



LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AE/2R	.	Floor: C
03/10/2020 07:49 PM	.	03/13/2020 11:12 AM
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Senator Hutson moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 125.01055, Florida Statutes, is amended
to read:

125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county
may adopt and maintain in effect any law, ordinance, rule, or
other measure that is adopted for the purpose of increasing the
supply of affordable housing using land use mechanisms such as



12 inclusionary housing or linkage fee ordinances.

13 (2) An inclusionary housing ordinance may require a
14 developer to provide a specified number or percentage of
15 affordable housing units to be included in a development or
16 allow a developer to contribute to a housing fund or other
17 alternatives in lieu of building the affordable housing units.

18 (3) An affordable housing linkage fee ordinance may require
19 the payment of a flat or percentage-based fee, whether
20 calculated on the basis of the number of approved dwelling
21 units, the amount of approved square footage, or otherwise.

22 (4) ~~However,~~ In exchange for a developer fulfilling the
23 requirements of subsection (2) or, for residential or mixed-use
24 residential development, the requirements of subsection (3), a
25 county must provide incentives to fully offset all costs to the
26 developer of its affordable housing contribution or linkage fee.
27 Such incentives may include, but are not limited to:

28 (a) Allowing the developer density or intensity bonus
29 incentives or more floor space than allowed under the current or
30 proposed future land use designation or zoning;

31 (b) Reducing or waiving fees, such as impact fees or water
32 and sewer charges; or

33 (c) Granting other incentives.

34 (5) ~~(3)~~ Subsection (2) does not apply in an area of critical
35 state concern, as designated in s. 380.0552.

36 (6) Notwithstanding any other law or local ordinance or
37 regulation to the contrary, the board of county commissioners
38 may approve the development of housing that is affordable, as
39 defined in s. 420.0004, on any parcel zoned for residential,
40 commercial, or industrial use.



41 Section 2. Paragraph (d) of subsection (3) of section
42 129.03, Florida Statutes, is amended to read:

43 129.03 Preparation and adoption of budget.—

44 (3) The county budget officer, after tentatively
45 ascertaining the proposed fiscal policies of the board for the
46 next fiscal year, shall prepare and present to the board a
47 tentative budget for the next fiscal year for each of the funds
48 provided in this chapter, including all estimated receipts,
49 taxes to be levied, and balances expected to be brought forward
50 and all estimated expenditures, reserves, and balances to be
51 carried over at the end of the year.

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

57 1. Government spending per resident, including, at a
58 minimum, the spending per resident for the previous 5 fiscal
59 years.

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

62 3. Median income within the county.

63 4. The average county employee salary.

64 5. Percent of budget spent on salaries and benefits for
65 county employees.

66 6. Number of special taxing districts, wholly or partially,
67 within the county.

68 7. Annual county expenditures providing for the financing,
69 acquisition, construction, reconstruction, or rehabilitation of



70 housing that is affordable, as that term is defined in s.
71 420.0004. The reported expenditures must indicate the source of
72 such funds as "federal," "state," "local," or "other," as
73 applicable. The information required by this subparagraph must
74 be included in the submission due by October 15, 2020, and each
75 annual submission thereafter.

76 Section 3. Paragraph (d) of subsection (7) of section
77 163.01, Florida Statutes, is amended to read:

78 163.01 Florida Interlocal Cooperation Act of 1969.—
79 (7)

80 (d) Notwithstanding the provisions of paragraph (c), any
81 separate legal entity created pursuant to this section and
82 controlled by the municipalities or counties of this state or by
83 one or more municipality and one or more county of this state,
84 the membership of which consists or is to consist of
85 municipalities only, counties only, or one or more municipality
86 and one or more county, may, for the purpose of financing or
87 refinancing any capital projects, exercise all powers in
88 connection with the authorization, issuance, and sale of bonds.
89 Notwithstanding any limitations provided in this section, all of
90 the privileges, benefits, powers, and terms of part I of chapter
91 125, part II of chapter 166, and part I of chapter 159 are shall
92 be fully applicable to such entity. Bonds issued by such entity
93 are shall be deemed issued on behalf of the counties, or
94 municipalities, or private entities which enter into loan
95 agreements with such entity as provided in this paragraph. Any
96 loan agreement executed pursuant to a program of such entity is
97 shall be governed by the provisions of part I of chapter 159 or,
98 in the case of counties, part I of chapter 125, or in the case



99 of municipalities and charter counties, part II of chapter 166.
100 Proceeds of bonds issued by such entity may be loaned to
101 counties or municipalities of this state or a combination of
102 municipalities and counties, whether or not such counties or
103 municipalities are also members of the entity issuing the bonds,
104 or to private entities for projects that are "self-liquidating,"
105 as provided in s. 159.02, whether or not such private entities
106 are located within the jurisdictional boundaries of a county or
107 municipality that is a member of the entity issuing the bonds.
108 The issuance of bonds by such entity to fund a loan program to
109 make loans to municipalities, ~~or~~ counties, or private entities
110 or a combination of municipalities, and counties, and private
111 entities with one another for capital projects to be identified
112 subsequent to the issuance of the bonds to fund such loan
113 programs is deemed to be a paramount public purpose. Any entity
114 so created may also issue bond anticipation notes, as provided
115 by s. 215.431, in connection with the authorization, issuance,
116 and sale of such bonds. In addition, the governing body of such
117 legal entity may also authorize bonds to be issued and sold from
118 time to time and may delegate, to such officer, official, or
119 agent of such legal entity as the governing body of such legal
120 entity may select, the power to determine the time; manner of
121 sale, public or private; maturities; rate or rates of interest,
122 which may be fixed or may vary at such time or times and in
123 accordance with a specified formula or method of determination;
124 and other terms and conditions as may be deemed appropriate by
125 the officer, official, or agent so designated by the governing
126 body of such legal entity. However, the amounts and maturities
127 of such bonds and the interest rate or rates of such bonds shall



128 be within the limits prescribed by the governing body of such
129 legal entity and its resolution delegating to such officer,
130 official, or agent the power to authorize the issuance and sale
131 of such bonds. A local government self-insurance fund
132 established under this section may financially guarantee bonds
133 or bond anticipation notes issued or loans made under this
134 subsection. Bonds issued pursuant to this paragraph may be
135 validated as provided in chapter 75. The complaint in any action
136 to validate such bonds shall be filed only in the Circuit Court
137 for Leon County. The notice required to be published by s. 75.06
138 shall be published only in Leon County, and the complaint and
139 order of the circuit court shall be served only on the State
140 Attorney of the Second Judicial Circuit and on the state
141 attorney of each circuit in each county where the public
142 agencies which were initially a party to the agreement are
143 located. Notice of such proceedings shall be published in the
144 manner and the time required by s. 75.06 in Leon County and in
145 each county where the public agencies which were initially a
146 party to the agreement are located. Obligations of any county or
147 municipality pursuant to a loan agreement as described in this
148 paragraph may be validated as provided in chapter 75.

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

151 163.31771 Accessory dwelling units.—

152 (3) ~~A Upon a finding by a local government that there is a~~
153 ~~shortage of affordable rentals within its jurisdiction, the~~
154 local government may adopt an ordinance to allow accessory
155 dwelling units in any area zoned for single-family residential
156 use.



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

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

165 163.31801 Impact fees; short title; intent; minimum
166 requirements; audits; challenges.—

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

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

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

177 (c) The amount assessed for each purpose and for each type
178 of dwelling.

179 (d) The total amount of impact fees charged by type of
180 dwelling.

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

183 Section 6. Section 166.04151, Florida Statutes, is amended
184 to read:

185 166.04151 Affordable housing.—



186 (1) Notwithstanding any other provision of law, a
187 municipality may adopt and maintain in effect any law,
188 ordinance, rule, or other measure that is adopted for the
189 purpose of increasing the supply of affordable housing using
190 land use mechanisms such as inclusionary housing or linkage fee
191 ordinances.

192 (2) An inclusionary housing ordinance may require a
193 developer to provide a specified number or percentage of
194 affordable housing units to be included in a development or
195 allow a developer to contribute to a housing fund or other
196 alternatives in lieu of building the affordable housing units.

197 (3) An affordable housing linkage fee ordinance may require
198 the payment of a flat or percentage-based fee, whether
199 calculated on the basis of the number of approved dwelling
200 units, the amount of approved square footage, or otherwise.

201 (4) ~~However,~~ In exchange for a developer fulfilling the
202 requirements of subsection (2) or, for residential or mixed-use
203 residential development, the requirements of subsection (3), a
204 municipality must provide incentives to fully offset all costs
205 to the developer of its affordable housing contribution or
206 linkage fee. Such incentives may include, but are not limited
207 to:

208 (a) Allowing the developer density or intensity bonus
209 incentives or more floor space than allowed under the current or
210 proposed future land use designation or zoning;

211 (b) Reducing or waiving fees, such as impact fees or water
212 and sewer charges; or

213 (c) Granting other incentives.

214 (5)-~~(3)~~ Subsection (2) does not apply in an area of critical



215 state concern, as designated by s. 380.0552 or chapter 28-36,
216 Florida Administrative Code.

217 (6) Notwithstanding any other law or local ordinance or
218 regulation to the contrary, the governing body of a municipality
219 may approve the development of housing that is affordable, as
220 defined in s. 420.0004, on any parcel zoned for residential,
221 commercial, or industrial use.

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

224 166.241 Fiscal years, budgets, and budget amendments.—

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

230 (a) Government spending per resident, including, at a
231 minimum, the spending per resident for the previous 5 fiscal
232 years.

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

235 (c) Average municipal employee salary.

236 (d) Median income within the municipality.

237 (e) Number of special taxing districts wholly or partially
238 within the municipality.

239 (f) Percent of budget spent on salaries and benefits for
240 municipal employees.

241 (g) Annual municipal expenditures providing for the
242 financing, acquisition, construction, reconstruction, or
243 rehabilitation of housing that is affordable, as that term is



244 defined in s. 420.0004. The reported expenditures must indicate
245 the source of such funds as "federal," "state," "local," or
246 "other," as applicable. This information must be included in the
247 submission due by October 15, 2020, and each annual submission
248 thereafter.

249 Section 8. Paragraph (h) of subsection (3) of section
250 320.77, Florida Statutes, is amended to read:

251 320.77 License required of mobile home dealers.-

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

256 (h) Certification by the applicant:

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

259 2. Except in the case of a mobile home broker, that the
260 location affords sufficient ~~unoccupied~~ space to display store
261 ~~all mobile homes offered and displayed~~ for sale. A space to
262 display a manufactured home as a model home is sufficient to
263 satisfy this requirement.~~;~~ ~~and that~~ The location must be ~~is~~ a
264 suitable place in which the applicant can in good faith carry on
265 business and keep and maintain books, records, and files
266 necessary to conduct such business, which must ~~will~~ be available
267 at all reasonable hours to inspection by the department or any
268 of its inspectors or other employees.

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270 This paragraph does subsection shall not preclude a licensed
271 mobile home dealer from displaying and offering for sale mobile
272 homes in a mobile home park.



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

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

320.771 License required of recreational vehicle dealers.—

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

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

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

Section 10. Subsection (2) of section 320.822, Florida



302 Statutes, is amended to read:

303 320.822 Definitions; ss. 320.822-320.862.—In construing ss.
304 320.822-320.862, unless the context otherwise requires, the
305 following words or phrases have the following meanings:

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

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

310 (b) The Uniform Standards Code approved by the American
311 National Standards Institute, ANSI A-119.2 for recreational
312 vehicles and ANSI A-119.5 for park trailers or the United States
313 Department of Housing and Urban Development standard for park
314 trailers certified as meeting that standard; or

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

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

319 320.8232 Establishment of uniform standards for used
320 recreational vehicles and repair and remodeling code for mobile
321 homes.—

322 (2) The Mobile and Manufactured Home ~~provisions of the~~
323 Repair and Remodeling Code must be a uniform code, must shall
324 ensure safe and livable housing, and may shall not be more
325 stringent than those standards required to be met in the
326 manufacture of mobile homes. Such code must ~~provisions shall~~
327 ~~include, but not be limited to,~~ standards for structural
328 adequacy, plumbing, heating, electrical systems, and fire and
329 life safety. All repairs and remodeling of mobile and
330 manufactured homes must be performed in accordance with



331 department rules.

332 Section 12. Subsection (9) of section 367.022, Florida
333 Statutes, is amended, and subsection (14) is added to that
334 section, to read:

335 367.022 Exemptions.—The following are not subject to
336 regulation by the commission as a utility nor are they subject
337 to the provisions of this chapter, except as expressly provided:

338 (9) Any person who resells water service to his or her
339 tenants or to individually metered residents for a fee that does
340 not exceed the actual purchase price of the water and wastewater
341 service plus the actual cost of meter reading and billing, not
342 to exceed 9 percent of the actual cost of service.

343 (14) The owner of a mobile home park operating both as a
344 mobile home park and a mobile home subdivision, as those terms
345 are defined in s. 723.003, who provides service within the park
346 and subdivision to a combination of both tenants and lot owners,
347 provided that the service to tenants is without specific
348 compensation.

349 Section 13. Section 420.518, Florida Statutes, is created
350 to read:

351 420.518 Fraudulent or material misrepresentation.—

352 (1) An applicant or affiliate of an applicant may be
353 precluded from participation in any corporation program if the
354 applicant or affiliate of the applicant has:

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

357 (b) Been convicted or found guilty of, or entered a plea of
358 guilty or nolo contendere to, regardless of adjudication, a
359 crime in any jurisdiction which directly relates to the



360 financing, construction, or management of affordable housing or
361 the fraudulent procurement of state or federal funds. The record
362 of a conviction certified or authenticated in such form as to be
363 admissible in evidence under the laws of the state shall be
364 admissible as prima facie evidence of such guilt.

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

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

368 (e) Offered or given consideration, other than the
369 consideration to provide affordable housing, with respect to a
370 local contribution.

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

375 (2) Upon a determination by the board of directors of the
376 corporation that an applicant or affiliate of the applicant be
377 precluded from participation in any corporation program, the
378 board may issue an order taking any or all of the following
379 actions:

380 (a) Preclude such applicant or affiliate from applying for
381 funding from any corporation program for a specified period. The
382 period may be a specified period of time or permanent in nature.
383 With regard to establishing the duration, the board shall
384 consider the facts and circumstances, inclusive of the
385 compliance history of the applicant or affiliate of the
386 applicant, the type of action under subsection (1), and the
387 degree of harm to the corporation's programs that has been or
388 may be done.



389 (b) Revoke any funding previously awarded by the
390 corporation for any development for which construction or
391 rehabilitation has not commenced.

392 (3) Before any order issued under this section can be
393 final, an administrative complaint must be served on the
394 applicant, affiliate of the applicant, or its registered agent
395 that provides notification of findings of the board, the
396 intended action, and the opportunity to request a proceeding
397 pursuant to ss. 120.569 and 120.57.

398 (4) Any funding, allocation of federal housing credits,
399 credit underwriting procedures, or application review for any
400 development for which construction or rehabilitation has not
401 commenced may be suspended by the corporation upon the service
402 of an administrative complaint on the applicant, affiliate of
403 the applicant, or its registered agent. The suspension shall be
404 effective from the date the administrative complaint is served
405 until an order issued by the corporation in regard to that
406 complaint becomes final.

407 Section 14. Paragraph (c) of subsection (6) of section
408 420.5087, Florida Statutes, is amended, and subsection (10) is
409 added to that section, to read:

410 420.5087 State Apartment Incentive Loan Program.—There is
411 hereby created the State Apartment Incentive Loan Program for
412 the purpose of providing first, second, or other subordinated
413 mortgage loans or loan guarantees to sponsors, including for-
414 profit, nonprofit, and public entities, to provide housing
415 affordable to very-low-income persons.

416 (6) On all state apartment incentive loans, except loans
417 made to housing communities for the elderly to provide for



418 lifesafety, building preservation, health, sanitation, or
419 security-related repairs or improvements, the following
420 provisions shall apply:

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

425 1. Tenant income and demographic targeting objectives of
426 the corporation.

427 2. Targeting objectives of the corporation which will
428 ensure an equitable distribution of loans between rural and
429 urban areas.

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

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

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

438 b. Forty percent of the units in the project for persons or
439 families who have incomes that do not exceed 60 percent of the
440 state or local median income, whichever is higher, without
441 requiring a greater amount of the loans as provided in this
442 section.

443 5. Provision for tenant counseling.

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

446 7. Projects requiring the least amount of a state apartment



447 incentive loan compared to overall project cost, except that the
448 share of the loan attributable to units serving extremely-low-
449 income persons must be excluded from this requirement.

450 8. Local government contributions and local government
451 comprehensive planning and activities that promote affordable
452 housing and policies that promote access to public
453 transportation, reduce the need for onsite parking, and expedite
454 permits for affordable housing projects.

455 9. Project feasibility.

456 10. Economic viability of the project.

457 11. Commitment of first mortgage financing.

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

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

462 14. Projects that directly implement or assist welfare-to-
463 work transitioning.

464 15. Projects that reserve units for extremely-low-income
465 persons.

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

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

471 (10) The corporation may prioritize a portion of the
472 program funds set aside under paragraph (3)(d) for persons with
473 special needs as defined in s. 420.0004(13) to provide funding
474 for the development of newly constructed permanent rental
475 housing on a campus that provides housing for persons in foster



476 care or persons aging out of foster care pursuant to s.
477 409.1451. Such housing shall promote and facilitate access to
478 community-based supportive, educational, and employment services
479 and resources that assist persons aging out of foster care to
480 successfully transition to independent living and adulthood. The
481 corporation must consult with the Department of Children and
482 Families to create minimum criteria for such housing.

483 Section 15. Section 420.5095, Florida Statutes, is amended
484 to read:

485 420.5095 Community Workforce Housing Loan Innovation Pilot
486 Program.—

487 (1) The Legislature finds and declares that recent rapid
488 increases in the median purchase price of a home and the cost of
489 rental housing have far outstripped the increases in median
490 income in the state, ~~preventing essential services personnel~~
491 ~~from living in the communities where they serve and thereby~~
492 creating the need for innovative solutions for the provision of
493 housing opportunities ~~for essential services personnel.~~

494 (2) The Community Workforce Housing Loan Innovation Pilot
495 Program is created to provide ~~affordable rental and home~~
496 ~~ownership community~~ workforce housing for persons ~~essential~~
497 ~~services personnel~~ affected by the high cost of housing, ~~using~~
498 ~~regulatory incentives and state and local funds to promote local~~
499 ~~public-private partnerships and leverage government and private~~
500 ~~resources.~~

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

502 ~~(a)~~ "workforce housing" means housing affordable to natural
503 persons or families whose total annual household income does not
504 exceed 80 ~~140~~ percent of the area median income, adjusted for



505 household size, or 120 ~~150~~ percent of area median income,
506 adjusted for household size, in areas of critical state concern
507 designated under s. 380.05, for which the Legislature has
508 declared its intent to provide affordable housing, and areas
509 that were designated as areas of critical state concern for at
510 least 20 consecutive years before ~~prior to~~ removal of the
511 designation.

512 ~~(b) "Public-private partnership" means any form of business~~
513 ~~entity that includes substantial involvement of at least one~~
514 ~~county, one municipality, or one public sector entity, such as a~~
515 ~~school district or other unit of local government in which the~~
516 ~~project is to be located, and at least one private sector for-~~
517 ~~profit or not-for-profit business or charitable entity, and may~~
518 ~~be any form of business entity, including a joint venture or~~
519 ~~contractual agreement.~~

520 (4) The Florida Housing Finance Corporation is authorized
521 to provide loans under the Community Workforce Housing
522 ~~Innovation Pilot~~ program loans to applicants ~~an applicant~~ for
523 construction ~~or rehabilitation~~ of workforce housing in eligible
524 areas. ~~This funding is intended to be used with other public and~~
525 ~~private sector resources.~~

526 (5) The corporation shall establish a loan application
527 process under s. 420.5087 ~~by rule which includes selection~~
528 ~~criteria, an application review process, and a funding process.~~
529 ~~The corporation shall also establish an application review~~
530 ~~committee that may include up to three private citizens~~
531 ~~representing the areas of housing or real estate development,~~
532 ~~banking, community planning, or other areas related to the~~
533 ~~development or financing of workforce and affordable housing.~~



534 ~~(a) The selection criteria and application review process~~
535 ~~must include a procedure for curing errors in the loan~~
536 ~~applications which do not make a substantial change to the~~
537 ~~proposed project.~~

538 ~~(b) To achieve the goals of the pilot program, the~~
539 ~~application review committee may approve or reject loan~~
540 ~~applications or responses to questions raised during the review~~
541 ~~of an application due to the insufficiency of information~~
542 ~~provided.~~

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

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

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

552 ~~(6) The corporation shall provide incentives for local~~
553 ~~governments in eligible areas to use local affordable housing~~
554 ~~funds, such as those from the State Housing Initiatives~~
555 ~~Partnership Program, to assist in meeting the affordable housing~~
556 ~~needs of persons eligible under this program. Local governments~~
557 ~~are authorized to use State Housing Initiative Partnership~~
558 ~~Program funds for persons or families whose total annual~~
559 ~~household income does not exceed:~~

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

562 ~~(b) One hundred and fifty percent of the area median~~



563 ~~income, adjusted for household size, in areas that were~~
564 ~~designated as areas of critical state concern for at least 20~~
565 ~~consecutive years prior to the removal of the designation and in~~
566 ~~areas of critical state concern, designated under s. 380.05, for~~
567 ~~which the Legislature has declared its intent to provide~~
568 ~~affordable housing.~~

569 ~~(7) Funding shall be targeted to innovative projects in~~
570 ~~areas where the disparity between the area median income and the~~
571 ~~median sales price for a single-family home is greatest, and~~
572 ~~where population growth as a percentage rate of increase is~~
573 ~~greatest. The corporation may also fund projects in areas where~~
574 ~~innovative regulatory and financial incentives are made~~
575 ~~available. The corporation shall fund at least one eligible~~
576 ~~project in as many counties and regions of the state as is~~
577 ~~practicable, consistent with program goals.~~

578 ~~(6)(8) Projects must be given shall receive priority~~
579 ~~consideration for funding if where:~~

580 ~~(a) the local jurisdiction has adopted, or is committed to~~
581 ~~adopting, appropriate regulatory incentives, or the local~~
582 ~~jurisdiction or public-private partnership has adopted or is~~
583 ~~committed to adopting local contributions or financial~~
584 ~~strategies, or other funding sources to promote the development~~
585 ~~and ongoing financial viability of such projects. Local~~
586 ~~incentives include such actions as expediting review of~~
587 ~~development orders and permits, supporting development near~~
588 ~~transportation hubs and major employment centers, and adopting~~
589 ~~land development regulations designed to allow flexibility in~~
590 ~~densities, use of accessory units, mixed-use developments, and~~
591 ~~flexible lot configurations. Financial strategies include such~~



592 actions as promoting employer-assisted housing programs,
593 providing tax increment financing, and providing land.

594 ~~(b) Projects are innovative and include new construction or~~
595 ~~rehabilitation; mixed-income housing; commercial and housing~~
596 ~~mixed-use elements; innovative design; green building~~
597 ~~principles; storm-resistant construction; or other elements that~~
598 ~~reduce long-term costs relating to maintenance, utilities, or~~
599 ~~insurance and promote homeownership. The program funding may not~~
600 ~~exceed the costs attributable to the portion of the project that~~
601 ~~is set aside to provide housing for the targeted population.~~

602 ~~(c) Projects that set aside at least 80 percent of units~~
603 ~~for workforce housing and at least 50 percent for essential~~
604 ~~services personnel and for projects that require the least~~
605 ~~amount of program funding compared to the overall housing costs~~
606 ~~for the project.~~

607 ~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local~~
608 ~~government comprehensive plan amendment to implement a Community~~
609 ~~Workforce Housing Innovation Pilot Program project found~~
610 ~~consistent with this section shall be expedited as provided in~~
611 ~~this subsection. At least 30 days prior to adopting a plan~~
612 ~~amendment under this subsection, the local government shall~~
613 ~~notify the state land planning agency of its intent to adopt~~
614 ~~such an amendment, and the notice shall include its evaluation~~
615 ~~related to site suitability and availability of facilities and~~
616 ~~services. The public notice of the hearing required by s.~~
617 ~~163.3184(11)(b)2. shall include a statement that the local~~
618 ~~government intends to use the expedited adoption process~~
619 ~~authorized by this subsection. Such amendments shall require~~
620 ~~only a single public hearing before the governing board, which~~



621 ~~shall be an adoption hearing as described in s. 163.3184(4)(e).~~
622 ~~Any further proceedings shall be governed by s. 163.3184(5)-~~
623 ~~(13).~~

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

627 ~~(7)(11) The corporation shall award loans with a 1 interest~~
628 ~~rates set at 1 to 3 percent interest rate for a term that does~~
629 ~~not exceed 15 years, which may be made forgivable when long term~~
630 ~~affordability is provided and when at least 80 percent of the~~
631 ~~units are set aside for workforce housing and at least 50~~
632 ~~percent of the units are set aside for essential services~~
633 ~~personnel.~~

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

635 ~~(a) For home ownership, limit the sales price of a detached~~
636 ~~unit, townhome, or condominium unit to not more than 90 percent~~
637 ~~of the median sales price for that type of unit in that county,~~
638 ~~or the statewide median sales price for that type of unit,~~
639 ~~whichever is higher, and require that all eligible purchasers of~~
640 ~~home ownership units occupy the homes as their primary~~
641 ~~residence.~~

642 ~~(b) For rental units, restrict rents for all workforce~~
643 ~~housing serving those with incomes at or below 120 percent of~~
644 ~~area median income at the appropriate income level using the~~
645 ~~restricted rents for the federal low-income housing tax credit~~
646 ~~program and, for workforce housing units serving those with~~
647 ~~incomes above 120 percent of area median income, restrict rents~~
648 ~~to those established by the corporation, not to exceed 30~~
649 ~~percent of the maximum household income adjusted to unit size.~~



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

654 ~~(d) Have grants, donations of land, or contributions from~~
655 ~~the public-private partnership or other sources collectively~~
656 ~~totaling at least 10 percent of the total development cost or \$2~~
657 ~~million, whichever is less. Such grants, donations of land, or~~
658 ~~contributions must be evidenced by a letter of commitment,~~
659 ~~agreement, contract, deed, memorandum of understanding, or other~~
660 ~~written instrument at the time of application. Grants, donations~~
661 ~~of land, or contributions in excess of 10 percent of the~~
662 ~~development cost shall increase the application score.~~

663 ~~(e) Demonstrate how the applicant will use the regulatory~~
664 ~~incentives and financial strategies outlined in subsection (8)~~
665 ~~from the local jurisdiction in which the proposed project is to~~
666 ~~be located. The corporation may consult with the Department of~~
667 ~~Economic Opportunity in evaluating the use of regulatory~~
668 ~~incentives by applicants.~~

669 ~~(f) Demonstrate that the applicant possesses title to or~~
670 ~~site control of land and evidences availability of required~~
671 ~~infrastructure.~~

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

674 ~~(h) Provide any research or facts available supporting the~~
675 ~~demand and need for rental or home ownership workforce housing~~
676 ~~for eligible persons in the market in which the project is~~
677 ~~proposed.~~

678 ~~(13) Projects may include manufactured housing constructed~~



679 ~~after June 1994 and installed in accordance with mobile home~~
680 ~~installation standards of the Department of Highway Safety and~~
681 ~~Motor Vehicles.~~

682 ~~(8)~~(14) The corporation may adopt rules pursuant to ss.
683 120.536(1) and 120.54 to implement this section.

684 ~~(15) The corporation may use a maximum of 2 percent of the~~
685 ~~annual program appropriation for administration and compliance~~
686 ~~monitoring.~~

687 ~~(16) The corporation shall review the success of the~~
688 ~~Community Workforce Housing Innovation Pilot Program to~~
689 ~~ascertain whether the projects financed by the program are~~
690 ~~useful in meeting the housing needs of eligible areas and shall~~
691 ~~include its findings in the annual report required under s.~~
692 ~~420.511(3).~~

693 Section 16. Section 420.531, Florida Statutes, is amended
694 to read:

695 420.531 Affordable Housing Catalyst Program.—

696 (1) The corporation shall operate the Affordable Housing
697 Catalyst Program for the purpose of securing the expertise
698 necessary to provide specialized technical support to local
699 governments and community-based organizations to implement the
700 HOME Investment Partnership Program, State Apartment Incentive
701 Loan Program, State Housing Initiatives Partnership Program, and
702 other affordable housing programs. To the maximum extent
703 feasible, the entity to provide the necessary expertise must be
704 recognized by the Internal Revenue Service as a nonprofit tax-
705 exempt organization. It must have as its primary mission the
706 provision of affordable housing training and technical
707 assistance, an ability to provide training and technical



708 assistance statewide, and a proven track record of successfully
709 providing training and technical assistance under the Affordable
710 Housing Catalyst Program. The technical support shall, at a
711 minimum, include training relating to the following key elements
712 of the partnership programs:

713 (a) ~~(1)~~ Formation of local and regional housing partnerships
714 as a means of bringing together resources to provide affordable
715 housing.

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

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

720 (d) ~~(4)~~ Compliance with requirements of federally funded
721 housing programs.

722 (2) In consultation with the corporation, the entity
723 providing statewide training and technical assistance shall
724 convene and administer biannual regional workshops for the
725 locally elected officials serving on affordable housing advisory
726 committees as provided in s. 420.9076. The regional workshops
727 may be conducted through teleconferencing or other technological
728 means and must include processes and programming that facilitate
729 peer-to-peer identification and sharing of best affordable
730 housing practices among the locally elected officials. Annually,
731 calendar year reports summarizing the deliberations, actions,
732 and recommendations of each region, as well as the attendance
733 records of locally elected officials, must be compiled by the
734 entity providing statewide training and technical assistance for
735 the Affordable Housing Catalyst Program and must be submitted to
736 the President of the Senate, the Speaker of the House of



737 Representatives, and the corporation by March 31 of the
738 following year.

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

741 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
742 term:

743 (2) "Affordable" means that monthly rents or monthly
744 mortgage payments including taxes and insurance do not exceed 30
745 percent of that amount which represents the percentage of the
746 median annual gross income for the households as indicated in
747 subsection (19), subsection (20), or subsection (28). However,
748 it is not the intent to limit an individual household's ability
749 to devote more than 30 percent of its income for housing, and
750 housing for which a household devotes more than 30 percent of
751 its income shall be deemed affordable if the first institutional
752 mortgage lender is satisfied that the household can afford
753 mortgage payments in excess of the 30 percent benchmark. The
754 term also includes housing provided by a not-for-profit
755 corporation that derives at least 75 percent of its annual
756 revenues from contracts or services provided to a state or
757 federal agency for low-income persons and low-income households;
758 that provides supportive housing for persons who suffer from
759 mental health issues, substance abuse, or domestic violence; and
760 that provides on-premises social and community support services
761 relating to job training, life skills training, alcohol and
762 substance abuse disorder, child care, and client case
763 management.

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



766 420.9075 Local housing assistance plans; partnerships.-
767 (10) Each county or eligible municipality shall submit to
768 the corporation by September 15 of each year a report of its
769 affordable housing programs and accomplishments through June 30
770 immediately preceding submittal of the report. The report shall
771 be certified as accurate and complete by the local government's
772 chief elected official or his or her designee. Transmittal of
773 the annual report by a county's or eligible municipality's chief
774 elected official, or his or her designee, certifies that the
775 local housing incentive strategies, or, if applicable, the local
776 housing incentive plan, have been implemented or are in the
777 process of being implemented pursuant to the adopted schedule
778 for implementation. The report must include, but is not limited
779 to:

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

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

785 420.9076 Adoption of affordable housing incentive
786 strategies; committees.-

787 (2) The governing board of a county or municipality shall
788 appoint the members of the affordable housing advisory
789 committee. Pursuant to the terms of any interlocal agreement, a
790 county and municipality may create and jointly appoint an
791 advisory committee. The local action adopted pursuant to s.
792 420.9072 which creates the advisory committee and appoints the
793 advisory committee members must name at least 8 but not more
794 than 11 committee members and specify their terms. Effective



795 October 1, 2020, the committee must consist of one locally
796 elected official from each county or municipality participating
797 in the State Housing Initiatives Partnership Program and one
798 representative from at least six of the categories below:

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

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

803 (c) A citizen who is a representative of those areas of
804 labor actively engaged in home building in connection with
805 affordable housing.

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

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

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

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

814 (h) A citizen who actively serves on the local planning
815 agency pursuant to s. 163.3174. If the local planning agency is
816 comprised of the governing board of the county or municipality,
817 the governing board may appoint a designee who is knowledgeable
818 in the local planning process.

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

821 (j) A citizen who represents employers within the
822 jurisdiction.

823 (k) A citizen who represents essential services personnel,



824 as defined in the local housing assistance plan.

825 (4) ~~Annually~~ Triennially, the advisory committee shall
826 review the established policies and procedures, ordinances, land
827 development regulations, and adopted local government
828 comprehensive plan of the appointing local government and shall
829 recommend specific actions or initiatives to encourage or
830 facilitate affordable housing while protecting the ability of
831 the property to appreciate in value. The recommendations may
832 include the modification or repeal of existing policies,
833 procedures, ordinances, regulations, or plan provisions; the
834 creation of exceptions applicable to affordable housing; or the
835 adoption of new policies, procedures, regulations, ordinances,
836 or plan provisions, including recommendations to amend the local
837 government comprehensive plan and corresponding regulations,
838 ordinances, and other policies. At a minimum, each advisory
839 committee shall submit an annual ~~a~~ report to the local governing
840 body and to the entity providing statewide training and
841 technical assistance for the Affordable Housing Catalyst Program
842 which ~~that~~ includes recommendations on, ~~and triennially~~
843 ~~thereafter evaluates~~ the implementation of, affordable housing
844 incentives in the following areas:

845 (a) The processing of approvals of development orders or
846 permits for affordable housing projects is expedited to a
847 greater degree than other projects, as provided in s.
848 163.3177(6)(f)3.

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



- 853 (c) The allowance of flexibility in densities for
854 affordable housing.
- 855 (d) The reservation of infrastructure capacity for housing
856 for very-low-income persons, low-income persons, and moderate-
857 income persons.
- 858 (e) ~~The allowance of~~ Affordable accessory residential units
859 ~~in residential zoning districts.~~
- 860 (f) The reduction of parking and setback requirements for
861 affordable housing.
- 862 (g) The allowance of flexible lot configurations, including
863 zero-lot-line configurations for affordable housing.
- 864 (h) The modification of street requirements for affordable
865 housing.
- 866 (i) The establishment of a process by which a local
867 government considers, before adoption, policies, procedures,
868 ordinances, regulations, or plan provisions that increase the
869 cost of housing.
- 870 (j) The preparation of a printed inventory of locally owned
871 public lands suitable for affordable housing.
- 872 (k) The support of development near transportation hubs and
873 major employment centers and mixed-use developments.
- 874
- 875 The advisory committee recommendations may also include other
876 affordable housing incentives identified by the advisory
877 committee. Local governments that receive the minimum allocation
878 under the State Housing Initiatives Partnership Program shall
879 perform an ~~the~~ initial review but may elect to not perform the
880 annual ~~triennial~~ review.
- 881 (10) The locally elected official serving on an advisory



882 committee, or a locally elected designee, must attend biannual
883 regional workshops convened and administered under the
884 Affordable Housing Catalyst Program as provided in s.
885 420.531(2). If the locally elected official or a locally elected
886 designee fails to attend three consecutive regional workshops,
887 the corporation may withhold funds pending the person's
888 attendance at the next regularly scheduled biannual meeting.

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

891 553.791 Alternative plans review and inspection.—

892 (18) Each local building code enforcement agency may audit
893 the performance of building code inspection services by private
894 providers operating within the local jurisdiction. However, the
895 same private provider may not be audited more than four times in
896 a month ~~calendar year~~ unless the local building official
897 determines a condition of a building constitutes an immediate
898 threat to public safety and welfare. Work on a building or
899 structure may proceed after inspection and approval by a private
900 provider if the provider has given notice of the inspection
901 pursuant to subsection (9) and, subsequent to such inspection
902 and approval, the work shall not be delayed for completion of an
903 inspection audit by the local building code enforcement agency.

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

906 723.011 Disclosure prior to rental of a mobile home lot;
907 prospectus, filing, approval.—

908 (4) With regard to a tenancy in existence on the effective
909 date of this chapter, the prospectus or offering circular
910 offered by the mobile home park owner must ~~shall~~ contain the



911 same terms and conditions as rental agreements offered to all
912 other mobile home owners residing in the park on the effective
913 date of this act, excepting only rent variations based upon lot
914 location and size, and may ~~shall~~ not require any mobile home
915 owner to install any permanent improvements, except that the
916 mobile home owner may be required to install permanent
917 improvements to the mobile home as disclosed in the prospectus.

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

920 723.012 Prospectus or offering circular.—The prospectus or
921 offering circular, which is required to be provided by s.
922 723.011, must contain the following information:

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

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

929 (b) Each swimming pool, as to its general location,
930 approximate size and depths, and approximate deck size and
931 capacity and whether heated.

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

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

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

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



940
941 If a mobile home park owner intends to include additional
942 property and mobile home lots and to increase the number of lots
943 that will use the shared facilities of the park, the mobile home
944 park owner must amend the prospectus to disclose such additions.
945 If the number of mobile home lots in the park increases by more
946 than 15 percent of the total number of lots in the original
947 prospectus, the mobile home park owner must reasonably offset
948 the impact of the additional lots by increasing the shared
949 facilities. The amendment to the prospectus must include a
950 reasonable timeframe for providing the required additional
951 shared facilities. The costs and expenses necessary to increase
952 the shared facilities may not be passed on or passed through to
953 the existing mobile home owners.

954 Section 23. Section 723.023, Florida Statutes, is amended
955 to read:

956 723.023 Mobile home owner's general obligations.—A mobile
957 home owner shall ~~at all times~~:

958 (1) At all times comply with all obligations imposed on
959 mobile home owners by applicable provisions of building,
960 housing, and health codes, including compliance with all
961 building permits and construction requirements for construction
962 on the mobile home and lot. The home owner is responsible for
963 all fines imposed by the local government for noncompliance with
964 any local codes.

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

968 (3) At all times comply with properly promulgated park



969 rules and regulations and require other persons on the premises
970 with his or her consent to comply with such rules and to conduct
971 themselves, and other persons on the premises with his or her
972 consent, in a manner that does not unreasonably disturb other
973 residents of the park or constitute a breach of the peace.

974 (4) Receive written approval from the mobile home park
975 owner before making any exterior modification or addition to the
976 home.

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

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

981 723.031 Mobile home lot rental agreements.-

982 (5) The rental agreement must ~~shall~~ contain the lot rental
983 amount and services included. An increase in lot rental amount
984 upon expiration of the term of the lot rental agreement must
985 ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s.

986 723.059(4), whichever is applicable; ~~it~~ provided that, pursuant to
987 s. 723.059(4), the amount of the lot rental increase is
988 disclosed and agreed to by the purchaser, in writing. An
989 increase in lot rental amount shall not be arbitrary or
990 discriminatory between similarly situated tenants in the park. A
991 lot rental amount may not be increased during the term of the
992 lot rental agreement, except:

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

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

997 (c) That a charge may not be collected which results in



998 payment of money for sums previously collected as part of the
999 lot rental amount. The provisions hereof notwithstanding, the
1000 mobile home park owner may pass on, at any time during the term
1001 of the lot rental agreement, ad valorem property taxes, non-ad
1002 valorem assessments, and utility charges, or increases of
1003 either, provided that the ad valorem property taxes, non-ad
1004 valorem assessments, and utility charges are not otherwise being
1005 collected in the remainder of the lot rental amount and provided
1006 further that the passing on of such ad valorem taxes, non-ad
1007 valorem assessments, or utility charges, or increases of either,
1008 was disclosed prior to tenancy, was being passed on as a matter
1009 of custom between the mobile home park owner and the mobile home
1010 owner, or such passing on was authorized by law. A park owner is
1011 deemed to have disclosed the passing on of ad valorem property
1012 taxes and non-ad valorem assessments if ad valorem property
1013 taxes or non-ad valorem assessments were disclosed as a separate
1014 charge or a factor for increasing the lot rental amount in the
1015 prospectus or rental agreement. Such ad valorem taxes, non-ad
1016 valorem assessments, and utility charges shall be a part of the
1017 lot rental amount as defined by this chapter. The term "non-ad
1018 valorem assessments" has the same meaning as provided in s.
1019 197.3632(1)(d). Other provisions of this chapter
1020 notwithstanding, pass-on charges may be passed on only within 1
1021 year of the date a mobile home park owner remits payment of the
1022 charge. A mobile home park owner is prohibited from passing on
1023 any fine, interest, fee, or increase in a charge resulting from
1024 a park owner's payment of the charge after the date such charges
1025 become delinquent. A mobile home park owner is prohibited from
1026 charging or collecting from the mobile home owners any sum for



1027 ad valorem taxes or non-ad valorem tax charges in an amount in
1028 excess of the sums remitted by the park owner to the tax
1029 collector. Nothing herein shall prohibit a park owner and a
1030 homeowner from mutually agreeing to an alternative manner of
1031 payment to the park owner of the charges.

1032 (d) If a notice of increase in lot rental amount is not
1033 given 90 days before the renewal date of the rental agreement,
1034 the rental agreement must remain under the same terms until a
1035 90-day notice of increase in lot rental amount is given. The
1036 notice may provide for a rental term shorter than 1 year in
1037 order to maintain the same renewal date.

1038 Section 25. Subsection (1) and paragraph (a) of subsection
1039 (4) of section 723.037, Florida Statutes, are amended to read:

1040 723.037 Lot rental increases; reduction in services or
1041 utilities; change in rules and regulations; mediation.—

1042 (1) A park owner shall give written notice to each affected
1043 mobile home owner and the board of directors of the homeowners'
1044 association, if one has been formed, at least 90 days before any
1045 increase in lot rental amount or reduction in services or
1046 utilities provided by the park owner or change in rules and
1047 regulations. The park owner may give notice of all increases in
1048 lot rental amount for multiple anniversary dates in the same 90-
1049 day notice. The notice must ~~shall~~ identify all other affected
1050 homeowners, which may be by lot number, name, group, or phase.
1051 If the affected homeowners are not identified by name, the park
1052 owner shall make the names and addresses available upon request.
1053 However, this requirement does not authorize the release of the
1054 names, addresses, or other private information about the
1055 homeowners to the association or any other person for any other



1056 purpose. The home owner's right to the 90-day notice may not be
1057 waived or precluded by a home owner, or the homeowners'
1058 committee, in an agreement with the park owner. Rules adopted as
1059 a result of restrictions imposed by governmental entities and
1060 required to protect the public health, safety, and welfare may
1061 be enforced prior to the expiration of the 90-day period but are
1062 not otherwise exempt from the requirements of this chapter.
1063 Pass-through charges must be separately listed as to the amount
1064 of the charge, the name of the governmental entity mandating the
1065 capital improvement, and the nature or type of the pass-through
1066 charge being levied. Notices of increase in the lot rental
1067 amount due to a pass-through charge must ~~shall~~ state the
1068 additional payment and starting and ending dates of each pass-
1069 through charge. The homeowners' association shall have no
1070 standing to challenge the increase in lot rental amount,
1071 reduction in services or utilities, or change of rules and
1072 regulations unless a majority of the affected homeowners agree,
1073 in writing, to such representation.

1074 (4) (a) A committee, not to exceed five in number,
1075 designated by a majority of the affected mobile home owners or
1076 by the board of directors of the homeowners' association, if
1077 applicable, and the park owner shall meet, at a mutually
1078 convenient time and place no later than 60 days before the
1079 effective date of the change to discuss the reasons for the
1080 increase in lot rental amount, reduction in services or
1081 utilities, or change in rules and regulations. The negotiating
1082 committee shall make a written request for a meeting with the
1083 park owner or subdivision developer to discuss those matters
1084 addressed in the 90-day notice, and may include in the request a



1085 listing of any other issue, with supporting documentation, that
1086 the committee intends to raise and discuss at the meeting. The
1087 committee shall address all lot rental amount increases that are
1088 specified in the notice of lot rental amount increase,
1089 regardless of the effective date of the increase.

1090
1091 This subsection is not intended to be enforced by civil or
1092 administrative action. Rather, the meetings and discussions are
1093 intended to be in the nature of settlement discussions prior to
1094 the parties proceeding to mediation of any dispute.

1095 Section 26. Subsections (5) and (6) are added to section
1096 723.041, Florida Statutes, to read:

1097 723.041 Entrance fees; refunds; exit fees prohibited;
1098 replacement homes.—

1099 (5) A mobile home park that is damaged or destroyed due to
1100 wind, water, or other natural force may be rebuilt on the same
1101 site with the same density as was approved, permitted, and built
1102 before the park was damaged or destroyed.

1103 (6) This section does not limit the regulation of the
1104 uniform firesafety standards established under s. 633.206, but
1105 supersedes any other density, separation, setback, or lot size
1106 regulation adopted after initial permitting and construction of
1107 the mobile home park.

1108 Section 27. Section 723.042, Florida Statutes, is amended
1109 to read:

1110 723.042 Provision of improvements.—A ~~No~~ person may not
1111 shall be required by a mobile home park owner or developer, as a
1112 condition of residence in the mobile home park, to provide any
1113 improvement unless the requirement is disclosed pursuant to s.



1114 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home
1115 park.

1116 Section 28. Section 723.059, Florida Statutes, is amended
1117 to read:

1118 723.059 ~~Rights of Purchaser of a mobile home within a~~
1119 mobile home park.-

1120 (1) The purchaser of a mobile home within a mobile home
1121 park may become a tenant of the park if such purchaser would
1122 otherwise qualify with the requirements of entry into the park
1123 under the park rules and regulations, subject to the approval of
1124 the park owner, but such approval may not be unreasonably
1125 withheld. The purchaser of the mobile home may cancel or rescind
1126 the contract for purchase of the mobile home if the purchaser's
1127 tenancy has not been approved by the park owner 5 days before
1128 the closing of the purchase.

1129 (2) Properly promulgated rules may provide for the
1130 screening of any prospective purchaser to determine whether or
1131 not such purchaser is qualified to become a tenant of the park.

1132 (3) The purchaser of a mobile home who intends to become
1133 ~~becomes~~ a resident of the mobile home park in accordance with
1134 this section has the right to assume the remainder of the term
1135 of any rental agreement then in effect between the mobile home
1136 park owner and the seller and may assume the seller's
1137 prospectus. However, nothing herein shall prohibit a mobile home
1138 park owner from offering the purchaser of a mobile home any
1139 approved prospectus shall be entitled to rely on the terms and
1140 conditions of the prospectus or offering circular as delivered
1141 to the initial recipient.

1142 (4) However, nothing herein shall be construed to prohibit



1143 a mobile home park owner from increasing the rental amount to be
1144 paid by the purchaser upon the expiration of the assumed rental
1145 agreement in an amount deemed appropriate by the mobile home
1146 park owner, so long as such increase is disclosed to the
1147 purchaser prior to his or her occupancy and is imposed in a
1148 manner consistent with the purchaser's initial offering circular
1149 ~~or~~ prospectus and this act.

1150 (5) Lifetime leases and the renewal provisions in
1151 automatically renewable leases, both those existing and those
1152 entered into after July 1, 1986, are not assumable unless
1153 otherwise provided in the mobile home lot rental agreement or
1154 unless the transferee is the home owner's spouse. The right to
1155 an assumption of the lease by a spouse may be exercised only one
1156 time during the term of that lease.

1157 Section 29. Paragraph (d) of subsection (1) of section
1158 723.061, Florida Statutes, is amended, and subsection (5) is
1159 added to that section, to read:

1160 723.061 Eviction; grounds, proceedings.—

1161 (1) A mobile home park owner may evict a mobile home owner,
1162 a mobile home tenant, a mobile home occupant, or a mobile home
1163 only on one or more of the following grounds:

1164 (d) Change in use of the land comprising the mobile home
1165 park, or the portion thereof from which mobile homes are to be
1166 evicted, from mobile home lot rentals to some other use, if:

1167 1. The park owner gives written notice to the homeowners'
1168 association formed and operating under ss. 723.075-723.079 of
1169 its right to purchase the mobile home park, if the land
1170 comprising the mobile home park is changing use from mobile home
1171 lot rentals to a different use, at the price and under the terms



1172 and conditions set forth in the written notice.

1173 a. The notice shall be delivered to the officers of the
1174 homeowners' association by United States mail. Within 45 days
1175 after the date of mailing of the notice, the homeowners'
1176 association may execute and deliver a contract to the park owner
1177 to purchase the mobile home park at the price and under the
1178 terms and conditions set forth in the notice. If the contract
1179 between the park owner and the homeowners' association is not
1180 executed and delivered to the park owner within the 45-day
1181 period, the park owner is under no further obligation to the
1182 homeowners' association except as provided in sub-subparagraph
1183 b.

1184 b. If the park owner elects to offer or sell the mobile
1185 home park at a price lower than the price specified in her or
1186 his initial notice to the officers of the homeowners'
1187 association, the homeowners' association has an additional 10
1188 days to meet the revised price, terms, and conditions of the
1189 park owner by executing and delivering a revised contract to the
1190 park owner.

1191 c. The park owner is not obligated under this subparagraph
1192 or s. 723.071 to give any other notice to, or to further
1193 negotiate with, the homeowners' association for the sale of the
1194 mobile home park to the homeowners' association after 6 months
1195 after the date of the mailing of the initial notice under sub-
1196 subparagraph a.

1197 2. The park owner gives the affected mobile home owners and
1198 tenants at least 6 months' notice of the eviction due to the
1199 projected change in use and of their need to secure other
1200 accommodations. Within 20 days after giving an eviction notice



1201 to a mobile home owner, the park owner must provide the division
1202 with a copy of the notice. The division must provide the
1203 executive director of the Florida Mobile Home Relocation
1204 Corporation with a copy of the notice.

1205 a. The notice of eviction due to a change in use of the
1206 land must include in a font no smaller than the body of the
1207 notice the following statement:

1208
1209 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME
1210 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME
1211 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS
1212 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND
1213 PROFESSIONAL REGULATION.

1214
1215 b. The park owner may not give a notice of increase in lot
1216 rental amount within 90 days before giving notice of a change in
1217 use.

1218 (5) A park owner who accepts payment of any portion of the
1219 lot rental amount with actual knowledge of noncompliance after
1220 notice and termination of the rental agreement due to a
1221 violation under paragraph (1)(b), paragraph (1)(c), or paragraph
1222 (1)(e) does not waive the right to terminate the rental
1223 agreement or the right to bring a civil action for the
1224 noncompliance, but not for any subsequent or continuing
1225 noncompliance. Any rent so received must be accounted for at the
1226 final hearing.

1227 Section 30. Subsection (1) of section 723.076, Florida
1228 Statutes, is amended to read:

1229 723.076 Incorporation; notification of park owner.—



1230 (1) Upon receipt of its certificate of incorporation, the
1231 homeowners' association shall notify the park owner in writing
1232 of such incorporation and shall advise the park owner of the
1233 names and addresses of the officers of the homeowners'
1234 association by personal delivery upon the park owner's
1235 representative as designated in the prospectus or by certified
1236 mail, return receipt requested. Thereafter, the homeowners'
1237 association shall notify the park owner in writing by certified
1238 mail, return receipt requested, of any change of names and
1239 addresses of its president or registered agent. Upon election or
1240 appointment of new officers or board members, the homeowners'
1241 association shall notify the park owner in writing by certified
1242 mail, return receipt requested, of the names and addresses of
1243 the new officers or board members.

1244 Section 31. Paragraphs (b) through (e) of subsection (2) of
1245 section 723.078, Florida Statutes, are amended, and paragraph
1246 (i) of that subsection is reenacted, to read:

1247 723.078 Bylaws of homeowners' associations.—

1248 (2) The bylaws shall provide and, if they do not, shall be
1249 deemed to include, the following provisions:

1250 (b) *Quorum; voting requirements; proxies.*—

1251 1. Unless otherwise provided in the bylaws, 30 percent of
1252 the total membership is required to constitute a quorum.

1253 Decisions shall be made by a majority of members represented at
1254 a meeting at which a quorum is present.

1255 2.a. A member may not vote by general proxy but may vote by
1256 limited proxies substantially conforming to a limited proxy form
1257 adopted by the division. Limited proxies and general proxies may
1258 be used to establish a quorum. Limited proxies may be used for



1259 votes taken to amend the articles of incorporation or bylaws
1260 pursuant to this section, and any other matters for which this
1261 chapter requires or permits a vote of members. ~~A, except that no~~
1262 proxy, limited or general, may not be used in the election of
1263 board members in general elections or elections to fill
1264 vacancies caused by recall, resignation, or otherwise. Board
1265 members must be elected by written ballot or by voting in
1266 person. If a mobile home or subdivision lot is owned jointly,
1267 the owners of the mobile home or subdivision lot must be counted
1268 as one for the purpose of determining the number of votes
1269 required for a majority. Only one vote per mobile home or
1270 subdivision lot shall be counted. Any number greater than 50
1271 percent of the total number of votes constitutes a majority.
1272 Notwithstanding this section, members may vote in person at
1273 member meetings or by secret ballot, including absentee ballots,
1274 as defined by the division.

1275 b. Elections shall be decided by a plurality of the ballots
1276 cast. There is no quorum requirement; however, at least 20
1277 percent of the eligible voters must cast a ballot in order to
1278 have a valid election. A member may not allow any other person
1279 to cast his or her ballot, and any ballots improperly cast are
1280 invalid. An election is not required unless there are more
1281 candidates nominated than vacancies that exist on the board.

1282 c. Each member or other eligible person who desires to be a
1283 candidate for the board of directors shall appear on the ballot
1284 in alphabetical order by surname. A ballot may not indicate if
1285 any of the candidates are incumbent on the board. All ballots
1286 must be uniform in appearance. Write-in candidates and more than
1287 one vote per candidate per ballot are not allowed. A ballot may



1288 not provide a space for the signature of, or any other means of
1289 identifying, a voter. If a ballot contains more votes than
1290 vacancies or fewer votes than vacancies, the ballot is invalid
1291 unless otherwise stated in the bylaws.

1292 d. An impartial committee shall be responsible for
1293 overseeing the election process and complying with all ballot
1294 requirements. For purposes of this section, the term "impartial
1295 committee" means a committee whose members do not include any of
1296 the following people or their spouses:

1297 (I) Current board members.

1298 (II) Current association officers.

1299 (III) Candidates for the association or board.

1300 e. The association bylaws shall provide a method for
1301 determining the winner of an election in which two or more
1302 candidates for the same position receive the same number of
1303 votes.

1304 f. The division shall adopt procedural rules to govern
1305 elections, including, but not limited to, rules for providing
1306 notice by electronic transmission and rules for maintaining the
1307 secrecy of ballots.

1308 3. A proxy is effective only for the specific meeting for
1309 which originally given and any lawfully adjourned meetings
1310 thereof. In no event shall any proxy be valid for a period
1311 longer than 90 days after the date of the first meeting for
1312 which it was given. Every proxy shall be revocable at any time
1313 at the pleasure of the member executing it.

1314 4. A member of the board of directors or a committee may
1315 submit in writing his or her agreement or disagreement with any
1316 action taken at a meeting that the member did not attend. This



1317 agreement or disagreement may not be used as a vote for or
1318 against the action taken and may not be used for the purposes of
1319 creating a quorum.

1320 (c) *Board of directors' and committee meetings.*-

1321 1. Meetings of the board of directors and meetings of its
1322 committees at which a quorum is present shall be open to all
1323 members. Notwithstanding any other provision of law, the
1324 requirement that board meetings and committee meetings be open
1325 to the members does not apply to meetings between the park owner
1326 and the board of directors or any of the board's committees,
1327 board or committee meetings held for the purpose of discussing
1328 personnel matters, or meetings between the board or a committee
1329 and the association's attorney, with respect to potential or
1330 pending litigation, ~~when~~ ~~where~~ the meeting is held for the
1331 purpose of seeking or rendering legal advice, and ~~when~~ ~~where~~ the
1332 contents of the discussion would otherwise be governed by the
1333 attorney-client privilege. Notice of all meetings open to
1334 members shall be posted in a conspicuous place upon the park
1335 property at least 48 hours in advance, except in an emergency.
1336 Notice of any meeting in which dues ~~assessments against members~~
1337 are to be considered for any reason shall specifically contain a
1338 statement that dues ~~assessments~~ will be considered and the
1339 nature of such dues ~~assessments~~.

1340 2. A board or committee member's participation in a meeting
1341 via telephone, real-time videoconferencing, or similar real-time
1342 telephonic, electronic, or video communication counts toward a
1343 quorum, and such member may vote as if physically present. A
1344 speaker shall be used so that the conversation of those board or
1345 committee members attending by telephone may be heard by the



1346 board or committee members attending in person, as well as by
1347 members present at a meeting.

1348 3. Members of the board of directors may use e-mail as a
1349 means of communication but may not cast a vote on an association
1350 matter via e-mail.

1351 4. The right to attend meetings of the board of directors
1352 and its committees includes the right to speak at such meetings
1353 with reference to all designated agenda items. The association
1354 may adopt reasonable written rules governing the frequency,
1355 duration, and manner of members' statements. Any item not
1356 included on the notice may be taken up on an emergency basis by
1357 at least a majority plus one of the members of the board. Such
1358 emergency action shall be noticed and ratified at the next
1359 regular meeting of the board. Any member may tape record or
1360 videotape meetings of the board of directors and its committees,
1361 except meetings between the board of directors or its appointed
1362 homeowners' committee and the park owner. The division shall
1363 adopt reasonable rules governing the tape recording and
1364 videotaping of the meeting.

1365 5. Except as provided in paragraph (i), a vacancy occurring
1366 on the board of directors may be filled by the affirmative vote
1367 of the majority of the remaining directors, even though the
1368 remaining directors constitute less than a quorum; by the sole
1369 remaining director; if the vacancy is not so filled or if no
1370 director remains, by the members; or, on the application of any
1371 person, by the circuit court of the county in which the
1372 registered office of the corporation is located.

1373 6. The term of a director elected or appointed to fill a
1374 vacancy expires at the next annual meeting at which directors



1375 are elected. A directorship to be filled by reason of an
1376 increase in the number of directors may be filled by the board
1377 of directors, but only for the term of office continuing until
1378 the next election of directors by the members.

1379 7. A vacancy that will occur at a specific later date, by
1380 reason of a resignation effective at a later date, may be filled
1381 before the vacancy occurs. However, the new director may not
1382 take office until the vacancy occurs.

1383 8.a. The officers and directors of the association have a
1384 fiduciary relationship to the members.

1385 b. A director and committee member shall discharge his or
1386 her duties in good faith, with the care an ordinarily prudent
1387 person in a like position would exercise under similar
1388 circumstances, and in a manner he or she reasonably believes to
1389 be in the best interests of the corporation.

1390 9. In discharging his or her duties, a director may rely on
1391 information, opinions, reports, or statements, including
1392 financial statements and other financial data, if prepared or
1393 presented by:

1394 a. One or more officers or employees of the corporation who
1395 the director reasonably believes to be reliable and competent in
1396 the matters presented;

1397 b. Legal counsel, public accountants, or other persons as
1398 to matters the director reasonably believes are within the
1399 persons' professional or expert competence; or

1400 c. A committee of the board of directors of which he or she
1401 is not a member if the director reasonably believes the
1402 committee merits confidence.

1403 10. A director is not acting in good faith if he or she has



1404 knowledge concerning the matter in question that makes reliance
1405 otherwise permitted by subparagraph 9. unwarranted.

1406 11. A director is not liable for any action taken as a
1407 director, or any failure to take any action, if he or she
1408 performed the duties of his or her office in compliance with
1409 this section.

1410 (d) *Member meetings.*—Members shall meet at least once each
1411 calendar year, and the meeting shall be the annual meeting. All
1412 members of the board of directors shall be elected at the annual
1413 meeting unless the bylaws provide for staggered election terms
1414 or for their election at another meeting. The bylaws shall not
1415 restrict any member desiring to be a candidate for board
1416 membership from being nominated from the floor. All nominations
1417 from the floor must be made at a duly noticed meeting of the
1418 members held at least 27 ~~30~~ days before the annual meeting. The
1419 bylaws shall provide the method for calling the meetings of the
1420 members, including annual meetings. The method shall provide at
1421 least 14 days' written notice to each member in advance of the
1422 meeting and require the posting in a conspicuous place on the
1423 park property of a notice of the meeting at least 14 days prior
1424 to the meeting. The right to receive written notice of
1425 membership meetings may be waived in writing by a member. Unless
1426 waived, the notice of the annual meeting shall be mailed, hand
1427 delivered, or electronically transmitted to each member, and
1428 shall constitute notice. Unless otherwise stated in the bylaws,
1429 an officer of the association shall provide an affidavit
1430 affirming that the notices were mailed, ~~or~~ hand delivered, or
1431 provided by electronic transmission in accordance with ~~the~~
1432 ~~provisions of~~ this section to each member at the address last



1433 furnished to the corporation. These meeting requirements do not
1434 prevent members from waiving notice of meetings or from acting
1435 by written agreement without meetings, if allowed by the bylaws.

1436 (e) *Minutes of meetings.*—

1437 1. Notwithstanding any other provision of law, the minutes
1438 of board or committee meetings that are closed to members are
1439 privileged and confidential and are not available for inspection
1440 or photocopying.

1441 2. Minutes of all meetings of members of an association and
1442 meetings open to members of~~7~~ the board of directors~~7~~ and a
1443 committee of the board must be maintained in written form and
1444 approved by the members, board, or committee, as applicable. A
1445 vote or abstention from voting on each matter voted upon for
1446 each director present at a board meeting must be recorded in the
1447 minutes.

1448 ~~3.2.~~ All approved minutes of open meetings of members,
1449 committees, and the board of directors shall be kept in a
1450 businesslike manner and shall be available for inspection by
1451 members, or their authorized representatives, and board members
1452 at reasonable times. The association shall retain these minutes
1453 within this state for a period of at least 5 ~~7~~ years.

1454 (i) *Recall of board members.*—Any member of the board of
1455 directors may be recalled and removed from office with or
1456 without cause by the vote of or agreement in writing by a
1457 majority of all members. A special meeting of the members to
1458 recall a member or members of the board of directors may be
1459 called by 10 percent of the members giving notice of the meeting
1460 as required for a meeting of members, and the notice shall state
1461 the purpose of the meeting. Electronic transmission may not be



1462 used as a method of giving notice of a meeting called in whole
1463 or in part for this purpose.

1464 1. If the recall is approved by a majority of all members
1465 by a vote at a meeting, the recall is effective as provided in
1466 this paragraph. The board shall duly notice and hold a board
1467 meeting within 5 full business days after the adjournment of the
1468 member meeting to recall one or more board members. At the
1469 meeting, the board shall either certify the recall, in which
1470 case such member or members shall be recalled effective
1471 immediately and shall turn over to the board within 5 full
1472 business days any and all records and property of the
1473 association in their possession, or shall proceed under
1474 subparagraph 3.

1475 2. If the proposed recall is by an agreement in writing by
1476 a majority of all members, the agreement in writing or a copy
1477 thereof shall be served on the association by certified mail or
1478 by personal service in the manner authorized by chapter 48 and
1479 the Florida Rules of Civil Procedure. The board of directors
1480 shall duly notice and hold a meeting of the board within 5 full
1481 business days after receipt of the agreement in writing. At the
1482 meeting, the board shall either certify the written agreement to
1483 recall members of the board, in which case such members shall be
1484 recalled effective immediately and shall turn over to the board,
1485 within 5 full business days, any and all records and property of
1486 the association in their possession, or shall proceed as
1487 described in subparagraph 3.

1488 3. If the board determines not to certify the written
1489 agreement to recall members of the board, or does not certify
1490 the recall by a vote at a meeting, the board shall, within 5



1491 full business days after the board meeting, file with the
1492 division a petition for binding arbitration pursuant to the
1493 procedures of s. 723.1255. For purposes of this paragraph, the
1494 members who voted at the meeting or who executed the agreement
1495 in writing shall constitute one party under the petition for
1496 arbitration. If the arbitrator certifies the recall of a member
1497 of the board, the recall shall be effective upon mailing of the
1498 final order of arbitration to the association. If the
1499 association fails to comply with the order of the arbitrator,
1500 the division may take action under s. 723.006. A member so
1501 recalled shall deliver to the board any and all records and
1502 property of the association in the member's possession within 5
1503 full business days after the effective date of the recall.

1504 4. If the board fails to duly notice and hold a board
1505 meeting within 5 full business days after service of an
1506 agreement in writing or within 5 full business days after the
1507 adjournment of the members' recall meeting, the recall shall be
1508 deemed effective and the board members so recalled shall
1509 immediately turn over to the board all records and property of
1510 the association.

1511 5. If the board fails to duly notice and hold the required
1512 meeting or fails to file the required petition, the member's
1513 representative may file a petition pursuant to s. 723.1255
1514 challenging the board's failure to act. The petition must be
1515 filed within 60 days after expiration of the applicable 5-full-
1516 business-day period. The review of a petition under this
1517 subparagraph is limited to the sufficiency of service on the
1518 board and the facial validity of the written agreement or
1519 ballots filed.



1520 6. If a vacancy occurs on the board as a result of a recall
1521 and less than a majority of the board members are removed, the
1522 vacancy may be filled by the affirmative vote of a majority of
1523 the remaining directors, notwithstanding any other provision of
1524 this chapter. If vacancies occur on the board as a result of a
1525 recall and a majority or more of the board members are removed,
1526 the vacancies shall be filled in accordance with procedural
1527 rules to be adopted by the division, which rules need not be
1528 consistent with this chapter. The rules must provide procedures
1529 governing the conduct of the recall election as well as the
1530 operation of the association during the period after a recall
1531 but before the recall election.

1532 7. A board member who has been recalled may file a petition
1533 pursuant to s. 723.1255 challenging the validity of the recall.
1534 The petition must be filed within 60 days after the recall is
1535 deemed certified. The association and the member's
1536 representative shall be named as the respondents.

1537 8. The division may not accept for filing a recall
1538 petition, whether or not filed pursuant to this subsection, and
1539 regardless of whether the recall was certified, when there are
1540 60 or fewer days until the scheduled reelection of the board
1541 member sought to be recalled or when 60 or fewer days have not
1542 elapsed since the election of the board member sought to be
1543 recalled.

1544 Section 32. Paragraphs (d) and (f) through (i) of
1545 subsection (4) and subsection (5) of section 723.079, Florida
1546 Statutes, are amended to read:

1547 723.079 Powers and duties of homeowners' association.—

1548 (4) The association shall maintain the following items,



1549 when applicable, which constitute the official records of the
1550 association:

1551 (d) The approved minutes of all meetings of the members of
1552 an association and meetings open for members of~~7~~ the board of
1553 directors, and committees of the board, which minutes must be
1554 retained within this ~~the~~ state for at least 5 ~~7~~ years.

1555 (f) All of the association's insurance policies or copies
1556 thereof, which must be retained within this state for at least 5
1557 7 years after the expiration date of the policy.

1558 (g) A copy of all contracts or agreements to which the
1559 association is a party, including, without limitation, any
1560 written agreements with the park owner, lease, or other
1561 agreements or contracts under which the association or its
1562 members has any obligation or responsibility, which must be
1563 retained within this state for at least 5 ~~7~~ years after the
1564 expiration date of the contract or agreement.

1565 (h) The financial and accounting records of the
1566 association, kept according to good accounting practices. All
1567 financial and accounting records must be maintained within this
1568 state for a ~~period of~~ at least 5 ~~7~~ years. The financial and
1569 accounting records must include:

1570 1. Accurate, itemized, and detailed records of all receipts
1571 and expenditures.

1572 2. A current account and a periodic statement of the
1573 account for each member, designating the name and current
1574 address of each member who is obligated to pay dues or
1575 assessments, the due date and amount of each assessment or other
1576 charge against the member, the date and amount of each payment
1577 on the account, and the balance due.



1578 3. All tax returns, financial statements, and financial
1579 reports of the association.

1580 4. Any other records that identify, measure, record, or
1581 communicate financial information.

1582 (i) All other written records of the association not
1583 specifically included in the foregoing which are related to the
1584 operation of the association must be retained within this state
1585 for at least 5 years or at least 5 years after the expiration
1586 date, as applicable.

1587 (5) The official records shall be ~~maintained within the~~
1588 ~~state for at least 7 years and shall be~~ made available to a
1589 member for inspection or photocopying within 20 ~~10~~ business days
1590 after receipt by the board or its designee of a written request
1591 submitted by certified mail, return receipt requested. The
1592 requirements of this subsection are satisfied by having a copy
1593 of the official records available for inspection or copying in
1594 the park or, at the option of the association, by making the
1595 records available to a member electronically via the Internet or
1596 by allowing the records to be viewed in electronic format on a
1597 computer screen and printed upon request. If the association has
1598 a photocopy machine available where the records are maintained,
1599 it must provide a member with copies on request during the
1600 inspection if the entire request is no more than 25 pages. An
1601 association shall allow a member or his or her authorized
1602 representative to use a portable device, including a smartphone,
1603 tablet, portable scanner, or any other technology capable of
1604 scanning or taking photographs, to make an electronic copy of
1605 the official records in lieu of the association's providing the
1606 member or his or her authorized representative with a copy of



1607 such records. The association may not charge a fee to a member
1608 or his or her authorized representative for the use of a
1609 portable device.

1610 (a) The failure of an association to provide access to the
1611 records within 20 ~~10~~ business days after receipt of a written
1612 request submitted by certified mail, return receipt requested,
1613 creates a rebuttable presumption that the association willfully
1614 failed to comply with this subsection.

1615 (b) A member who is denied access to official records is
1616 entitled to ~~the actual damages or minimum~~ damages for the
1617 association's willful failure to comply with this subsection in
1618 the amount of. The minimum damages are to be \$10 per calendar
1619 day up to 10 days, not to exceed \$100. The calculation for
1620 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after
1621 receipt of the written request, submitted by certified mail,
1622 return receipt requested.

1623 (c) A dispute between a member and an association regarding
1624 inspecting or photocopying official records must be submitted to
1625 mandatory binding arbitration with the division, and the
1626 arbitration must be conducted pursuant to s. 723.1255 and
1627 procedural rules adopted by the division.

1628 (d) The association may adopt reasonable written rules
1629 governing the frequency, time, location, notice, records to be
1630 inspected, and manner of inspections, but may not require a
1631 member to demonstrate a proper purpose for the inspection, state
1632 a reason for the inspection, or limit a member's right to
1633 inspect records to less than 1 business day per month. The
1634 association may impose fees to cover the costs of providing
1635 copies of the official records, including the costs of copying



1636 and for personnel to retrieve and copy the records if the time
1637 spent retrieving and copying the records exceeds 30 minutes and
1638 if the personnel costs do not exceed \$20 per hour. Personnel
1639 costs may not be charged for records requests that result in the
1640 copying of 25 or fewer pages. The association may charge up to
1641 25 cents per page for copies made on the association's
1642 photocopier. If the association does not have a photocopy
1643 machine available where the records are kept, or if the records
1644 requested to be copied exceed 25 pages in length, the
1645 association may have copies made by an outside duplicating
1646 service and may charge the actual cost of copying, as supported
1647 by the vendor invoice. The association shall maintain an
1648 adequate number of copies of the recorded governing documents,
1649 to ensure their availability to members and prospective members.
1650 Notwithstanding this paragraph, the following records are not
1651 accessible to members or home owners:

1652 1. A record protected by the lawyer-client privilege as
1653 described in s. 90.502 and a record protected by the work-
1654 product privilege, including, but not limited to, a record
1655 prepared by an association attorney or prepared at the
1656 attorney's express direction which reflects a mental impression,
1657 conclusion, litigation strategy, or legal theory of the attorney
1658 or the association and which was prepared exclusively for civil
1659 or criminal litigation, for adversarial administrative
1660 proceedings, or in anticipation of such litigation or
1661 proceedings until the conclusion of the litigation or
1662 proceedings.

1663 2. E-mail addresses, telephone numbers, facsimile numbers,
1664 emergency contact information, any addresses for a home owner



1665 other than as provided for association notice requirements, and
1666 other personal identifying information of any person, excluding
1667 the person's name, lot designation, mailing address, and
1668 property address. Notwithstanding the restrictions in this
1669 subparagraph, an association may print and distribute to home
1670 owners a directory containing the name, park address, and
1671 telephone number of each home owner. However, a home owner may
1672 exclude his or her telephone number from the directory by so
1673 requesting in writing to the association. The association is not
1674 liable for the disclosure of information that is protected under
1675 this subparagraph if the information is included in an official
1676 record of the association and is voluntarily provided by a home
1677 owner and not requested by the association.

1678 3. An electronic security measure that is used by the
1679 association to safeguard data, including passwords.

1680 4. The software and operating system used by the
1681 association which allows the manipulation of data, even if the
1682 home owner owns a copy of the same software used by the
1683 association. The data is part of the official records of the
1684 association.

1685 Section 33. Section 723.1255, Florida Statutes, is amended
1686 to read:

1687 723.1255 Alternative resolution of recall, election, and
1688 inspection and photocopying of official records disputes.-

1689 (1) A dispute between a mobile home owner and a homeowners'
1690 association regarding the election and recall of officers or
1691 directors under s. 723.078(2)(b) or regarding the inspection and
1692 photocopying of official records under s. 723.079(5) must be
1693 submitted to mandatory binding arbitration with the division.



1694 The arbitration shall be conducted in accordance with this
1695 section and the procedural rules adopted by the division.

1696 (2) Each party shall be responsible for paying its own
1697 attorney fees, expert and investigator fees, and associated
1698 costs. The cost of the arbitrators shall be divided equally
1699 between the parties regardless of the outcome.

1700 (3) The division shall adopt procedural rules to govern
1701 mandatory binding arbitration proceedings ~~The Division of~~
1702 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~
1703 ~~Department of Business and Professional Regulation shall adopt~~
1704 ~~rules of procedure to govern binding recall arbitration~~
1705 ~~proceedings.~~

1706 Section 34. For the purpose of incorporating the amendment
1707 made by this act to section 420.5087, Florida Statutes, in a
1708 reference thereto, paragraph (i) of subsection (22) of section
1709 420.507, Florida Statutes, is reenacted to read:

1710 420.507 Powers of the corporation.—The corporation shall
1711 have all the powers necessary or convenient to carry out and
1712 effectuate the purposes and provisions of this part, including
1713 the following powers which are in addition to all other powers
1714 granted by other provisions of this part:

1715 (22) To develop and administer the State Apartment
1716 Incentive Loan Program. In developing and administering that
1717 program, the corporation may:

1718 (i) Establish, by rule, the procedure for competitively
1719 evaluating and selecting all applications for funding based on
1720 the criteria set forth in s. 420.5087(6)(c), determining actual
1721 loan amounts, making and servicing loans, and exercising the
1722 powers authorized in this subsection.



1723 Section 35. For the purpose of incorporating the amendment
1724 made by this act to section 420.5095, Florida Statutes, in a
1725 reference thereto, subsection (2) of section 193.018, Florida
1726 Statutes, is reenacted to read:

1727 193.018 Land owned by a community land trust used to
1728 provide affordable housing; assessment; structural improvements,
1729 condominium parcels, and cooperative parcels.-

1730 (2) A community land trust may convey structural
1731 improvements, condominium parcels, or cooperative parcels, that
1732 are located on specific parcels of land that are identified by a
1733 legal description contained in and subject to a ground lease
1734 having a term of at least 99 years, for the purpose of providing
1735 affordable housing to natural persons or families who meet the
1736 extremely-low-income, very-low-income, low-income, or moderate-
1737 income limits specified in s. 420.0004, or the income limits for
1738 workforce housing, as defined in s. 420.5095(3). A community
1739 land trust shall retain a preemptive option to purchase any
1740 structural improvements, condominium parcels, or cooperative
1741 parcels on the land at a price determined by a formula specified
1742 in the ground lease which is designed to ensure that the
1743 structural improvements, condominium parcels, or cooperative
1744 parcels remain affordable.

1745 Section 36. This act shall take effect July 1, 2020.

1746
1747 ===== T I T L E A M E N D M E N T =====

1748 And the title is amended as follows:

1749 Delete everything before the enacting clause
1750 and insert:

1751 A bill to be entitled



1752 An act relating to community affairs; amending s.
1753 125.01055, F.S.; adding linkage fee ordinances as land
1754 use mechanisms that counties are authorized to adopt
1755 and maintain; providing that affordable housing
1756 linkage fee ordinances may require the payment of
1757 certain fees; authorizing a board of county
1758 commissioners to approve development of affordable
1759 housing on any parcel zoned for residential,
1760 commercial, or industrial use; amending s. 129.03,
1761 F.S.; revising the information required to be annually
1762 submitted by county budget officers to the Office of
1763 Economic and Demographic Research; requiring certain
1764 information to be included beginning in a specified
1765 submission; amending s. 163.01, F.S.; amending the
1766 Florida Interlocal Cooperation Act of 1969 to
1767 authorize private entities to enter into specified
1768 loan agreements; authorizing certain bond proceeds to
1769 be loaned to private entities for specified types of
1770 projects; providing that such loans are deemed a
1771 paramount public purpose; amending s. 163.31771, F.S.;
1772 revising conditions under which local governments are
1773 authorized to adopt ordinances that allow accessory
1774 dwelling units in any area zoned for single-family
1775 residential use; amending s. 163.31801, F.S.;
1776 requiring counties, municipalities, and special
1777 districts to include certain data relating to impact
1778 fees in their annual financial reports; amending s.
1779 166.04151, F.S.; adding linkage fee ordinances as land
1780 use mechanisms that municipalities are authorized to



1781 adopt and maintain; providing that affordable housing
1782 linkage fee ordinances may require the payment of
1783 certain fees; authorizing governing bodies of
1784 municipalities to approve the development of
1785 affordable housing on any parcel zoned for
1786 residential, commercial, or industrial use; amending
1787 s. 166.241, F.S.; revising the information required to
1788 be annually submitted by municipal budget officers to
1789 the Office of Economic and Demographic Research;
1790 requiring certain information to be included beginning
1791 in a specified submission; amending s. 320.77, F.S.;
1792 revising a certification requirement for mobile home
1793 dealer applicants relating to the applicant's business
1794 location; amending s. 320.771, F.S.; exempting certain
1795 recreational vehicle dealer applicants from a garage
1796 liability insurance requirement; amending s. 320.822,
1797 F.S.; revising the definition of the term "code";
1798 amending s. 320.8232, F.S.; revising applicable
1799 standards for the repair and remodeling of mobile and
1800 manufactured homes; amending s. 367.022, F.S.;
1801 revising an exemption from regulation for certain
1802 water service resellers; exempting certain mobile home
1803 park and mobile home subdivision owners from
1804 regulation by the Florida Public Service Commission
1805 relating to water and wastewater systems; creating s.
1806 420.518, F.S.; authorizing the preclusion of an
1807 applicant or affiliate of an applicant from
1808 participation in Florida Housing Finance Corporation
1809 programs under certain conditions; authorizing the



1810 board of directors of the corporation to preclude the
1811 applicant for a period of time or revoke the
1812 applicant's funding; requiring that an administrative
1813 complaint be served before an order is issued;
1814 authorizing the corporation to suspend certain
1815 funding, allocations of federal housing credits,
1816 credit underwriting procedures, or application
1817 reviews; providing requirements for such suspensions;
1818 amending s. 420.5087, F.S.; revising the criteria used
1819 by a review committee when evaluating and selecting
1820 specified applications for state apartment incentive
1821 loans; authorizing the corporation to prioritize a
1822 portion of the State Apartment Incentive Loan funding
1823 set aside for certain purposes; requiring that such
1824 funding be used for housing for certain persons in
1825 foster care or persons aging out of foster care;
1826 providing requirements for such housing; requiring the
1827 corporation to consult with the Department of Children
1828 and Families to create minimum criteria for such
1829 housing; amending s. 420.5095, F.S.; revising
1830 legislative findings; renaming the Community Workforce
1831 Housing Innovation Pilot Program as the Community
1832 Workforce Housing Loan Program to provide workforce
1833 housing for persons affected by the high cost of
1834 housing; revising the definition of the term
1835 "workforce housing"; deleting the definition of the
1836 term "public-private partnership"; authorizing the
1837 corporation to provide loans under the program to
1838 applicants for construction of workforce housing;



1839 requiring the corporation to establish a certain loan
1840 application process; deleting provisions requiring the
1841 corporation to provide incentives for local
1842 governments to use certain funds; requiring projects
1843 to receive priority consideration for funding under
1844 certain circumstances; deleting provisions providing
1845 for the expedition of local government comprehensive
1846 plan amendments to implement a program project;
1847 requiring that the corporation award loans at a
1848 specified interest rate and for a limited term;
1849 conforming provisions to changes made by the act;
1850 deleting a provision authorizing the corporation to
1851 use a maximum percentage of a specified appropriation
1852 for administration and compliance; amending s.
1853 420.531, F.S.; specifying that technical support
1854 provided to local governments and community-based
1855 organizations includes implementation of the State
1856 Apartment Incentive Loan Program; requiring the entity
1857 providing training and technical assistance to convene
1858 and administer biannual workshops; providing
1859 requirements for such workshops; requiring such entity
1860 to annually compile and submit certain information to
1861 the Legislature and the corporation by a specified
1862 date; amending s. 420.9071, F.S.; revising the
1863 definition of the term "affordable"; amending s.
1864 420.9075, F.S.; revising requirements for reports
1865 submitted to the corporation by counties and certain
1866 municipalities; amending s. 420.9076, F.S.; beginning
1867 on a specified date, revising the membership of local



1868 affordable housing advisory committees; requiring the
1869 committees to perform specified duties annually
1870 instead of triennially; revising duties of the
1871 committees; requiring locally elected officials
1872 serving on advisory committees, or their designees, to
1873 attend biannual regional workshops; providing a
1874 penalty; amending s. 553.791, F.S.; revising a
1875 prohibition against auditing certain private providers
1876 more than a specified number of times per month under
1877 certain conditions; amending s. 723.011, F.S.;

1878 providing that a mobile home owner may be required to
1879 install permanent improvements as disclosed in the
1880 mobile home park prospectus; amending s. 723.012,
1881 F.S.; requiring a mobile home park owner to amend its
1882 prospectus under certain circumstances; requiring a
1883 mobile home park owner to increase shared facilities
1884 under certain circumstances; providing a requirement
1885 for the prospectus amendment; prohibiting certain
1886 costs and expenses from being passed on or passed
1887 through to existing mobile home owners; amending s.
1888 723.023, F.S.; revising general obligations for mobile
1889 home owners; amending s. 723.031, F.S.; revising
1890 construction relating to a mobile home park owner's
1891 disclosure of certain taxes and assessments;

1892 prohibiting a mobile home park owner from charging or
1893 collecting certain taxes or charges in excess of a
1894 certain amount; amending s. 723.037, F.S.; authorizing
1895 mobile home park owners to give notice of lot rental
1896 increases for multiple anniversary dates in one



1897 notice; providing construction; revising a requirement
1898 for a lot rental negotiation committee; amending s.
1899 723.041, F.S.; providing that a mobile home park
1900 damaged or destroyed due to natural force may be
1901 rebuilt with the same density as previously approved,
1902 permitted, and built; providing construction; amending
1903 s. 723.042, F.S.; revising conditions under which a
1904 person is required by a mobile home park owner or
1905 developer to provide improvements as a condition of
1906 residence in a mobile home park; amending s. 723.059,
1907 F.S.; authorizing certain mobile home purchasers to
1908 assume the seller's prospectus; authorizing a mobile
1909 home park owner to offer a purchaser any approved
1910 prospectus; amending s. 723.061, F.S.; revising
1911 requirements related to the provision of eviction
1912 notices by mobile home park owners to specified
1913 entities; specifying the waiver and nonwaiver of
1914 certain rights of mobile home park owners under
1915 certain circumstances; requiring the accounting at
1916 final hearing of rents received; amending s. 723.076,
1917 F.S.; providing a notice requirement for homeowners'
1918 associations to mobile home park owners after the
1919 election or appointment of new officers or board
1920 members; amending s. 723.078, F.S.; revising
1921 requirements for homeowners' association board
1922 elections and ballots; requiring an impartial
1923 committee to be responsible for overseeing the
1924 election process and complying with ballot
1925 requirements; defining the term "impartial committee";



1926 requiring that association bylaws provide a method for
1927 determining the winner of an election under certain
1928 circumstances; requiring the division to adopt
1929 procedural rules; revising the types of meetings that
1930 are not required to be open to members; providing an
1931 exception to a requirement for an officer of an
1932 association to provide an affidavit affirming certain
1933 information; authorizing meeting notices to be
1934 provided by electronic means; providing that the
1935 minutes of certain board and committee meetings are
1936 privileged and confidential; conforming provisions to
1937 changes made by the act; amending s. 723.079, F.S.;
1938 revising homeowners' association recordkeeping
1939 requirements; revising the timeframes during which
1940 certain records are required to be retained and be
1941 made available for inspection or photocopying;
1942 limiting the amount of damages for which an
1943 association is liable when a member is denied access
1944 to official records; requiring that certain disputes
1945 be submitted to mandatory binding arbitration with the
1946 division; providing requirements for such arbitration;
1947 amending s. 723.1255, F.S.; requiring that certain
1948 disputes be submitted to mandatory binding arbitration
1949 with the division; providing requirements for such
1950 arbitration and responsibility for fees and costs;
1951 requiring the division to adopt procedural rules;
1952 reenacting s. 420.507(22)(i), F.S., relating to powers
1953 of the Florida Housing Finance Corporation, to
1954 incorporate the amendment made to s. 420.5087, F.S.,



1955 in a reference thereto; reenacting s. 193.018(2),
1956 F.S., relating to land owned by a community land trust
1957 used to provide affordable housing, to incorporate the
1958 amendment made to s. 420.5095, F.S., in a reference
1959 thereto; providing an effective date.