

By Senator Campbell

33-460-99

1 A bill to be entitled

2 An act relating to the Fair Housing Act;

3 amending s. 760.29, F.S.; providing that a

4 housing facility or community may qualify as

5 housing for older persons despite specified

6 provisions in the document which governs deed

7 restrictions pertaining to that facility or

8 community; providing legislative purpose;

9 providing for retroactive applicability;

10 providing an effective date.

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

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14 Section 1. Paragraph (e) is added to subsection (4) of

15 section 760.29, Florida Statutes, to read:

16 760.29 Exemptions.--

17 (4)

18 (e)1. Any housing facility or community may qualify at

19 any time under this section as housing for older persons which

20 is exempt from ss. 760.20-760.37, notwithstanding any of the

21 following in the declaration of restrictions, as defined in s.

22 617.306(1)(b), of that housing facility or community, or in

23 any other such document governing deed restrictions, which was

24 executed before the effective date of this paragraph:

25 a. The absence of an amending procedure;

26 b. An express prohibition of amendments; or

27 c. A restriction on amendments until a specified

28 future date.

29 2. The purpose of this paragraph is to reaffirm

30 existing legislative intent that all existing housing

31 facilities or communities may qualify as housing for older

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

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

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

13 Section 2. This act shall take effect upon becoming a
14 law.

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SENATE SUMMARY

18 Revises certain exemptions in the Fair Housing Act by
19 providing that any housing facility or community may
20 qualify at any time as housing for older persons, despite
21 specified provisions in the declaration of deed
22 restrictions which governs the facility or community.
23 Provides legislative purpose. Provides for retroactive
24 applicability.

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