

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/HB 1339 — Community Affairs

by Commerce Committee; Ways and Means Committee; Local, Federal and Veterans Affairs Subcommittee; and Rep. Yarborough and others (CS/CS/CS/SB 998 by Appropriations Committee; Infrastructure and Security Committee; Community Affairs Committee; and Senators Hutson and Hooper

The bill addresses several issues affecting development zoning; bonding activities; impact fees; building inspections; affordable housing; and the regulation, ownership, and tenancy related to mobile homes, mobile home parks, and related homeowners' associations.

With respect to development zoning, bonding activities, and building inspections, the bill includes provisions that:

- Authorize local governments to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use;
- Authorize counties and municipalities to adopt affordable housing linkage fee ordinances for residential or mixed-use developments contingent on incentives that fully offset these costs to developers;
- Expand existing bonding activities of the Florida Interlocal Cooperation Act to include making loans to private entities of self-liquidating projects, regardless of where the entities are located;
- Require the reporting of local government impact fee data; and
- Establish that a local government may not audit a private building inspector more than four times a month.

With respect to affordable housing, the bill includes provisions that:

- Require the reporting of local government expenditures for affordable housing;
- Authorize the Florida Housing Finance Corporation (FHFC) to preclude an applicant from further participation in FHFC programs if that applicant made a material misrepresentation or engaged in fraudulent action in connection with program applications;
- Eliminate prior experience with FHFC as a qualifying criterion for financing under the State Apartment Incentive Loan (SAIL) Program;
- Permit FHFC to prioritize a portion of SAIL to provide funding for the development of newly constructed permanent rental housing for persons in foster care or persons aging out of foster care;
- Transition the "pilot" features of a workforce housing program into the Community Workforce Housing Loan Program, administered by FHFC;
- Establish biannual regional workshops for locally elected officials serving on affordable housing advisory committees to identify and share best affordable housing practices;
- Require a State Housing Initiatives Partnership (SHIP) Program participant to include in its annual program report to FHFC the number of affordable housing applications approved and denied; and

- Expand the definition of affordable housing in the SHIP Program to include certain nonprofits who provide affordable supportive housing and community-based coordination services for persons with challenges related to mental health, substance abuse, or domestic violence.

With respect to issues related to mobile homes, mobile home parks, and related homeowners' associations, the bill includes provisions that:

- Allow a mobile home dealer to display a model manufactured home, rather than all homes offered for sale;
- Exempt a recreational vehicle dealer from the garage liability insurance requirements if it only sells park trailers;
- Clarify provisions exempting mobile home park owners from the jurisdiction of the Public Service Commission when the park owners provide water and wastewater;
- Revise when a mobile home park owner can require a mobile home owner to make improvements;
- Require a mobile home park owner to amend the prospectus and increase shared facilities when adding mobile home lots;
- Create a strict prohibition to prevent the park owner from passing on to mobile home owners taxes in an amount in excess of what is actually paid to the tax collector;
- Allow a mobile home park owner to give notice of lot rental increases for multiple anniversary dates at the same time;
- Permit a mobile home park damaged or destroyed by wind, water, or other natural force to be rebuilt on the same site with the same density as was approved, permitted, and built before being damaged or destroyed;
- Allow a mobile home buyer to assume the seller's prospectus or be offered a new prospectus by the park owner;
- Require a mobile home owner to receive written permission from park owner before exterior modifications or additions;
- Require a mobile home park owner to notify the Department of Business and Professional Regulation, who in turn notifies the Florida Mobile Home Relocation Company, when tenants will be evicted due to a change in land use;
- Revise numerous rights, obligations, and record retention requirements of a mobile home park homeowners' association, including how elections are conducted; and
- Require certain disputes between the homeowners' association and a member to be resolved via mandatory binding arbitration at the Department of Business and Professional Regulation.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 101-10