~~single-family~~ residential  
170 use.

171 (4) ~~If the local government adopts an ordinance under this~~  
172 ~~section,~~ An application for a building permit to construct an  
173 accessory dwelling unit must include an affidavit from the  
174 applicant which attests that the unit will be rented at an

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175 affordable rate to an extremely-low-income, very-low-income,  
176 low-income, or moderate-income person or persons.

177 Section 3. Subsection (8) of section 163.31801, Florida  
178 Statutes, is amended to read:

179 163.31801 Impact fees; short title; intent; minimum  
180 requirements; audits; challenges.—

181 (8) In addition to the items that must be reported in the  
182 annual financial reports under s. 218.32, a county,  
183 municipality, or special district must report all of the  
184 following data on all impact fees charged:

185 (a) The specific purpose of the impact fee, including the  
186 specific infrastructure needs to be met, including, but not  
187 limited to, transportation, parks, water, sewer, and schools.

188 (b) The impact fee schedule policy describing the method of  
189 calculating impact fees, such as flat fees, tiered scales based  
190 on number of bedrooms, or tiered scales based on square footage.

191 (c) The amount assessed for each purpose and for each type  
192 of dwelling.

193 (d) The total amount of impact fees charged by type of  
194 dwelling may provide an exception or waiver for an impact fee  
195 for the development or construction of housing that is  
196 affordable, as defined in s. 420.9071. If a county,  
197 municipality, or special district provides such an exception or  
198 waiver, it is not required to use any revenues to offset the  
199 impact.

200 Section 4. Subsections (4) and (5) are added to section  
201 166.04151, Florida Statutes, to read:

202 166.04151 Affordable housing.—

203 (4) Notwithstanding any other law or local ordinance or

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204 regulation to the contrary, the governing body of a municipality  
205 may approve the development of housing that is affordable, as  
206 defined in s. 420.0004, on any parcel zoned for residential,  
207 commercial, or industrial use.

208 (5) Beginning October 1, 2020, a municipality may not  
209 collect an impact fee, a permit or inspection fee, a tree  
210 mitigation fee, a water and sewer connection fee, or a  
211 proportionate share contribution for the development or  
212 construction of housing that is affordable, as defined in s.  
213 420.0004.

214 Section 5. Paragraph (a) of subsection (1) of section  
215 212.05, Florida Statutes, is amended to read:

216 212.05 Sales, storage, use tax.—It is hereby declared to be  
217 the legislative intent that every person is exercising a taxable  
218 privilege who engages in the business of selling tangible  
219 personal property at retail in this state, including the  
220 business of making mail order sales, or who rents or furnishes  
221 any of the things or services taxable under this chapter, or who  
222 stores for use or consumption in this state any item or article  
223 of tangible personal property as defined herein and who leases  
224 or rents such property within the state.

225 (1) For the exercise of such privilege, a tax is levied on  
226 each taxable transaction or incident, which tax is due and  
227 payable as follows:

228 (a)1.a. At the rate of 6 percent of the sales price of each  
229 item or article of tangible personal property when sold at  
230 retail in this state, computed on each taxable sale for the  
231 purpose of remitting the amount of tax due the state, and  
232 including each and every retail sale.



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233           b. Each occasional or isolated sale of an aircraft, boat,  
234 mobile home, or motor vehicle of a class or type ~~that~~ ~~which~~ is  
235 required to be registered, licensed, titled, or documented in  
236 this state or by the United States Government shall be subject  
237 to tax at the rate provided in this paragraph. A mobile home  
238 shall be assessed sales tax at a rate of 6 percent on 50 percent  
239 of the sales price of the mobile home, if subject to sales tax  
240 as tangible personal property. However, a mobile home is not  
241 subject to sales tax if the mobile home is intended to be  
242 permanently affixed to the land and the purchaser signs an  
243 affidavit stating that he or she intends to seek an "RP" series  
244 sticker pursuant to s. 320.0815(2). The department shall by rule  
245 adopt any nationally recognized publication for valuation of  
246 used motor vehicles as the reference price list for any used  
247 motor vehicle which is required to be licensed pursuant to s.  
248 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party  
249 to an occasional or isolated sale of such a vehicle reports to  
250 the tax collector a sales price ~~that~~ ~~which~~ is less than 80  
251 percent of the average loan price for the specified model and  
252 year of such vehicle as listed in the most recent reference  
253 price list, the tax levied under this paragraph shall be  
254 computed by the department on such average loan price unless the  
255 parties to the sale have provided to the tax collector an  
256 affidavit signed by each party, or other substantial proof,  
257 stating the actual sales price. Any party to such sale who  
258 reports a sales price less than the actual sales price is guilty  
259 of a misdemeanor of the first degree, punishable as provided in  
260 s. 775.082 or s. 775.083. The department shall collect or  
261 attempt to collect from such party any delinquent sales taxes.

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262 In addition, such party shall pay any tax due and any penalty  
263 and interest assessed plus a penalty equal to twice the amount  
264 of the additional tax owed. Notwithstanding any other provision  
265 of law, the Department of Revenue may waive or compromise any  
266 penalty imposed pursuant to this subparagraph.

267 2. This paragraph does not apply to the sale of a boat or  
268 aircraft by or through a registered dealer under this chapter to  
269 a purchaser who, at the time of taking delivery, is a  
270 nonresident of this state, does not make his or her permanent  
271 place of abode in this state, and is not engaged in carrying on  
272 in this state any employment, trade, business, or profession in  
273 which the boat or aircraft will be used in this state, or is a  
274 corporation none of the officers or directors of which is a  
275 resident of, or makes his or her permanent place of abode in,  
276 this state, or is a noncorporate entity that has no individual  
277 vested with authority to participate in the management,  
278 direction, or control of the entity's affairs who is a resident  
279 of, or makes his or her permanent abode in, this state. For  
280 purposes of this exemption, either a registered dealer acting on  
281 his or her own behalf as seller, a registered dealer acting as  
282 broker on behalf of a seller, or a registered dealer acting as  
283 broker on behalf of the purchaser may be deemed to be the  
284 selling dealer. This exemption shall not be allowed unless:

285 a. The purchaser removes a qualifying boat, as described in  
286 sub-subparagraph f., from the state within 90 days after the  
287 date of purchase or extension, or the purchaser removes a  
288 nonqualifying boat or an aircraft from this state within 10 days  
289 after the date of purchase or, when the boat or aircraft is  
290 repaired or altered, within 20 days after completion of the

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291 repairs or alterations; or if the aircraft will be registered in  
292 a foreign jurisdiction and:

293 (I) Application for the aircraft's registration is properly  
294 filed with a civil airworthiness authority of a foreign  
295 jurisdiction within 10 days after the date of purchase;

296 (II) The purchaser removes the aircraft from the state to a  
297 foreign jurisdiction within 10 days after the date the aircraft  
298 is registered by the applicable foreign airworthiness authority;  
299 and

300 (III) The aircraft is operated in the state solely to  
301 remove it from the state to a foreign jurisdiction.

302

303 For purposes of this sub-subparagraph, the term "foreign  
304 jurisdiction" means any jurisdiction outside of the United  
305 States or any of its territories;

306 b. The purchaser, within 30 days from the date of  
307 departure, provides the department with written proof that the  
308 purchaser licensed, registered, titled, or documented the boat  
309 or aircraft outside the state. If such written proof is  
310 unavailable, within 30 days the purchaser shall provide proof  
311 that the purchaser applied for such license, title,  
312 registration, or documentation. The purchaser shall forward to  
313 the department proof of title, license, registration, or  
314 documentation upon receipt;

315 c. The purchaser, within 10 days of removing the boat or  
316 aircraft from Florida, furnishes the department with proof of  
317 removal in the form of receipts for fuel, dockage, slippage,  
318 tie-down, or hangaring from outside of Florida. The information  
319 so provided must clearly and specifically identify the boat or

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320 aircraft;

321 d. The selling dealer, within 5 days of the date of sale,  
322 provides to the department a copy of the sales invoice, closing  
323 statement, bills of sale, and the original affidavit signed by  
324 the purchaser attesting that he or she has read the provisions  
325 of this section;

326 e. The seller makes a copy of the affidavit a part of his  
327 or her record for as long as required by s. 213.35; and

328 f. ~~Unless~~ The nonresident purchaser of a boat of 5 net tons  
329 of admeasurement or larger intends to remove the boat from this  
330 state within 10 days after the date of purchase or when the boat  
331 is repaired or altered, within 20 days after completion of the  
332 repairs or alterations, the nonresident purchaser applies to the  
333 selling dealer for a decal which authorizes 90 days after the  
334 date of purchase for removal of the boat. The nonresident  
335 purchaser of a qualifying boat may apply to the selling dealer  
336 within 60 days after the date of purchase for an extension decal  
337 that authorizes the boat to remain in this state for an  
338 additional 90 days, but not more than a total of 180 days,  
339 before the nonresident purchaser is required to pay the tax  
340 imposed by this chapter. The department is authorized to issue  
341 decals in advance to dealers. The number of decals issued in  
342 advance to a dealer shall be consistent with the volume of the  
343 dealer's past sales of boats which qualify under this sub-  
344 subparagraph. The selling dealer or his or her agent shall mark  
345 and affix the decals to qualifying boats in the manner  
346 prescribed by the department, before delivery of the boat.

347 (I) The department is hereby authorized to charge dealers a  
348 fee sufficient to recover the costs of decals issued, except the

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349 extension decal shall cost \$425.

350 (II) The proceeds from the sale of decals will be deposited  
351 into the administrative trust fund.

352 (III) Decals shall display information to identify the boat  
353 as a qualifying boat under this sub-subparagraph, including, but  
354 not limited to, the decal's date of expiration.

355 (IV) The department is authorized to require dealers who  
356 purchase decals to file reports with the department and may  
357 prescribe all necessary records by rule. All such records are  
358 subject to inspection by the department.

359 (V) Any dealer or his or her agent who issues a decal  
360 falsely, fails to affix a decal, mismarks the expiration date of  
361 a decal, or fails to properly account for decals will be  
362 considered prima facie to have committed a fraudulent act to  
363 evade the tax and will be liable for payment of the tax plus a  
364 mandatory penalty of 200 percent of the tax, and shall be liable  
365 for fine and punishment as provided by law for a conviction of a  
366 misdemeanor of the first degree, as provided in s. 775.082 or s.  
367 775.083.

368 (VI) Any nonresident purchaser of a boat who removes a  
369 decal before permanently removing the boat from the state, or  
370 defaces, changes, modifies, or alters a decal in a manner  
371 affecting its expiration date before its expiration, or who  
372 causes or allows the same to be done by another, will be  
373 considered prima facie to have committed a fraudulent act to  
374 evade the tax and will be liable for payment of the tax plus a  
375 mandatory penalty of 200 percent of the tax, and shall be liable  
376 for fine and punishment as provided by law for a conviction of a  
377 misdemeanor of the first degree, as provided in s. 775.082 or s.

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378 775.083.

379 (VII) The department is authorized to adopt rules necessary  
380 to administer and enforce this subparagraph and to publish the  
381 necessary forms and instructions.

382 (VIII) The department is hereby authorized to adopt  
383 emergency rules pursuant to s. 120.54(4) to administer and  
384 enforce the provisions of this subparagraph.

385

386 If the purchaser fails to remove the qualifying boat from this  
387 state within the maximum 180 days after purchase or a  
388 nonqualifying boat or an aircraft from this state within 10 days  
389 after purchase or, when the boat or aircraft is repaired or  
390 altered, within 20 days after completion of such repairs or  
391 alterations, or permits the boat or aircraft to return to this  
392 state within 6 months from the date of departure, except as  
393 provided in s. 212.08(7) (fff), or if the purchaser fails to  
394 furnish the department with any of the documentation required by  
395 this subparagraph within the prescribed time period, the  
396 purchaser shall be liable for use tax on the cost price of the  
397 boat or aircraft and, in addition thereto, payment of a penalty  
398 to the Department of Revenue equal to the tax payable. This  
399 penalty shall be in lieu of the penalty imposed by s. 212.12(2).  
400 The maximum 180-day period following the sale of a qualifying  
401 boat tax-exempt to a nonresident may not be tolled for any  
402 reason.

403 Section 6. Paragraph (b) of subsection (14) of section  
404 212.06, Florida Statutes, is amended to read:

405 212.06 Sales, storage, use tax; collectible from dealers;  
406 "dealer" defined; dealers to collect from purchasers;

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407 legislative intent as to scope of tax.-

408 (14) For the purpose of determining whether a person is  
409 improving real property, the term:

410 (b) "Fixtures" means items that are an accessory to a  
411 building, other structure, or land and that do not lose their  
412 identity as accessories when installed but that do become  
413 permanently attached to realty. However, the term does not  
414 include the following items, whether or not such items are  
415 attached to real property in a permanent manner:

416 1. Property of a type that is required to be registered,  
417 licensed, titled, or documented by this state or by the United  
418 States Government, including, but not limited to, mobile homes,  
419 except the term includes mobile homes assessed as real property  
420 or intended to be qualified and taxed as real property pursuant  
421 to s. 320.0815(2). ~~or~~

422 2. Industrial machinery or equipment.

423

424 For purposes of this paragraph, industrial machinery or  
425 equipment is not limited to machinery and equipment used to  
426 manufacture, process, compound, or produce tangible personal  
427 property. For an item to be considered a fixture, it is not  
428 necessary that the owner of the item also own the real property  
429 to which it is attached.

430 Section 7. Paragraph (h) of subsection (3) of section  
431 320.77, Florida Statutes, is amended to read:

432 320.77 License required of mobile home dealers.-

433 (3) APPLICATION.-The application for such license shall be  
434 in the form prescribed by the department and subject to such  
435 rules as may be prescribed by it. The application shall be

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436 verified by oath or affirmation and shall contain:

437 (h) Certification by the applicant:

438 1. That the location is a permanent one, not a tent or a  
 439 temporary stand or other temporary quarters. ~~;~~ ~~and,~~

440 2. Except in the case of a mobile home broker, that the  
 441 location affords sufficient ~~unoccupied~~ space to display ~~store~~  
 442 ~~all mobile homes offered and displayed for sale.~~ A space to  
 443 display a manufactured home as a model home is sufficient to  
 444 satisfy this requirement. ~~;~~ ~~and that~~ The location must be ~~is~~ a  
 445 suitable place in which the applicant can in good faith carry on  
 446 business and keep and maintain books, records, and files  
 447 necessary to conduct such business, which must ~~will~~ be available  
 448 at all reasonable hours to inspection by the department or any  
 449 of its inspectors or other employees.

450

451 This paragraph does ~~subsection shall~~ not preclude a licensed  
 452 mobile home dealer from displaying and offering for sale mobile  
 453 homes in a mobile home park.

454

455 The department shall, if it deems necessary, cause an  
 456 investigation to be made to ascertain if the facts set forth in  
 457 the application are true and shall not issue a license to the  
 458 applicant until it is satisfied that the facts set forth in the  
 459 application are true.

460 Section 8. Paragraph (c) of subsection (2) of section  
 461 320.822, Florida Statutes, is amended to read:

462 320.822 Definitions; ss. 320.822-320.862.—In construing ss.  
 463 320.822-320.862, unless the context otherwise requires, the  
 464 following words or phrases have the following meanings:



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465 (2) "Code" means the appropriate standards found in:

466 (c) The Mobile and Manufactured Home Repair and Remodeling  
467 Code and the Used Recreational Vehicle Code.

468 Section 9. Subsection (2) of section 320.8232, Florida  
469 Statutes, is amended to read:

470 320.8232 Establishment of uniform standards for used  
471 recreational vehicles and repair and remodeling code for mobile  
472 homes.—

473 (2) The Mobile and Manufactured Home ~~provisions of the~~  
474 Repair and Remodeling Code ~~must be a uniform code, must shall~~  
475 ~~ensure safe and livable housing, and may shall~~ not be more  
476 stringent than those standards required to be met in the  
477 manufacture of mobile homes. Such code must ~~provisions shall~~  
478 ~~include, but not be limited to,~~ standards for structural  
479 adequacy, plumbing, heating, electrical systems, and fire and  
480 life safety. All repairs and remodeling of mobile and  
481 manufactured homes must be performed in accordance with  
482 department rules.

483 Section 10. Subsections (5) and (9) of section 367.022,  
484 Florida Statutes, are amended to read:

485 367.022 Exemptions.—The following are not subject to  
486 regulation by the commission as a utility nor are they subject  
487 to the provisions of this chapter, except as expressly provided:

488 (5) Landlords providing service to their tenants without  
489 specific compensation for the service. This exemption includes  
490 an owner of a mobile home park or a mobile home subdivision, as  
491 defined in s. 723.003, who is providing service to any person  
492 who:

493 (a) Is leasing a lot;

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494 (b) Is leasing a mobile home and a lot; or

495 (c) Owns a lot in a mobile home subdivision.

496 (9) Any person who resells water service to his or her  
497 tenants or to individually metered residents for a fee that does  
498 not exceed the actual purchase price of the water and wastewater  
499 service plus the actual cost of meter reading and billing, not  
500 to exceed 9 percent of the actual cost of service.

501 Section 11. Section 420.0007, Florida Statutes, is created  
502 to read:

503 420.0007 Local permit approval process for affordable  
504 housing.-

505 (1) A local government has 60 days after the date it  
506 receives an application for a development permit, a construction  
507 permit, or a certificate of occupancy for affordable housing to  
508 examine the application and notify the applicant of any apparent  
509 errors or omissions and to request any additional information  
510 that the local government is authorized by law to require.

511 (2) If a local government does not notify the applicant of  
512 any apparent errors or omissions or request additional  
513 information within the timeframe specified in subsection (1),  
514 the local government may not deny a development permit, a  
515 construction permit, or a certificate of occupancy for  
516 affordable housing if the applicant has failed to correct the  
517 errors or the omissions or to supply the additional information.

518 (3) The local government may require any additional  
519 information requested to be submitted not later than 10 days  
520 after the date of the notice specified in subsection (1).

521 (4) For good cause shown, the local government shall grant  
522 an applicant's request for an extension of time for submitting

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523 the additional information.

524 (5) An application is complete upon receipt of all  
525 requested information and upon the correction of any error or  
526 omission of which the applicant was timely notified, or when the  
527 time for notification under subsection (1) has expired.

528 (6) The local government shall approve or deny an  
529 application for a development permit, a construction permit, or  
530 a certificate of occupancy for affordable housing within 30 days  
531 after receipt of a completed application unless a shorter period  
532 of time for action by local government is provided by law.

533 (7) If the local government does not approve or deny an  
534 application for a development permit, a construction permit, or  
535 a certificate of occupancy for affordable housing within the 30-  
536 day, or a shorter, period, the permit or certificate is  
537 considered approved by default, and the local government shall  
538 issue the development permit, the construction permit, or the  
539 certificate of occupancy, which may include reasonable  
540 conditions as authorized by law.

541 (8) An applicant for a development permit, a construction  
542 permit, or a certificate of occupancy seeking to receive a  
543 permit or certificate by default under subsection (7) must  
544 notify the local government in writing of the intent to rely  
545 upon the default approval provision of subsection (7), but may  
546 not take any action based upon the default approval of the  
547 development permit, the construction permit, or the certificate  
548 of occupancy until the applicant receives notification or a  
549 receipt that the local government received the notice. The  
550 applicant must retain the notification or the receipt.

551 Section 12. Paragraph (c) of subsection (6) of section

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552 420.5087, Florida Statutes, is amended to read:

553 420.5087 State Apartment Incentive Loan Program.—There is  
554 hereby created the State Apartment Incentive Loan Program for  
555 the purpose of providing first, second, or other subordinated  
556 mortgage loans or loan guarantees to sponsors, including for-  
557 profit, nonprofit, and public entities, to provide housing  
558 affordable to very-low-income persons.

559 (6) On all state apartment incentive loans, except loans  
560 made to housing communities for the elderly to provide for  
561 lifesafety, building preservation, health, sanitation, or  
562 security-related repairs or improvements, the following  
563 provisions shall apply:

564 (c) The corporation shall provide by rule for the  
565 establishment of a review committee for the competitive  
566 evaluation and selection of applications submitted in this  
567 program, including, but not limited to, the following criteria:

568 1. Tenant income and demographic targeting objectives of  
569 the corporation.

570 2. Targeting objectives of the corporation which will  
571 ensure an equitable distribution of loans between rural and  
572 urban areas.

573 3. Sponsor's agreement to reserve the units for persons or  
574 families who have incomes below 50 percent of the state or local  
575 median income, whichever is higher, for a time period that  
576 exceeds the minimum required by federal law or this part.

577 4. Sponsor's agreement to reserve more than:

578 a. Twenty percent of the units in the project for persons  
579 or families who have incomes that do not exceed 50 percent of  
580 the state or local median income, whichever is higher; or

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581           b. Forty percent of the units in the project for persons or  
582 families who have incomes that do not exceed 60 percent of the  
583 state or local median income, whichever is higher, without  
584 requiring a greater amount of the loans as provided in this  
585 section.

586           5. Provision for tenant counseling.

587           6. Sponsor's agreement to accept rental assistance  
588 certificates or vouchers as payment for rent.

589           7. Projects requiring the least amount of a state apartment  
590 incentive loan compared to overall project cost, except that the  
591 share of the loan attributable to units serving extremely-low-  
592 income persons must be excluded from this requirement.

593           8. Local government contributions and local government  
594 comprehensive planning and activities that promote affordable  
595 housing and policies that promote access to public  
596 transportation, reduce the need for onsite parking, and expedite  
597 permits for affordable housing projects as provided in s.  
598 420.0007.

599           9. Project feasibility.

600           10. Economic viability of the project.

601           11. Commitment of first mortgage financing.

602           12. Sponsor's prior experience.

603           13. Sponsor's ability to proceed with construction.

604           14. Projects that directly implement or assist welfare-to-  
605 work transitioning.

606           15. Projects that reserve units for extremely-low-income  
607 persons.

608           16. Projects that include green building principles, storm-  
609 resistant construction, or other elements that reduce long-term

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610 costs relating to maintenance, utilities, or insurance.

611 17. Job-creation rate of the developer and general  
612 contractor, as provided in s. 420.507(47).

613 Section 13. Section 420.5095, Florida Statutes, is amended  
614 to read:

615 420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~  
616 Program.—

617 (1) The Legislature finds and declares that recent rapid  
618 increases in the median purchase price of a home and the cost of  
619 rental housing have far outstripped the increases in median  
620 income in the state, preventing essential services personnel  
621 from living in the communities where they serve and thereby  
622 creating the need for innovative solutions for the provision of  
623 housing opportunities for essential services personnel.

624 (2) The Community Workforce Housing Loan ~~Innovation Pilot~~  
625 Program is created to provide ~~affordable rental and home~~  
626 ~~ownership community~~ workforce housing for essential services  
627 personnel affected by the high cost of housing, ~~using regulatory~~  
628 ~~incentives and state and local funds to promote local public-~~  
629 ~~private partnerships and leverage government and private~~  
630 ~~resources.~~

631 (3) For purposes of this section, the term—

632 ~~(a)~~ "workforce housing" means housing affordable to natural  
633 persons or families whose total annual household income does not  
634 exceed 80 ~~140~~ percent of the area median income, adjusted for  
635 household size, or 120 ~~150~~ percent of area median income,  
636 adjusted for household size, in areas of critical state concern  
637 designated under s. 380.05, for which the Legislature has  
638 declared its intent to provide affordable housing, and areas

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639 that were designated as areas of critical state concern for at  
640 least 20 consecutive years before ~~prior to~~ removal of the  
641 designation.

642 ~~(b) "Public-private partnership" means any form of business~~  
643 ~~entity that includes substantial involvement of at least one~~  
644 ~~county, one municipality, or one public sector entity, such as a~~  
645 ~~school district or other unit of local government in which the~~  
646 ~~project is to be located, and at least one private sector for-~~  
647 ~~profit or not-for-profit business or charitable entity, and may~~  
648 ~~be any form of business entity, including a joint venture or~~  
649 ~~contractual agreement.~~

650 (4) The Florida Housing Finance Corporation is authorized  
651 to provide loans under the ~~Community Workforce Housing~~  
652 ~~Innovation Pilot~~ program loans to applicants ~~an applicant~~ for  
653 construction ~~or rehabilitation~~ of workforce housing in eligible  
654 areas. ~~This funding is intended to be used with other public and~~  
655 ~~private sector resources.~~

656 (5) The corporation shall establish a loan application  
657 process under s. 420.5087 ~~by rule which includes selection~~  
658 ~~criteria, an application review process, and a funding process.~~  
659 ~~The corporation shall also establish an application review~~  
660 ~~committee that may include up to three private citizens~~  
661 ~~representing the areas of housing or real estate development,~~  
662 ~~banking, community planning, or other areas related to the~~  
663 ~~development or financing of workforce and affordable housing.~~

664 ~~(a) The selection criteria and application review process~~  
665 ~~must include a procedure for curing errors in the loan~~  
666 ~~applications which do not make a substantial change to the~~  
667 ~~proposed project.~~

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668       ~~(b) To achieve the goals of the pilot program, the~~  
669 ~~application review committee may approve or reject loan~~  
670 ~~applications or responses to questions raised during the review~~  
671 ~~of an application due to the insufficiency of information~~  
672 ~~provided.~~

673       ~~(c) The application review committee shall make~~  
674 ~~recommendations concerning program participation and funding to~~  
675 ~~the corporation's board of directors.~~

676       ~~(d) The board of directors shall approve or reject loan~~  
677 ~~applications, determine the tentative loan amount available to~~  
678 ~~each applicant, and rank all approved applications.~~

679       ~~(e) The board of directors shall decide which approved~~  
680 ~~applicants will become program participants and determine the~~  
681 ~~maximum loan amount for each program participant.~~

682       ~~(6) The corporation shall provide incentives for local~~  
683 ~~governments in eligible areas to use local affordable housing~~  
684 ~~funds, such as those from the State Housing Initiatives~~  
685 ~~Partnership Program, to assist in meeting the affordable housing~~  
686 ~~needs of persons eligible under this program. Local governments~~  
687 ~~are authorized to use State Housing Initiative Partnership~~  
688 ~~Program funds for persons or families whose total annual~~  
689 ~~household income does not exceed:~~

690           ~~(a) One hundred and forty percent of the area median~~  
691 ~~income, adjusted for household size; or~~

692           ~~(b) One hundred and fifty percent of the area median~~  
693 ~~income, adjusted for household size, in areas that were~~  
694 ~~designated as areas of critical state concern for at least 20~~  
695 ~~consecutive years prior to the removal of the designation and in~~  
696 ~~areas of critical state concern, designated under s. 380.05, for~~



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697 ~~which the Legislature has declared its intent to provide~~  
698 ~~affordable housing.~~

699 ~~(7) Funding shall be targeted to innovative projects in~~  
700 ~~areas where the disparity between the area median income and the~~  
701 ~~median sales price for a single family home is greatest, and~~  
702 ~~where population growth as a percentage rate of increase is~~  
703 ~~greatest. The corporation may also fund projects in areas where~~  
704 ~~innovative regulatory and financial incentives are made~~  
705 ~~available. The corporation shall fund at least one eligible~~  
706 ~~project in as many counties and regions of the state as is~~  
707 ~~practicable, consistent with program goals.~~

708 ~~(6)~~(8) Projects must be given ~~shall receive~~ priority  
709 consideration for funding if ~~where~~:

710 (a) The local jurisdiction has adopted, or is committed to  
711 adopting, appropriate regulatory incentives, ~~or the local~~  
712 ~~jurisdiction or public-private partnership has adopted or is~~  
713 ~~committed to adopting~~ local contributions or financial  
714 strategies, or other funding sources to promote the development  
715 and ongoing financial viability of such projects. Local  
716 incentives include such actions as expediting review of  
717 development orders and permits, supporting development near  
718 transportation hubs and major employment centers, and adopting  
719 land development regulations designed to allow flexibility in  
720 densities, use of accessory units, mixed-use developments, and  
721 flexible lot configurations. Financial strategies include such  
722 actions as promoting employer-assisted housing programs,  
723 providing tax increment financing, and providing land.

724 ~~(b) Projects are innovative and include new construction or~~  
725 ~~rehabilitation; mixed-income housing; commercial and housing~~

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726 ~~mixed-use elements; innovative design; green building~~  
727 ~~principles; storm-resistant construction; or other elements that~~  
728 ~~reduce long-term costs relating to maintenance, utilities, or~~  
729 ~~insurance and promote homeownership. The program funding may not~~  
730 ~~exceed the costs attributable to the portion of the project that~~  
731 ~~is set aside to provide housing for the targeted population.~~

732 (b)(e) ~~The projects that set aside not more than 50 at~~  
733 ~~least 80 percent of units for workforce housing and at least 50~~  
734 ~~percent for essential services personnel and for projects that~~  
735 ~~require the least amount of program funding compared to the~~  
736 ~~overall housing costs for the project.~~

737 ~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local~~  
738 ~~government comprehensive plan amendment to implement a Community~~  
739 ~~Workforce Housing Innovation Pilot Program project found~~  
740 ~~consistent with this section shall be expedited as provided in~~  
741 ~~this subsection. At least 30 days prior to adopting a plan~~  
742 ~~amendment under this subsection, the local government shall~~  
743 ~~notify the state land planning agency of its intent to adopt~~  
744 ~~such an amendment, and the notice shall include its evaluation~~  
745 ~~related to site suitability and availability of facilities and~~  
746 ~~services. The public notice of the hearing required by s.~~  
747 ~~163.3184(11)(b)2. shall include a statement that the local~~  
748 ~~government intends to use the expedited adoption process~~  
749 ~~authorized by this subsection. Such amendments shall require~~  
750 ~~only a single public hearing before the governing board, which~~  
751 ~~shall be an adoption hearing as described in s. 163.3184(4)(e).~~  
752 ~~Any further proceedings shall be governed by s. 163.3184(5)-~~  
753 ~~(13).~~

754 ~~(10) The processing of approvals of development orders or~~

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755 ~~development permits, as defined in s. 163.3164, for innovative~~  
756 ~~community workforce housing projects shall be expedited.~~

757 ~~(7)(11) The corporation shall award loans with a 1 interest~~  
758 ~~rates set at 1 to 3 percent interest rate for a term that does~~  
759 ~~not exceed 15 years, which may be made forgivable when long term~~  
760 ~~affordability is provided and when at least 80 percent of the~~  
761 ~~units are set aside for workforce housing and at least 50~~  
762 ~~percent of the units are set aside for essential services~~  
763 ~~personnel.~~

764 ~~(12) All eligible applications shall:~~

765 ~~(a) For home ownership, limit the sales price of a detached~~  
766 ~~unit, townhome, or condominium unit to not more than 90 percent~~  
767 ~~of the median sales price for that type of unit in that county,~~  
768 ~~or the statewide median sales price for that type of unit,~~  
769 ~~whichever is higher, and require that all eligible purchasers of~~  
770 ~~home ownership units occupy the homes as their primary~~  
771 ~~residence.~~

772 ~~(b) For rental units, restrict rents for all workforce~~  
773 ~~housing serving those with incomes at or below 120 percent of~~  
774 ~~area median income at the appropriate income level using the~~  
775 ~~restricted rents for the federal low-income housing tax credit~~  
776 ~~program and, for workforce housing units serving those with~~  
777 ~~incomes above 120 percent of area median income, restrict rents~~  
778 ~~to those established by the corporation, not to exceed 30~~  
779 ~~percent of the maximum household income adjusted to unit size.~~

780 ~~(c) Demonstrate that the applicant is a public-private~~  
781 ~~partnership in an agreement, contract, partnership agreement,~~  
782 ~~memorandum of understanding, or other written instrument signed~~  
783 ~~by all the project partners.~~

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784 ~~(d) Have grants, donations of land, or contributions from~~  
785 ~~the public-private partnership or other sources collectively~~  
786 ~~totaling at least 10 percent of the total development cost or \$2~~  
787 ~~million, whichever is less. Such grants, donations of land, or~~  
788 ~~contributions must be evidenced by a letter of commitment,~~  
789 ~~agreement, contract, deed, memorandum of understanding, or other~~  
790 ~~written instrument at the time of application. Grants, donations~~  
791 ~~of land, or contributions in excess of 10 percent of the~~  
792 ~~development cost shall increase the application score.~~

793 ~~(e) Demonstrate how the applicant will use the regulatory~~  
794 ~~incentives and financial strategies outlined in subsection (8)~~  
795 ~~from the local jurisdiction in which the proposed project is to~~  
796 ~~be located. The corporation may consult with the Department of~~  
797 ~~Economic Opportunity in evaluating the use of regulatory~~  
798 ~~incentives by applicants.~~

799 ~~(f) Demonstrate that the applicant possesses title to or~~  
800 ~~site control of land and evidences availability of required~~  
801 ~~infrastructure.~~

802 ~~(g) Demonstrate the applicant's affordable housing~~  
803 ~~development and management experience.~~

804 ~~(h) Provide any research or facts available supporting the~~  
805 ~~demand and need for rental or home ownership workforce housing~~  
806 ~~for eligible persons in the market in which the project is~~  
807 ~~proposed.~~

808 ~~(13) Projects may include manufactured housing constructed~~  
809 ~~after June 1994 and installed in accordance with mobile home~~  
810 ~~installation standards of the Department of Highway Safety and~~  
811 ~~Motor Vehicles.~~

812 ~~(8)-(14)~~ (8) The corporation may adopt rules pursuant to ss.

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813 120.536(1) and 120.54 to implement this section.

814 ~~(15) The corporation may use a maximum of 2 percent of the~~  
815 ~~annual program appropriation for administration and compliance~~  
816 ~~monitoring.~~

817 ~~(16) The corporation shall review the success of the~~  
818 ~~Community Workforce Housing Innovation Pilot Program to~~  
819 ~~ascertain whether the projects financed by the program are~~  
820 ~~useful in meeting the housing needs of eligible areas and shall~~  
821 ~~include its findings in the annual report required under s.~~  
822 ~~420.511(3).~~

823 Section 14. Section 420.5098, Florida Statutes, is created  
824 to read:

825 420.5098 Rental to Homeownership Opportunity Program.—

826 (1) Each rental development receiving funding authorized by  
827 this chapter shall establish a resident homeownership  
828 opportunity financial incentive program that includes the  
829 following provisions:

830 (a) The incentive must be not less than 5 percent of the  
831 rent for the resident's unit during the resident's entire  
832 occupancy.

833 (b) The resident will receive the incentive for all months  
834 for which the resident is in compliance with the terms and  
835 conditions of the lease.

836 (c) The benefits of the incentive must accrue from the  
837 beginning of occupancy.

838 (d) The benefit must be in the form of a gift or grant and  
839 may not be a loan of any nature.

840 (e) Damages to the unit in excess of the security deposit  
841 will be deducted from the incentive.

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842       (f) The vesting period may not be longer than 3 years of  
843 continuous residency.

844       (g) A fee, deposit, or any other such charge may not be  
845 levied against the resident as a condition of participation in  
846 this program.

847       (2) The incentive must be applicable to a home selected by  
848 the resident and may not be restricted to or be enhanced by the  
849 purchase of homes in which a rental funding applicant, rental  
850 developer, or other related party has an interest.

851       (3) The corporation may adopt rules to implement this  
852 section.

853       Section 15. Section 420.531, Florida Statutes, is amended  
854 to read:

855       420.531 Affordable Housing Catalyst Program.—

856       (1) The corporation shall operate the Affordable Housing  
857 Catalyst Program for the purpose of securing the expertise  
858 necessary to provide specialized technical support to local  
859 governments and community-based organizations to implement the  
860 HOME Investment Partnership Program, State Apartment Incentive  
861 Loan Program, State Housing Initiatives Partnership Program, and  
862 other affordable housing programs. To the maximum extent  
863 feasible, the entity to provide the necessary expertise must be  
864 recognized by the Internal Revenue Service as a nonprofit tax-  
865 exempt organization. It must have as its primary mission the  
866 provision of affordable housing training and technical  
867 assistance, an ability to provide training and technical  
868 assistance statewide, and a proven track record of successfully  
869 providing training and technical assistance under the Affordable  
870 Housing Catalyst Program. The technical support shall, at a

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871 minimum, include training relating to the following key elements  
872 of the partnership programs:

873 (a)~~(1)~~ Formation of local and regional housing partnerships  
874 as a means of bringing together resources to provide affordable  
875 housing.

876 (b)~~(2)~~ Implementation of regulatory reforms to reduce the  
877 risk and cost of developing affordable housing.

878 (c)~~(3)~~ Implementation of affordable housing programs  
879 included in local government comprehensive plans.

880 (d)~~(4)~~ Compliance with requirements of federally funded  
881 housing programs.

882 (2) In consultation with the corporation, the entity  
883 providing statewide training and technical assistance shall  
884 convene and administer quarterly, regional workshops for the  
885 locally elected officials serving on affordable housing advisory  
886 committees as provided in s. 420.9076. The regional workshops  
887 may be conducted through teleconferencing or other technological  
888 means and must include processes and programming that facilitate  
889 peer-to-peer identification and sharing of best affordable  
890 housing practices among the locally elected officials. Annually,  
891 calendar year reports summarizing the deliberations, actions,  
892 and recommendations of each region, as well as the attendance  
893 records of locally elected officials, must be compiled by the  
894 entity providing statewide training and technical assistance for  
895 the Affordable Housing Catalyst Program and must be submitted to  
896 the President of the Senate, the Speaker of the House of  
897 Representatives, and the corporation by March 31 of the  
898 following year.

899 Section 16. Subsections (16) and (25) of section 420.9071,

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900 Florida Statutes, are amended to read:

901 420.9071 Definitions.—As used in ss. 420.907-420.9079, the  
902 term:

903 (16) "Local housing incentive strategies" means local  
904 regulatory reform or incentive programs to encourage or  
905 facilitate affordable housing production, which include, at a  
906 minimum, expediting development permits, as defined in s.  
907 163.3164, for affordable housing as provided in s. 420.0007  
908 ~~assurance that permits for affordable housing projects are~~  
909 ~~expedited to a greater degree than other projects, as provided~~  
910 ~~in s. 163.3177(6)(f)3.~~; an ongoing process for review of local  
911 policies, ordinances, regulations, and plan provisions that  
912 increase the cost of housing prior to their adoption; and a  
913 schedule for implementing the incentive strategies. Local  
914 housing incentive strategies may also include other regulatory  
915 reforms, such as those enumerated in s. 420.9076 or those  
916 recommended by the affordable housing advisory committee in its  
917 triennial evaluation of the implementation of affordable housing  
918 incentives, and adopted by the local governing body.

919 (25) "Recaptured funds" means funds that are recouped by a  
920 county or eligible municipality in accordance with the recapture  
921 provisions of its local housing assistance plan pursuant to s.  
922 420.9075(5)(h) ~~s. 420.9075(5)(j)~~ from eligible persons or  
923 eligible sponsors, which funds were not used for assistance to  
924 an eligible household for an eligible activity, when there is a  
925 default on the terms of a grant award or loan award.

926 Section 17. Paragraphs (b) through (g) and paragraph (n) of  
927 subsection (5) and subsection (7) of section 420.9075, Florida  
928 Statutes, are amended to read:



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929 420.9075 Local housing assistance plans; partnerships.—

930 (5) The following criteria apply to awards made to eligible  
931 sponsors or eligible persons for the purpose of providing  
932 eligible housing:

933 (b) Up to 30 ~~25~~ percent of the funds made available in each  
934 county and eligible municipality from the local housing  
935 distribution may be reserved for rental housing for eligible  
936 persons or for the purposes enumerated in s. 420.9072(7)(b).

937 (c) From ~~At least 75 percent of~~ the funds made available in  
938 each county and eligible municipality from the local housing  
939 distribution, each local government may reserve funds ~~must be~~  
940 ~~reserved~~ for construction, rehabilitation, or emergency repair  
941 of affordable, eligible housing; use funds to serve persons with  
942 special needs as defined in s. 420.0004; use funds for  
943 manufactured housing; and reserve funds for awards to very-low-  
944 income or low-income persons or eligible sponsors who will serve  
945 very-low-income or low-income persons.

946 ~~(d) Each local government must use a minimum of 20 percent~~  
947 ~~of its local housing distribution to serve persons with special~~  
948 ~~needs as defined in s. 420.0004. A local government must certify~~  
949 ~~that it will meet this requirement through existing approved~~  
950 ~~strategies in the local housing assistance plan or submit a new~~  
951 ~~local housing assistance plan strategy for this purpose to the~~  
952 ~~corporation for approval to ensure that the plan meets this~~  
953 ~~requirement. The first priority of these special needs funds~~  
954 ~~must be to serve persons with developmental disabilities as~~  
955 ~~defined in s. 393.063, with an emphasis on home modifications,~~  
956 ~~including technological enhancements and devices, which will~~  
957 ~~allow homeowners to remain independent in their own homes and~~

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958 ~~maintain their homeownership.~~

959 ~~(e) Not more than 20 percent of the funds made available in~~  
960 ~~each county and eligible municipality from the local housing~~  
961 ~~distribution may be used for manufactured housing.~~

962 ~~(d)~~ (f) The sales price or value of new or existing eligible  
963 housing may not exceed 90 percent of the average area purchase  
964 price in the statistical area in which the eligible housing is  
965 located. Such average area purchase price may be that calculated  
966 for any 12-month period beginning not earlier than the fourth  
967 calendar year prior to the year in which the award occurs or as  
968 otherwise established by the United States Department of the  
969 Treasury.

970 ~~(e)~~ (g) ~~1.~~ All units constructed, rehabilitated, or otherwise  
971 assisted with the funds provided from the local housing  
972 assistance trust fund must be occupied by very-low-income  
973 persons, low-income persons, and moderate-income persons except  
974 as otherwise provided in this section.

975 ~~2. At least 30 percent of the funds deposited into the~~  
976 ~~local housing assistance trust fund must be reserved for awards~~  
977 ~~to very-low-income persons or eligible sponsors who will serve~~  
978 ~~very-low-income persons and at least an additional 30 percent of~~  
979 ~~the funds deposited into the local housing assistance trust fund~~  
980 ~~must be reserved for awards to low-income persons or eligible~~  
981 ~~sponsors who will serve low-income persons. This subparagraph~~  
982 ~~does not apply to a county or an eligible municipality that~~  
983 ~~includes, or has included within the previous 5 years, an area~~  
984 ~~of critical state concern designated or ratified by the~~  
985 ~~Legislature for which the Legislature has declared its intent to~~  
986 ~~provide affordable housing. The exemption created by this act~~

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987 ~~expires on July 1, 2013, and shall apply retroactively.~~

988 (1)~~(n)~~ Funds from the local housing distribution not used  
989 to meet the criteria established in paragraph (a) or paragraph  
990 (c) or not used for the administration of a local housing  
991 assistance plan must be used for housing production and finance  
992 activities, including, but not limited to, financing  
993 preconstruction activities or the purchase of existing units,  
994 providing rental housing, and providing home ownership training  
995 to prospective home buyers and owners of homes assisted through  
996 the local housing assistance plan.

997 1. Notwithstanding the provisions of paragraphs (a) and  
998 (c), program income as defined in s. 420.9071(24) may also be  
999 used to fund activities described in this paragraph.

1000 2. When preconstruction due-diligence activities conducted  
1001 as part of a preservation strategy show that preservation of the  
1002 units is not feasible and will not result in the production of  
1003 an eligible unit, such costs shall be deemed a program expense  
1004 rather than an administrative expense if such program expenses  
1005 do not exceed 3 percent of the annual local housing  
1006 distribution.

1007 3. If both an award under the local housing assistance plan  
1008 and federal low-income housing tax credits are used to assist a  
1009 project and there is a conflict between the criteria prescribed  
1010 in this subsection and the requirements of s. 42 of the Internal  
1011 Revenue Code of 1986, as amended, the county or eligible  
1012 municipality may resolve the conflict by giving precedence to  
1013 the requirements of s. 42 of the Internal Revenue Code of 1986,  
1014 as amended, in lieu of following the criteria prescribed in this  
1015 subsection with the exception of paragraphs (a) and (e) ~~(g)~~ of

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1016 ~~this subsection.~~

1017 4. Each county and each eligible municipality may award  
1018 funds as a grant for construction, rehabilitation, or repair as  
1019 part of disaster recovery or emergency repairs or to remedy  
1020 accessibility or health and safety deficiencies. Any other  
1021 grants must be approved as part of the local housing assistance  
1022 plan.

1023 (7) The moneys deposited in the local housing assistance  
1024 trust fund shall be used to administer and implement the local  
1025 housing assistance plan. The cost of administering the plan may  
1026 not exceed 5 percent of the local housing distribution moneys  
1027 and program income deposited into the trust fund. ~~A county or an~~  
1028 ~~eligible municipality may not exceed the 5-percent limitation on~~  
1029 ~~administrative costs, unless its governing body finds, by~~  
1030 ~~resolution, that 5 percent of the local housing distribution~~  
1031 ~~plus 5 percent of program income is insufficient to adequately~~  
1032 ~~pay the necessary costs of administering the local housing~~  
1033 ~~assistance plan. The cost of administering the program may not~~  
1034 ~~exceed 10 percent of the local housing distribution plus 5~~  
1035 ~~percent of program income deposited into the trust fund, except~~  
1036 that small counties, as defined in s. 120.52(19), and eligible  
1037 municipalities receiving a local housing distribution of up to  
1038 \$350,000 may use up to 10 percent of program income for  
1039 administrative costs.

1040 Section 18. Subsections (2) and (4) of section 420.9076,  
1041 Florida Statutes, are amended, subsection (10) is added to that  
1042 section, and subsections (1) and (6) of that section are  
1043 reenacted, to read:

1044 420.9076 Adoption of affordable housing incentive

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1045 strategies; committees.—

1046 (1) Each county or eligible municipality participating in  
1047 the State Housing Initiatives Partnership Program, including a  
1048 municipality receiving program funds through the county, or an  
1049 eligible municipality must, within 12 months after the original  
1050 adoption of the local housing assistance plan, amend the plan to  
1051 include local housing incentive strategies as defined in s.  
1052 420.9071(16).

1053 (2) The governing board of a county or municipality shall  
1054 appoint the members of the affordable housing advisory  
1055 committee. Pursuant to the terms of any interlocal agreement, a  
1056 county and municipality may create and jointly appoint an  
1057 advisory committee. The local action adopted pursuant to s.  
1058 420.9072 which creates the advisory committee and appoints the  
1059 advisory committee members must name at least 8 but not more  
1060 than 11 committee members and specify their terms. Effective  
1061 October 1, 2020, the committee must consist of one locally  
1062 elected official from each county or municipality participating  
1063 in the State Housing Initiatives Partnership Program and one  
1064 representative from at least six of the categories below:

1065 (a) A citizen who is actively engaged in the residential  
1066 home building industry in connection with affordable housing.

1067 (b) A citizen who is actively engaged in the banking or  
1068 mortgage banking industry in connection with affordable housing.

1069 (c) A citizen who is a representative of those areas of  
1070 labor actively engaged in home building in connection with  
1071 affordable housing.

1072 (d) A citizen who is actively engaged as an advocate for  
1073 low-income persons in connection with affordable housing.

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1074 (e) A citizen who is actively engaged as a for-profit  
1075 provider of affordable housing.

1076 (f) A citizen who is actively engaged as a not-for-profit  
1077 provider of affordable housing.

1078 (g) A citizen who is actively engaged as a real estate  
1079 professional in connection with affordable housing.

1080 (h) A citizen who actively serves on the local planning  
1081 agency pursuant to s. 163.3174. If the local planning agency is  
1082 comprised of the governing board of the county or municipality,  
1083 the governing board may appoint a designee who is knowledgeable  
1084 in the local planning process.

1085 (i) A citizen who resides within the jurisdiction of the  
1086 local governing body making the appointments.

1087 (j) A citizen who represents employers within the  
1088 jurisdiction.

1089 (k) A citizen who represents essential services personnel,  
1090 as defined in the local housing assistance plan.

1091 (4) Annually ~~Triennially~~, the advisory committee shall  
1092 review the established policies and procedures, ordinances, land  
1093 development regulations, and adopted local government  
1094 comprehensive plan of the appointing local government and shall  
1095 recommend specific actions or initiatives to encourage or  
1096 facilitate affordable housing while protecting the ability of  
1097 the property to appreciate in value. The recommendations may  
1098 include the modification or repeal of existing policies,  
1099 procedures, ordinances, regulations, or plan provisions; the  
1100 creation of exceptions applicable to affordable housing; or the  
1101 adoption of new policies, procedures, regulations, ordinances,  
1102 or plan provisions, including recommendations to amend the local

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1103 government comprehensive plan and corresponding regulations,  
 1104 ordinances, and other policies. At a minimum, each advisory  
 1105 committee shall submit an annual ~~a~~ report to the local governing  
 1106 body and to the entity providing statewide training and  
 1107 technical assistance for the Affordable Housing Catalyst Program  
 1108 which ~~that~~ includes recommendations on, ~~and triennially~~  
 1109 ~~thereafter evaluates~~ the implementation of, affordable housing  
 1110 incentives in the following areas:

1111 (a) The processing of approvals of development orders or  
 1112 permits for affordable housing projects is expedited to a  
 1113 greater degree than other projects, as provided in s.  
 1114 163.3177(6)(f)3.

1115 (b) All allowable fee waivers provided ~~The modification of~~  
 1116 ~~impact fee requirements, including reduction or waiver of fees~~  
 1117 ~~and alternative methods of fee payment for~~ the development or  
 1118 construction of affordable housing.

1119 (c) The allowance of flexibility in densities for  
 1120 affordable housing.

1121 (d) The reservation of infrastructure capacity for housing  
 1122 for very-low-income persons, low-income persons, and moderate-  
 1123 income persons.

1124 (e) ~~The allowance of~~ Affordable accessory residential units  
 1125 ~~in residential zoning districts.~~

1126 (f) The reduction of parking and setback requirements for  
 1127 affordable housing.

1128 (g) The allowance of flexible lot configurations, including  
 1129 zero-lot-line configurations for affordable housing.

1130 (h) The modification of street requirements for affordable  
 1131 housing.

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1132 (i) The establishment of a process by which a local  
1133 government considers, before adoption, policies, procedures,  
1134 ordinances, regulations, or plan provisions that increase the  
1135 cost of housing.

1136 (j) The preparation of a printed inventory of locally owned  
1137 public lands suitable for affordable housing.

1138 (k) The support of development near transportation hubs and  
1139 major employment centers and mixed-use developments.

1140  
1141 The advisory committee recommendations may also include other  
1142 affordable housing incentives identified by the advisory  
1143 committee. Local governments that receive the minimum allocation  
1144 under the State Housing Initiatives Partnership Program shall  
1145 perform an ~~the~~ initial review but may elect to not perform the  
1146 annual ~~triennial~~ review.

1147 (6) Within 90 days after the date of receipt of the  
1148 evaluation and local housing incentive strategies  
1149 recommendations from the advisory committee, the governing body  
1150 of the appointing local government shall adopt an amendment to  
1151 its local housing assistance plan to incorporate the local  
1152 housing incentive strategies it will implement within its  
1153 jurisdiction. The amendment must include, at a minimum, the  
1154 local housing incentive strategies required under s.  
1155 420.9071(16). The local government must consider the strategies  
1156 specified in paragraphs (4) (a)-(k) as recommended by the  
1157 advisory committee.

1158 (10) The locally elected official serving on an advisory  
1159 committee, or a locally elected designee, must attend quarterly  
1160 regional workshops convened and administered under the



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1161 Affordable Housing Catalyst Program as provided in s.  
1162 420.531(2). If the locally elected official or a locally elected  
1163 designee fails to attend a regional workshop, the corporation  
1164 may withhold funds pending the person's attendance at the next  
1165 regularly scheduled quarterly meeting.

1166 Section 19. Subsections (5) and (6) are added to section  
1167 723.041, Florida Statutes, to read:

1168 723.041 Entrance fees; refunds; exit fees prohibited;  
1169 replacement homes.—

1170 (5) A mobile home park that is damaged or destroyed due to  
1171 wind, water, or other natural force may be rebuilt on the same  
1172 site with the same density as was approved, permitted, or built  
1173 before the park was damaged or destroyed.

1174 (6) This section does not limit the regulation of the  
1175 uniform firesafety standards established under s. 633.206, but  
1176 supersedes any other density, separation, setback, or lot size  
1177 regulation adopted after initial permitting and construction of  
1178 the mobile home park.

1179 Section 20. Subsection (4) of section 723.061, Florida  
1180 Statutes, is amended, and subsections (5) and (6) are added to  
1181 that section, to read:

1182 723.061 Eviction; grounds, proceedings.—

1183 (4) Except for the notice to the officers of the  
1184 homeowners' association under subparagraph (1)(d)1., any notice  
1185 required by this section must be in writing~~7~~ and must be posted  
1186 on the premises and sent to the mobile home owner and tenant or  
1187 occupant, as appropriate, by United States mail ~~certified or~~  
1188 ~~registered mail, return receipt requested~~, addressed to the  
1189 mobile home owner and tenant or occupant, as appropriate, at her

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1190 or his last known address. Delivery of the mailed notice is  
1191 ~~shall be~~ deemed given 5 days after the date of postmark.

1192 (5) If the park owner accepts payment of any portion of the  
1193 lot rental amount with actual knowledge of noncompliance after  
1194 notice and termination of the rental agreement due to a  
1195 violation under paragraph (1)(b), paragraph (1)(c), or paragraph  
1196 (1)(e), the park owner does not waive the right to terminate the  
1197 rental agreement or the right to bring a civil action for the  
1198 noncompliance, but not for any subsequent or continuing  
1199 noncompliance. Any rent so received must be accounted for at the  
1200 final hearing.

1201 (6) A tenant who intends to defend against an action by the  
1202 landlord for possession for noncompliance under paragraph  
1203 (1)(a), paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e)  
1204 must comply with s. 723.063(2).

1205 Section 21. Section 723.063, Florida Statutes, is amended  
1206 to read:

1207 723.063 Defenses to action for rent or possession;  
1208 procedure.—

1209 (1) (a) In any action based upon nonpayment of rent or  
1210 seeking to recover unpaid rent, or a portion thereof, the mobile  
1211 home owner may defend upon the ground of a material  
1212 noncompliance with any portion of this chapter or may raise any  
1213 other defense, whether legal or equitable, which he or she may  
1214 have.

1215 (b) The defense of material noncompliance may be raised by  
1216 the mobile home owner only if 7 days have elapsed after he or  
1217 she has notified the park owner in writing of his or her  
1218 intention not to pay rent, or a portion thereof, based upon the

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1219 park owner's noncompliance with portions of this chapter,  
1220 specifying in reasonable detail the provisions in default. A  
1221 material noncompliance with this chapter by the park owner is a  
1222 complete defense to an action for possession based upon  
1223 nonpayment of rent, or a portion thereof, and, upon hearing, the  
1224 court or the jury, as the case may be, shall determine the  
1225 amount, if any, by which the rent is to be reduced to reflect  
1226 the diminution in value of the lot during the period of  
1227 noncompliance with any portion of this chapter. After  
1228 consideration of all other relevant issues, the court shall  
1229 enter appropriate judgment.

1230 (2) In any action by the park owner or a mobile home owner  
1231 brought under subsection (1), the mobile home owner shall pay  
1232 into the registry of the court that portion of the accrued rent,  
1233 if any, relating to the claim of material noncompliance as  
1234 alleged in the complaint, or as determined by the court. The  
1235 court shall notify the mobile home owner of such requirement.  
1236 The failure of the mobile home owner to pay the rent, ~~or portion~~  
1237 ~~thereof,~~ into the registry of the court or to file a motion to  
1238 determine the amount of rent to be paid into the registry within  
1239 5 days, excluding Saturdays, Sundays, and legal holidays, after  
1240 the date of service of process constitutes an absolute waiver of  
1241 the mobile home owner's defenses other than payment, and the  
1242 park owner is entitled to an immediate default judgment for  
1243 removal of the mobile home owner with a writ of possession to be  
1244 issued without further notice or hearing thereon. If a motion to  
1245 determine rent is filed, the movant must provide sworn  
1246 documentation in support of his or her allegation that the rent  
1247 alleged in the complaint is erroneous ~~as required herein~~

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1248 ~~constitutes an absolute waiver of the mobile home owner's~~  
1249 ~~defenses other than payment, and the park owner is entitled to~~  
1250 ~~an immediate default.~~

1251 (3) When the mobile home owner has deposited funds into the  
1252 registry of the court in accordance with ~~the provisions of this~~  
1253 ~~section and the park owner is in actual danger of loss of the~~  
1254 ~~premises or other personal hardship resulting from the loss of~~  
1255 ~~rental income from the premises,~~ the park owner may apply to the  
1256 court for disbursement of all or part of the funds or for prompt  
1257 final hearing, whereupon the court shall advance the cause on  
1258 the calendar. The court, after preliminary hearing, may award  
1259 all or any portion of the funds on deposit to the park owner or  
1260 may proceed immediately to a final resolution of the cause.

1261 Section 22. For the purpose of incorporating the amendment  
1262 made by this act to section 420.5087, Florida Statutes, in a  
1263 reference thereto, paragraph (i) of subsection (22) of section  
1264 420.507, Florida Statutes, is reenacted to read:

1265 420.507 Powers of the corporation.—The corporation shall  
1266 have all the powers necessary or convenient to carry out and  
1267 effectuate the purposes and provisions of this part, including  
1268 the following powers which are in addition to all other powers  
1269 granted by other provisions of this part:

1270 (22) To develop and administer the State Apartment  
1271 Incentive Loan Program. In developing and administering that  
1272 program, the corporation may:

1273 (i) Establish, by rule, the procedure for competitively  
1274 evaluating and selecting all applications for funding based on  
1275 the criteria set forth in s. 420.5087(6)(c), determining actual  
1276 loan amounts, making and servicing loans, and exercising the

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1277 powers authorized in this subsection.

1278 Section 23. For the purpose of incorporating the amendment  
1279 made by this act to section 420.5095, Florida Statutes, in a  
1280 reference thereto, subsection (2) of section 193.018, Florida  
1281 Statutes, is reenacted to read:

1282 193.018 Land owned by a community land trust used to  
1283 provide affordable housing; assessment; structural improvements,  
1284 condominium parcels, and cooperative parcels.—

1285 (2) A community land trust may convey structural  
1286 improvements, condominium parcels, or cooperative parcels, that  
1287 are located on specific parcels of land that are identified by a  
1288 legal description contained in and subject to a ground lease  
1289 having a term of at least 99 years, for the purpose of providing  
1290 affordable housing to natural persons or families who meet the  
1291 extremely-low-income, very-low-income, low-income, or moderate-  
1292 income limits specified in s. 420.0004, or the income limits for  
1293 workforce housing, as defined in s. 420.5095(3). A community  
1294 land trust shall retain a preemptive option to purchase any  
1295 structural improvements, condominium parcels, or cooperative  
1296 parcels on the land at a price determined by a formula specified  
1297 in the ground lease which is designed to ensure that the  
1298 structural improvements, condominium parcels, or cooperative  
1299 parcels remain affordable.

1300 Section 24. For the purpose of incorporating the amendment  
1301 made by this act to section 420.9071, Florida Statutes, in a  
1302 reference thereto, paragraph (a) of subsection (2) of section  
1303 420.9072, Florida Statutes, is reenacted to read:

1304 420.9072 State Housing Initiatives Partnership Program.—The  
1305 State Housing Initiatives Partnership Program is created for the

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1306 purpose of providing funds to counties and eligible  
1307 municipalities as an incentive for the creation of local housing  
1308 partnerships, to expand production of and preserve affordable  
1309 housing, to further the housing element of the local government  
1310 comprehensive plan specific to affordable housing, and to  
1311 increase housing-related employment.

1312 (2) (a) To be eligible to receive funds under the program, a  
1313 county or eligible municipality must:

1314 1. Submit to the corporation its local housing assistance  
1315 plan describing the local housing assistance strategies  
1316 established pursuant to s. 420.9075;

1317 2. Within 12 months after adopting the local housing  
1318 assistance plan, amend the plan to incorporate the local housing  
1319 incentive strategies defined in s. 420.9071(16) and described in  
1320 s. 420.9076; and

1321 3. Within 24 months after adopting the amended local  
1322 housing assistance plan to incorporate the local housing  
1323 incentive strategies, amend its land development regulations or  
1324 establish local policies and procedures, as necessary, to  
1325 implement the local housing incentive strategies adopted by the  
1326 local governing body. A county or an eligible municipality that  
1327 has adopted a housing incentive strategy pursuant to s. 420.9076  
1328 before the effective date of this act shall review the status of  
1329 implementation of the plan according to its adopted schedule for  
1330 implementation and report its findings in the annual report  
1331 required by s. 420.9075(10). If, as a result of the review, a  
1332 county or an eligible municipality determines that the  
1333 implementation is complete and in accordance with its schedule,  
1334 no further action is necessary. If a county or an eligible

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1335 municipality determines that implementation according to its  
1336 schedule is not complete, it must amend its land development  
1337 regulations or establish local policies and procedures, as  
1338 necessary, to implement the housing incentive plan within 12  
1339 months after the effective date of this act, or if extenuating  
1340 circumstances prevent implementation within 12 months, pursuant  
1341 to s. 420.9075(13), enter into an extension agreement with the  
1342 corporation.

1343       Section 25. This act shall take effect July 1, 2020.