

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Yarborough offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6
7 Section 1. Subsection (4) is added to section 125.01055,
8 Florida Statutes, to read:

9 125.01055 Affordable housing.—

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

15 Section 2. Paragraph (d) of subsection (7) of section
16 163.01, Florida Statutes, is amended to read:

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17 163.01 Florida Interlocal Cooperation Act of 1969.—

18 (7)

19 (d) Notwithstanding the provisions of paragraph (c), any
20 separate legal entity created pursuant to this section and
21 controlled by the municipalities or counties of this state or by
22 one or more municipality and one or more county of this state,
23 the membership of which consists or is to consist of
24 municipalities only, counties only, or one or more municipality
25 and one or more county, may, for the purpose of financing or
26 refinancing any capital projects, exercise all powers in
27 connection with the authorization, issuance, and sale of bonds.
28 Notwithstanding any limitations provided in this section, all of
29 the privileges, benefits, powers, and terms of part I of chapter
30 125, part II of chapter 166, and ~~part I of~~ chapter 159 shall be
31 fully applicable to such entity. Bonds issued by such entity
32 shall be deemed issued on behalf of the counties, ~~or~~
33 municipalities, or private entities which enter into loan
34 agreements with such entity as provided in this paragraph. Any
35 loan agreement executed pursuant to a program of such entity
36 shall be governed by the provisions of part I of chapter 159 or,
37 in the case of counties, part I of chapter 125, or in the case
38 of municipalities and charter counties, part II of chapter 166.
39 Proceeds of bonds issued by such entity may be loaned to
40 counties or municipalities of this state or a combination of
41 municipalities and counties, whether or not such counties or

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42 municipalities are also members of the entity issuing the bonds,
43 or to private entities for "self-liquidating" projects as
44 defined in s. 159.02, whether or not such private entities are
45 located within the jurisdictional boundaries of a county or
46 municipality that is a member of the entity issuing the bonds.
47 The issuance of bonds by such entity to fund a loan program to
48 make loans to municipalities, ~~or~~ counties, or private entities
49 or a combination of municipalities, and counties, and private
50 entities with one another for capital projects to be identified
51 subsequent to the issuance of the bonds to fund such loan
52 programs is deemed to be a paramount public purpose. Any entity
53 so created may also issue bond anticipation notes, as provided
54 by s. 215.431, in connection with the authorization, issuance,
55 and sale of such bonds. In addition, the governing body of such
56 legal entity may also authorize bonds to be issued and sold from
57 time to time and may delegate, to such officer, official, or
58 agent of such legal entity as the governing body of such legal
59 entity may select, the power to determine the time; manner of
60 sale, public or private; maturities; rate or rates of interest,
61 which may be fixed or may vary at such time or times and in
62 accordance with a specified formula or method of determination;
63 and other terms and conditions as may be deemed appropriate by
64 the officer, official, or agent so designated by the governing
65 body of such legal entity. However, the amounts and maturities
66 of such bonds and the interest rate or rates of such bonds shall

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67 be within the limits prescribed by the governing body of such
68 legal entity and its resolution delegating to such officer,
69 official, or agent the power to authorize the issuance and sale
70 of such bonds. A local government self-insurance fund
71 established under this section may financially guarantee bonds
72 or bond anticipation notes issued or loans made under this
73 subsection. Bonds issued pursuant to this paragraph may be
74 validated as provided in chapter 75. The complaint in any action
75 to validate such bonds shall be filed only in the Circuit Court
76 for Leon County. The notice required to be published by s. 75.06
77 shall be published only in Leon County, and the complaint and
78 order of the circuit court shall be served only on the State
79 Attorney of the Second Judicial Circuit and on the state
80 attorney of each circuit in each county where the public
81 agencies which were initially a party to the agreement are
82 located. Notice of such proceedings shall be published in the
83 manner and the time required by s. 75.06 in Leon County and in
84 each county where the public agencies which were initially a
85 party to the agreement are located. Obligations of any county or
86 municipality pursuant to a loan agreement as described in this
87 paragraph may be validated as provided in chapter 75.

88 Section 3. Subsections (1), (3), and (4) of section
89 163.31771, Florida Statutes, are amended to read:

90 163.31771 Accessory dwelling units.—

91 (1) The Legislature finds that the median price of homes

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92 in this state has increased steadily over the last decade and at
93 a greater rate of increase than the median income in many urban
94 areas. The Legislature finds that the cost of rental housing has
95 also increased steadily and the cost often exceeds an amount
96 that is affordable to extremely-low-income, very-low-income,
97 low-income, or moderate-income persons and has resulted in a
98 critical shortage of affordable rentals in many urban areas in
99 the state. This shortage of affordable rentals constitutes a
100 threat to the health, safety, and welfare of the residents of
101 the state. Therefore, the Legislature finds that it serves an
102 important public purpose to require ~~encourage~~ the permitting of
103 accessory dwelling units in single-family residential areas in
104 order to increase the availability of affordable rentals for
105 extremely-low-income, very-low-income, low-income, or moderate-
106 income persons.

107 (3) ~~Each~~ Upon a finding by a local government that there
108 ~~is a shortage of affordable rentals within its jurisdiction, the~~
109 ~~local government shall~~ may adopt an ordinance to allow accessory
110 dwelling units in any area zoned for single-family residential
111 use, except in an area of critical state concern where the state
112 caps the number of new housing units which may be built within a
113 year.

114 (4) ~~If the local government adopts an ordinance under this~~
115 ~~section,~~ An application for a building permit to construct an
116 accessory dwelling unit must include an affidavit from the

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117 applicant which attests that the unit will be rented at an
118 affordable rate to an extremely-low-income, very-low-income,
119 low-income, or moderate-income person or persons.

120 Section 4. Subsection (10) is added to section 163.31801,
121 Florida Statutes, to read:

122 163.31801 Impact fees; short title; intent; minimum
123 requirements; audits; challenges.—

124 (10) In addition to the items that must be reported in the
125 annual financial reports under s. 218.32, each county,
126 municipality, and special district must report all of the
127 following data on each impact fee charged:

128 (a) The specific purpose of the impact fee, including the
129 specific infrastructure needs to be met such as transportation,
130 parks, water, sewer, and schools.

131 (b) The impact fee schedule policy describing the method
132 of calculating impact fees, such as flat fees, tiered fees based
133 on the number of bedrooms, or tiered fees based on the square
134 footage.

135 (c) The amount assessed for each purpose and for each type
136 of dwelling.

137 (d) The total amount of impact fees charged by type of
138 dwelling.

139 Section 5. Subsection (4) is added to section 166.04151,
140 Florida Statutes, to read:

141 166.04151 Affordable housing.—

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

147 Section 6. Paragraph (h) of subsection (3) of section
148 320.77, Florida Statutes, is amended to read:

149 320.77 License required of mobile home dealers.-

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

154 (h) Certification by the applicant:

155 1. That the location is a permanent one, not a tent or a
156 temporary stand or other temporary quarters. ~~and,~~

157 2. Except in the case of a mobile home broker, that the
158 location affords sufficient unoccupied space to display store
159 all mobile homes offered and displayed for sale. A space to
160 display a manufactured home as a model home satisfies this
161 requirement. ~~and that~~ The location must be ~~is~~ a suitable place
162 in which the applicant can in good faith carry on business and
163 keep and maintain books, records, and files necessary to conduct
164 such business, which must ~~will~~ be available at all reasonable
165 hours to inspection by the department or any of its inspectors
166 or other employees.

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167
168 This paragraph does ~~subsection shall~~ not preclude a licensed
169 mobile home dealer from displaying and offering for sale mobile
170 homes in a mobile home park.

171
172 The department shall, if it deems necessary, cause an
173 investigation to be made to ascertain if the facts set forth in
174 the application are true and shall not issue a license to the
175 applicant until it is satisfied that the facts set forth in the
176 application are true.

177 Section 7. Paragraph (j) of subsection (3) of section
178 320.771, Florida Statutes, is amended to read:

179 320.771 License required of recreational vehicle dealers.-

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

184 (j) A statement that the applicant is insured under a
185 garage liability insurance policy, which shall include, at a
186 minimum, \$25,000 combined single-limit liability coverage,
187 including bodily injury and property damage protection, and
188 \$10,000 personal injury protection, if the applicant is to be
189 licensed as a dealer in, or intends to sell, recreational
190 vehicles. However, a garage liability policy is not required for
191 the licensure of a mobile home dealer who sells only park

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192 trailers.

193

194 The department shall, if it deems necessary, cause an
195 investigation to be made to ascertain if the facts set forth in
196 the application are true and shall not issue a license to the
197 applicant until it is satisfied that the facts set forth in the
198 application are true.

199 Section 8. Paragraph (c) of subsection (2) of section
200 320.822, Florida Statutes, is amended to read:

201 320.822 Definitions; ss. 320.822-320.862.—In construing
202 ss. 320.822-320.862, unless the context otherwise requires, the
203 following words or phrases have the following meanings:

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

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

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

209 320.8232 Establishment of uniform standards for used
210 recreational vehicles and repair and remodeling code for mobile
211 homes.—

212 (2) The Mobile and Manufactured Home ~~provisions of the~~
213 Repair and Remodeling Code must be a uniform code, must shall
214 ensure safe and livable housing, and may shall not be more
215 stringent than those standards required to be met in the
216 manufacture of mobile homes. Such code must ~~provisions shall~~

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217 ~~include, but not be limited to,~~ standards for structural
218 adequacy, plumbing, heating, electrical systems, and fire and
219 life safety. All repairs and remodeling of mobile and
220 manufactured homes must be performed in accordance with
221 department rules.

222 Section 10. Subsection (9) of section 367.022, Florida
223 Statutes, is amended, and subsection (14) is added to that
224 section, to read:

225 367.022 Exemptions.—The following are not subject to
226 regulation by the commission as a utility nor are they subject
227 to the provisions of this chapter, except as expressly provided:

228 (9) Any person who resells water service to his or her
229 tenants or to individually metered residents for a fee that does
230 not exceed the actual purchase price of the water and wastewater
231 service plus the actual cost of meter reading and billing, not
232 to exceed 9 percent of the actual cost of service.

233 (14) The owner of a mobile home park operating both as a
234 mobile home park and a mobile home subdivision, as those terms
235 are defined in s. 723.003, who provides service within the park
236 and subdivision to a combination of both tenants and lot owners,
237 provided that the service to tenants is without specific
238 compensation.

239 Section 11. Paragraph (c) of subsection (6) of section
240 420.5087, Florida Statutes, is amended to read:

241 420.5087 State Apartment Incentive Loan Program.—There is

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242 hereby created the State Apartment Incentive Loan Program for
243 the purpose of providing first, second, or other subordinated
244 mortgage loans or loan guarantees to sponsors, including for-
245 profit, nonprofit, and public entities, to provide housing
246 affordable to very-low-income persons.

247 (6) On all state apartment incentive loans, except loans
248 made to housing communities for the elderly to provide for
249 lifesafety, building preservation, health, sanitation, or
250 security-related repairs or improvements, the following
251 provisions shall apply:

252 (c) The corporation shall provide by rule for the
253 establishment of a review committee for the competitive
254 evaluation and selection of applications submitted in this
255 program. The review committee must use evaluation criteria that
256 include, including, but are not limited to, the following
257 ~~criteria~~:

258 1. Tenant income and demographic targeting objectives of
259 the corporation.

260 2. Targeting objectives of the corporation which will
261 ensure an equitable distribution of loans between rural and
262 urban areas.

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

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- 267 4. Sponsor's agreement to reserve more than:
- 268 a. Twenty percent of the units in the project for persons
- 269 or families who have incomes that do not exceed 50 percent of
- 270 the state or local median income, whichever is higher; or
- 271 b. Forty percent of the units in the project for persons
- 272 or families who have incomes that do not exceed 60 percent of
- 273 the state or local median income, whichever is higher, without
- 274 requiring a greater amount of the loans as provided in this
- 275 section.
- 276 5. Provision for tenant counseling.
- 277 6. Sponsor's agreement to accept rental assistance
- 278 certificates or vouchers as payment for rent.
- 279 7. Projects requiring the least amount of a state
- 280 apartment incentive loan compared to overall project cost,
- 281 except that the share of the loan attributable to units serving
- 282 extremely-low-income persons must be excluded from this
- 283 requirement.
- 284 8. Local government contributions and local government
- 285 comprehensive planning and activities that promote affordable
- 286 housing and policies that promote access to public
- 287 transportation, reduce the need for onsite parking, and expedite
- 288 permits for affordable housing projects.
- 289 9. Project feasibility.
- 290 10. Economic viability of the project.
- 291 11. Commitment of first mortgage financing.

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

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

296 14. Projects that directly implement or assist welfare-to-
297 work transitioning.

298 15. Projects that reserve units for extremely-low-income
299 persons.

300 16. Projects that include green building principles,
301 storm-resistant construction, or other elements that reduce
302 long-term costs relating to maintenance, utilities, or
303 insurance.

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

306 Section 12. Section 420.5095, Florida Statutes, is amended
307 to read:

308 420.5095 Community Workforce Housing Loan Innovation Pilot
309 Program.—

310 (1) The Legislature finds and declares that recent rapid
311 increases in the median purchase price of a home and the cost of
312 rental housing have far outstripped the increases in median
313 income in the state, ~~preventing essential services personnel~~
314 ~~from living in the communities where they serve and thereby~~
315 creating the need for innovative solutions for the provision of
316 housing opportunities ~~for essential services personnel.~~

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317 (2) The Community Workforce Housing Loan Innovation Pilot
318 Program is created to provide ~~affordable rental and home~~
319 ~~ownership community~~ workforce housing for persons ~~essential~~
320 ~~services personnel~~ affected by the high cost of housing, ~~using~~
321 ~~regulatory incentives and state and local funds to promote local~~
322 ~~public-private partnerships and leverage government and private~~
323 ~~resources.~~

324 (3) For purposes of this section, the term:

325 ~~(a)~~ "workforce housing" means housing affordable to
326 natural persons or families whose total annual household income
327 does not exceed 80 ~~140~~ percent of the area median income,
328 adjusted for household size, or 120 ~~150~~ percent of area median
329 income, adjusted for household size, in areas of critical state
330 concern designated under s. 380.05, for which the Legislature
331 has declared its intent to provide affordable housing, and areas
332 that were designated as areas of critical state concern for at
333 least 20 consecutive years before ~~prior to~~ removal of the
334 designation.

335 ~~(b)~~ ~~"Public-private partnership" means any form of~~
336 ~~business entity that includes substantial involvement of at~~
337 ~~least one county, one municipality, or one public sector entity,~~
338 ~~such as a school district or other unit of local government in~~
339 ~~which the project is to be located, and at least one private~~
340 ~~sector for-profit or not-for-profit business or charitable~~
341 ~~entity, and may be any form of business entity, including a~~

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342 ~~joint venture or contractual agreement.~~

343 (4) The Florida Housing Finance Corporation may ~~is~~
344 ~~authorized to provide loans under the Community Workforce~~
345 ~~Housing Innovation Pilot program loans to applicants an~~
346 ~~applicant for construction or rehabilitation of workforce~~
347 ~~housing in eligible areas. This funding is intended to be used~~
348 ~~with other public and private sector resources.~~

349 (5) The corporation shall establish a loan application
350 process under s. 420.5087 ~~by rule which includes selection~~
351 ~~criteria, an application review process, and a funding process.~~
352 ~~The corporation shall also establish an application review~~
353 ~~committee that may include up to three private citizens~~
354 ~~representing the areas of housing or real estate development,~~
355 ~~banking, community planning, or other areas related to the~~
356 ~~development or financing of workforce and affordable housing.~~

357 ~~(a) The selection criteria and application review process~~
358 ~~must include a procedure for curing errors in the loan~~
359 ~~applications which do not make a substantial change to the~~
360 ~~proposed project.~~

361 ~~(b) To achieve the goals of the pilot program, the~~
362 ~~application review committee may approve or reject loan~~
363 ~~applications or responses to questions raised during the review~~
364 ~~of an application due to the insufficiency of information~~
365 ~~provided.~~

366 ~~(c) The application review committee shall make~~

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367 ~~recommendations concerning program participation and funding to~~
368 ~~the corporation's board of directors.~~

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

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

375 ~~(6) The corporation shall provide incentives for local~~
376 ~~governments in eligible areas to use local affordable housing~~
377 ~~funds, such as those from the State Housing Initiatives~~
378 ~~Partnership Program, to assist in meeting the affordable housing~~
379 ~~needs of persons eligible under this program. Local governments~~
380 ~~are authorized to use State Housing Initiative Partnership~~
381 ~~Program funds for persons or families whose total annual~~
382 ~~household income does not exceed:~~

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

385 ~~(b) One hundred and fifty percent of the area median~~
386 ~~income, adjusted for household size, in areas that were~~
387 ~~designated as areas of critical state concern for at least 20~~
388 ~~consecutive years prior to the removal of the designation and in~~
389 ~~areas of critical state concern, designated under s. 380.05, for~~
390 ~~which the Legislature has declared its intent to provide~~
391 ~~affordable housing.~~

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392 ~~(7) Funding shall be targeted to innovative projects in~~
393 ~~areas where the disparity between the area median income and the~~
394 ~~median sales price for a single-family home is greatest, and~~
395 ~~where population growth as a percentage rate of increase is~~
396 ~~greatest. The corporation may also fund projects in areas where~~
397 ~~innovative regulatory and financial incentives are made~~
398 ~~available. The corporation shall fund at least one eligible~~
399 ~~project in as many counties and regions of the state as is~~
400 ~~practicable, consistent with program goals.~~

401 ~~(6)(8)~~ Projects must be given ~~shall receive~~ priority
402 consideration for funding if ~~where~~:

403 (a) The local jurisdiction has adopted, or is committed to
404 adopting, appropriate regulatory incentives, ~~or the local~~
405 ~~jurisdiction or public-private partnership has adopted or is~~
406 ~~committed to adopting~~ local contributions or financial
407 strategies, or other funding sources to promote the development
408 and ongoing financial viability of such projects. Local
409 incentives include such actions as expediting review of
410 development orders and permits, supporting development near
411 transportation hubs and major employment centers, and adopting
412 land development regulations designed to allow flexibility in
413 densities, use of accessory units, mixed-use developments, and
414 flexible lot configurations. Financial strategies include such
415 actions as promoting employer-assisted housing programs,
416 providing tax increment financing, and providing land.

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417 ~~(b) Projects are innovative and include new construction~~
418 ~~or rehabilitation; mixed income housing; commercial and housing~~
419 ~~mixed-use elements; innovative design; green building~~
420 ~~principles; storm-resistant construction; or other elements that~~
421 ~~reduce long-term costs relating to maintenance, utilities, or~~
422 ~~insurance and promote homeownership. The program funding may not~~
423 ~~exceed the costs attributable to the portion of the project that~~
424 ~~is set aside to provide housing for the targeted population.~~

425 ~~(b)(e) The projects that set aside at least 50 at least 80~~
426 ~~percent of the units for workforce housing and at least 50~~
427 ~~percent for essential services personnel and for projects that~~
428 ~~require the least amount of program funding compared to the~~
429 ~~overall housing costs for the project.~~

430 ~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local~~
431 ~~government comprehensive plan amendment to implement a Community~~
432 ~~Workforce Housing Innovation Pilot Program project found~~
433 ~~consistent with this section shall be expedited as provided in~~
434 ~~this subsection. At least 30 days prior to adopting a plan~~
435 ~~amendment under this subsection, the local government shall~~
436 ~~notify the state land planning agency of its intent to adopt~~
437 ~~such an amendment, and the notice shall include its evaluation~~
438 ~~related to site suitability and availability of facilities and~~
439 ~~services. The public notice of the hearing required by s.~~
440 ~~163.3184(11)(b)2. shall include a statement that the local~~
441 ~~government intends to use the expedited adoption process~~

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442 ~~authorized by this subsection. Such amendments shall require~~
443 ~~only a single public hearing before the governing board, which~~
444 ~~shall be an adoption hearing as described in s. 163.3184(4)(c).~~
445 ~~Any further proceedings shall be governed by s. 163.3184(5)-~~
446 ~~(13).~~

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

450 ~~(7)(11) The corporation shall award loans with a 1~~
451 ~~interest rates set at 1 to 3 percent interest rate for a term~~
452 ~~that does not exceed 15 years, which may be made forgivable when~~
453 ~~long-term affordability is provided and when at least 80 percent~~
454 ~~of the units are set aside for workforce housing and at least 50~~
455 ~~percent of the units are set aside for essential services~~
456 ~~personnel.~~

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

458 ~~(a) For home ownership, limit the sales price of a~~
459 ~~detached unit, townhome, or condominium unit to not more than 90~~
460 ~~percent of the median sales price for that type of unit in that~~
461 ~~county, or the statewide median sales price for that type of~~
462 ~~unit, whichever is higher, and require that all eligible~~
463 ~~purchasers of home ownership units occupy the homes as their~~
464 ~~primary residence.~~

465 ~~(b) For rental units, restrict rents for all workforce~~
466 ~~housing serving those with incomes at or below 120 percent of~~

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467 ~~area median income at the appropriate income level using the~~
468 ~~restricted rents for the federal low income housing tax credit~~
469 ~~program and, for workforce housing units serving those with~~
470 ~~incomes above 120 percent of area median income, restrict rents~~
471 ~~to those established by the corporation, not to exceed 30~~
472 ~~percent of the maximum household income adjusted to unit size.~~

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

477 ~~(d) Have grants, donations of land, or contributions from~~
478 ~~the public-private partnership or other sources collectively~~
479 ~~totaling at least 10 percent of the total development cost or \$2~~
480 ~~million, whichever is less. Such grants, donations of land, or~~
481 ~~contributions must be evidenced by a letter of commitment,~~
482 ~~agreement, contract, deed, memorandum of understanding, or other~~
483 ~~written instrument at the time of application. Grants, donations~~
484 ~~of land, or contributions in excess of 10 percent of the~~
485 ~~development cost shall increase the application score.~~

486 ~~(e) Demonstrate how the applicant will use the regulatory~~
487 ~~incentives and financial strategies outlined in subsection (8)~~
488 ~~from the local jurisdiction in which the proposed project is to~~
489 ~~be located. The corporation may consult with the Department of~~
490 ~~Economic Opportunity in evaluating the use of regulatory~~
491 ~~incentives by applicants.~~

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492 ~~(f) Demonstrate that the applicant possesses title to or~~
493 ~~site control of land and evidences availability of required~~
494 ~~infrastructure.~~

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

497 ~~(h) Provide any research or facts available supporting the~~
498 ~~demand and need for rental or home ownership workforce housing~~
499 ~~for eligible persons in the market in which the project is~~
500 ~~proposed.~~

501 ~~(13) Projects may include manufactured housing constructed~~
502 ~~after June 1994 and installed in accordance with mobile home~~
503 ~~installation standards of the Department of Highway Safety and~~
504 ~~Motor Vehicles.~~

505 ~~(8)~~ (14) The corporation may adopt rules pursuant to ss.
506 120.536(1) and 120.54 to implement this section.

507 ~~(15) The corporation may use a maximum of 2 percent of the~~
508 ~~annual program appropriation for administration and compliance~~
509 ~~monitoring.~~

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

515 Section 13. Section 420.531, Florida Statutes, is amended
516 to read:

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517 420.531 Affordable Housing Catalyst Program.—
518 (1) The corporation shall operate the Affordable Housing
519 Catalyst Program for the purpose of securing the expertise
520 necessary to provide specialized technical support to local
521 governments and community-based organizations to implement the
522 HOME Investment Partnership Program, State Apartment Incentive
523 Loan Program, State Housing Initiatives Partnership Program, and
524 other affordable housing programs. To the maximum extent
525 feasible, the entity to provide the necessary expertise must be
526 recognized by the Internal Revenue Service as a nonprofit tax-
527 exempt organization. It must have as its primary mission the
528 provision of affordable housing training and technical
529 assistance, an ability to provide training and technical
530 assistance statewide, and a proven track record of successfully
531 providing training and technical assistance under the Affordable
532 Housing Catalyst Program. The technical support shall, at a
533 minimum, include training relating to the following key elements
534 of the partnership programs:

535 (a)~~(1)~~ Formation of local and regional housing
536 partnerships as a means of bringing together resources to
537 provide affordable housing.

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

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

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542 (d)-(4) Compliance with requirements of federally funded
543 housing programs.

544 (2) In consultation with the corporation, the entity
545 providing statewide training and technical assistance shall
546 convene and administer biannual regional workshops for the
547 locally elected officials serving on affordable housing advisory
548 committees as provided in s. 420.9076. The regional workshops
549 may be conducted through teleconferencing or other technological
550 means and must include processes and programming that facilitate
551 peer-to-peer identification and sharing of best affordable
552 housing practices among the locally elected officials. Annually,
553 the entity providing statewide training and technical assistance
554 must compile calendar year reports summarizing the
555 deliberations, actions, and recommendations of each region, as
556 well as the attendance records of locally elected officials, and
557 must submit such reports to the President of the Senate, the
558 Speaker of the House of Representatives, and the corporation by
559 March 31 of the following year.

560 Section 14. Subsection (2) of section 420.9071, Florida
561 Statutes, is amended to read:

562 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
563 term:

564 (2) "Affordable" means that monthly rents or monthly
565 mortgage payments including taxes and insurance do not exceed 30
566 percent of that amount which represents the percentage of the

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567 median annual gross income for the households as indicated in
568 subsection (19), subsection (20), or subsection (28). However,
569 it is not the intent to limit an individual household's ability
570 to devote more than 30 percent of its income for housing, and
571 housing for which a household devotes more than 30 percent of
572 its income shall be deemed affordable if the first institutional
573 mortgage lender is satisfied that the household can afford
574 mortgage payments in excess of the 30 percent benchmark. The
575 term also includes housing provided by a not-for-profit
576 corporation that derives at least 75 percent of its annual
577 revenues from contracts or services provided to a state or
578 federal agency, for low-income persons and low-income households
579 that provides treatment for persons who suffer from mental
580 health, substance abuse, or domestic violence; and that provides
581 on-premises social and community support services including, job
582 training, life skills training, alcohol and substance abuse
583 disorder treatment, child care, and client case management
584 services.

585 Section 15. Subsection (7) of section 420.9073, Florida
586 Statutes, is renumbered as subsection (8), and a new subsection
587 (7) is added to that section to read:

588 420.9073 Local housing distributions.—

589 (7) Notwithstanding subsections (1)-(4), the corporation
590 may withhold up to 5 percent of the total amount distributed
591 each fiscal year from the Local Government Housing Trust Fund to

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592 provide additional funding to counties and eligible
593 municipalities for the construction of transitional housing for
594 persons aging out of foster care. Funds may not be used for the
595 design or planning of transitional housing and the housing must
596 be constructed on campus that provides housing for persons in
597 foster care or persons aging out of foster care pursuant to s.
598 409.1451. The corporation must consult with the Department of
599 Children and Families to create minimum criteria for such
600 housing. Any portion of the withheld funds not distributed or
601 committed by the end of the fiscal year shall be distributed as
602 provided in subsections (1) and (2).

603 Section 16. Paragraph (a) of subsection (4) of section
604 420.9075, Florida Statutes, is amended, and paragraph (j) is
605 added to subsection (10) of that section, to read:

606 420.9075 Local housing assistance plans; partnerships.—

607 (4) Each local housing assistance plan is governed by the
608 following criteria and administrative procedures:

609 (a) Each county, eligible municipality, or entity formed
610 through interlocal agreement to participate in the State Housing
611 Initiatives Partnership Program must develop a qualification
612 system and selection criteria for applications for awards by
613 eligible sponsors, adopt criteria for the selection of eligible
614 persons, and adopt a maximum award schedule or system of amounts
615 consistent with the intent and budget of its local housing
616 assistance plan, with ss. 420.907-420.9079, and with corporation

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617 rule. The selection criteria must provide priority to applicants
618 who need less assistance so as to maximize the total number of
619 applicants who may receive an award under the program.

620 (10) Each county or eligible municipality shall submit to
621 the corporation by September 15 of each year a report of its
622 affordable housing programs and accomplishments through June 30
623 immediately preceding submittal of the report. The report shall
624 be certified as accurate and complete by the local government's
625 chief elected official or his or her designee. Transmittal of
626 the annual report by a county's or eligible municipality's chief
627 elected official, or his or her designee, certifies that the
628 local housing incentive strategies, or, if applicable, the local
629 housing incentive plan, have been implemented or are in the
630 process of being implemented pursuant to the adopted schedule
631 for implementation. The report must include, but is not limited
632 to:

633 (j) The number of affordable housing applications that
634 were submitted, the number of such applications that were
635 approved, and the number of such applications that were denied.

636 Section 17. Subsections (2) and (4) of section 420.9076,
637 Florida Statutes, are amended, and subsection (10) is added to
638 that section, to read:

639 420.9076 Adoption of affordable housing incentive
640 strategies; committees.—

641 (2) The governing board of a county or municipality shall

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642 appoint the members of the affordable housing advisory
643 committee. Pursuant to the terms of any interlocal agreement, a
644 county and municipality may create and jointly appoint an
645 advisory committee. The local action adopted pursuant to s.
646 420.9072 which creates the advisory committee and appoints the
647 advisory committee members must name at least 8 but not more
648 than 11 committee members and specify their terms. Effective
649 October 1, 2020, the committee must consist of one locally
650 elected official from each county or municipality participating
651 in the State Housing Initiatives Partnership Program and one
652 representative from at least six of the categories below:

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

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

657 (c) A citizen who is a representative of those areas of
658 labor actively engaged in home building in connection with
659 affordable housing.

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

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

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

666 (g) A citizen who is actively engaged as a real estate

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667 professional in connection with affordable housing.

668 (h) A citizen who actively serves on the local planning
669 agency pursuant to s. 163.3174. If the local planning agency is
670 comprised of the governing board of the county or municipality,
671 the governing board may appoint a designee who is knowledgeable
672 in the local planning process.

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

675 (j) A citizen who represents employers within the
676 jurisdiction.

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

679 (4) Annually ~~Triennially~~, the advisory committee shall
680 review the established policies and procedures, ordinances, land
681 development regulations, and adopted local government
682 comprehensive plan of the appointing local government and shall
683 recommend specific actions or initiatives to encourage or
684 facilitate affordable housing while protecting the ability of
685 the property to appreciate in value. The recommendations may
686 include the modification or repeal of existing policies,
687 procedures, ordinances, regulations, or plan provisions; the
688 creation of exceptions applicable to affordable housing; or the
689 adoption of new policies, procedures, regulations, ordinances,
690 or plan provisions, including recommendations to amend the local
691 government comprehensive plan and corresponding regulations,

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692 ordinances, and other policies. At a minimum, each advisory
693 committee shall submit an annual a report to the local governing
694 body and to the entity providing statewide training and
695 technical assistance for the Affordable Housing Catalyst Program
696 which ~~that~~ includes recommendations on, ~~and triennially~~
697 ~~thereafter evaluates~~ the implementation of, affordable housing
698 incentives in the following areas:

699 (a) The processing of approvals of development orders or
700 permits for affordable housing projects is expedited to a
701 greater degree than other projects, as provided in s.
702 163.3177(6) (f) 3.

703 (b) All allowable fee waivers provided ~~The modification of~~
704 ~~impact fee requirements, including reduction or waiver of fees~~
705 ~~and alternative methods of fee payment for~~ the development or
706 construction of affordable housing.

707 (c) The allowance of flexibility in densities for
708 affordable housing.

709 (d) The reservation of infrastructure capacity for housing
710 for very-low-income persons, low-income persons, and moderate-
711 income persons.

712 (e) ~~The allowance of~~ Affordable accessory residential
713 units ~~in residential zoning districts.~~

714 (f) The reduction of parking and setback requirements for
715 affordable housing.

716 (g) The allowance of flexible lot configurations,

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717 including zero-lot-line configurations for affordable housing.

718 (h) The modification of street requirements for affordable
719 housing.

720 (i) The establishment of a process by which a local
721 government considers, before adoption, policies, procedures,
722 ordinances, regulations, or plan provisions that increase the
723 cost of housing.

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

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

728

729 The advisory committee recommendations may also include other
730 affordable housing incentives identified by the advisory
731 committee. Local governments that receive the minimum allocation
732 under the State Housing Initiatives Partnership Program shall
733 perform an ~~the~~ initial review but may elect to not perform the
734 annual ~~triennial~~ review.

735 (10) The locally elected official serving on an advisory
736 committee, or a locally elected designee, must attend biannual
737 regional workshops convened and administered under the
738 Affordable Housing Catalyst Program as provided in s.
739 420.531(2). If the locally elected official or locally elected
740 designee fails to attend three consecutive regional workshops,
741 the corporation may withhold funds pending the person's

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742 attendance at the next regularly scheduled biannual meeting.

743 Section 18. Subsection (18) of section 553.791, Florida
744 Statutes, is amended to read:

745 553.791 Alternative plans review and inspection.—

746 (18) Each local building code enforcement agency may audit
747 the performance of building code inspection services by private
748 providers operating within the local jurisdiction. However, a
749 building or structure ~~the same private provider~~ may not be
750 audited more than four times in a calendar year unless the local
751 building official determines a condition of the a building or
752 structure constitutes an immediate threat to public safety and
753 welfare. Work on a building or structure may proceed after
754 inspection and approval by a private provider if the provider
755 has given notice of the inspection pursuant to subsection (9)
756 and, subsequent to such inspection and approval, the work shall
757 not be delayed for completion of an inspection audit by the
758 local building code enforcement agency.

759 Section 19. Subsection (4) of section 723.011, Florida
760 Statutes, is amended to read:

761 723.011 Disclosure prior to rental of a mobile home lot;
762 prospectus, filing, approval.—

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

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767 other mobile home owners residing in the park on the effective
768 date of this act, excepting only rent variations based upon lot
769 location and size, and may ~~shall~~ not require any mobile home
770 owner to install any permanent improvements, except that the
771 mobile home owner may be required to install permanent
772 improvements to the mobile home as disclosed in the prospectus.

773 Section 20. Subsection (5) of section 723.012, Florida
774 Statutes, is amended to read:

775 723.012 Prospectus or offering circular.—The prospectus or
776 offering circular, which is required to be provided by s.
777 723.011, must contain the following information:

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

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

784 (b) Each swimming pool, as to its general location,
785 approximate size and depths, and approximate deck size and
786 capacity and whether heated.

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

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

791 (e) A general description of the days and hours that

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792 facilities will be available for use.

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

795

796 If a mobile home park owner intends to include additional
797 property and mobile home lots and to increase the number of lots
798 that will use the shared facilities of the park, the mobile home
799 park owner must amend the prospectus to disclose such additions.

800 If the number of mobile home lots in the park increases by more

801 than 15 percent of the total number of lots in the original

802 prospectus, the mobile home park owner must reasonably offset

803 the impact of the additional lots by increasing the shared

804 facilities. The amendment to the prospectus must include a

805 reasonable timeframe for providing the required additional

806 shared facilities. The costs and expenses necessary to increase

807 the shared facilities may not be passed on or passed through to

808 the existing mobile home owners.

809 Section 21. Section 723.023, Florida Statutes, is amended
810 to read:

811 723.023 Mobile home owner's general obligations.—A mobile
812 home owner shall ~~at all times~~:

813 (1) At all times comply with all obligations imposed on
814 mobile home owners by applicable provisions of building,
815 housing, and health codes, including compliance with all
816 building permits and construction requirements for construction

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817 on the mobile home and lot. The home owner is responsible for
818 all fines imposed by the local government for noncompliance with
819 any local codes.

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

823 (3) At all times comply with properly promulgated park
824 rules and regulations and require other persons on the premises
825 with his or her consent to comply with such rules and to conduct
826 themselves, and other persons on the premises with his or her
827 consent, in a manner that does not unreasonably disturb other
828 residents of the park or constitute a breach of the peace.

829 (4) Receive written approval from the mobile home park
830 owner before making any exterior modification or addition to the
831 home.

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

834 Section 22. Subsection (5) of section 723.031, Florida
835 Statutes, is amended to read:

836 723.031 Mobile home lot rental agreements.—

837 (5) The rental agreement must ~~shall~~ contain the lot rental
838 amount and services included. An increase in lot rental amount
839 upon expiration of the term of the lot rental agreement must
840 ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s.
841 723.059(4), whichever is applicable; ~~;~~ provided that, pursuant to

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842 s. 723.059(4), the amount of the lot rental increase is
843 disclosed and agreed to by the purchaser, in writing. An
844 increase in lot rental amount shall not be arbitrary or
845 discriminatory between similarly situated tenants in the park. A
846 lot rental amount may not be increased during the term of the
847 lot rental agreement, except:

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

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

852 (c) That a charge may not be collected which results in
853 payment of money for sums previously collected as part of the
854 lot rental amount. The provisions hereof notwithstanding, the
855 mobile home park owner may pass on, at any time during the term
856 of the lot rental agreement, ad valorem property taxes, non-ad
857 valorem assessments, and utility charges, or increases of
858 either, provided that the ad valorem property taxes, non-ad
859 valorem assessments, and utility charges are not otherwise being
860 collected in the remainder of the lot rental amount and provided
861 further that the passing on of such ad valorem taxes, non-ad
862 valorem assessments, or utility charges, or increases of either,
863 was disclosed prior to tenancy, was being passed on as a matter
864 of custom between the mobile home park owner and the mobile home
865 owner, or such passing on was authorized by law. A park owner is
866 deemed to have disclosed the passing on of ad valorem property

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867 taxes and non-ad valorem assessments if ad valorem property
868 taxes or non-ad valorem assessments were disclosed as a separate
869 charge or a factor for increasing the lot rental amount in the
870 prospectus or rental agreement. Such ad valorem taxes, non-ad
871 valorem assessments, and utility charges shall be a part of the
872 lot rental amount as defined by this chapter. The term "non-ad
873 valorem assessments" has the same meaning as provided in s.
874 197.3632(1)(d). Other provisions of this chapter
875 notwithstanding, pass-on charges may be passed on only within 1
876 year of the date a mobile home park owner remits payment of the
877 charge. A mobile home park owner is prohibited from passing on
878 any fine, interest, fee, or increase in a charge resulting from
879 a park owner's payment of the charge after the date such charges
880 become delinquent. A mobile home park owner is prohibited from
881 charging or collecting from the mobile home owners any sum for
882 ad valorem taxes or non-ad valorem tax charges in an amount in
883 excess of the sums remitted by the park owner to the tax
884 collector. Nothing herein shall prohibit a park owner and a
885 homeowner from mutually agreeing to an alternative manner of
886 payment to the park owner of the charges.

887 (d) If a notice of increase in lot rental amount is not
888 given 90 days before the renewal date of the rental agreement,
889 the rental agreement must remain under the same terms until a
890 90-day notice of increase in lot rental amount is given. The
891 notice may provide for a rental term shorter than 1 year in

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892 order to maintain the same renewal date.

893 Section 23. Subsection (1) and paragraph (a) of subsection
894 (4) of section 723.037, Florida Statutes, are amended to read:

895 723.037 Lot rental increases; reduction in services or
896 utilities; change in rules and regulations; mediation.—

897 (1) A park owner shall give written notice to each
898 affected mobile home owner and the board of directors of the
899 homeowners' association, if one has been formed, at least 90
900 days before any increase in lot rental amount or reduction in
901 services or utilities provided by the park owner or change in
902 rules and regulations. The park owner may give notice of all
903 increases in lot rental amount for multiple anniversary dates in
904 the same 90-day notice. The notice must ~~shall~~ identify all other
905 affected homeowners, which may be by lot number, name, group, or
906 phase. If the affected homeowners are not identified by name,
907 the park owner shall make the names and addresses available upon
908 request. However, this requirement does not authorize the
909 release of the names, addresses, or other private information
910 about the homeowners to the association or any other person for
911 any other purpose. The home owner's right to the 90-day notice
912 may not be waived or precluded by a home owner, or the
913 homeowners' committee, in an agreement with the park owner.
914 Rules adopted as a result of restrictions imposed by
915 governmental entities and required to protect the public health,
916 safety, and welfare may be enforced prior to the expiration of

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917 the 90-day period but are not otherwise exempt from the
918 requirements of this chapter. Pass-through charges must be
919 separately listed as to the amount of the charge, the name of
920 the governmental entity mandating the capital improvement, and
921 the nature or type of the pass-through charge being levied.
922 Notices of increase in the lot rental amount due to a pass-
923 through charge must ~~shall~~ state the additional payment and
924 starting and ending dates of each pass-through charge. The
925 homeowners' association shall have no standing to challenge the
926 increase in lot rental amount, reduction in services or
927 utilities, or change of rules and regulations unless a majority
928 of the affected homeowners agree, in writing, to such
929 representation.

930 (4) (a) A committee, not to exceed five in number,
931 designated by a majority of the affected mobile home owners or
932 by the board of directors of the homeowners' association, if
933 applicable, and the park owner shall meet, at a mutually
934 convenient time and place no later than 60 days before the
935 effective date of the change to discuss the reasons for the
936 increase in lot rental amount, reduction in services or
937 utilities, or change in rules and regulations. The negotiating
938 committee shall make a written request for a meeting with the
939 park owner or subdivision developer to discuss those matters
940 addressed in the 90-day notice, and may include in the request a
941 listing of any other issue, with supporting documentation, that

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942 the committee intends to raise and discuss at the meeting. The
943 committee shall address all lot rental amount increases that are
944 specified in the notice of lot rental amount increase,
945 regardless of the effective date of the increase.

946

947 This subsection is not intended to be enforced by civil or
948 administrative action. Rather, the meetings and discussions are
949 intended to be in the nature of settlement discussions prior to
950 the parties proceeding to mediation of any dispute.

951 Section 24. Subsections (5) and (6) are added to section
952 723.041, Florida Statutes, to read:

953 723.041 Entrance fees; refunds; exit fees prohibited;
954 replacement homes.—

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

959 (6) This section does not limit the regulation of the
960 uniform firesafety standards established under s. 633.206, but
961 supersedes any other density, separation, setback, or lot size
962 regulation adopted after initial permitting and construction of
963 the mobile home park.

964 Section 25. Section 723.042, Florida Statutes, is amended
965 to read:

966 723.042 Provision of improvements.—~~A~~ ~~No~~ person may not

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967 ~~shall~~ be required by a mobile home park owner or developer, as a
968 condition of residence in the mobile home park, to provide any
969 improvement unless the requirement is disclosed pursuant to s.
970 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home
971 park.

972 Section 26. Subsections (3) and (4) of section 723.059,
973 Florida Statutes, are amended to read:

974 723.059 ~~Rights of Purchaser of a mobile home within a~~
975 mobile home park.-

976 (3) The purchaser of a mobile home who intends to become
977 ~~becomes~~ a resident of the mobile home park in accordance with
978 this section has the right to assume the remainder of the term
979 of any rental agreement then in effect between the mobile home
980 park owner and the seller and may assume the seller's
981 prospectus. However, nothing herein shall prohibit a mobile home
982 park owner from offering the purchaser of a mobile home any
983 approved prospectus shall be entitled to rely on the terms and
984 conditions of the prospectus or offering circular as delivered
985 to the initial recipient.

986 (4) However, nothing herein shall be construed to prohibit
987 a mobile home park owner from increasing the rental amount to be
988 paid by the purchaser upon the expiration of the assumed rental
989 agreement in an amount deemed appropriate by the mobile home
990 park owner, so long as such increase is disclosed to the
991 purchaser prior to his or her occupancy and is imposed in a

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992 manner consistent with the purchaser's initial offering circular
993 ~~or~~ prospectus and this act.

994 Section 27. Paragraph (d) of subsection (1) of section
995 723.061, Florida Statutes, is amended, and subsection (5) is
996 added to that section, to read:

997 723.061 Eviction; grounds, proceedings.—

998 (1) A mobile home park owner may evict a mobile home
999 owner, a mobile home tenant, a mobile home occupant, or a mobile
1000 home only on one or more of the following grounds:

1001 (d) Change in use of the land comprising the mobile home
1002 park, or the portion thereof from which mobile homes are to be
1003 evicted, from mobile home lot rentals to some other use, if:

1004 1. The park owner gives written notice to the homeowners'
1005 association formed and operating under ss. 723.075-723.079 of
1006 its right to purchase the mobile home park, if the land
1007 comprising the mobile home park is changing use from mobile home
1008 lot rentals to a different use, at the price and under the terms
1009 and conditions set forth in the written notice.

1010 a. The notice shall be delivered to the officers of the
1011 homeowners' association by United States mail. Within 45 days
1012 after the date of mailing of the notice, the homeowners'
1013 association may execute and deliver a contract to the park owner
1014 to purchase the mobile home park at the price and under the
1015 terms and conditions set forth in the notice. If the contract
1016 between the park owner and the homeowners' association is not

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1017 | executed and delivered to the park owner within the 45-day
1018 | period, the park owner is under no further obligation to the
1019 | homeowners' association except as provided in sub-subparagraph
1020 | b.

1021 | b. If the park owner elects to offer or sell the mobile
1022 | home park at a price lower than the price specified in her or
1023 | his initial notice to the officers of the homeowners'
1024 | association, the homeowners' association has an additional 10
1025 | days to meet the revised price, terms, and conditions of the
1026 | park owner by executing and delivering a revised contract to the
1027 | park owner.

1028 | c. The park owner is not obligated under this subparagraph
1029 | or s. 723.071 to give any other notice to, or to further
1030 | negotiate with, the homeowners' association for the sale of the
1031 | mobile home park to the homeowners' association after 6 months
1032 | after the date of the mailing of the initial notice under sub-
1033 | subparagraph a.

1034 | 2. The park owner gives the affected mobile home owners
1035 | and tenants at least 6 months' notice of the eviction due to the
1036 | projected change in use and of their need to secure other
1037 | accommodations. Within 20 days after giving an eviction notice
1038 | to a mobile home owner, the park owner must provide the division
1039 | with a copy of the notice. The division must provide the
1040 | executive director of the Florida Mobile Home Relocation
1041 | Corporation with a copy of the notice.

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1042 a. The notice of eviction due to a change in use of the
1043 land must include in a font no smaller than the body of the
1044 notice the following statement:

1045
1046 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME
1047 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME
1048 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS
1049 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND
1050 PROFESSIONAL REGULATION.

1051
1052 b. The park owner may not give a notice of increase in lot
1053 rental amount within 90 days before giving notice of a change in
1054 use.

1055 (5) A park owner who accepts payment of any portion of the
1056 lot rental amount with actual knowledge of noncompliance after
1057 notice and termination of the rental agreement due to a
1058 violation under paragraph (1)(b), paragraph (1)(c), or paragraph
1059 (1)(e) does not waive the right to terminate the rental
1060 agreement or the right to bring a civil action for the
1061 noncompliance, but not for any subsequent or continuing
1062 noncompliance. Any rent so received must be accounted for at the
1063 final hearing.

1064 Section 28. Subsection (1) of section 723.076, Florida
1065 Statutes, is amended to read:

1066 723.076 Incorporation; notification of park owner.—

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1067 (1) Upon receipt of its certificate of incorporation, the
1068 homeowners' association shall notify the park owner in writing
1069 of such incorporation and shall advise the park owner of the
1070 names and addresses of the officers of the homeowners'
1071 association by personal delivery upon the park owner's
1072 representative as designated in the prospectus or by certified
1073 mail, return receipt requested. Thereafter, the homeowners'
1074 association shall notify the park owner in writing by certified
1075 mail, return receipt requested, of any change of names and
1076 addresses of its president or registered agent. Upon election or
1077 appointment of new officers or board members, the homeowners'
1078 association shall notify the park owner in writing by certified
1079 mail, return receipt requested, of the names and addresses of
1080 the new officers or board members.

1081 Section 29. Paragraphs (b) through (e) of subsection (2)
1082 of section 723.078, Florida Statutes, are amended, and paragraph
1083 (i) of that subsection is reenacted, to read:

1084 723.078 Bylaws of homeowners' associations.—

1085 (2) The bylaws shall provide and, if they do not, shall be
1086 deemed to include, the following provisions:

1087 (b) Quorum; voting requirements; proxies.—

1088 1. Unless otherwise provided in the bylaws, 30 percent of
1089 the total membership is required to constitute a quorum.

1090 Decisions shall be made by a majority of members represented at
1091 a meeting at which a quorum is present.

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1092 2.a. A member may not vote by general proxy but may vote
1093 by limited proxies substantially conforming to a limited proxy
1094 form adopted by the division. Limited proxies and general
1095 proxies may be used to establish a quorum. Limited proxies may
1096 be used for votes taken to amend the articles of incorporation
1097 or bylaws pursuant to this section, and any other matters for
1098 which this chapter requires or permits a vote of members. A
1099 ~~except that no~~ proxy, limited or general, may not be used in the
1100 election of board members in general elections or elections to
1101 fill vacancies caused by recall, resignation, or otherwise.
1102 Board members must be elected by written ballot or by voting in
1103 person. If a mobile home or subdivision lot is owned jointly,
1104 the owners of the mobile home or subdivision lot must be counted
1105 as one for the purpose of determining the number of votes
1106 required for a majority. Only one vote per mobile home or
1107 subdivision lot shall be counted. Any number greater than 50
1108 percent of the total number of votes constitutes a majority.
1109 Notwithstanding this section, members may vote in person at
1110 member meetings or by secret ballot, including absentee ballots,
1111 as defined by the division.

1112 b. Elections shall be decided by a plurality of the
1113 ballots cast. There is no quorum requirement; however, at least
1114 20 percent of the eligible voters must cast a ballot in order to
1115 have a valid election. A member may not allow any other person
1116 to cast his or her ballot, and any ballots improperly cast are

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1117 invalid. An election is not required unless there are more
1118 candidates nominated than vacancies that exist on the board.

1119 c. Each member or other eligible person who desires to be
1120 a candidate for the board of directors shall appear on the
1121 ballot in alphabetical order by surname. A ballot may not
1122 indicate if any of the candidates are incumbent on the board.
1123 All ballots must be uniform in appearance. Write-in candidates
1124 and more than one vote per candidate per ballot are not allowed.
1125 A ballot may not provide a space for the signature of, or any
1126 other means of identifying, a voter. If a ballot contains more
1127 votes than vacancies or fewer votes than vacancies, the ballot
1128 is invalid unless otherwise stated in the bylaws.

1129 d. An impartial committee shall be responsible for
1130 overseeing the election process and complying with all ballot
1131 requirements. For purposes of this section, the term "impartial
1132 committee" means a committee whose members do not include any of
1133 the following people or their spouses:

1134 (I) Current board members.

1135 (II) Current association officers.

1136 (III) Candidates for the association or board.

1137 e. The association bylaws shall provide a method for
1138 determining the winner of an election in which two or more
1139 candidates for the same position receive the same number of
1140 votes.

1141 f. The division shall adopt procedural rules to govern

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1142 elections, including, but not limited to, rules for providing
1143 notice by electronic transmission and rules for maintaining the
1144 secrecy of ballots.

1145 3. A proxy is effective only for the specific meeting for
1146 which originally given and any lawfully adjourned meetings
1147 thereof. In no event shall any proxy be valid for a period
1148 longer than 90 days after the date of the first meeting for
1149 which it was given. Every proxy shall be revocable at any time
1150 at the pleasure of the member executing it.

1151 4. A member of the board of directors or a committee may
1152 submit in writing his or her agreement or disagreement with any
1153 action taken at a meeting that the member did not attend. This
1154 agreement or disagreement may not be used as a vote for or
1155 against the action taken and may not be used for the purposes of
1156 creating a quorum.

1157 (c) Board of directors' and committee meetings.—

1158 1. Meetings of the board of directors and meetings of its
1159 committees at which a quorum is present shall be open to all
1160 members. Notwithstanding any other provision of law, the
1161 requirement that board meetings and committee meetings be open
1162 to the members does not apply to meetings between the park owner
1163 and the board of directors or any of the board's committees,
1164 board or committee meetings held for the purpose of discussing
1165 personnel matters, or meetings between the board or a committee
1166 and the association's attorney, with respect to potential or

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1167 pending litigation, when ~~where~~ the meeting is held for the
1168 purpose of seeking or rendering legal advice, and when ~~where~~ the
1169 contents of the discussion would otherwise be governed by the
1170 attorney-client privilege. Notice of all meetings open to
1171 members shall be posted in a conspicuous place upon the park
1172 property at least 48 hours in advance, except in an emergency.
1173 Notice of any meeting in which dues ~~assessments against members~~
1174 are to be considered for any reason shall specifically contain a
1175 statement that dues ~~assessments~~ will be considered and the
1176 nature of such dues ~~assessments~~.

1177 2. A board or committee member's participation in a
1178 meeting via telephone, real-time videoconferencing, or similar
1179 real-time telephonic, electronic, or video communication counts
1180 toward a quorum, and such member may vote as if physically
1181 present. A speaker shall be used so that the conversation of
1182 those board or committee members attending by telephone may be
1183 heard by the board or committee members attending in person, as
1184 well as by members present at a meeting.

1185 3. Members of the board of directors may use e-mail as a
1186 means of communication but may not cast a vote on an association
1187 matter via e-mail.

1188 4. The right to attend meetings of the board of directors
1189 and its committees includes the right to speak at such meetings
1190 with reference to all designated agenda items. The association
1191 may adopt reasonable written rules governing the frequency,

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1192 duration, and manner of members' statements. Any item not
1193 included on the notice may be taken up on an emergency basis by
1194 at least a majority plus one of the members of the board. Such
1195 emergency action shall be noticed and ratified at the next
1196 regular meeting of the board. Any member may tape record or
1197 videotape meetings of the board of directors and its committees,
1198 except meetings between the board of directors or its appointed
1199 homeowners' committee and the park owner. The division shall
1200 adopt reasonable rules governing the tape recording and
1201 videotaping of the meeting.

1202 5. Except as provided in paragraph (i), a vacancy
1203 occurring on the board of directors may be filled by the
1204 affirmative vote of the majority of the remaining directors,
1205 even though the remaining directors constitute less than a
1206 quorum; by the sole remaining director; if the vacancy is not so
1207 filled or if no director remains, by the members; or, on the
1208 application of any person, by the circuit court of the county in
1209 which the registered office of the corporation is located.

1210 6. The term of a director elected or appointed to fill a
1211 vacancy expires at the next annual meeting at which directors
1212 are elected. A directorship to be filled by reason of an
1213 increase in the number of directors may be filled by the board
1214 of directors, but only for the term of office continuing until
1215 the next election of directors by the members.

1216 7. A vacancy that will occur at a specific later date, by

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1217 | reason of a resignation effective at a later date, may be filled
1218 | before the vacancy occurs. However, the new director may not
1219 | take office until the vacancy occurs.

1220 | 8.a. The officers and directors of the association have a
1221 | fiduciary relationship to the members.

1222 | b. A director and committee member shall discharge his or
1223 | her duties in good faith, with the care an ordinarily prudent
1224 | person in a like position would exercise under similar
1225 | circumstances, and in a manner he or she reasonably believes to
1226 | be in the best interests of the corporation.

1227 | 9. In discharging his or her duties, a director may rely
1228 | on information, opinions, reports, or statements, including
1229 | financial statements and other financial data, if prepared or
1230 | presented by:

1231 | a. One or more officers or employees of the corporation
1232 | who the director reasonably believes to be reliable and
1233 | competent in the matters presented;

1234 | b. Legal counsel, public accountants, or other persons as
1235 | to matters the director reasonably believes are within the
1236 | persons' professional or expert competence; or

1237 | c. A committee of the board of directors of which he or
1238 | she is not a member if the director reasonably believes the
1239 | committee merits confidence.

1240 | 10. A director is not acting in good faith if he or she
1241 | has knowledge concerning the matter in question that makes

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1242 reliance otherwise permitted by subparagraph 9. unwarranted.

1243 11. A director is not liable for any action taken as a
1244 director, or any failure to take any action, if he or she
1245 performed the duties of his or her office in compliance with
1246 this section.

1247 (d) Member meetings.—Members shall meet at least once each
1248 calendar year, and the meeting shall be the annual meeting. All
1249 members of the board of directors shall be elected at the annual
1250 meeting unless the bylaws provide for staggered election terms
1251 or for their election at another meeting. The bylaws shall not
1252 restrict any member desiring to be a candidate for board
1253 membership from being nominated from the floor. All nominations
1254 from the floor must be made at a duly noticed meeting of the
1255 members held at least 27 ~~30~~ days before the annual meeting. The
1256 bylaws shall provide the method for calling the meetings of the
1257 members, including annual meetings. The method shall provide at
1258 least 14 days' written notice to each member in advance of the
1259 meeting and require the posting in a conspicuous place on the
1260 park property of a notice of the meeting at least 14 days prior
1261 to the meeting. The right to receive written notice of
1262 membership meetings may be waived in writing by a member. Unless
1263 waived, the notice of the annual meeting shall be mailed, hand
1264 delivered, or electronically transmitted to each member, and
1265 shall constitute notice. Unless otherwise stated in the bylaws,
1266 an officer of the association shall provide an affidavit

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1267 affirming that the notices were mailed, ~~or~~ hand delivered, or
1268 provided by electronic transmission in accordance with ~~the~~
1269 ~~provisions of~~ this section to each member at the address last
1270 furnished to the corporation. These meeting requirements do not
1271 prevent members from waiving notice of meetings or from acting
1272 by written agreement without meetings, if allowed by the bylaws.

1273 (e) Minutes of meetings.—

1274 1. Notwithstanding any other provision of law, the minutes
1275 of board or committee meetings that are closed to members are
1276 privileged and confidential and are not available for inspection
1277 or photocopying.

1278 2. Minutes of all meetings of members of an association
1279 and meetings open to members of, the board of directors, and a
1280 committee of the board must be maintained in written form and
1281 approved by the members, board, or committee, as applicable. A
1282 vote or abstention from voting on each matter voted upon for
1283 each director present at a board meeting must be recorded in the
1284 minutes.

1285 ~~3.2.~~ All approved minutes of open meetings of members,
1286 committees, and the board of directors shall be kept in a
1287 businesslike manner and shall be available for inspection by
1288 members, or their authorized representatives, and board members
1289 at reasonable times. The association shall retain these minutes
1290 within this state for ~~a period of~~ at least 5 7 years.

1291 (i) Recall of board members.—Any member of the board of

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1292 directors may be recalled and removed from office with or
1293 without cause by the vote of or agreement in writing by a
1294 majority of all members. A special meeting of the members to
1295 recall a member or members of the board of directors may be
1296 called by 10 percent of the members giving notice of the meeting
1297 as required for a meeting of members, and the notice shall state
1298 the purpose of the meeting. Electronic transmission may not be
1299 used as a method of giving notice of a meeting called in whole
1300 or in part for this purpose.

1301 1. If the recall is approved by a majority of all members
1302 by a vote at a meeting, the recall is effective as provided in
1303 this paragraph. The board shall duly notice and hold a board
1304 meeting within 5 full business days after the adjournment of the
1305 member meeting to recall one or more board members. At the
1306 meeting, the board shall either certify the recall, in which
1307 case such member or members shall be recalled effective
1308 immediately and shall turn over to the board within 5 full
1309 business days any and all records and property of the
1310 association in their possession, or shall proceed under
1311 subparagraph 3.

1312 2. If the proposed recall is by an agreement in writing by
1313 a majority of all members, the agreement in writing or a copy
1314 thereof shall be served on the association by certified mail or
1315 by personal service in the manner authorized by chapter 48 and
1316 the Florida Rules of Civil Procedure. The board of directors

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1317 shall duly notice and hold a meeting of the board within 5 full
1318 business days after receipt of the agreement in writing. At the
1319 meeting, the board shall either certify the written agreement to
1320 recall members of the board, in which case such members shall be
1321 recalled effective immediately and shall turn over to the board,
1322 within 5 full business days, any and all records and property of
1323 the association in their possession, or shall proceed as
1324 described in subparagraph 3.

1325 3. If the board determines not to certify the written
1326 agreement to recall members of the board, or does not certify
1327 the recall by a vote at a meeting, the board shall, within 5
1328 full business days after the board meeting, file with the
1329 division a petition for binding arbitration pursuant to the
1330 procedures of s. 723.1255. For purposes of this paragraph, the
1331 members who voted at the meeting or who executed the agreement
1332 in writing shall constitute one party under the petition for
1333 arbitration. If the arbitrator certifies the recall of a member
1334 of the board, the recall shall be effective upon mailing of the
1335 final order of arbitration to the association. If the
1336 association fails to comply with the order of the arbitrator,
1337 the division may take action under s. 723.006. A member so
1338 recalled shall deliver to the board any and all records and
1339 property of the association in the member's possession within 5
1340 full business days after the effective date of the recall.

1341 4. If the board fails to duly notice and hold a board

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1342 meeting within 5 full business days after service of an
1343 agreement in writing or within 5 full business days after the
1344 adjournment of the members' recall meeting, the recall shall be
1345 deemed effective and the board members so recalled shall
1346 immediately turn over to the board all records and property of
1347 the association.

1348 5. If the board fails to duly notice and hold the required
1349 meeting or fails to file the required petition, the member's
1350 representative may file a petition pursuant to s. 723.1255
1351 challenging the board's failure to act. The petition must be
1352 filed within 60 days after expiration of the applicable 5-full-
1353 business-day period. The review of a petition under this
1354 subparagraph is limited to the sufficiency of service on the
1355 board and the facial validity of the written agreement or
1356 ballots filed.

1357 6. If a vacancy occurs on the board as a result of a
1358 recall and less than a majority of the board members are
1359 removed, the vacancy may be filled by the affirmative vote of a
1360 majority of the remaining directors, notwithstanding any other
1361 provision of this chapter. If vacancies occur on the board as a
1362 result of a recall and a majority or more of the board members
1363 are removed, the vacancies shall be filled in accordance with
1364 procedural rules to be adopted by the division, which rules need
1365 not be consistent with this chapter. The rules must provide
1366 procedures governing the conduct of the recall election as well

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1367 as the operation of the association during the period after a
1368 recall but before the recall election.

1369 7. A board member who has been recalled may file a
1370 petition pursuant to s. 723.1255 challenging the validity of the
1371 recall. The petition must be filed within 60 days after the
1372 recall is deemed certified. The association and the member's
1373 representative shall be named as the respondents.

1374 8. The division may not accept for filing a recall
1375 petition, whether or not filed pursuant to this subsection, and
1376 regardless of whether the recall was certified, when there are
1377 60 or fewer days until the scheduled reelection of the board
1378 member sought to be recalled or when 60 or fewer days have not
1379 elapsed since the election of the board member sought to be
1380 recalled.

1381 Section 30. Paragraphs (d) and (f) through (i) of
1382 subsection (4) and subsection (5) of section 723.079, Florida
1383 Statutes, are amended to read:

1384 723.079 Powers and duties of homeowners' association.—

1385 (4) The association shall maintain the following items,
1386 when applicable, which constitute the official records of the
1387 association:

1388 (d) The approved minutes of all meetings of the members of
1389 an association and meetings open for members of~~7~~ the board of
1390 directors, and committees of the board, which minutes must be
1391 retained within this ~~the~~ state for at least 5 ~~7~~ years.

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1392 (f) All of the association's insurance policies or copies
1393 thereof, which must be retained within this state for at least 5
1394 7 years after the expiration date of the policy.

1395 (g) A copy of all contracts or agreements to which the
1396 association is a party, including, without limitation, any
1397 written agreements with the park owner, lease, or other
1398 agreements or contracts under which the association or its
1399 members has any obligation or responsibility, which must be
1400 retained within this state for at least 5 7 years after the
1401 expiration date of the contract or agreement.

1402 (h) The financial and accounting records of the
1403 association, kept according to good accounting practices. All
1404 financial and accounting records must be maintained within this
1405 state for a ~~period of~~ at least 5 7 years. The financial and
1406 accounting records must include:

1407 1. Accurate, itemized, and detailed records of all
1408 receipts and expenditures.

1409 2. A current account and a periodic statement of the
1410 account for each member, designating the name and current
1411 address of each member who is obligated to pay dues or
1412 assessments, the due date and amount of each assessment or other
1413 charge against the member, the date and amount of each payment
1414 on the account, and the balance due.

1415 3. All tax returns, financial statements, and financial
1416 reports of the association.

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1417 4. Any other records that identify, measure, record, or
1418 communicate financial information.

1419 (i) All other written records of the association not
1420 specifically included in the foregoing which are related to the
1421 operation of the association must be retained within this state
1422 for at least 5 years or at least 5 years after the expiration
1423 date, as applicable.

1424 (5) The official records shall be ~~maintained within the~~
1425 ~~state for at least 7 years and shall be~~ made available to a
1426 member for inspection or photocopying within 20 ~~10~~ business days
1427 after receipt by the board or its designee of a written request
1428 submitted by certified mail, return receipt requested. The
1429 requirements of this subsection are satisfied by having a copy
1430 of the official records available for inspection or copying in
1431 the park or, at the option of the association, by making the
1432 records available to a member electronically via the Internet or
1433 by allowing the records to be viewed in electronic format on a
1434 computer screen and printed upon request. If the association has
1435 a photocopy machine available where the records are maintained,
1436 it must provide a member with copies on request during the
1437 inspection if the entire request is no more than 25 pages. An
1438 association shall allow a member or his or her authorized
1439 representative to use a portable device, including a smartphone,
1440 tablet, portable scanner, or any other technology capable of
1441 scanning or taking photographs, to make an electronic copy of

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1442 the official records in lieu of the association's providing the
1443 member or his or her authorized representative with a copy of
1444 such records. The association may not charge a fee to a member
1445 or his or her authorized representative for the use of a
1446 portable device.

1447 (a) The failure of an association to provide access to the
1448 records within 20 ~~10~~ business days after receipt of a written
1449 request submitted by certified mail, return receipt requested,
1450 creates a rebuttable presumption that the association willfully
1451 failed to comply with this subsection.

1452 (b) A member who is denied access to official records is
1453 entitled to ~~the actual damages or minimum~~ damages for the
1454 association's willful failure to comply with this subsection in
1455 the amount of. The minimum damages are to be \$10 per calendar
1456 day up to 10 days, not to exceed \$100. The calculation for
1457 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after
1458 receipt of the written request, submitted by certified mail,
1459 return receipt requested.

1460 (c) A dispute between a member and an association
1461 regarding inspecting or photocopying official records must be
1462 submitted to mandatory binding arbitration with the division,
1463 and the arbitration must be conducted pursuant to s. 723.1255
1464 and procedural rules adopted by the division.

1465 (d) The association may adopt reasonable written rules
1466 governing the frequency, time, location, notice, records to be

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1467 inspected, and manner of inspections, but may not require a
1468 member to demonstrate a proper purpose for the inspection, state
1469 a reason for the inspection, or limit a member's right to
1470 inspect records to less than 1 business day per month. The
1471 association may impose fees to cover the costs of providing
1472 copies of the official records, including the costs of copying
1473 and for personnel to retrieve and copy the records if the time
1474 spent retrieving and copying the records exceeds 30 minutes and
1475 if the personnel costs do not exceed \$20 per hour. Personnel
1476 costs may not be charged for records requests that result in the
1477 copying of 25 or fewer pages. The association may charge up to
1478 25 cents per page for copies made on the association's
1479 photocopier. If the association does not have a photocopy
1480 machine available where the records are kept, or if the records
1481 requested to be copied exceed 25 pages in length, the
1482 association may have copies made by an outside duplicating
1483 service and may charge the actual cost of copying, as supported
1484 by the vendor invoice. The association shall maintain an
1485 adequate number of copies of the recorded governing documents,
1486 to ensure their availability to members and prospective members.
1487 Notwithstanding this paragraph, the following records are not
1488 accessible to members or home owners:

1489 1. A record protected by the lawyer-client privilege as
1490 described in s. 90.502 and a record protected by the work-
1491 product privilege, including, but not limited to, a record

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1492 prepared by an association attorney or prepared at the
1493 attorney's express direction which reflects a mental impression,
1494 conclusion, litigation strategy, or legal theory of the attorney
1495 or the association and which was prepared exclusively for civil
1496 or criminal litigation, for adversarial administrative
1497 proceedings, or in anticipation of such litigation or
1498 proceedings until the conclusion of the litigation or
1499 proceedings.

1500 2. E-mail addresses, telephone numbers, facsimile numbers,
1501 emergency contact information, any addresses for a home owner
1502 other than as provided for association notice requirements, and
1503 other personal identifying information of any person, excluding
1504 the person's name, lot designation, mailing address, and
1505 property address. Notwithstanding the restrictions in this
1506 subparagraph, an association may print and distribute to home
1507 owners a directory containing the name, park address, and
1508 telephone number of each home owner. However, a home owner may
1509 exclude his or her telephone number from the directory by so
1510 requesting in writing to the association. The association is not
1511 liable for the disclosure of information that is protected under
1512 this subparagraph if the information is included in an official
1513 record of the association and is voluntarily provided by a home
1514 owner and not requested by the association.

1515 3. An electronic security measure that is used by the
1516 association to safeguard data, including passwords.

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1517 4. The software and operating system used by the
1518 association which allows the manipulation of data, even if the
1519 home owner owns a copy of the same software used by the
1520 association. The data is part of the official records of the
1521 association.

1522 Section 31. Section 723.1255, Florida Statutes, is amended
1523 to read:

1524 723.1255 Alternative resolution of recall, election, and
1525 inspection and photocopying of official records disputes.-

1526 (1) A dispute between a mobile home owner and a
1527 homeowners' association regarding the election and recall of
1528 officers or directors under s. 723.078(2)(b) or regarding the
1529 inspection and photocopying of official records under s.
1530 723.079(5) must be submitted to mandatory binding arbitration
1531 with the division. The arbitration shall be conducted in
1532 accordance with this section and the procedural rules adopted by
1533 the division.

1534 (2) Each party shall be responsible for paying its own
1535 attorney fees, expert and investigator fees, and associated
1536 costs. The cost of the arbitrators shall be divided equally
1537 between the parties regardless of the outcome.

1538 (3) The division shall adopt procedural rules to govern
1539 mandatory binding arbitration proceedings ~~The Division of~~
1540 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~
1541 ~~Department of Business and Professional Regulation shall adopt~~

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1542 ~~rules of procedure to govern binding recall arbitration~~
1543 ~~proceedings.~~

1544 Section 32. For the purpose of incorporating the amendment
1545 made by this act to section 420.5087, Florida Statutes, in a
1546 reference thereto, paragraph (i) of subsection (22) of section
1547 420.507, Florida Statutes, is reenacted to read:

1548 420.507 Powers of the corporation.—The corporation shall
1549 have all the powers necessary or convenient to carry out and
1550 effectuate the purposes and provisions of this part, including
1551 the following powers which are in addition to all other powers
1552 granted by other provisions of this part:

1553 (22) To develop and administer the State Apartment
1554 Incentive Loan Program. In developing and administering that
1555 program, the corporation may:

1556 (i) Establish, by rule, the procedure for competitively
1557 evaluating and selecting all applications for funding based on
1558 the criteria set forth in s. 420.5087(6)(c), determining actual
1559 loan amounts, making and servicing loans, and exercising the
1560 powers authorized in this subsection.

1561 Section 33. For the purpose of incorporating the amendment
1562 made by this act to section 420.5095, Florida Statutes, in a
1563 reference thereto, subsection (2) of section 193.018, Florida
1564 Statutes, is reenacted to read:

1565 193.018 Land owned by a community land trust used to
1566 provide affordable housing; assessment; structural improvements,

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1567 condominium parcels, and cooperative parcels.-

1568 (2) A community land trust may convey structural
1569 improvements, condominium parcels, or cooperative parcels, that
1570 are located on specific parcels of land that are identified by a
1571 legal description contained in and subject to a ground lease
1572 having a term of at least 99 years, for the purpose of providing
1573 affordable housing to natural persons or families who meet the
1574 extremely-low-income, very-low-income, low-income, or moderate-
1575 income limits specified in s. 420.0004, or the income limits for
1576 workforce housing, as defined in s. 420.5095(3). A community
1577 land trust shall retain a preemptive option to purchase any
1578 structural improvements, condominium parcels, or cooperative
1579 parcels on the land at a price determined by a formula specified
1580 in the ground lease which is designed to ensure that the
1581 structural improvements, condominium parcels, or cooperative
1582 parcels remain affordable.

1583 Section 34. This act shall take effect July 1, 2020.

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T I T L E A M E N D M E N T

1588

Remove everything before the enacting clause and insert:

1589

An act relating to community development and housing;

1590

amending s. 125.01055, F.S.; authorizing a board of

1591

county commissioners to approve development of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1339 (2020)

Amendment No. 1

1592 affordable housing on any parcel zoned for
1593 residential, commercial, or industrial use; amending
1594 s. 163.01, F.S.; amending the Florida Interlocal
1595 Cooperation Act; amending s. 163.31771, F.S.; revising
1596 legislative findings; requiring local governments to
1597 adopt ordinances that allow accessory dwelling units
1598 in any area zoned for single-family residential use;
1599 providing an exception; amending s. 163.31801, F.S.;
1600 requiring counties, municipalities, and special
1601 districts to include certain data relating to impact
1602 fees in their annual financial reports; amending s.
1603 166.04151, F.S.; authorizing governing bodies of
1604 municipalities to approve the development of
1605 affordable housing on any parcel zoned for
1606 residential, commercial, or industrial use; amending
1607 s. 320.77, F.S.; revising a certification requirement
1608 for mobile home dealer applicants relating to the
1609 applicant's business location; amending s. 320.771,
1610 F.S.; exempting certain recreational vehicle dealer
1611 applicants from a garage liability insurance
1612 requirement; amending s. 320.822, F.S.; revising the
1613 definition of the term "code"; amending s. 320.8232,
1614 F.S.; revising applicable standards for the repair and
1615 remodeling of mobile and manufactured homes; amending
1616 s. 367.022, F.S.; exempting certain mobile home park

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Amendment No. 1

1617 owners and mobile home subdivision owners from
1618 regulation by the Florida Public Service Commission
1619 relating to water and wastewater service; amending s.
1620 420.5087, F.S.; revising the criteria used by a review
1621 committee when evaluating and selecting specified
1622 applications for state apartment incentive loans;
1623 amending s. 420.5095, F.S.; renaming the Community
1624 Workforce Housing Innovation Pilot Program as the
1625 Community Workforce Housing Loan Program; requiring
1626 the program to provide workforce housing; revising the
1627 definition of the term "workforce housing"; deleting
1628 the definition of the term "public-private
1629 partnership"; authorizing the Florida Housing Finance
1630 Corporation to provide loans under the program to
1631 applicants for construction of workforce housing;
1632 requiring the corporation to establish a certain loan
1633 application process; deleting provisions requiring the
1634 corporation to provide incentives for local
1635 governments to use certain funds; requiring projects
1636 to receive priority consideration for funding under
1637 certain circumstances; deleting a provision providing
1638 for the expedition of local government comprehensive
1639 plan amendments to implement a program project;
1640 requiring that the corporation award loans at a
1641 specified interest rate and for a limited term;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1339 (2020)

Amendment No. 1

1642 conforming provisions to changes made by the act;
1643 amending s. 420.531, F.S.; specifying that technical
1644 support provided to local governments and community-
1645 based organizations includes implementation of the
1646 State Apartment Incentive Loan Program; requiring the
1647 entity providing training and technical assistance to
1648 convene and administer biannual regional workshops;
1649 requiring such entity to annually compile and submit
1650 certain information to the Legislature and the
1651 corporation by a specified date; amending s. 420.9073,
1652 F.S.; authorizing the corporation to withhold a
1653 certain portion of funds distributed from the Local
1654 Government Housing Trust Fund to be used for certain
1655 transitional housing; prohibiting such funds from
1656 being used for specified purposes; requiring the
1657 corporation to consult with the Department of Children
1658 and Families to create minimum criteria for such
1659 housing; providing for the distribution of withheld
1660 funds; amending s. 420.9071, F.S.; revising a
1661 definition; amending s. 420.9075, F.S.; requiring an
1662 optimization plan to be included in local housing
1663 assistance plan criteria; revising requirements for
1664 reports submitted by counties and certain
1665 municipalities to the corporation; amending s.
1666 420.9076, F.S.; revising the membership of local

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1667 affordable housing advisory committees beginning on a
1668 specified date; requiring the committees to perform
1669 specified duties annually instead of triennially;
1670 requiring locally elected officials serving on
1671 advisory committees, or their designees, to attend
1672 biannual regional workshops; providing a penalty;
1673 amending s. 553.791, F.S.; amending alternative plans
1674 and inspections; amending s. 723.011, F.S.; providing
1675 construction relating to rental agreements and
1676 tenancies; providing that a mobile home owner may be
1677 required to install permanent improvements as
1678 disclosed in the mobile home park prospectus; amending
1679 s. 723.012, F.S.; authorizing mobile home park owners
1680 to make certain prospectus amendments; providing
1681 requirements for the amendment; prohibiting certain
1682 costs and expenses from being passed on to existing
1683 mobile home owners; amending s. 723.023, F.S.;;
1684 revising general obligations for mobile home owners;
1685 amending s. 723.031, F.S.; specifying a requirement
1686 for disclosing and agreeing to a mobile home lot
1687 rental increase; revising construction relating to a
1688 park owner's disclosure of certain taxes and
1689 assessments; amending s. 723.037, F.S.; authorizing
1690 mobile home park owners to give notice of lot rental
1691 increases for multiple anniversary dates in one

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1692 notice; providing construction; revising a requirement
1693 for a lot rental negotiation committee; amending s.
1694 723.041, F.S.; providing that a mobile home park
1695 damaged or destroyed due to natural forces may be
1696 rebuilt with the same density as previously approved,
1697 permitted, and built; providing construction; amending
1698 s. 723.042, F.S.; conforming a provision to changes
1699 made by the act; amending s. 723.059, F.S.;

1700 authorizing certain mobile home purchasers to assume
1701 the remainder of a seller's prospectus; authorizing a
1702 mobile home park owner to offer a purchaser any
1703 approved prospectus; amending s. 723.061, F.S.;

1704 specifying entities that must be provided with a copy
1705 of an eviction notice when received by a mobile home
1706 owner; specifying the waiver and nonwaiver of certain
1707 rights of a mobile home park owner under certain
1708 circumstances; requiring the accounting at final
1709 hearing of rents received; amending s. 723.076, F.S.;

1710 revising procedures related to the election or
1711 appointment of new officers in a homeowner's
1712 association; amending s. 723.078, F.S.; revising
1713 requirements for board elections and ballots;
1714 requiring an impartial committee to be responsible for
1715 overseeing the election process and complying with
1716 ballot requirements; defining the term "impartial

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Amendment No. 1

1717 committee"; requiring that association bylaws provide
1718 a method for determining the winner of an election
1719 under certain circumstances; requiring the Division of
1720 Florida Condominiums, Timeshares, and Mobile Homes to
1721 adopt procedural rules; revising the types of meetings
1722 that are not required to be open to members; providing
1723 an exception to a provision requiring an officer of an
1724 association to provide an affidavit affirming certain
1725 information; authorizing meeting notices to be
1726 provided by electronic means; providing that the
1727 minutes of certain board and committee meetings are
1728 privileged and confidential; conforming provisions to
1729 changes made by the act; amending s. 723.079, F.S.;
1730 revising homeowners' association recordkeeping
1731 requirements; revising the timeframes for which
1732 certain records are required to be retained and be
1733 made available for inspection or photocopying; capping
1734 the amount of damages for which an association is
1735 liable when a member is denied access to official
1736 records; requiring that certain disputes be submitted
1737 to mandatory binding arbitration with the division;
1738 amending s. 723.1255, F.S.; requiring that certain
1739 disputes be submitted to mandatory binding arbitration
1740 with the division; providing requirements for such
1741 arbitration and fees and costs; requiring the division

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1339 (2020)

Amendment No. 1

1742 | to adopt rules; reenacting s. 420.507(22)(i), F.S.,
1743 | relating to powers of the Florida Housing Finance
1744 | Corporation, to incorporate the amendment made to s.
1745 | 420.5087, F.S., in a reference thereto; reenacting s.
1746 | 193.018(2), F.S., relating to land owned by a
1747 | community land trust used to provide affordable
1748 | housing, to incorporate the amendment made to s.
1749 | 420.5095, F.S., in a reference thereto; providing an
1750 | effective date