



105450

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/RE/2R	.	
03/10/2020 07:49 PM	.	
	.	

Senator Hutson moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) is added to section 125.01055,
Florida Statutes, to read:

125.01055 Affordable housing.—

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



105450

12 commercial, or industrial use.

13 Section 2. Paragraph (d) of subsection (3) of section
14 129.03, Florida Statutes, is amended to read:

15 129.03 Preparation and adoption of budget.—

16 (3) The county budget officer, after tentatively
17 ascertaining the proposed fiscal policies of the board for the
18 next fiscal year, shall prepare and present to the board a
19 tentative budget for the next fiscal year for each of the funds
20 provided in this chapter, including all estimated receipts,
21 taxes to be levied, and balances expected to be brought forward
22 and all estimated expenditures, reserves, and balances to be
23 carried over at the end of the year.

24 (d) ~~By October 15, 2019, and~~ each October 15 ~~annually~~
25 ~~thereafter~~, the county budget officer shall electronically
26 submit the following information regarding the final budget and
27 the county's economic status to the Office of Economic and
28 Demographic Research in the format specified by the office:

29 1. Government spending per resident, including, at a
30 minimum, the spending per resident for the previous 5 fiscal
31 years.

32 2. Government debt per resident, including, at a minimum,
33 the debt per resident for the previous 5 fiscal years.

34 3. Median income within the county.

35 4. The average county employee salary.

36 5. Percent of budget spent on salaries and benefits for
37 county employees.

38 6. Number of special taxing districts, wholly or partially,
39 within the county.

40 7. Annual county expenditures providing for the financing,



105450

41 acquisition, construction, reconstruction, or rehabilitation of
42 housing that is affordable, as that term is defined in s.
43 420.0004. The reported expenditures must indicate the source of
44 such funds as "federal," "state," "local," or "other," as
45 applicable. The information required by this subparagraph must
46 be included in the submission due by October 15, 2020, and each
47 annual submission thereafter.

48 Section 3. Paragraph (d) of subsection (7) of section
49 163.01, Florida Statutes, is amended to read:

50 163.01 Florida Interlocal Cooperation Act of 1969.—

51 (7)

52 (d) Notwithstanding the provisions of paragraph (c), any
53 separate legal entity created pursuant to this section and
54 controlled by the municipalities or counties of this state or by
55 one or more municipality and one or more county of this state,
56 the membership of which consists or is to consist of
57 municipalities only, counties only, or one or more municipality
58 and one or more county, may, for the purpose of financing or
59 refinancing any capital projects, exercise all powers in
60 connection with the authorization, issuance, and sale of bonds.
61 Notwithstanding any limitations provided in this section, all of
62 the privileges, benefits, powers, and terms of part I of chapter
63 125, part II of chapter 166, and part I of chapter 159 are shall
64 be fully applicable to such entity. Bonds issued by such entity
65 are shall be deemed issued on behalf of the counties, or
66 municipalities, or private entities which enter into loan
67 agreements with such entity as provided in this paragraph. Any
68 loan agreement executed pursuant to a program of such entity is
69 shall be governed by the provisions of part I of chapter 159 or,



105450

70 in the case of counties, part I of chapter 125, or in the case
71 of municipalities and charter counties, part II of chapter 166.
72 Proceeds of bonds issued by such entity may be loaned to
73 counties or municipalities of this state or a combination of
74 municipalities and counties, whether or not such counties or
75 municipalities are also members of the entity issuing the bonds,
76 or to private entities for projects that are "self-liquidating,"
77 as provided in s. 159.02, whether or not such private entities
78 are located within the jurisdictional boundaries of a county or
79 municipality that is a member of the entity issuing the bonds.
80 The issuance of bonds by such entity to fund a loan program to
81 make loans to municipalities, ~~or~~ counties, or private entities
82 or a combination of municipalities, and counties, and private
83 entities with one another for capital projects to be identified
84 subsequent to the issuance of the bonds to fund such loan
85 programs is deemed to be a paramount public purpose. Any entity
86 so created may also issue bond anticipation notes, as provided
87 by s. 215.431, in connection with the authorization, issuance,
88 and sale of such bonds. In addition, the governing body of such
89 legal entity may also authorize bonds to be issued and sold from
90 time to time and may delegate, to such officer, official, or
91 agent of such legal entity as the governing body of such legal
92 entity may select, the power to determine the time; manner of
93 sale, public or private; maturities; rate or rates of interest,
94 which may be fixed or may vary at such time or times and in
95 accordance with a specified formula or method of determination;
96 and other terms and conditions as may be deemed appropriate by
97 the officer, official, or agent so designated by the governing
98 body of such legal entity. However, the amounts and maturities



105450

99 of such bonds and the interest rate or rates of such bonds shall
100 be within the limits prescribed by the governing body of such
101 legal entity and its resolution delegating to such officer,
102 official, or agent the power to authorize the issuance and sale
103 of such bonds. A local government self-insurance fund
104 established under this section may financially guarantee bonds
105 or bond anticipation notes issued or loans made under this
106 subsection. Bonds issued pursuant to this paragraph may be
107 validated as provided in chapter 75. The complaint in any action
108 to validate such bonds shall be filed only in the Circuit Court
109 for Leon County. The notice required to be published by s. 75.06
110 shall be published only in Leon County, and the complaint and
111 order of the circuit court shall be served only on the State
112 Attorney of the Second Judicial Circuit and on the state
113 attorney of each circuit in each county where the public
114 agencies which were initially a party to the agreement are
115 located. Notice of such proceedings shall be published in the
116 manner and the time required by s. 75.06 in Leon County and in
117 each county where the public agencies which were initially a
118 party to the agreement are located. Obligations of any county or
119 municipality pursuant to a loan agreement as described in this
120 paragraph may be validated as provided in chapter 75.

121 Section 4. Subsections (3) and (4) of section 163.31771,
122 Florida Statutes, are amended to read:

123 163.31771 Accessory dwelling units.—

124 (3) ~~A Upon a finding by a local government that there is a~~
125 ~~shortage of affordable rentals within its jurisdiction, the~~
126 local government may adopt an ordinance to allow accessory
127 dwelling units in any area zoned for single-family residential



105450

128 use.

129 ~~(4) If the local government adopts an ordinance under this~~
130 ~~section,~~ An application for a building permit to construct an
131 accessory dwelling unit must include an affidavit from the
132 applicant which attests that the unit will be rented at an
133 affordable rate to an extremely-low-income, very-low-income,
134 low-income, or moderate-income person or persons.

135 Section 5. Subsection (10) is added to section 163.31801,
136 Florida Statutes, to read:

137 163.31801 Impact fees; short title; intent; minimum
138 requirements; audits; challenges.-

139 (10) In addition to the items that must be reported in the
140 annual financial reports under s. 218.32, a county,
141 municipality, or special district must report all of the
142 following data on all impact fees charged:

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

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

149 (c) The amount assessed for each purpose and for each type
150 of dwelling.

151 (d) The total amount of impact fees charged by type of
152 dwelling.

153 (e) Each exception and waiver provided for construction or
154 development of housing that is affordable.

155 Section 6. Subsection (4) is added to section 166.04151,
156 Florida Statutes, to read:



105450

157 166.04151 Affordable housing.—

158 (4) Notwithstanding any other law or local ordinance or
159 regulation to the contrary, the governing body of a municipality
160 may approve the development of housing that is affordable, as
161 defined in s. 420.0004, on any parcel zoned for residential,
162 commercial, or industrial use.

163 Section 7. Subsection (4) of section 166.241, Florida
164 Statutes, is amended to read:

165 166.241 Fiscal years, budgets, and budget amendments.—

166 (4) ~~By Beginning October 15, 2019, and~~ each October 15
167 ~~thereafter~~, the municipal budget officer shall electronically
168 submit the following information regarding the final budget and
169 the municipality's economic status to the Office of Economic and
170 Demographic Research in the format specified by the office:

171 (a) Government spending per resident, including, at a
172 minimum, the spending per resident for the previous 5 fiscal
173 years.

174 (b) Government debt per resident, including, at a minimum,
175 the debt per resident for the previous 5 fiscal years.

176 (c) Average municipal employee salary.

177 (d) Median income within the municipality.

178 (e) Number of special taxing districts wholly or partially
179 within the municipality.

180 (f) Percent of budget spent on salaries and benefits for
181 municipal employees.

182 (g) Annual municipal expenditures providing for the
183 financing, acquisition, construction, reconstruction, or
184 rehabilitation of housing that is affordable, as that term is
185 defined in s. 420.0004. The reported expenditures must indicate



105450

186 the source of such funds as "federal," "state," "local," or
187 "other," as applicable. This information must be included in the
188 submission due by October 15, 2020, and each annual submission
189 thereafter.

190 Section 8. Paragraph (h) of subsection (3) of section
191 320.77, Florida Statutes, is amended to read:

192 320.77 License required of mobile home dealers.-

193 (3) APPLICATION.-The application for such license shall be
194 in the form prescribed by the department and subject to such
195 rules as may be prescribed by it. The application shall be
196 verified by oath or affirmation and shall contain:

197 (h) Certification by the applicant:

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

200 2. Except in the case of a mobile home broker, that the
201 location affords sufficient ~~unoccupied~~ space to display ~~store~~
202 ~~all mobile homes offered and displayed~~ for sale. A space to
203 display a manufactured home as a model home is sufficient to
204 satisfy this requirement. ~~;~~ ~~and that~~ The location must be ~~is~~ a
205 suitable place in which the applicant can in good faith carry on
206 business and keep and maintain books, records, and files
207 necessary to conduct such business, which must ~~will~~ be available
208 at all reasonable hours to inspection by the department or any
209 of its inspectors or other employees.

210
211 This paragraph does ~~subsection shall~~ not preclude a licensed
212 mobile home dealer from displaying and offering for sale mobile
213 homes in a mobile home park.

214



105450

215 The department shall, if it deems necessary, cause an
216 investigation to be made to ascertain if the facts set forth in
217 the application are true and shall not issue a license to the
218 applicant until it is satisfied that the facts set forth in the
219 application are true.

220 Section 9. Paragraph (j) of subsection (3) of section
221 320.771, Florida Statutes, is amended to read:

222 320.771 License required of recreational vehicle dealers.-

223 (3) APPLICATION.-The application for such license shall be
224 in the form prescribed by the department and subject to such
225 rules as may be prescribed by it. The application shall be
226 verified by oath or affirmation and shall contain:

227 (j) A statement that the applicant is insured under a
228 garage liability insurance policy, which shall include, at a
229 minimum, \$25,000 combined single-limit liability coverage,
230 including bodily injury and property damage protection, and
231 \$10,000 personal injury protection, if the applicant is to be
232 licensed as a dealer in, or intends to sell, recreational
233 vehicles. However, a garage liability policy is not required for
234 the licensure of a mobile home dealer who sells only park
235 trailers.

236

237 The department shall, if it deems necessary, cause an
238 investigation to be made to ascertain if the facts set forth in
239 the application are true and shall not issue a license to the
240 applicant until it is satisfied that the facts set forth in the
241 application are true.

242 Section 10. Subsection (2) of section 320.822, Florida
243 Statutes, is amended to read:



105450

244 320.822 Definitions; ss. 320.822-320.862.—In construing ss.
245 320.822-320.862, unless the context otherwise requires, the
246 following words or phrases have the following meanings:

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

248 (a) The Federal Manufactured Housing Construction and
249 Safety Standards for single-family mobile homes, promulgated by
250 the Department of Housing and Urban Development;

251 (b) The Uniform Standards Code approved by the American
252 National Standards Institute, ANSI A-119.2 for recreational
253 vehicles and ANSI A-119.5 for park trailers or the United States
254 Department of Housing and Urban Development standard for park
255 trailers certified as meeting that standard; or

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

258 Section 11. Subsection (2) of section 320.8232, Florida
259 Statutes, is amended to read:

260 320.8232 Establishment of uniform standards for used
261 recreational vehicles and repair and remodeling code for mobile
262 homes.—

263 (2) The Mobile and Manufactured Home ~~provisions of the~~
264 Repair and Remodeling Code must be a uniform code, must ~~shall~~
265 ensure safe and livable housing, and may ~~shall~~ not be more
266 stringent than those standards required to be met in the
267 manufacture of mobile homes. Such code must ~~provisions shall~~
268 ~~include, but not be limited to,~~ standards for structural
269 adequacy, plumbing, heating, electrical systems, and fire and
270 life safety. All repairs and remodeling of mobile and
271 manufactured homes must be performed in accordance with
272 department rules.



105450

273 Section 12. Subsection (9) of section 367.022, Florida
274 Statutes, is amended, and subsection (14) is added to that
275 section, to read:

276 367.022 Exemptions.—The following are not subject to
277 regulation by the commission as a utility nor are they subject
278 to the provisions of this chapter, except as expressly provided:

279 (9) Any person who resells water service to his or her
280 tenants or to individually metered residents for a fee that does
281 not exceed the actual purchase price of the water and wastewater
282 service plus the actual cost of meter reading and billing, not
283 to exceed 9 percent of the actual cost of service.

284 (14) The owner of a mobile home park operating both as a
285 mobile home park and a mobile home subdivision, as those terms
286 are defined in s. 723.003, who provides service within the park
287 and subdivision to a combination of both tenants and lot owners,
288 provided that the service to tenants is without specific
289 compensation.

290 Section 13. Section 420.518, Florida Statutes, is created
291 to read:

292 420.518 Fraudulent or material misrepresentation.—

293 (1) An applicant or affiliate of an applicant may be
294 precluded from participation in any corporation program if the
295 applicant or affiliate of the applicant has:

296 (a) Made a material misrepresentation or engaged in
297 fraudulent actions in connection with any corporation program.

298 (b) Been convicted or found guilty of, or entered a plea of
299 guilty or nolo contendere to, regardless of adjudication, a
300 crime in any jurisdiction which directly relates to the
301 financing, construction, or management of affordable housing or



105450

302 the fraudulent procurement of state or federal funds. The record
303 of a conviction certified or authenticated in such form as to be
304 admissible in evidence under the laws of the state shall be
305 admissible as prima facie evidence of such guilt.

306 (c) Been excluded from any federal funding program related
307 to the provision of housing.

308 (d) Been excluded from any Florida procurement programs.

309 (e) Offered or given consideration, other than the
310 consideration to provide affordable housing, with respect to a
311 local contribution.

312 (f) Demonstrated a pattern of noncompliance and a failure
313 to correct any such noncompliance after notice from the
314 corporation in the construction, operation, or management of one
315 or more developments funded through a corporation program.

316 (2) Upon a determination by the board of directors of the
317 corporation that an applicant or affiliate of the applicant be
318 precluded from participation in any corporation program, the
319 board may issue an order taking any or all of the following
320 actions:

321 (a) Preclude such applicant or affiliate from applying for
322 funding from any corporation program for a specified period. The
323 period may be a specified period of time or permanent in nature.
324 With regard to establishing the duration, the board shall
325 consider the facts and circumstances, inclusive of the
326 compliance history of the applicant or affiliate of the
327 applicant, the type of action under subsection (1), and the
328 degree of harm to the corporation's programs that has been or
329 may be done.

330 (b) Revoke any funding previously awarded by the



105450

331 corporation for any development for which construction or
332 rehabilitation has not commenced.

333 (3) Before any order issued under this section can be
334 final, an administrative complaint must be served on the
335 applicant, affiliate of the applicant, or its registered agent
336 that provides notification of findings of the board, the
337 intended action, and the opportunity to request a proceeding
338 pursuant to ss. 120.569 and 120.57.

339 (4) Any funding, allocation of federal housing credits,
340 credit underwriting procedures, or application review for any
341 development for which construction or rehabilitation has not
342 commenced may be suspended by the corporation upon the service
343 of an administrative complaint on the applicant, affiliate of
344 the applicant, or its registered agent. The suspension shall be
345 effective from the date the administrative complaint is served
346 until an order issued by the corporation in regard to that
347 complaint becomes final.

348 Section 14. Paragraph (c) of subsection (6) of section
349 420.5087, Florida Statutes, is amended, and subsection (10) is
350 added to that section, to read:

351 420.5087 State Apartment Incentive Loan Program.—There is
352 hereby created the State Apartment Incentive Loan Program for
353 the purpose of providing first, second, or other subordinated
354 mortgage loans or loan guarantees to sponsors, including for-
355 profit, nonprofit, and public entities, to provide housing
356 affordable to very-low-income persons.

357 (6) On all state apartment incentive loans, except loans
358 made to housing communities for the elderly to provide for
359 lifesafety, building preservation, health, sanitation, or



105450

360 security-related repairs or improvements, the following
361 provisions shall apply:

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

366 1. Tenant income and demographic targeting objectives of
367 the corporation.

368 2. Targeting objectives of the corporation which will
369 ensure an equitable distribution of loans between rural and
370 urban areas.

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

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

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

379 b. Forty percent of the units in the project for persons or
380 families who have incomes that do not exceed 60 percent of the
381 state or local median income, whichever is higher, without
382 requiring a greater amount of the loans as provided in this
383 section.

384 5. Provision for tenant counseling.

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

387 7. Projects requiring the least amount of a state apartment
388 incentive loan compared to overall project cost, except that the



105450

389 share of the loan attributable to units serving extremely-low-
390 income persons must be excluded from this requirement.

391 8. Local government contributions and local government
392 comprehensive planning and activities that promote affordable
393 housing and policies that promote access to public
394 transportation, reduce the need for onsite parking, and expedite
395 permits for affordable housing projects.

396 9. Project feasibility.

397 10. Economic viability of the project.

398 11. Commitment of first mortgage financing.

399 12. Sponsor's prior experience. This criterion may not
400 require a sponsor to have prior experience with the corporation
401 to qualify for financing under the program.

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

403 14. Projects that directly implement or assist welfare-to-
404 work transitioning.

405 15. Projects that reserve units for extremely-low-income
406 persons.

407 16. Projects that include green building principles, storm-
408 resistant construction, or other elements that reduce long-term
409 costs relating to maintenance, utilities, or insurance.

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

412 (10) The corporation may prioritize a portion of the
413 program funds set aside under paragraph (3)(d) for persons with
414 special needs as defined in s. 420.0004(13) to provide funding
415 for the development of newly constructed permanent rental
416 housing on a campus that provides housing for persons in foster
417 care or persons aging out of foster care pursuant to s.



105450

418 409.1451. Such housing shall promote and facilitate access to
419 community-based supportive, educational, and employment services
420 and resources that assist persons aging out of foster care to
421 successfully transition to independent living and adulthood. The
422 corporation must consult with the Department of Children and
423 Families to create minimum criteria for such housing.

424 Section 15. Section 420.5095, Florida Statutes, is amended
425 to read:

426 420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~
427 Program.—

428 (1) The Legislature finds and declares that recent rapid
429 increases in the median purchase price of a home and the cost of
430 rental housing have far outstripped the increases in median
431 income in the state, ~~preventing essential services personnel~~
432 ~~from living in the communities where they serve and thereby~~
433 creating the need for innovative solutions for the provision of
434 housing opportunities ~~for essential services personnel.~~

435 (2) The Community Workforce Housing Loan ~~Innovation Pilot~~
436 Program is created to provide ~~affordable rental and home~~
437 ~~ownership community~~ workforce housing for persons ~~essential~~
438 ~~services personnel~~ affected by the high cost of housing, ~~using~~
439 ~~regulatory incentives and state and local funds to promote local~~
440 ~~public-private partnerships and leverage government and private~~
441 ~~resources.~~

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

443 ~~(a)~~ "workforce housing" means housing affordable to natural
444 persons or families whose total annual household income does not
445 exceed 80 ~~140~~ percent of the area median income, adjusted for
446 household size, or 120 ~~150~~ percent of area median income,



105450

447 adjusted for household size, in areas of critical state concern
448 designated under s. 380.05, for which the Legislature has
449 declared its intent to provide affordable housing, and areas
450 that were designated as areas of critical state concern for at
451 least 20 consecutive years before ~~prior to~~ removal of the
452 designation.

453 ~~(b) "Public-private partnership" means any form of business~~
454 ~~entity that includes substantial involvement of at least one~~
455 ~~county, one municipality, or one public sector entity, such as a~~
456 ~~school district or other unit of local government in which the~~
457 ~~project is to be located, and at least one private sector for-~~
458 ~~profit or not-for-profit business or charitable entity, and may~~
459 ~~be any form of business entity, including a joint venture or~~
460 ~~contractual agreement.~~

461 (4) The Florida Housing Finance Corporation is authorized
462 to provide loans under the ~~Community Workforce Housing~~
463 ~~Innovation Pilot~~ program loans to applicants ~~an applicant~~ for
464 construction ~~or rehabilitation~~ of workforce housing in eligible
465 areas. ~~This funding is intended to be used with other public and~~
466 ~~private sector resources.~~

467 (5) The corporation shall establish a loan application
468 process under s. 420.5087 ~~by rule which includes selection~~
469 ~~criteria, an application review process, and a funding process.~~
470 ~~The corporation shall also establish an application review~~
471 ~~committee that may include up to three private citizens~~
472 ~~representing the areas of housing or real estate development,~~
473 ~~banking, community planning, or other areas related to the~~
474 ~~development or financing of workforce and affordable housing.~~

475 ~~(a) The selection criteria and application review process~~



105450

476 ~~must include a procedure for curing errors in the loan~~
477 ~~applications which do not make a substantial change to the~~
478 ~~proposed project.~~

479 ~~(b) To achieve the goals of the pilot program, the~~
480 ~~application review committee may approve or reject loan~~
481 ~~applications or responses to questions raised during the review~~
482 ~~of an application due to the insufficiency of information~~
483 ~~provided.~~

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

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

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

493 ~~(6) The corporation shall provide incentives for local~~
494 ~~governments in eligible areas to use local affordable housing~~
495 ~~funds, such as those from the State Housing Initiatives~~
496 ~~Partnership Program, to assist in meeting the affordable housing~~
497 ~~needs of persons eligible under this program. Local governments~~
498 ~~are authorized to use State Housing Initiative Partnership~~
499 ~~Program funds for persons or families whose total annual~~
500 ~~household income does not exceed:~~

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

503 ~~(b) One hundred and fifty percent of the area median~~
504 ~~income, adjusted for household size, in areas that were~~



105450

505 ~~designated as areas of critical state concern for at least 20~~
506 ~~consecutive years prior to the removal of the designation and in~~
507 ~~areas of critical state concern, designated under s. 380.05, for~~
508 ~~which the Legislature has declared its intent to provide~~
509 ~~affordable housing.~~

510 ~~(7) Funding shall be targeted to innovative projects in~~
511 ~~areas where the disparity between the area median income and the~~
512 ~~median sales price for a single-family home is greatest, and~~
513 ~~where population growth as a percentage rate of increase is~~
514 ~~greatest. The corporation may also fund projects in areas where~~
515 ~~innovative regulatory and financial incentives are made~~
516 ~~available. The corporation shall fund at least one eligible~~
517 ~~project in as many counties and regions of the state as is~~
518 ~~practicable, consistent with program goals.~~

519 ~~(6)(8) Projects must be given shall receive priority~~
520 ~~consideration for funding if where:~~

521 ~~(a) the local jurisdiction has adopted, or is committed to~~
522 ~~adopting, appropriate regulatory incentives, ~~or the local~~~~
523 ~~jurisdiction or public-private partnership has adopted or is~~
524 ~~committed to adopting local contributions or financial~~
525 ~~strategies, or other funding sources to promote the development~~
526 ~~and ongoing financial viability of such projects. Local~~
527 ~~incentives include such actions as expediting review of~~
528 ~~development orders and permits, supporting development near~~
529 ~~transportation hubs and major employment centers, and adopting~~
530 ~~land development regulations designed to allow flexibility in~~
531 ~~densities, use of accessory units, mixed-use developments, and~~
532 ~~flexible lot configurations. Financial strategies include such~~
533 ~~actions as promoting employer-assisted housing programs,~~



105450

534 providing tax increment financing, and providing land.

535 ~~(b) Projects are innovative and include new construction or~~
536 ~~rehabilitation; mixed-income housing; commercial and housing~~
537 ~~mixed-use elements; innovative design; green building~~
538 ~~principles; storm-resistant construction; or other elements that~~
539 ~~reduce long-term costs relating to maintenance, utilities, or~~
540 ~~insurance and promote homeownership. The program funding may not~~
541 ~~exceed the costs attributable to the portion of the project that~~
542 ~~is set aside to provide housing for the targeted population.~~

543 ~~(c) Projects that set aside at least 80 percent of units~~
544 ~~for workforce housing and at least 50 percent for essential~~
545 ~~services personnel and for projects that require the least~~
546 ~~amount of program funding compared to the overall housing costs~~
547 ~~for the project.~~

548 ~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local~~
549 ~~government comprehensive plan amendment to implement a Community~~
550 ~~Workforce Housing Innovation Pilot Program project found~~
551 ~~consistent with this section shall be expedited as provided in~~
552 ~~this subsection. At least 30 days prior to adopting a plan~~
553 ~~amendment under this subsection, the local government shall~~
554 ~~notify the state land planning agency of its intent to adopt~~
555 ~~such an amendment, and the notice shall include its evaluation~~
556 ~~related to site suitability and availability of facilities and~~
557 ~~services. The public notice of the hearing required by s.~~
558 ~~163.3184(11)(b)2. shall include a statement that the local~~
559 ~~government intends to use the expedited adoption process~~
560 ~~authorized by this subsection. Such amendments shall require~~
561 ~~only a single public hearing before the governing board, which~~
562 ~~shall be an adoption hearing as described in s. 163.3184(4)(e).~~



105450

563 ~~Any further proceedings shall be governed by s. 163.3184(5)-~~
564 ~~(13).~~

565 ~~(10) The processing of approvals of development orders or~~
566 ~~development permits, as defined in s. 163.3164, for innovative~~
567 ~~community workforce housing projects shall be expedited.~~

568 ~~(7)(11) The corporation shall award loans with a 1 interest~~
569 ~~rates set at 1 to 3 percent interest rate for a term that does~~
570 ~~not exceed 15 years, which may be made forgivable when long-term~~
571 ~~affordability is provided and when at least 80 percent of the~~
572 ~~units are set aside for workforce housing and at least 50~~
573 ~~percent of the units are set aside for essential services~~
574 ~~personnel.~~

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

576 ~~(a) For home ownership, limit the sales price of a detached~~
577 ~~unit, townhome, or condominium unit to not more than 90 percent~~
578 ~~of the median sales price for that type of unit in that county,~~
579 ~~or the statewide median sales price for that type of unit,~~
580 ~~whichever is higher, and require that all eligible purchasers of~~
581 ~~home ownership units occupy the homes as their primary~~
582 ~~residence.~~

583 ~~(b) For rental units, restrict rents for all workforce~~
584 ~~housing serving those with incomes at or below 120 percent of~~
585 ~~area median income at the appropriate income level using the~~
586 ~~restricted rents for the federal low-income housing tax credit~~
587 ~~program and, for workforce housing units serving those with~~
588 ~~incomes above 120 percent of area median income, restrict rents~~
589 ~~to those established by the corporation, not to exceed 30~~
590 ~~percent of the maximum household income adjusted to unit size.~~

591 ~~(c) Demonstrate that the applicant is a public-private~~



105450

592 ~~partnership in an agreement, contract, partnership agreement,~~
593 ~~memorandum of understanding, or other written instrument signed~~
594 ~~by all the project partners.~~

595 ~~(d) Have grants, donations of land, or contributions from~~
596 ~~the public-private partnership or other sources collectively~~
597 ~~totaling at least 10 percent of the total development cost or \$2~~
598 ~~million, whichever is less. Such grants, donations of land, or~~
599 ~~contributions must be evidenced by a letter of commitment,~~
600 ~~agreement, contract, deed, memorandum of understanding, or other~~
601 ~~written instrument at the time of application. Grants, donations~~
602 ~~of land, or contributions in excess of 10 percent of the~~
603 ~~development cost shall increase the application score.~~

604 ~~(e) Demonstrate how the applicant will use the regulatory~~
605 ~~incentives and financial strategies outlined in subsection (8)~~
606 ~~from the local jurisdiction in which the proposed project is to~~
607 ~~be located. The corporation may consult with the Department of~~
608 ~~Economic Opportunity in evaluating the use of regulatory~~
609 ~~incentives by applicants.~~

610 ~~(f) Demonstrate that the applicant possesses title to or~~
611 ~~site control of land and evidences availability of required~~
612 ~~infrastructure.~~

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

615 ~~(h) Provide any research or facts available supporting the~~
616 ~~demand and need for rental or home ownership workforce housing~~
617 ~~for eligible persons in the market in which the project is~~
618 ~~proposed.~~

619 ~~(13) Projects may include manufactured housing constructed~~
620 ~~after June 1994 and installed in accordance with mobile home~~



105450

621 ~~installation standards of the Department of Highway Safety and~~
622 ~~Motor Vehicles.~~

623 ~~(8)~~~~(14)~~ The corporation may adopt rules pursuant to ss.
624 120.536(1) and 120.54 to implement this section.

625 ~~(15)~~ The corporation may use a maximum of 2 percent of the
626 annual program appropriation for administration and compliance
627 monitoring.

628 ~~(16)~~ The corporation shall review the success of the
629 Community Workforce Housing Innovation Pilot Program to
630 ascertain whether the projects financed by the program are
631 useful in meeting the housing needs of eligible areas and shall
632 include its findings in the annual report required under s.
633 420.511(3).

634 Section 16. Section 420.531, Florida Statutes, is amended
635 to read:

636 420.531 Affordable Housing Catalyst Program.—

637 (1) The corporation shall operate the Affordable Housing
638 Catalyst Program for the purpose of securing the expertise
639 necessary to provide specialized technical support to local
640 governments and community-based organizations to implement the
641 HOME Investment Partnership Program, State Apartment Incentive
642 Loan Program, State Housing Initiatives Partnership Program, and
643 other affordable housing programs. To the maximum extent
644 feasible, the entity to provide the necessary expertise must be
645 recognized by the Internal Revenue Service as a nonprofit tax-
646 exempt organization. It must have as its primary mission the
647 provision of affordable housing training and technical
648 assistance, an ability to provide training and technical
649 assistance statewide, and a proven track record of successfully



105450

650 providing training and technical assistance under the Affordable
651 Housing Catalyst Program. The technical support shall, at a
652 minimum, include training relating to the following key elements
653 of the partnership programs:

654 (a)~~(1)~~ Formation of local and regional housing partnerships
655 as a means of bringing together resources to provide affordable
656 housing.

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

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

661 (d)~~(4)~~ Compliance with requirements of federally funded
662 housing programs.

663 (2) In consultation with the corporation, the entity
664 providing statewide training and technical assistance shall
665 convene and administer biannual regional workshops for the
666 locally elected officials serving on affordable housing advisory
667 committees as provided in s. 420.9076. The regional workshops
668 may be conducted through teleconferencing or other technological
669 means and must include processes and programming that facilitate
670 peer-to-peer identification and sharing of best affordable
671 housing practices among the locally elected officials. Annually,
672 calendar year reports summarizing the deliberations, actions,
673 and recommendations of each region, as well as the attendance
674 records of locally elected officials, must be compiled by the
675 entity providing statewide training and technical assistance for
676 the Affordable Housing Catalyst Program and must be submitted to
677 the President of the Senate, the Speaker of the House of
678 Representatives, and the corporation by March 31 of the



105450

679 following year.

680 Section 17. Subsection (2) of section 420.9071, Florida
681 Statutes, is amended to read:

682 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
683 term:

684 (2) "Affordable" means that monthly rents or monthly
685 mortgage payments including taxes and insurance do not exceed 30
686 percent of that amount which represents the percentage of the
687 median annual gross income for the households as indicated in
688 subsection (19), subsection (20), or subsection (28). However,
689 it is not the intent to limit an individual household's ability
690 to devote more than 30 percent of its income for housing, and
691 housing for which a household devotes more than 30 percent of
692 its income shall be deemed affordable if the first institutional
693 mortgage lender is satisfied that the household can afford
694 mortgage payments in excess of the 30 percent benchmark. The
695 term also includes housing provided by a not-for-profit
696 corporation that derives at least 75 percent of its annual
697 revenues from contracts or services provided to a state or
698 federal agency for low-income persons and low-income households;
699 that provides supportive housing for persons who suffer from
700 mental health issues, substance abuse, or domestic violence; and
701 that provides on-premises social and community support services
702 relating to job training, life skills training, alcohol and
703 substance abuse disorder, child care, and client case
704 management.

705 Section 18. Paragraph (j) is added to subsection (10) of
706 section 420.9075, Florida Statutes, to read:

707 420.9075 Local housing assistance plans; partnerships.—



105450

708 (10) Each county or eligible municipality shall submit to
709 the corporation by September 15 of each year a report of its
710 affordable housing programs and accomplishments through June 30
711 immediately preceding submittal of the report. The report shall
712 be certified as accurate and complete by the local government's
713 chief elected official or his or her designee. Transmittal of
714 the annual report by a county's or eligible municipality's chief
715 elected official, or his or her designee, certifies that the
716 local housing incentive strategies, or, if applicable, the local
717 housing incentive plan, have been implemented or are in the
718 process of being implemented pursuant to the adopted schedule
719 for implementation. The report must include, but is not limited
720 to:

721 (j) The number of affordable housing applications
722 submitted, the number approved, and the number denied.

723 Section 19. Subsections (2) and (4) of section 420.9076,
724 Florida Statutes, are amended, and subsection (10) is added to
725 that section, to read:

726 420.9076 Adoption of affordable housing incentive
727 strategies; committees.—

728 (2) The governing board of a county or municipality shall
729 appoint the members of the affordable housing advisory
730 committee. Pursuant to the terms of any interlocal agreement, a
731 county and municipality may create and jointly appoint an
732 advisory committee. The local action adopted pursuant to s.
733 420.9072 which creates the advisory committee and appoints the
734 advisory committee members must name at least 8 but not more
735 than 11 committee members and specify their terms. Effective
736 October 1, 2020, the committee must consist of one locally



105450

737 elected official from each county or municipality participating
738 in the State Housing Initiatives Partnership Program and one
739 representative from at least six of the categories below:

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

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

744 (c) A citizen who is a representative of those areas of
745 labor actively engaged in home building in connection with
746 affordable housing.

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

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

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

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

755 (h) A citizen who actively serves on the local planning
756 agency pursuant to s. 163.3174. If the local planning agency is
757 comprised of the governing board of the county or municipality,
758 the governing board may appoint a designee who is knowledgeable
759 in the local planning process.

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

762 (j) A citizen who represents employers within the
763 jurisdiction.

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



105450

766 (4) Annually ~~Triennially~~, the advisory committee shall
767 review the established policies and procedures, ordinances, land
768 development regulations, and adopted local government
769 comprehensive plan of the appointing local government and shall
770 recommend specific actions or initiatives to encourage or
771 facilitate affordable housing while protecting the ability of
772 the property to appreciate in value. The recommendations may
773 include the modification or repeal of existing policies,
774 procedures, ordinances, regulations, or plan provisions; the
775 creation of exceptions applicable to affordable housing; or the
776 adoption of new policies, procedures, regulations, ordinances,
777 or plan provisions, including recommendations to amend the local
778 government comprehensive plan and corresponding regulations,
779 ordinances, and other policies. At a minimum, each advisory
780 committee shall submit an annual ~~a~~ report to the local governing
781 body and to the entity providing statewide training and
782 technical assistance for the Affordable Housing Catalyst Program
783 which ~~that~~ includes recommendations on, ~~and triennially~~
784 ~~thereafter evaluates~~ the implementation of, affordable housing
785 incentives in the following areas:

786 (a) The processing of approvals of development orders or
787 permits for affordable housing projects is expedited to a
788 greater degree than other projects, as provided in s.
789 163.3177(6)(f)3.

790 (b) All allowable fee waivers provided ~~The modification of~~
791 ~~impact-fee requirements, including reduction or waiver of fees~~
792 ~~and alternative methods of fee payment for~~ the development or
793 construction of affordable housing.

794 (c) The allowance of flexibility in densities for



105450

795 affordable housing.

796 (d) The reservation of infrastructure capacity for housing
797 for very-low-income persons, low-income persons, and moderate-
798 income persons.

799 (e) ~~The allowance of Affordable accessory residential units~~
800 ~~in residential zoning districts.~~

801 (f) The reduction of parking and setback requirements for
802 affordable housing.

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

805 (h) The modification of street requirements for affordable
806 housing.

807 (i) The establishment of a process by which a local
808 government considers, before adoption, policies, procedures,
809 ordinances, regulations, or plan provisions that increase the
810 cost of housing.

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

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

815
816 The advisory committee recommendations may also include other
817 affordable housing incentives identified by the advisory
818 committee. Local governments that receive the minimum allocation
819 under the State Housing Initiatives Partnership Program shall
820 perform an ~~the~~ initial review but may elect to not perform the
821 annual ~~triennial~~ review.

822 (10) The locally elected official serving on an advisory
823 committee, or a locally elected designee, must attend biannual



105450

824 regional workshops convened and administered under the
825 Affordable Housing Catalyst Program as provided in s.
826 420.531(2). If the locally elected official or a locally elected
827 designee fails to attend three consecutive regional workshops,
828 the corporation may withhold funds pending the person's
829 attendance at the next regularly scheduled biannual meeting.

830 Section 20. Subsection (18) of section 553.791, Florida
831 Statutes, is amended to read:

832 553.791 Alternative plans review and inspection.—

833 (18) Each local building code enforcement agency may audit
834 the performance of building code inspection services by private
835 providers operating within the local jurisdiction. However, the
836 same private provider may not be audited more than four times in
837 a month ~~calendar year~~ unless the local building official
838 determines a condition of a building constitutes an immediate
839 threat to public safety and welfare. Work on a building or
840 structure may proceed after inspection and approval by a private
841 provider if the provider has given notice of the inspection
842 pursuant to subsection (9) and, subsequent to such inspection
843 and approval, the work shall not be delayed for completion of an
844 inspection audit by the local building code enforcement agency.

845 Section 21. Subsection (4) of section 723.011, Florida
846 Statutes, is amended to read:

847 723.011 Disclosure prior to rental of a mobile home lot;
848 prospectus, filing, approval.—

849 (4) With regard to a tenancy in existence on the effective
850 date of this chapter, the prospectus or offering circular
851 offered by the mobile home park owner must ~~shall~~ contain the
852 same terms and conditions as rental agreements offered to all



105450

853 other mobile home owners residing in the park on the effective
854 date of this act, excepting only rent variations based upon lot
855 location and size, and may ~~shall~~ not require any mobile home
856 owner to install any permanent improvements, except that the
857 mobile home owner may be required to install permanent
858 improvements to the mobile home as disclosed in the prospectus.

859 Section 22. Subsection (5) of section 723.012, Florida
860 Statutes, is amended to read:

861 723.012 Prospectus or offering circular.—The prospectus or
862 offering circular, which is required to be provided by s.
863 723.011, must contain the following information:

864 (5) A description of the recreational and other common
865 facilities, if any, that will be used by the mobile home owners,
866 including, but not limited to:

867 (a) The number of buildings and each room thereof and its
868 intended purposes, location, approximate floor area, and
869 capacity in numbers of people.

870 (b) Each swimming pool, as to its general location,
871 approximate size and depths, and approximate deck size and
872 capacity and whether heated.

873 (c) All other facilities and permanent improvements that
874 ~~which~~ will serve the mobile home owners.

875 (d) A general description of the items of personal property
876 available for use by the mobile home owners.

877 (e) A general description of the days and hours that
878 facilities will be available for use.

879 (f) A statement as to whether all improvements are complete
880 and, if not, their estimated completion dates.

881



105450

882 If a mobile home park owner intends to include additional
883 property and mobile home lots and to increase the number of lots
884 that will use the shared facilities of the park, the mobile home
885 park owner must amend the prospectus to disclose such additions.
886 If the number of mobile home lots in the park increases by more
887 than 15 percent of the total number of lots in the original
888 prospectus, the mobile home park owner must reasonably offset
889 the impact of the additional lots by increasing the shared
890 facilities. The amendment to the prospectus must include a
891 reasonable timeframe for providing the required additional
892 shared facilities. The costs and expenses necessary to increase
893 the shared facilities may not be passed on or passed through to
894 the existing mobile home owners.

895 Section 23. Section 723.023, Florida Statutes, is amended
896 to read:

897 723.023 Mobile home owner's general obligations.—A mobile
898 home owner shall ~~at all times~~:

899 (1) At all times comply with all obligations imposed on
900 mobile home owners by applicable provisions of building,
901 housing, and health codes, including compliance with all
902 building permits and construction requirements for construction
903 on the mobile home and lot. The home owner is responsible for
904 all fines imposed by the local government for noncompliance with
905 any local codes.

906 (2) At all times keep the mobile home lot that ~~which~~ he or
907 she occupies clean, neat, and sanitary, and maintained in
908 compliance with all local codes.

909 (3) At all times comply with properly promulgated park
910 rules and regulations and require other persons on the premises



105450

911 with his or her consent to comply with such rules and to conduct
912 themselves, and other persons on the premises with his or her
913 consent, in a manner that does not unreasonably disturb other
914 residents of the park or constitute a breach of the peace.

915 (4) Receive written approval from the mobile home park
916 owner before making any exterior modification or addition to the
917 home.

918 (5) When vacating the premises, remove any debris and other
919 property of any kind which is left on the mobile home lot.

920 Section 24. Subsection (5) of section 723.031, Florida
921 Statutes, is amended to read:

922 723.031 Mobile home lot rental agreements.-

923 (5) The rental agreement must ~~shall~~ contain the lot rental
924 amount and services included. An increase in lot rental amount
925 upon expiration of the term of the lot rental agreement must
926 ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s.
927 723.059(4), whichever is applicable; ~~it~~ provided that, pursuant to
928 s. 723.059(4), the amount of the lot rental increase is
929 disclosed and agreed to by the purchaser, in writing. An
930 increase in lot rental amount shall not be arbitrary or
931 discriminatory between similarly situated tenants in the park. A
932 lot rental amount may not be increased during the term of the
933 lot rental agreement, except:

934 (a) When the manner of the increase is disclosed in a lot
935 rental agreement with a term exceeding 12 months and which
936 provides for such increases not more frequently than annually.

937 (b) For pass-through charges as defined in s. 723.003.

938 (c) That a charge may not be collected which results in
939 payment of money for sums previously collected as part of the



105450

940 lot rental amount. The provisions hereof notwithstanding, the
941 mobile home park owner may pass on, at any time during the term
942 of the lot rental agreement, ad valorem property taxes, non-ad
943 valorem assessments, and utility charges, or increases of
944 either, provided that the ad valorem property taxes, non-ad
945 valorem assessments, and utility charges are not otherwise being
946 collected in the remainder of the lot rental amount and provided
947 further that the passing on of such ad valorem taxes, non-ad
948 valorem assessments, or utility charges, or increases of either,
949 was disclosed prior to tenancy, was being passed on as a matter
950 of custom between the mobile home park owner and the mobile home
951 owner, or such passing on was authorized by law. A park owner is
952 deemed to have disclosed the passing on of ad valorem property
953 taxes and non-ad valorem assessments if ad valorem property
954 taxes or non-ad valorem assessments were disclosed as a separate
955 charge or a factor for increasing the lot rental amount in the
956 prospectus or rental agreement. Such ad valorem taxes, non-ad
957 valorem assessments, and utility charges shall be a part of the
958 lot rental amount as defined by this chapter. The term "non-ad
959 valorem assessments" has the same meaning as provided in s.
960 197.3632(1)(d). Other provisions of this chapter
961 notwithstanding, pass-on charges may be passed on only within 1
962 year of the date a mobile home park owner remits payment of the
963 charge. A mobile home park owner is prohibited from passing on
964 any fine, interest, fee, or increase in a charge resulting from
965 a park owner's payment of the charge after the date such charges
966 become delinquent. A mobile home park owner is prohibited from
967 charging or collecting from the mobile home owners any sum for
968 ad valorem taxes or non-ad valorem tax charges in an amount in



105450

969 excess of the sums remitted by the park owner to the tax
970 collector. Nothing herein shall prohibit a park owner and a
971 homeowner from mutually agreeing to an alternative manner of
972 payment to the park owner of the charges.

973 (d) If a notice of increase in lot rental amount is not
974 given 90 days before the renewal date of the rental agreement,
975 the rental agreement must remain under the same terms until a
976 90-day notice of increase in lot rental amount is given. The
977 notice may provide for a rental term shorter than 1 year in
978 order to maintain the same renewal date.

979 Section 25. Subsection (1) and paragraph (a) of subsection
980 (4) of section 723.037, Florida Statutes, are amended to read:

981 723.037 Lot rental increases; reduction in services or
982 utilities; change in rules and regulations; mediation.—

983 (1) A park owner shall give written notice to each affected
984 mobile home owner and the board of directors of the homeowners'
985 association, if one has been formed, at least 90 days before any
986 increase in lot rental amount or reduction in services or
987 utilities provided by the park owner or change in rules and
988 regulations. The park owner may give notice of all increases in
989 lot rental amount for multiple anniversary dates in the same 90-
990 day notice. The notice must ~~shall~~ identify all other affected
991 homeowners, which may be by lot number, name, group, or phase.
992 If the affected homeowners are not identified by name, the park
993 owner shall make the names and addresses available upon request.
994 However, this requirement does not authorize the release of the
995 names, addresses, or other private information about the
996 homeowners to the association or any other person for any other
997 purpose. The home owner's right to the 90-day notice may not be



105450

998 waived or precluded by a home owner, or the homeowners'
999 committee, in an agreement with the park owner. Rules adopted as
1000 a result of restrictions imposed by governmental entities and
1001 required to protect the public health, safety, and welfare may
1002 be enforced prior to the expiration of the 90-day period but are
1003 not otherwise exempt from the requirements of this chapter.
1004 Pass-through charges must be separately listed as to the amount
1005 of the charge, the name of the governmental entity mandating the
1006 capital improvement, and the nature or type of the pass-through
1007 charge being levied. Notices of increase in the lot rental
1008 amount due to a pass-through charge must ~~shall~~ state the
1009 additional payment and starting and ending dates of each pass-
1010 through charge. The homeowners' association shall have no
1011 standing to challenge the increase in lot rental amount,
1012 reduction in services or utilities, or change of rules and
1013 regulations unless a majority of the affected homeowners agree,
1014 in writing, to such representation.

1015 (4) (a) A committee, not to exceed five in number,
1016 designated by a majority of the affected mobile home owners or
1017 by the board of directors of the homeowners' association, if
1018 applicable, and the park owner shall meet, at a mutually
1019 convenient time and place no later than 60 days before the
1020 effective date of the change to discuss the reasons for the
1021 increase in lot rental amount, reduction in services or
1022 utilities, or change in rules and regulations. The negotiating
1023 committee shall make a written request for a meeting with the
1024 park owner or subdivision developer to discuss those matters
1025 addressed in the 90-day notice, and may include in the request a
1026 listing of any other issue, with supporting documentation, that



105450

1027 the committee intends to raise and discuss at the meeting. The
1028 committee shall address all lot rental amount increases that are
1029 specified in the notice of lot rental amount increase,
1030 regardless of the effective date of the increase.

1031
1032 This subsection is not intended to be enforced by civil or
1033 administrative action. Rather, the meetings and discussions are
1034 intended to be in the nature of settlement discussions prior to
1035 the parties proceeding to mediation of any dispute.

1036 Section 26. Subsections (5) and (6) are added to section
1037 723.041, Florida Statutes, to read:

1038 723.041 Entrance fees; refunds; exit fees prohibited;
1039 replacement homes.—

1040 (5) A mobile home park that is damaged or destroyed due to
1041 wind, water, or other natural force may be rebuilt on the same
1042 site with the same density as was approved, permitted, and built
1043 before the park was damaged or destroyed.

1044 (6) This section does not limit the regulation of the
1045 uniform firesafety standards established under s. 633.206, but
1046 supersedes any other density, separation, setback, or lot size
1047 regulation adopted after initial permitting and construction of
1048 the mobile home park.

1049 Section 27. Section 723.042, Florida Statutes, is amended
1050 to read:

1051 723.042 Provision of improvements.—A No person may not
1052 ~~shall~~ be required by a mobile home park owner or developer, as a
1053 condition of residence in the mobile home park, to provide any
1054 improvement unless the requirement is disclosed pursuant to s.
1055 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home



105450

1056 park.

1057 Section 28. Section 723.059, Florida Statutes, is amended
1058 to read:

1059 723.059 ~~Rights of Purchaser of a mobile home within a~~
1060 mobile home park.—

1061 (1) The purchaser of a mobile home within a mobile home
1062 park may become a tenant of the park if such purchaser would
1063 otherwise qualify with the requirements of entry into the park
1064 under the park rules and regulations, subject to the approval of
1065 the park owner, but such approval may not be unreasonably
1066 withheld. The purchaser of the mobile home may cancel or rescind
1067 the contract for purchase of the mobile home if the purchaser's
1068 tenancy has not been approved by the park owner 5 days before
1069 the closing of the purchase.

1070 (2) Properly promulgated rules may provide for the
1071 screening of any prospective purchaser to determine whether or
1072 not such purchaser is qualified to become a tenant of the park.

1073 (3) The purchaser of a mobile home who intends to become
1074 ~~becomes~~ a resident of the mobile home park in accordance with
1075 this section has the right to assume the remainder of the term
1076 of any rental agreement then in effect between the mobile home
1077 park owner and the seller and may assume the seller's
1078 prospectus. However, nothing herein shall prohibit a mobile home
1079 park owner from offering the purchaser of a mobile home any
1080 approved prospectus shall be entitled to rely on the terms and
1081 conditions of the prospectus or offering circular as delivered
1082 to the initial recipient.

1083 (4) However, nothing herein shall be construed to prohibit
1084 a mobile home park owner from increasing the rental amount to be



105450

1085 paid by the purchaser upon the expiration of the assumed rental
1086 agreement in an amount deemed appropriate by the mobile home
1087 park owner, so long as such increase is disclosed to the
1088 purchaser prior to his or her occupancy and is imposed in a
1089 manner consistent with the purchaser's initial offering circular
1090 ~~or~~ prospectus and this act.

1091 (5) Lifetime leases and the renewal provisions in
1092 automatically renewable leases, both those existing and those
1093 entered into after July 1, 1986, are not assumable unless
1094 otherwise provided in the mobile home lot rental agreement or
1095 unless the transferee is the home owner's spouse. The right to
1096 an assumption of the lease by a spouse may be exercised only one
1097 time during the term of that lease.

1098 Section 29. Paragraph (d) of subsection (1) of section
1099 723.061, Florida Statutes, is amended, and subsection (5) is
1100 added to that section, to read:

1101 723.061 Eviction; grounds, proceedings.—

1102 (1) A mobile home park owner may evict a mobile home owner,
1103 a mobile home tenant, a mobile home occupant, or a mobile home
1104 only on one or more of the following grounds:

1105 (d) Change in use of the land comprising the mobile home
1106 park, or the portion thereof from which mobile homes are to be
1107 evicted, from mobile home lot rentals to some other use, if:

1108 1. The park owner gives written notice to the homeowners'
1109 association formed and operating under ss. 723.075-723.079 of
1110 its right to purchase the mobile home park, if the land
1111 comprising the mobile home park is changing use from mobile home
1112 lot rentals to a different use, at the price and under the terms
1113 and conditions set forth in the written notice.



105450

1114 a. The notice shall be delivered to the officers of the
1115 homeowners' association by United States mail. Within 45 days
1116 after the date of mailing of the notice, the homeowners'
1117 association may execute and deliver a contract to the park owner
1118 to purchase the mobile home park at the price and under the
1119 terms and conditions set forth in the notice. If the contract
1120 between the park owner and the homeowners' association is not
1121 executed and delivered to the park owner within the 45-day
1122 period, the park owner is under no further obligation to the
1123 homeowners' association except as provided in sub-subparagraph
1124 b.

1125 b. If the park owner elects to offer or sell the mobile
1126 home park at a price lower than the price specified in her or
1127 his initial notice to the officers of the homeowners'
1128 association, the homeowners' association has an additional 10
1129 days to meet the revised price, terms, and conditions of the
1130 park owner by executing and delivering a revised contract to the
1131 park owner.

1132 c. The park owner is not obligated under this subparagraph
1133 or s. 723.071 to give any other notice to, or to further
1134 negotiate with, the homeowners' association for the sale of the
1135 mobile home park to the homeowners' association after 6 months
1136 after the date of the mailing of the initial notice under sub-
1137 subparagraph a.

1138 2. The park owner gives the affected mobile home owners and
1139 tenants at least 6 months' notice of the eviction due to the
1140 projected change in use and of their need to secure other
1141 accommodations. Within 20 days after giving an eviction notice
1142 to a mobile home owner, the park owner must provide the division



105450

1143 with a copy of the notice. The division must provide the
1144 executive director of the Florida Mobile Home Relocation
1145 Corporation with a copy of the notice.

1146 a. The notice of eviction due to a change in use of the
1147 land must include in a font no smaller than the body of the
1148 notice the following statement:

1149
1150 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME
1151 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME
1152 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS
1153 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND
1154 PROFESSIONAL REGULATION.

1155
1156 b. The park owner may not give a notice of increase in lot
1157 rental amount within 90 days before giving notice of a change in
1158 use.

1159 (5) A park owner who accepts payment of any portion of the
1160 lot rental amount with actual knowledge of noncompliance after
1161 notice and termination of the rental agreement due to a
1162 violation under paragraph (1)(b), paragraph (1)(c), or paragraph
1163 (1)(e) does not waive the right to terminate the rental
1164 agreement or the right to bring a civil action for the
1165 noncompliance, but not for any subsequent or continuing
1166 noncompliance. Any rent so received must be accounted for at the
1167 final hearing.

1168 Section 30. Subsection (1) of section 723.076, Florida
1169 Statutes, is amended to read:

1170 723.076 Incorporation; notification of park owner.—

1171 (1) Upon receipt of its certificate of incorporation, the



105450

1172 homeowners' association shall notify the park owner in writing
1173 of such incorporation and shall advise the park owner of the
1174 names and addresses of the officers of the homeowners'
1175 association by personal delivery upon the park owner's
1176 representative as designated in the prospectus or by certified
1177 mail, return receipt requested. Thereafter, the homeowners'
1178 association shall notify the park owner in writing by certified
1179 mail, return receipt requested, of any change of names and
1180 addresses of its president or registered agent. Upon election or
1181 appointment of new officers or board members, the homeowners'
1182 association shall notify the park owner in writing by certified
1183 mail, return receipt requested, of the names and addresses of
1184 the new officers or board members.

1185 Section 31. Paragraphs (b) through (e) of subsection (2) of
1186 section 723.078, Florida Statutes, are amended, and paragraph
1187 (i) of that subsection is reenacted, to read:

1188 723.078 Bylaws of homeowners' associations.-

1189 (2) The bylaws shall provide and, if they do not, shall be
1190 deemed to include, the following provisions:

1191 (b) *Quorum; voting requirements; proxies.*-

1192 1. Unless otherwise provided in the bylaws, 30 percent of
1193 the total membership is required to constitute a quorum.

1194 Decisions shall be made by a majority of members represented at
1195 a meeting at which a quorum is present.

1196 2.a. A member may not vote by general proxy but may vote by
1197 limited proxies substantially conforming to a limited proxy form
1198 adopted by the division. Limited proxies and general proxies may
1199 be used to establish a quorum. Limited proxies may be used for
1200 votes taken to amend the articles of incorporation or bylaws



105450

1201 pursuant to this section, and any other matters for which this
1202 chapter requires or permits a vote of members. A, except that no
1203 proxy, limited or general, may not be used in the election of
1204 board members in general elections or elections to fill
1205 vacancies caused by recall, resignation, or otherwise. Board
1206 members must be elected by written ballot or by voting in
1207 person. If a mobile home or subdivision lot is owned jointly,
1208 the owners of the mobile home or subdivision lot must be counted
1209 as one for the purpose of determining the number of votes
1210 required for a majority. Only one vote per mobile home or
1211 subdivision lot shall be counted. Any number greater than 50
1212 percent of the total number of votes constitutes a majority.
1213 Notwithstanding this section, members may vote in person at
1214 member meetings or by secret ballot, including absentee ballots,
1215 as defined by the division.

1216 b. Elections shall be decided by a plurality of the ballots
1217 cast. There is no quorum requirement; however, at least 20
1218 percent of the eligible voters must cast a ballot in order to
1219 have a valid election. A member may not allow any other person
1220 to cast his or her ballot, and any ballots improperly cast are
1221 invalid. An election is not required unless there are more
1222 candidates nominated than vacancies that exist on the board.

1223 c. Each member or other eligible person who desires to be a
1224 candidate for the board of directors shall appear on the ballot
1225 in alphabetical order by surname. A ballot may not indicate if
1226 any of the candidates are incumbent on the board. All ballots
1227 must be uniform in appearance. Write-in candidates and more than
1228 one vote per candidate per ballot are not allowed. A ballot may
1229 not provide a space for the signature of, or any other means of



105450

1230 identifying, a voter. If a ballot contains more votes than
1231 vacancies or fewer votes than vacancies, the ballot is invalid
1232 unless otherwise stated in the bylaws.

1233 d. An impartial committee shall be responsible for
1234 overseeing the election process and complying with all ballot
1235 requirements. For purposes of this section, the term "impartial
1236 committee" means a committee whose members do not include any of
1237 the following people or their spouses:

1238 (I) Current board members.

1239 (II) Current association officers.

1240 (III) Candidates for the association or board.

1241 e. The association bylaws shall provide a method for
1242 determining the winner of an election in which two or more
1243 candidates for the same position receive the same number of
1244 votes.

1245 f. The division shall adopt procedural rules to govern
1246 elections, including, but not limited to, rules for providing
1247 notice by electronic transmission and rules for maintaining the
1248 secrecy of ballots.

1249 3. A proxy is effective only for the specific meeting for
1250 which originally given and any lawfully adjourned meetings
1251 thereof. In no event shall any proxy be valid for a period
1252 longer than 90 days after the date of the first meeting for
1253 which it was given. Every proxy shall be revocable at any time
1254 at the pleasure of the member executing it.

1255 4. A member of the board of directors or a committee may
1256 submit in writing his or her agreement or disagreement with any
1257 action taken at a meeting that the member did not attend. This
1258 agreement or disagreement may not be used as a vote for or



105450

1259 against the action taken and may not be used for the purposes of
1260 creating a quorum.

1261 (c) *Board of directors' and committee meetings.*—

1262 1. Meetings of the board of directors and meetings of its
1263 committees at which a quorum is present shall be open to all
1264 members. Notwithstanding any other provision of law, the
1265 requirement that board meetings and committee meetings be open
1266 to the members does not apply to meetings between the park owner
1267 and the board of directors or any of the board's committees,
1268 board or committee meetings held for the purpose of discussing
1269 personnel matters, or meetings between the board or a committee
1270 and the association's attorney, with respect to potential or
1271 pending litigation, when ~~where~~ the meeting is held for the
1272 purpose of seeking or rendering legal advice, and when ~~where~~ the
1273 contents of the discussion would otherwise be governed by the
1274 attorney-client privilege. Notice of all meetings open to
1275 members shall be posted in a conspicuous place upon the park
1276 property at least 48 hours in advance, except in an emergency.
1277 Notice of any meeting in which dues ~~assessments against members~~
1278 are to be considered for any reason shall specifically contain a
1279 statement that dues ~~assessments~~ will be considered and the
1280 nature of such dues ~~assessments~~.

1281 2. A board or committee member's participation in a meeting
1282 via telephone, real-time videoconferencing, or similar real-time
1283 telephonic, electronic, or video communication counts toward a
1284 quorum, and such member may vote as if physically present. A
1285 speaker shall be used so that the conversation of those board or
1286 committee members attending by telephone may be heard by the
1287 board or committee members attending in person, as well as by



105450

1288 members present at a meeting.

1289 3. Members of the board of directors may use e-mail as a
1290 means of communication but may not cast a vote on an association
1291 matter via e-mail.

1292 4. The right to attend meetings of the board of directors
1293 and its committees includes the right to speak at such meetings
1294 with reference to all designated agenda items. The association
1295 may adopt reasonable written rules governing the frequency,
1296 duration, and manner of members' statements. Any item not
1297 included on the notice may be taken up on an emergency basis by
1298 at least a majority plus one of the members of the board. Such
1299 emergency action shall be noticed and ratified at the next
1300 regular meeting of the board. Any member may tape record or
1301 videotape meetings of the board of directors and its committees,
1302 except meetings between the board of directors or its appointed
1303 homeowners' committee and the park owner. The division shall
1304 adopt reasonable rules governing the tape recording and
1305 videotaping of the meeting.

1306 5. Except as provided in paragraph (i), a vacancy occurring
1307 on the board of directors may be filled by the affirmative vote
1308 of the majority of the remaining directors, even though the
1309 remaining directors constitute less than a quorum; by the sole
1310 remaining director; if the vacancy is not so filled or if no
1311 director remains, by the members; or, on the application of any
1312 person, by the circuit court of the county in which the
1313 registered office of the corporation is located.

1314 6. The term of a director elected or appointed to fill a
1315 vacancy expires at the next annual meeting at which directors
1316 are elected. A directorship to be filled by reason of an



105450

1317 increase in the number of directors may be filled by the board
1318 of directors, but only for the term of office continuing until
1319 the next election of directors by the members.

1320 7. A vacancy that will occur at a specific later date, by
1321 reason of a resignation effective at a later date, may be filled
1322 before the vacancy occurs. However, the new director may not
1323 take office until the vacancy occurs.

1324 8.a. The officers and directors of the association have a
1325 fiduciary relationship to the members.

1326 b. A director and committee member shall discharge his or
1327 her duties in good faith, with the care an ordinarily prudent
1328 person in a like position would exercise under similar
1329 circumstances, and in a manner he or she reasonably believes to
1330 be in the best interests of the corporation.

1331 9. In discharging his or her duties, a director may rely on
1332 information, opinions, reports, or statements, including
1333 financial statements and other financial data, if prepared or
1334 presented by:

1335 a. One or more officers or employees of the corporation who
1336 the director reasonably believes to be reliable and competent in
1337 the matters presented;

1338 b. Legal counsel, public accountants, or other persons as
1339 to matters the director reasonably believes are within the
1340 persons' professional or expert competence; or

1341 c. A committee of the board of directors of which he or she
1342 is not a member if the director reasonably believes the
1343 committee merits confidence.

1344 10. A director is not acting in good faith if he or she has
1345 knowledge concerning the matter in question that makes reliance



105450

1346 otherwise permitted by subparagraph 9. unwarranted.

1347 11. A director is not liable for any action taken as a
1348 director, or any failure to take any action, if he or she
1349 performed the duties of his or her office in compliance with
1350 this section.

1351 (d) *Member meetings.*—Members shall meet at least once each
1352 calendar year, and the meeting shall be the annual meeting. All
1353 members of the board of directors shall be elected at the annual
1354 meeting unless the bylaws provide for staggered election terms
1355 or for their election at another meeting. The bylaws shall not
1356 restrict any member desiring to be a candidate for board
1357 membership from being nominated from the floor. All nominations
1358 from the floor must be made at a duly noticed meeting of the
1359 members held at least 27 ~~30~~ days before the annual meeting. The
1360 bylaws shall provide the method for calling the meetings of the
1361 members, including annual meetings. The method shall provide at
1362 least 14 days' written notice to each member in advance of the
1363 meeting and require the posting in a conspicuous place on the
1364 park property of a notice of the meeting at least 14 days prior
1365 to the meeting. The right to receive written notice of
1366 membership meetings may be waived in writing by a member. Unless
1367 waived, the notice of the annual meeting shall be mailed, hand
1368 delivered, or electronically transmitted to each member, and
1369 shall constitute notice. Unless otherwise stated in the bylaws,
1370 an officer of the association shall provide an affidavit
1371 affirming that the notices were mailed, ~~or~~ hand delivered, or
1372 provided by electronic transmission in accordance with ~~the~~
1373 ~~provisions of~~ this section to each member at the address last
1374 furnished to the corporation. These meeting requirements do not



105450

1375 prevent members from waiving notice of meetings or from acting
1376 by written agreement without meetings, if allowed by the bylaws.

1377 (e) *Minutes of meetings.*—

1378 1. Notwithstanding any other provision of law, the minutes
1379 of board or committee meetings that are closed to members are
1380 privileged and confidential and are not available for inspection
1381 or photocopying.

1382 2. Minutes of all meetings of members of an association and
1383 meetings open to members of, the board of directors, and a
1384 committee of the board must be maintained in written form and
1385 approved by the members, board, or committee, as applicable. A
1386 vote or abstention from voting on each matter voted upon for
1387 each director present at a board meeting must be recorded in the
1388 minutes.

1389 ~~3.2.~~ All approved minutes of open meetings of members,
1390 committees, and the board of directors shall be kept in a
1391 businesslike manner and shall be available for inspection by
1392 members, or their authorized representatives, and board members
1393 at reasonable times. The association shall retain these minutes
1394 within this state for ~~a period of~~ at least 5 7 years.

1395 (i) *Recall of board members.*—Any member of the board of
1396 directors may be recalled and removed from office with or
1397 without cause by the vote of or agreement in writing by a
1398 majority of all members. A special meeting of the members to
1399 recall a member or members of the board of directors may be
1400 called by 10 percent of the members giving notice of the meeting
1401 as required for a meeting of members, and the notice shall state
1402 the purpose of the meeting. Electronic transmission may not be
1403 used as a method of giving notice of a meeting called in whole



105450

1404 or in part for this purpose.

1405 1. If the recall is approved by a majority of all members
1406 by a vote at a meeting, the recall is effective as provided in
1407 this paragraph. The board shall duly notice and hold a board
1408 meeting within 5 full business days after the adjournment of the
1409 member meeting to recall one or more board members. At the
1410 meeting, the board shall either certify the recall, in which
1411 case such member or members shall be recalled effective
1412 immediately and shall turn over to the board within 5 full
1413 business days any and all records and property of the
1414 association in their possession, or shall proceed under
1415 subparagraph 3.

1416 2. If the proposed recall is by an agreement in writing by
1417 a majority of all members, the agreement in writing or a copy
1418 thereof shall be served on the association by certified mail or
1419 by personal service in the manner authorized by chapter 48 and
1420 the Florida Rules of Civil Procedure. The board of directors
1421 shall duly notice and hold a meeting of the board within 5 full
1422 business days after receipt of the agreement in writing. At the
1423 meeting, the board shall either certify the written agreement to
1424 recall members of the board, in which case such members shall be
1425 recalled effective immediately and shall turn over to the board,
1426 within 5 full business days, any and all records and property of
1427 the association in their possession, or shall proceed as
1428 described in subparagraph 3.

1429 3. If the board determines not to certify the written
1430 agreement to recall members of the board, or does not certify
1431 the recall by a vote at a meeting, the board shall, within 5
1432 full business days after the board meeting, file with the



105450

1433 division a petition for binding arbitration pursuant to the
1434 procedures of s. 723.1255. For purposes of this paragraph, the
1435 members who voted at the meeting or who executed the agreement
1436 in writing shall constitute one party under the petition for
1437 arbitration. If the arbitrator certifies the recall of a member
1438 of the board, the recall shall be effective upon mailing of the
1439 final order of arbitration to the association. If the
1440 association fails to comply with the order of the arbitrator,
1441 the division may take action under s. 723.006. A member so
1442 recalled shall deliver to the board any and all records and
1443 property of the association in the member's possession within 5
1444 full business days after the effective date of the recall.

1445 4. If the board fails to duly notice and hold a board
1446 meeting within 5 full business days after service of an
1447 agreement in writing or within 5 full business days after the
1448 adjournment of the members' recall meeting, the recall shall be
1449 deemed effective and the board members so recalled shall
1450 immediately turn over to the board all records and property of
1451 the association.

1452 5. If the board fails to duly notice and hold the required
1453 meeting or fails to file the required petition, the member's
1454 representative may file a petition pursuant to s. 723.1255
1455 challenging the board's failure to act. The petition must be
1456 filed within 60 days after expiration of the applicable 5-full-
1457 business-day period. The review of a petition under this
1458 subparagraph is limited to the sufficiency of service on the
1459 board and the facial validity of the written agreement or
1460 ballots filed.

1461 6. If a vacancy occurs on the board as a result of a recall



105450

1462 and less than a majority of the board members are removed, the
1463 vacancy may be filled by the affirmative vote of a majority of
1464 the remaining directors, notwithstanding any other provision of
1465 this chapter. If vacancies occur on the board as a result of a
1466 recall and a majority or more of the board members are removed,
1467 the vacancies shall be filled in accordance with procedural
1468 rules to be adopted by the division, which rules need not be
1469 consistent with this chapter. The rules must provide procedures
1470 governing the conduct of the recall election as well as the
1471 operation of the association during the period after a recall
1472 but before the recall election.

1473 7. A board member who has been recalled may file a petition
1474 pursuant to s. 723.1255 challenging the validity of the recall.
1475 The petition must be filed within 60 days after the recall is
1476 deemed certified. The association and the member's
1477 representative shall be named as the respondents.

1478 8. The division may not accept for filing a recall
1479 petition, whether or not filed pursuant to this subsection, and
1480 regardless of whether the recall was certified, when there are
1481 60 or fewer days until the scheduled reelection of the board
1482 member sought to be recalled or when 60 or fewer days have not
1483 elapsed since the election of the board member sought to be
1484 recalled.

1485 Section 32. Paragraphs (d) and (f) through (i) of
1486 subsection (4) and subsection (5) of section 723.079, Florida
1487 Statutes, are amended to read:

1488 723.079 Powers and duties of homeowners' association.—

1489 (4) The association shall maintain the following items,
1490 when applicable, which constitute the official records of the



105450

1491 association:

1492 (d) The approved minutes of all meetings of the members of
1493 an association and meetings open for members of, the board of
1494 directors, and committees of the board, which minutes must be
1495 retained within this ~~the~~ state for at least 5 ~~7~~ years.

1496 (f) All of the association's insurance policies or copies
1497 thereof, which must be retained within this state for at least 5
1498 7 years after the expiration date of the policy.

1499 (g) A copy of all contracts or agreements to which the
1500 association is a party, including, without limitation, any
1501 written agreements with the park owner, lease, or other
1502 agreements or contracts under which the association or its
1503 members has any obligation or responsibility, which must be
1504 retained within this state for at least 5 ~~7~~ years after the
1505 expiration date of the contract or agreement.

1506 (h) The financial and accounting records of the
1507 association, kept according to good accounting practices. All
1508 financial and accounting records must be maintained within this
1509 state for a ~~period of~~ at least 5 ~~7~~ years. The financial and
1510 accounting records must include:

1511 1. Accurate, itemized, and detailed records of all receipts
1512 and expenditures.

1513 2. A current account and a periodic statement of the
1514 account for each member, designating the name and current
1515 address of each member who is obligated to pay dues or
1516 assessments, the due date and amount of each assessment or other
1517 charge against the member, the date and amount of each payment
1518 on the account, and the balance due.

1519 3. All tax returns, financial statements, and financial



105450

1520 reports of the association.

1521 4. Any other records that identify, measure, record, or
1522 communicate financial information.

1523 (i) All other written records of the association not
1524 specifically included in the foregoing which are related to the
1525 operation of the association must be retained within this state
1526 for at least 5 years or at least 5 years after the expiration
1527 date, as applicable.

1528 (5) The official records shall be ~~maintained within the~~
1529 ~~state for at least 7 years and shall be~~ made available to a
1530 member for inspection or photocopying within 20 ~~10~~ business days
1531 after receipt by the board or its designee of a written request
1532 submitted by certified mail, return receipt requested. The
1533 requirements of this subsection are satisfied by having a copy
1534 of the official records available for inspection or copying in
1535 the park or, at the option of the association, by making the
1536 records available to a member electronically via the Internet or
1537 by allowing the records to be viewed in electronic format on a
1538 computer screen and printed upon request. If the association has
1539 a photocopy machine available where the records are maintained,
1540 it must provide a member with copies on request during the
1541 inspection if the entire request is no more than 25 pages. An
1542 association shall allow a member or his or her authorized
1543 representative to use a portable device, including a smartphone,
1544 tablet, portable scanner, or any other technology capable of
1545 scanning or taking photographs, to make an electronic copy of
1546 the official records in lieu of the association's providing the
1547 member or his or her authorized representative with a copy of
1548 such records. The association may not charge a fee to a member



105450

1549 or his or her authorized representative for the use of a
1550 portable device.

1551 (a) The failure of an association to provide access to the
1552 records within 20 ~~10~~ business days after receipt of a written
1553 request submitted by certified mail, return receipt requested,
1554 creates a rebuttable presumption that the association willfully
1555 failed to comply with this subsection.

1556 (b) A member who is denied access to official records is
1557 entitled to ~~the actual damages or minimum~~ damages for the
1558 association's willful failure to comply with this subsection in
1559 the amount of. ~~The minimum damages are to be~~ \$10 per calendar
1560 day up to 10 days, not to exceed \$100. The calculation for
1561 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after
1562 receipt of the written request, submitted by certified mail,
1563 return receipt requested.

1564 (c) A dispute between a member and an association regarding
1565 inspecting or photocopying official records must be submitted to
1566 mandatory binding arbitration with the division, and the
1567 arbitration must be conducted pursuant to s. 723.1255 and
1568 procedural rules adopted by the division.

1569 (d) The association may adopt reasonable written rules
1570 governing the frequency, time, location, notice, records to be
1571 inspected, and manner of inspections, but may not require a
1572 member to demonstrate a proper purpose for the inspection, state
1573 a reason for the inspection, or limit a member's right to
1574 inspect records to less than 1 business day per month. The
1575 association may impose fees to cover the costs of providing
1576 copies of the official records, including the costs of copying
1577 and for personnel to retrieve and copy the records if the time



105450

1578 spent retrieving and copying the records exceeds 30 minutes and
1579 if the personnel costs do not exceed \$20 per hour. Personnel
1580 costs may not be charged for records requests that result in the
1581 copying of 25 or fewer pages. The association may charge up to
1582 25 cents per page for copies made on the association's
1583 photocopier. If the association does not have a photocopy
1584 machine available where the records are kept, or if the records
1585 requested to be copied exceed 25 pages in length, the
1586 association may have copies made by an outside duplicating
1587 service and may charge the actual cost of copying, as supported
1588 by the vendor invoice. The association shall maintain an
1589 adequate number of copies of the recorded governing documents,
1590 to ensure their availability to members and prospective members.
1591 Notwithstanding this paragraph, the following records are not
1592 accessible to members or home owners:

1593 1. A record protected by the lawyer-client privilege as
1594 described in s. 90.502 and a record protected by the work-
1595 product privilege, including, but not limited to, a record
1596 prepared by an association attorney or prepared at the
1597 attorney's express direction which reflects a mental impression,
1598 conclusion, litigation strategy, or legal theory of the attorney
1599 or the association and which was prepared exclusively for civil
1600 or criminal litigation, for adversarial administrative
1601 proceedings, or in anticipation of such litigation or
1602 proceedings until the conclusion of the litigation or
1603 proceedings.

1604 2. E-mail addresses, telephone numbers, facsimile numbers,
1605 emergency contact information, any addresses for a home owner
1606 other than as provided for association notice requirements, and



105450

1607 other personal identifying information of any person, excluding
1608 the person's name, lot designation, mailing address, and
1609 property address. Notwithstanding the restrictions in this
1610 subparagraph, an association may print and distribute to home
1611 owners a directory containing the name, park address, and
1612 telephone number of each home owner. However, a home owner may
1613 exclude his or her telephone number from the directory by so
1614 requesting in writing to the association. The association is not
1615 liable for the disclosure of information that is protected under
1616 this subparagraph if the information is included in an official
1617 record of the association and is voluntarily provided by a home
1618 owner and not requested by the association.

1619 3. An electronic security measure that is used by the
1620 association to safeguard data, including passwords.

1621 4. The software and operating system used by the
1622 association which allows the manipulation of data, even if the
1623 home owner owns a copy of the same software used by the
1624 association. The data is part of the official records of the
1625 association.

1626 Section 33. Section 723.1255, Florida Statutes, is amended
1627 to read:

1628 723.1255 Alternative resolution of recall, election, and
1629 inspection and photocopying of official records disputes.-

1630 (1) A dispute between a mobile home owner and a homeowners'
1631 association regarding the election and recall of officers or
1632 directors under s. 723.078(2)(b) or regarding the inspection and
1633 photocopying of official records under s. 723.079(5) must be
1634 submitted to mandatory binding arbitration with the division.
1635 The arbitration shall be conducted in accordance with this



105450

1636 section and the procedural rules adopted by the division.

1637 (2) Each party shall be responsible for paying its own
1638 attorney fees, expert and investigator fees, and associated
1639 costs. The cost of the arbitrators shall be divided equally
1640 between the parties regardless of the outcome.

1641 (3) The division shall adopt procedural rules to govern
1642 mandatory binding arbitration proceedings ~~The Division of~~
1643 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~
1644 ~~Department of Business and Professional Regulation shall adopt~~
1645 ~~rules of procedure to govern binding recall arbitration~~
1646 ~~proceedings.~~

1647 Section 34. For the purpose of incorporating the amendment
1648 made by this act to section 420.5087, Florida Statutes, in a
1649 reference thereto, paragraph (i) of subsection (22) of section
1650 420.507, Florida Statutes, is reenacted to read:

1651 420.507 Powers of the corporation.—The corporation shall
1652 have all the powers necessary or convenient to carry out and
1653 effectuate the purposes and provisions of this part, including
1654 the following powers which are in addition to all other powers
1655 granted by other provisions of this part:

1656 (22) To develop and administer the State Apartment
1657 Incentive Loan Program. In developing and administering that
1658 program, the corporation may:

1659 (i) Establish, by rule, the procedure for competitively
1660 evaluating and selecting all applications for funding based on
1661 the criteria set forth in s. 420.5087(6)(c), determining actual
1662 loan amounts, making and servicing loans, and exercising the
1663 powers authorized in this subsection.

1664 Section 35. For the purpose of incorporating the amendment



105450

1665 made by this act to section 420.5095, Florida Statutes, in a
1666 reference thereto, subsection (2) of section 193.018, Florida
1667 Statutes, is reenacted to read:

1668 193.018 Land owned by a community land trust used to
1669 provide affordable housing; assessment; structural improvements,
1670 condominium parcels, and cooperative parcels.—

1671 (2) A community land trust may convey structural
1672 improvements, condominium parcels, or cooperative parcels, that
1673 are located on specific parcels of land that are identified by a
1674 legal description contained in and subject to a ground lease
1675 having a term of at least 99 years, for the purpose of providing
1676 affordable housing to natural persons or families who meet the
1677 extremely-low-income, very-low-income, low-income, or moderate-
1678 income limits specified in s. 420.0004, or the income limits for
1679 workforce housing, as defined in s. 420.5095(3). A community
1680 land trust shall retain a preemptive option to purchase any
1681 structural improvements, condominium parcels, or cooperative
1682 parcels on the land at a price determined by a formula specified
1683 in the ground lease which is designed to ensure that the
1684 structural improvements, condominium parcels, or cooperative
1685 parcels remain affordable.

1686 Section 36. This act shall take effect July 1, 2020.

1687
1688 ===== T I T L E A M E N D M E N T =====

1689 And the title is amended as follows:

1690 Delete everything before the enacting clause
1691 and insert:

1692 A bill to be entitled

1693 An act relating to community affairs; amending s.



105450

1694 125.01055, F.S.; authorizing a board of county
1695 commissioners to approve development of affordable
1696 housing on any parcel zoned for residential,
1697 commercial, or industrial use; amending s. 129.03,
1698 F.S.; revising the information required to be annually
1699 submitted by county budget officers to the Office of
1700 Economic and Demographic Research; requiring certain
1701 information to be included beginning in a specified
1702 submission; amending s. 163.01, F.S.; amending the
1703 Florida Interlocal Cooperation Act of 1969 to
1704 authorize private entities to enter into specified
1705 loan agreements; authorizing certain bond proceeds to
1706 be loaned to private entities for specified types of
1707 projects; providing that such loans are deemed a
1708 paramount public purpose; amending s. 163.31771, F.S.;
1709 revising conditions under which local governments are
1710 authorized to adopt ordinances that allow accessory
1711 dwelling units in any area zoned for single-family
1712 residential use; amending s. 163.31801, F.S.;
1713 requiring counties, municipalities, and special
1714 districts to include certain data relating to impact
1715 fees in their annual financial reports; amending s.
1716 166.04151, F.S.; authorizing governing bodies of
1717 municipalities to approve the development of
1718 affordable housing on any parcel zoned for
1719 residential, commercial, or industrial use; amending
1720 s. 166.241, F.S.; revising the information required to
1721 be annually submitted by municipal budget officers to
1722 the Office of Economic and Demographic Research;



105450

1723 requiring certain information to be included beginning
1724 in a specified submission; amending s. 320.77, F.S.;
1725 revising a certification requirement for mobile home
1726 dealer applicants relating to the applicant's business
1727 location; amending s. 320.771, F.S.; exempting certain
1728 recreational vehicle dealer applicants from a garage
1729 liability insurance requirement; amending s. 320.822,
1730 F.S.; revising the definition of the term "code";
1731 amending s. 320.8232, F.S.; revising applicable
1732 standards for the repair and remodeling of mobile and
1733 manufactured homes; amending s. 367.022, F.S.;
1734 revising an exemption from regulation for certain
1735 water service resellers; exempting certain mobile home
1736 park and mobile home subdivision owners from
1737 regulation by the Florida Public Service Commission
1738 relating to water and wastewater systems; creating s.
1739 420.518, F.S.; authorizing the preclusion of an
1740 applicant or affiliate of an applicant from
1741 participation in Florida Housing Finance Corporation
1742 programs under certain conditions; authorizing the
1743 board of directors of the corporation to preclude the
1744 applicant for a period of time or revoke the
1745 applicant's funding; requiring that an administrative
1746 complaint be served before an order is issued;
1747 authorizing the corporation to suspend certain
1748 funding, allocations of federal housing credits,
1749 credit underwriting procedures, or application
1750 reviews; providing requirements for such suspensions;
1751 amending s. 420.5087, F.S.; revising the criteria used



105450

1752 by a review committee when evaluating and selecting
1753 specified applications for state apartment incentive
1754 loans; authorizing the corporation to prioritize a
1755 portion of the State Apartment Incentive Loan funding
1756 set aside for certain purposes; requiring that such
1757 funding be used for housing for certain persons in
1758 foster care or persons aging out of foster care;
1759 providing requirements for such housing; requiring the
1760 corporation to consult with the Department of Children
1761 and Families to create minimum criteria for such
1762 housing; amending s. 420.5095, F.S.; revising
1763 legislative findings; renaming the Community Workforce
1764 Housing Innovation Pilot Program as the Community
1765 Workforce Housing Loan Program to provide workforce
1766 housing for persons affected by the high cost of
1767 housing; revising the definition of the term
1768 "workforce housing"; deleting the definition of the
1769 term "public-private partnership"; authorizing the
1770 corporation to provide loans under the program to
1771 applicants for construction of workforce housing;
1772 requiring the corporation to establish a certain loan
1773 application process; deleting provisions requiring the
1774 corporation to provide incentives for local
1775 governments to use certain funds; requiring projects
1776 to receive priority consideration for funding under
1777 certain circumstances; deleting provisions providing
1778 for the expedition of local government comprehensive
1779 plan amendments to implement a program project;
1780 requiring that the corporation award loans at a



105450

1781 specified interest rate and for a limited term;
1782 conforming provisions to changes made by the act;
1783 deleting a provision authorizing the corporation to
1784 use a maximum percentage of a specified appropriation
1785 for administration and compliance; amending s.
1786 420.531, F.S.; specifying that technical support
1787 provided to local governments and community-based
1788 organizations includes implementation of the State
1789 Apartment Incentive Loan Program; requiring the entity
1790 providing training and technical assistance to convene
1791 and administer biannual workshops; providing
1792 requirements for such workshops; requiring such entity
1793 to annually compile and submit certain information to
1794 the Legislature and the corporation by a specified
1795 date; amending s. 420.9071, F.S.; revising the
1796 definition of the term "affordable"; amending s.
1797 420.9075, F.S.; revising requirements for reports
1798 submitted to the corporation by counties and certain
1799 municipalities; amending s. 420.9076, F.S.; beginning
1800 on a specified date, revising the membership of local
1801 affordable housing advisory committees; requiring the
1802 committees to perform specified duties annually
1803 instead of triennially; revising duties of the
1804 committees; requiring locally elected officials
1805 serving on advisory committees, or their designees, to
1806 attend biannual regional workshops; providing a
1807 penalty; amending s. 553.791, F.S.; revising a
1808 prohibition against auditing certain private providers
1809 more than a specified number of times per month under



105450

1810 certain conditions; amending s. 723.011, F.S.;

1811 providing that a mobile home owner may be required to

1812 install permanent improvements as disclosed in the

1813 mobile home park prospectus; amending s. 723.012,

1814 F.S.; requiring a mobile home park owner to amend its

1815 prospectus under certain circumstances; requiring a

1816 mobile home park owner to increase shared facilities

1817 under certain circumstances; providing a requirement

1818 for the prospectus amendment; prohibiting certain

1819 costs and expenses from being passed on or passed

1820 through to existing mobile home owners; amending s.

1821 723.023, F.S.; revising general obligations for mobile

1822 home owners; amending s. 723.031, F.S.; revising

1823 construction relating to a mobile home park owner's

1824 disclosure of certain taxes and assessments;

1825 prohibiting a mobile home park owner from charging or

1826 collecting certain taxes or charges in excess of a

1827 certain amount; amending s. 723.037, F.S.; authorizing

1828 mobile home park owners to give notice of lot rental

1829 increases for multiple anniversary dates in one

1830 notice; providing construction; revising a requirement

1831 for a lot rental negotiation committee; amending s.

1832 723.041, F.S.; providing that a mobile home park

1833 damaged or destroyed due to natural force may be

1834 rebuilt with the same density as previously approved,

1835 permitted, and built; providing construction; amending

1836 s. 723.042, F.S.; revising conditions under which a

1837 person is required by a mobile home park owner or

1838 developer to provide improvements as a condition of



105450

1839 residence in a mobile home park; amending s. 723.059,
1840 F.S.; authorizing certain mobile home purchasers to
1841 assume the seller's prospectus; authorizing a mobile
1842 home park owner to offer a purchaser any approved
1843 prospectus; amending s. 723.061, F.S.; revising
1844 requirements related to the provision of eviction
1845 notices by mobile home park owners to specified
1846 entities; specifying the waiver and nonwaiver of
1847 certain rights of mobile home park owners under
1848 certain circumstances; requiring the accounting at
1849 final hearing of rents received; amending s. 723.076,
1850 F.S.; providing a notice requirement for homeowners'
1851 associations to mobile home park owners after the
1852 election or appointment of new officers or board
1853 members; amending s. 723.078, F.S.; revising
1854 requirements for homeowners' association board
1855 elections and ballots; requiring an impartial
1856 committee to be responsible for overseeing the
1857 election process and complying with ballot
1858 requirements; defining the term "impartial committee";
1859 requiring that association bylaws provide a method for
1860 determining the winner of an election under certain
1861 circumstances; requiring the division to adopt
1862 procedural rules; revising the types of meetings that
1863 are not required to be open to members; providing an
1864 exception to a requirement for an officer of an
1865 association to provide an affidavit affirming certain
1866 information; authorizing meeting notices to be
1867 provided by electronic means; providing that the



105450

1868 minutes of certain board and committee meetings are
1869 privileged and confidential; conforming provisions to
1870 changes made by the act; amending s. 723.079, F.S.;
1871 revising homeowners' association recordkeeping
1872 requirements; revising the timeframes during which
1873 certain records are required to be retained and be
1874 made available for inspection or photocopying;
1875 limiting the amount of damages for which an
1876 association is liable when a member is denied access
1877 to official records; requiring that certain disputes
1878 be submitted to mandatory binding arbitration with the
1879 division; providing requirements for such arbitration;
1880 amending s. 723.1255, F.S.; requiring that certain
1881 disputes be submitted to mandatory binding arbitration
1882 with the division; providing requirements for such
1883 arbitration and responsibility for fees and costs;
1884 requiring the division to adopt procedural rules;
1885 reenacting s. 420.507(22)(i), F.S., relating to powers
1886 of the Florida Housing Finance Corporation, to
1887 incorporate the amendment made to s. 420.5087, F.S.,
1888 in a reference thereto; reenacting s. 193.018(2),
1889 F.S., relating to land owned by a community land trust
1890 used to provide affordable housing, to incorporate the
1891 amendment made to s. 420.5095, F.S., in a reference
1892 thereto; providing an effective date.