

By Representative Greenstein

1                                   A bill to be entitled  
2           An act relating to the Fair Housing Act;  
3           amending s. 760.29, F.S.; reaffirming existing  
4           legislative intent that a housing facility or  
5           community may qualify as housing for older  
6           persons despite specified provisions in the  
7           document which governs deed restrictions  
8           pertaining to that facility or community;  
9           providing legislative purpose; providing for  
10          retroactive applicability; providing an  
11          effective date.

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

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15           Section 1. Paragraph (e) is added to subsection (4) of  
16 section 760.29, Florida Statutes, to read:

17           760.29 Exemptions.--

18           (4)

19           (e)1. Any housing facility or community may qualify at  
20 any time under this section as housing for older persons which  
21 is exempt from ss. 760.20-760.37, notwithstanding any of the  
22 following in the declaration of restrictions, as defined in s.  
23 617.306(1)(b), of that housing facility or community, or in  
24 any other such document governing deed restrictions, which was  
25 executed before the effective date of this paragraph:

26           a. The absence of an amending procedure;  
27           b. An express prohibition of amendments; or  
28           c. A restriction on amendments until a specified  
29 future date.

30           2. The purpose of this paragraph is to reaffirm  
31 existing legislative intent that all existing housing

1 facilities or communities may qualify as housing for older  
2 persons under this section. This paragraph applies  
3 retroactively to validate any amendments to a declaration of  
4 restrictions, or other such document governing deed  
5 restrictions enacted prior to the effective date of this  
6 paragraph, which heretofore complied with the requirements of  
7 this section to qualify as housing for older persons but which  
8 contained any of the provisions described in subparagraph 1.  
9 This paragraph does not void any contracts or deeds for sale  
10 that were executed before the effective date of this  
11 paragraph.

12  
13 A county or municipal ordinance regarding housing for older  
14 persons may not contravene the provisions of this subsection.

15 Section 2. This act shall take effect upon becoming a  
16 law.

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19 HOUSE SUMMARY

20  
21 Revises certain exemptions in the Fair Housing Act to  
22 reaffirm existing legislative intent that any housing  
23 facility or community may qualify at any time as housing  
24 for older persons, despite specified provisions in the  
25 declaration of deed restrictions which governs the  
26 facility or community. Provides legislative purpose.  
27 Provides for retroactive applicability.  
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