

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Yarborough offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

125.01055 Affordable housing.—

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

Section 2. Paragraph (d) of subsection (3) of section

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14 129.03, Florida Statutes, is amended to read:

15 129.03 Preparation and adoption of budget.—

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

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

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

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

34 3. Median income within the county.

35 4. The average county employee salary.

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

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

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

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

50 163.01 Florida Interlocal Cooperation Act of 1969.—

51 (7)

52 (d) Notwithstanding the provisions of paragraph (c), any
53 separate legal entity created pursuant to this section and
54 controlled by the municipalities or counties of this state or by
55 one or more municipality and one or more county of this state,
56 the membership of which consists or is to consist of
57 municipalities only, counties only, or one or more municipality
58 and one or more county, may, for the purpose of financing or
59 refinancing any capital projects, exercise all powers in
60 connection with the authorization, issuance, and sale of bonds.
61 Notwithstanding any limitations provided in this section, all of
62 the privileges, benefits, powers, and terms of part I of chapter

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63 125, part II of chapter 166, and part I of chapter 159 are shall
64 ~~be~~ fully applicable to such entity. Bonds issued by such entity
65 are shall be deemed issued on behalf of the counties, ~~or~~
66 municipalities, or private entities which enter into loan
67 agreements with such entity as provided in this paragraph. Any
68 loan agreement executed pursuant to a program of such entity is
69 ~~shall be~~ governed by the provisions of part I of chapter 159 or,
70 in the case of counties, part I of chapter 125, or in the case
71 of municipalities and charter counties, part II of chapter 166.
72 Proceeds of bonds issued by such entity may be loaned to
73 counties or municipalities of this state or a combination of
74 municipalities and counties, whether or not such counties or
75 municipalities are also members of the entity issuing the bonds,
76 or to private entities for projects that are "self-liquidating,"
77 as provided in s. 159.02, whether or not such private entities
78 are located within the jurisdictional boundaries of a county or
79 municipality that is a member of the entity issuing the bonds.
80 The issuance of bonds by such entity to fund a loan program to
81 make loans to municipalities, ~~or~~ counties, or private entities
82 or a combination of municipalities, ~~and~~ counties, and private
83 entities with one another for capital projects to be identified
84 subsequent to the issuance of the bonds to fund such loan
85 programs is deemed to be a paramount public purpose. Any entity
86 so created may also issue bond anticipation notes, as provided
87 by s. 215.431, in connection with the authorization, issuance,

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88 and sale of such bonds. In addition, the governing body of such
89 legal entity may also authorize bonds to be issued and sold from
90 time to time and may delegate, to such officer, official, or
91 agent of such legal entity as the governing body of such legal
92 entity may select, the power to determine the time; manner of
93 sale, public or private; maturities; rate or rates of interest,
94 which may be fixed or may vary at such time or times and in
95 accordance with a specified formula or method of determination;
96 and other terms and conditions as may be deemed appropriate by
97 the officer, official, or agent so designated by the governing
98 body of such legal entity. However, the amounts and maturities
99 of such bonds and the interest rate or rates of such bonds shall
100 be within the limits prescribed by the governing body of such
101 legal entity and its resolution delegating to such officer,
102 official, or agent the power to authorize the issuance and sale
103 of such bonds. A local government self-insurance fund
104 established under this section may financially guarantee bonds
105 or bond anticipation notes issued or loans made under this
106 subsection. Bonds issued pursuant to this paragraph may be
107 validated as provided in chapter 75. The complaint in any action
108 to validate such bonds shall be filed only in the Circuit Court
109 for Leon County. The notice required to be published by s. 75.06
110 shall be published only in Leon County, and the complaint and
111 order of the circuit court shall be served only on the State
112 Attorney of the Second Judicial Circuit and on the state

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113 attorney of each circuit in each county where the public
114 agencies which were initially a party to the agreement are
115 located. Notice of such proceedings shall be published in the
116 manner and the time required by s. 75.06 in Leon County and in
117 each county where the public agencies which were initially a
118 party to the agreement are located. Obligations of any county or
119 municipality pursuant to a loan agreement as described in this
120 paragraph may be validated as provided in chapter 75.

121 Section 4. Subsections (1), (3), and (4) of section
122 163.31771, Florida Statutes, are amended to read:

123 163.31771 Accessory dwelling units.-

124 (1) The Legislature finds that the median price of homes
125 in this state has increased steadily over the last decade and at
126 a greater rate of increase than the median income in many urban
127 areas. The Legislature finds that the cost of rental housing has
128 also increased steadily and the cost often exceeds an amount
129 that is affordable to extremely-low-income, very-low-income,
130 low-income, or moderate-income persons and has resulted in a
131 critical shortage of affordable rentals in many urban areas in
132 the state. This shortage of affordable rentals constitutes a
133 threat to the health, safety, and welfare of the residents of
134 the state. Therefore, the Legislature finds that it serves an
135 important public purpose to require ~~encourage~~ the permitting of
136 accessory dwelling units in single-family residential areas in
137 order to increase the availability of affordable rentals for

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138 extremely-low-income, very-low-income, low-income, or moderate-
139 income persons.

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

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

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

155 163.31801 Impact fees; short title; intent; minimum
156 requirements; audits; challenges.-

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

161 (a) The specific purpose of the impact fee, including the
162 specific infrastructure needs to be met such as transportation,

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163 parks, water, sewer, and schools.

164 (b) The impact fee schedule policy describing the method
165 of calculating impact fees, such as flat fees, tiered fees based
166 on the number of bedrooms, or tiered fees based on the square
167 footage.

168 (c) The amount assessed for each purpose and for each type
169 of dwelling.

170 (d) The total amount of impact fees charged by type of
171 dwelling.

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

174 166.04151 Affordable housing.—

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

180 Section 7. Paragraph (g) is added to subsection (4) of
181 section 166.241, Florida Statutes, to read:

182 166.241 Fiscal years, budgets, and budget amendments.—

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

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188 (g) Annual municipal expenditures providing for the
189 financing, acquisition, construction, reconstruction, or
190 rehabilitation of housing that is affordable, as that term is
191 defined in s. 420.0004. The reported expenditures must indicate
192 the source of such funds as "federal," "state," "local," or
193 "other," as applicable. This information must be included in the
194 submission due by October 15, 2020, and each annual submission
195 thereafter.

196 Section 8. Subsection (1) of section 196.1978, Florida
197 Statutes, is amended to read:

198 196.1978 Affordable housing property exemption.—

199 (1) Property used to provide affordable housing to
200 eligible persons as defined by s. 159.603 and natural persons or
201 families meeting the extremely-low-income, very-low-income, low-
202 income, or moderate-income limits specified in s. 420.0004,
203 which is owned entirely by a nonprofit entity that is a
204 corporation not for profit, qualified as charitable under s.
205 501(c)(3) of the Internal Revenue Code and in compliance with
206 Rev. Proc. 96-32, 1996-1 C.B. 717, is considered property owned
207 by an exempt entity and used for a charitable purpose, and those
208 portions of the affordable housing property that provide housing
209 to natural persons or families classified as extremely low
210 income, very low income, low income, or moderate income under s.
211 420.0004 are exempt from ad valorem taxation to the extent
212 authorized under s. 196.196. All property identified in this

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213 section must comply with the criteria provided under s. 196.195
214 for determining exempt status and applied by property appraisers
215 on an annual basis. The Legislature intends that any property
216 owned by a limited liability company which is disregarded as an
217 entity for federal income tax purposes pursuant to Treasury
218 Regulation 301.7701-3(b)(1)(ii) be treated as owned by its sole
219 member. If the sole member of the limited liability company that
220 owns the property is also a limited liability company that is
221 disregarded as an entity for federal income tax purposes
222 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii), the
223 Legislature intends that the property be treated as owned by the
224 sole member of the limited liability company that owns the
225 limited liability company that owns the property. Units that are
226 vacant and units that are occupied by natural persons or
227 families whose income no longer meet the income limits of this
228 subsection but whose income met those income limits at the time
229 they became tenants shall be treated as portions of the
230 affordable housing property exempt under this subsection if a
231 recorded land use restriction agreement in favor of the Florida
232 Housing Finance Agency or any other governmental or quasi-
233 government jurisdiction requires that all residential units
234 within the property be used in a manner that qualifies for
235 exemption under this subsection.

236 Section 9. Paragraph (h) of subsection (3) of section
237 320.77, Florida Statutes, is amended to read:

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238 320.77 License required of mobile home dealers.—

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

243 (h) Certification by the applicant:

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

246 2. Except in the case of a mobile home broker, that the
247 location affords sufficient ~~unoccupied~~ space to display ~~store~~
248 ~~all mobile homes offered and displayed~~ for sale. A space to
249 display a manufactured home as a model home is sufficient to
250 satisfy this requirement. ~~;~~ ~~and that~~ The location must be ~~is~~ a
251 suitable place in which the applicant can in good faith carry on
252 business and keep and maintain books, records, and files
253 necessary to conduct such business, which must ~~will~~ be available
254 at all reasonable hours to inspection by the department or any
255 of its inspectors or other employees.

256
257 This paragraph does ~~subsection shall~~ not preclude a licensed
258 mobile home dealer from displaying and offering for sale mobile
259 homes in a mobile home park.

260
261 The department shall, if it deems necessary, cause an
262 investigation to be made to ascertain if the facts set forth in

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263 the application are true and shall not issue a license to the
264 applicant until it is satisfied that the facts set forth in the
265 application are true.

266 Section 10. Paragraph (j) of subsection (3) of section
267 320.771, Florida Statutes, is amended to read:

268 320.771 License required of recreational vehicle dealers.-

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

273 (j) A statement that the applicant is insured under a
274 garage liability insurance policy, which shall include, at a
275 minimum, \$25,000 combined single-limit liability coverage,
276 including bodily injury and property damage protection, and
277 \$10,000 personal injury protection, if the applicant is to be
278 licensed as a dealer in, or intends to sell, recreational
279 vehicles. However, a garage liability policy is not required for
280 the licensure of a mobile home dealer who sells only park
281 trailers.

282
283 The department shall, if it deems necessary, cause an
284 investigation to be made to ascertain if the facts set forth in
285 the application are true and shall not issue a license to the
286 applicant until it is satisfied that the facts set forth in the
287 application are true.

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288 Section 11. Paragraph (c) of subsection (2) of section
289 320.822, Florida Statutes, is amended to read:

290 320.822 Definitions; ss. 320.822-320.862.—In construing
291 ss. 320.822-320.862, unless the context otherwise requires, the
292 following words or phrases have the following meanings:

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

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

296 Section 12. Subsection (2) of section 320.8232, Florida
297 Statutes, is amended to read:

298 320.8232 Establishment of uniform standards for used
299 recreational vehicles and repair and remodeling code for mobile
300 homes.—

301 (2) The Mobile and Manufactured Home ~~provisions of the~~
302 Repair and Remodeling Code must be a uniform code, must shall
303 ensure safe and livable housing, and may shall not be more
304 stringent than those standards required to be met in the
305 manufacture of mobile homes. Such code must ~~provisions shall~~
306 ~~include, but not be limited to,~~ standards for structural
307 adequacy, plumbing, heating, electrical systems, and fire and
308 life safety. All repairs and remodeling of mobile and
309 manufactured homes must be performed in accordance with
310 department rules.

311 Section 13. Subsection (9) of section 367.022, Florida
312 Statutes, is amended, and subsection (14) is added to that

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313 section, to read:

314 367.022 Exemptions.—The following are not subject to
315 regulation by the commission as a utility nor are they subject
316 to the provisions of this chapter, except as expressly provided:

317 (9) Any person who resells water service to his or her
318 tenants or to individually metered residents for a fee that does
319 not exceed the actual purchase price of the water and wastewater
320 service plus the actual cost of meter reading and billing, not
321 to exceed 9 percent of the actual cost of service.

322 (14) The owner of a mobile home park operating both as a
323 mobile home park and a mobile home subdivision, as those terms
324 are defined in s. 723.003, who provides service within the park
325 and subdivision to a combination of both tenants and lot owners,
326 provided that the service to tenants is without specific
327 compensation.

328 Section 14. Paragraph (c) of subsection (6) of section
329 420.5087, Florida Statutes, is amended to read:

330 420.5087 State Apartment Incentive Loan Program.—There is
331 hereby created the State Apartment Incentive Loan Program for
332 the purpose of providing first, second, or other subordinated
333 mortgage loans or loan guarantees to sponsors, including for-
334 profit, nonprofit, and public entities, to provide housing
335 affordable to very-low-income persons.

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

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338 | lifesafety, building preservation, health, sanitation, or
339 | security-related repairs or improvements, the following
340 | provisions shall apply:

341 | (c) The corporation shall provide by rule for the
342 | establishment of a review committee for the competitive
343 | evaluation and selection of applications submitted in this
344 | program. The review committee must use evaluation criteria that
345 | include, ~~including,~~ but are not limited to, the following
346 | criteria:

347 | 1. Tenant income and demographic targeting objectives of
348 | the corporation.

349 | 2. Targeting objectives of the corporation which will
350 | ensure an equitable distribution of loans between rural and
351 | urban areas.

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

356 | 4. Sponsor's agreement to reserve more than:

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

360 | b. Forty percent of the units in the project for persons
361 | or families who have incomes that do not exceed 60 percent of
362 | the state or local median income, whichever is higher, without

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363 requiring a greater amount of the loans as provided in this
364 section.

365 5. Provision for tenant counseling.

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

368 7. Projects requiring the least amount of a state
369 apartment incentive loan compared to overall project cost,
370 except that the share of the loan attributable to units serving
371 extremely-low-income persons must be excluded from this
372 requirement.

373 8. Local government contributions and local government
374 comprehensive planning and activities that promote affordable
375 housing and policies that promote access to public
376 transportation, reduce the need for onsite parking, and expedite
377 permits for affordable housing projects.

378 9. Project feasibility.

379 10. Economic viability of the project.

380 11. Commitment of first mortgage financing.

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

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

385 14. Projects that directly implement or assist welfare-to-
386 work transitioning.

387 15. Projects that reserve units for extremely-low-income

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388 persons.

389 16. Projects that include green building principles,
390 storm-resistant construction, or other elements that reduce
391 long-term costs relating to maintenance, utilities, or
392 insurance.

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

395 Section 15. Section 420.5095, Florida Statutes, is amended
396 to read:

397 420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~
398 Program.—

399 (1) The Legislature finds and declares that recent rapid
400 increases in the median purchase price of a home and the cost of
401 rental housing have far outstripped the increases in median
402 income in the state, ~~preventing essential services personnel~~
403 ~~from living in the communities where they serve and thereby~~
404 creating the need for innovative solutions for the provision of
405 housing opportunities ~~for essential services personnel~~.

406 (2) The Community Workforce Housing Loan ~~Innovation Pilot~~
407 Program is created to provide ~~affordable rental and home~~
408 ~~ownership community~~ workforce housing for persons ~~essential~~
409 ~~services personnel~~ affected by the high cost of housing, ~~using~~
410 ~~regulatory incentives and state and local funds to promote local~~
411 ~~public-private partnerships and leverage government and private~~
412 ~~resources~~.

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

414 ~~(a)~~ "workforce housing" means housing affordable to
415 natural persons or families whose total annual household income
416 does not exceed 80 ~~140~~ percent of the area median income,
417 adjusted for household size, or 120 ~~150~~ percent of area median
418 income, adjusted for household size, in areas of critical state
419 concern designated under s. 380.05, for which the Legislature
420 has declared its intent to provide affordable housing, and areas
421 that were designated as areas of critical state concern for at
422 least 20 consecutive years before ~~prior to~~ removal of the
423 designation.

424 ~~(b) "Public-private partnership" means any form of~~
425 ~~business entity that includes substantial involvement of at~~
426 ~~least one county, one municipality, or one public sector entity,~~
427 ~~such as a school district or other unit of local government in~~
428 ~~which the project is to be located, and at least one private~~
429 ~~sector for-profit or not-for-profit business or charitable~~
430 ~~entity, and may be any form of business entity, including a~~
431 ~~joint venture or contractual agreement.~~

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

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438 (5) The corporation shall establish a loan application
439 process under s. 420.5087 ~~by rule which includes selection~~
440 ~~criteria, an application review process, and a funding process.~~
441 ~~The corporation shall also establish an application review~~
442 ~~committee that may include up to three private citizens~~
443 ~~representing the areas of housing or real estate development,~~
444 ~~banking, community planning, or other areas related to the~~
445 ~~development or financing of workforce and affordable housing.~~

446 ~~(a) The selection criteria and application review process~~
447 ~~must include a procedure for curing errors in the loan~~
448 ~~applications which do not make a substantial change to the~~
449 ~~proposed project.~~

450 ~~(b) To achieve the goals of the pilot program, the~~
451 ~~application review committee may approve or reject loan~~
452 ~~applications or responses to questions raised during the review~~
453 ~~of an application due to the insufficiency of information~~
454 ~~provided.~~

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

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

461 ~~(e) The board of directors shall decide which approved~~
462 ~~applicants will become program participants and determine the~~

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463 ~~maximum loan amount for each program participant.~~

464 ~~(6) The corporation shall provide incentives for local~~
465 ~~governments in eligible areas to use local affordable housing~~
466 ~~funds, such as those from the State Housing Initiatives~~
467 ~~Partnership Program, to assist in meeting the affordable housing~~
468 ~~needs of persons eligible under this program. Local governments~~
469 ~~are authorized to use State Housing Initiative Partnership~~
470 ~~Program funds for persons or families whose total annual~~
471 ~~household income does not exceed:~~

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

474 ~~(b) One hundred and fifty percent of the area median~~
475 ~~income, adjusted for household size, in areas that were~~
476 ~~designated as areas of critical state concern for at least 20~~
477 ~~consecutive years prior to the removal of the designation and in~~
478 ~~areas of critical state concern, designated under s. 380.05, for~~
479 ~~which the Legislature has declared its intent to provide~~
480 ~~affordable housing.~~

481 ~~(7) Funding shall be targeted to innovative projects in~~
482 ~~areas where the disparity between the area median income and the~~
483 ~~median sales price for a single-family home is greatest, and~~
484 ~~where population growth as a percentage rate of increase is~~
485 ~~greatest. The corporation may also fund projects in areas where~~
486 ~~innovative regulatory and financial incentives are made~~
487 ~~available. The corporation shall fund at least one eligible~~

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488 ~~project in as many counties and regions of the state as is~~
489 ~~practicable, consistent with program goals.~~

490 ~~(6)-(8) Projects must be given shall receive~~ priority
491 consideration for funding ~~if where:~~

492 (a) The local jurisdiction has adopted, or is committed to
493 adopting, appropriate regulatory incentives, ~~or the local~~
494 ~~jurisdiction or public-private partnership has adopted or is~~
495 ~~committed to adopting~~ local contributions or financial
496 strategies, or other funding sources to promote the development
497 and ongoing financial viability of such projects. Local
498 incentives include such actions as expediting review of
499 development orders and permits, supporting development near
500 transportation hubs and major employment centers, and adopting
501 land development regulations designed to allow flexibility in
502 densities, use of accessory units, mixed-use developments, and
503 flexible lot configurations. Financial strategies include such
504 actions as promoting employer-assisted housing programs,
505 providing tax increment financing, and providing land.

506 ~~(b) Projects are innovative and include new construction~~
507 ~~or rehabilitation; mixed-income housing; commercial and housing~~
508 ~~mixed-use elements; innovative design; green building~~
509 ~~principles; storm-resistant construction; or other elements that~~
510 ~~reduce long-term costs relating to maintenance, utilities, or~~
511 ~~insurance and promote homeownership. The program funding may not~~
512 ~~exceed the costs attributable to the portion of the project that~~

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513 ~~is set aside to provide housing for the targeted population.~~

514 ~~(b)(e) The projects that set aside at least 50 at least 80~~
515 ~~percent of the units for workforce housing and at least 50~~
516 ~~percent for essential services personnel and for projects that~~
517 ~~require the least amount of program funding compared to the~~
518 ~~overall housing costs for the project.~~

519 ~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local~~
520 ~~government comprehensive plan amendment to implement a Community~~
521 ~~Workforce Housing Innovation Pilot Program project found~~
522 ~~consistent with this section shall be expedited as provided in~~
523 ~~this subsection. At least 30 days prior to adopting a plan~~
524 ~~amendment under this subsection, the local government shall~~
525 ~~notify the state land planning agency of its intent to adopt~~
526 ~~such an amendment, and the notice shall include its evaluation~~
527 ~~related to site suitability and availability of facilities and~~
528 ~~services. The public notice of the hearing required by s.~~
529 ~~163.3184(11)(b)2. shall include a statement that the local~~
530 ~~government intends to use the expedited adoption process~~
531 ~~authorized by this subsection. Such amendments shall require~~
532 ~~only a single public hearing before the governing board, which~~
533 ~~shall be an adoption hearing as described in s. 163.3184(4)(e).~~
534 ~~Any further proceedings shall be governed by s. 163.3184(5)-~~
535 ~~(13).~~

536 ~~(10) The processing of approvals of development orders or~~
537 ~~development permits, as defined in s. 163.3164, for innovative~~

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538 ~~community workforce housing projects shall be expedited.~~

539 ~~(7)(11) The corporation shall award loans with a 1~~
540 ~~interest rates set at 1 to 3 percent interest rate for a term~~
541 ~~that does not exceed 15 years, which may be made forgivable when~~
542 ~~long term affordability is provided and when at least 80 percent~~
543 ~~of the units are set aside for workforce housing and at least 50~~
544 ~~percent of the units are set aside for essential services~~
545 ~~personnel.~~

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

547 ~~(a) For home ownership, limit the sales price of a~~
548 ~~detached unit, townhome, or condominium unit to not more than 90~~
549 ~~percent of the median sales price for that type of unit in that~~
550 ~~county, or the statewide median sales price for that type of~~
551 ~~unit, whichever is higher, and require that all eligible~~
552 ~~purchasers of home ownership units occupy the homes as their~~
553 ~~primary residence.~~

554 ~~(b) For rental units, restrict rents for all workforce~~
555 ~~housing serving those with incomes at or below 120 percent of~~
556 ~~area median income at the appropriate income level using the~~
557 ~~restricted rents for the federal low income housing tax credit~~
558 ~~program and, for workforce housing units serving those with~~
559 ~~incomes above 120 percent of area median income, restrict rents~~
560 ~~to those established by the corporation, not to exceed 30~~
561 ~~percent of the maximum household income adjusted to unit size.~~

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

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563 ~~partnership in an agreement, contract, partnership agreement,~~
564 ~~memorandum of understanding, or other written instrument signed~~
565 ~~by all the project partners.~~

566 ~~(d) Have grants, donations of land, or contributions from~~
567 ~~the public private partnership or other sources collectively~~
568 ~~totaling at least 10 percent of the total development cost or \$2~~
569 ~~million, whichever is less. Such grants, donations of land, or~~
570 ~~contributions must be evidenced by a letter of commitment,~~
571 ~~agreement, contract, deed, memorandum of understanding, or other~~
572 ~~written instrument at the time of application. Grants, donations~~
573 ~~of land, or contributions in excess of 10 percent of the~~
574 ~~development cost shall increase the application score.~~

575 ~~(e) Demonstrate how the applicant will use the regulatory~~
576 ~~incentives and financial strategies outlined in subsection (8)~~
577 ~~from the local jurisdiction in which the proposed project is to~~
578 ~~be located. The corporation may consult with the Department of~~
579 ~~Economic Opportunity in evaluating the use of regulatory~~
580 ~~incentives by applicants.~~

581 ~~(f) Demonstrate that the applicant possesses title to or~~
582 ~~site control of land and evidences availability of required~~
583 ~~infrastructure.~~

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

586 ~~(h) Provide any research or facts available supporting the~~
587 ~~demand and need for rental or home ownership workforce housing~~

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588 ~~for eligible persons in the market in which the project is~~
589 ~~proposed.~~

590 ~~(13) Projects may include manufactured housing constructed~~
591 ~~after June 1994 and installed in accordance with mobile home~~
592 ~~installation standards of the Department of Highway Safety and~~
593 ~~Motor Vehicles.~~

594 ~~(8)~~ (14) The corporation may adopt rules pursuant to ss.
595 120.536(1) and 120.54 to implement this section.

596 ~~(15) The corporation may use a maximum of 2 percent of the~~
597 ~~annual program appropriation for administration and compliance~~
598 ~~monitoring.~~

599 ~~(16) The corporation shall review the success of the~~
600 ~~Community Workforce Housing Innovation Pilot Program to~~
601 ~~ascertain whether the projects financed by the program are~~
602 ~~useful in meeting the housing needs of eligible areas and shall~~
603 ~~include its findings in the annual report required under s.~~
604 ~~420.511(3).~~

605 Section 16. Section 420.518, Florida Statutes, is created
606 to read:

607 420.518 Fraudulent or material misrepresentation.—

608 (1) An applicant or affiliate of an applicant may be
609 precluded from participation in any corporation program if the
610 applicant or affiliate of the applicant has:

611 1. Made a material misrepresentation or engaged in
612 fraudulent actions in connection with any corporation program.

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613 2. Been convicted or found guilty of, or entered a plea of
614 guilty or nolo contendere to, regardless of adjudication, a
615 crime in any jurisdiction which directly relates to the
616 financing, construction, or management of affordable housing or
617 the fraudulent procurement of state or federal funds. The record
618 of a conviction certified or authenticated in such form as to be
619 admissible in evidence under the laws of the state shall be
620 admissible as prima facie evidence of such guilt.

621 3. Been excluded from any federal funding program related
622 to the provision of housing.

623 4. Been excluded from any Florida procurement programs.

624 5. Offered or given consideration, other than the
625 consideration to provide affordable housing, with respect to a
626 local contribution.

627 6. Demonstrated a pattern of noncompliance and a failure
628 to correct any such noncompliance after notice from the
629 corporation in the construction, operation, or management of one
630 or more developments funded through a corporation program.

631 (2) Upon a determination by the board of directors of the
632 corporation that an applicant or affiliate of the applicant be
633 precluded from participation in any corporation program, the
634 board may issue an order taking any or all of the following
635 actions:

636 (a) Preclude such applicant or affiliate from applying for
637 funding from any corporation program for a specified period. The

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638 period may be a specified period of time or permanent in nature.
639 With regard to establishing the duration, the board shall
640 consider the facts and circumstances, inclusive of the
641 compliance history of the applicant or affiliate of the
642 applicant, the type of action under subsection (1), and the
643 degree of harm to the corporation's programs that has been or
644 may be done.

645 (b) Revoke any funding previously awarded by the
646 corporation for any development for which construction or
647 rehabilitation has not commenced.

648 (3) Before any order issued under this section can be
649 final, an administrative complaint must be served on the
650 applicant, affiliate of the applicant, or its registered agent
651 that provides notification of findings of the board, the
652 intended action, and the opportunity to request a proceeding
653 pursuant to ss. 120.569 and 120.57.

654 (4) Any funding, allocation of federal housing credits,
655 credit underwriting procedures, or application review for any
656 development for which construction or rehabilitation has not
657 commenced may be suspended by the corporation upon the service
658 of an administrative complaint on the applicant, affiliate of
659 the applicant, or its registered agent. The suspension shall be
660 effective from the date the administrative complaint is served
661 until an order issued by the corporation in regard to that
662 complaint becomes final.

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663 Section 17. Section 420.531, Florida Statutes, is amended
664 to read:

665 420.531 Affordable Housing Catalyst Program.—

666 (1) The corporation shall operate the Affordable Housing
667 Catalyst Program for the purpose of securing the expertise
668 necessary to provide specialized technical support to local
669 governments and community-based organizations to implement the
670 HOME Investment Partnership Program, State Apartment Incentive
671 Loan Program, State Housing Initiatives Partnership Program, and
672 other affordable housing programs. To the maximum extent
673 feasible, the entity to provide the necessary expertise must be
674 recognized by the Internal Revenue Service as a nonprofit tax-
675 exempt organization. It must have as its primary mission the
676 provision of affordable housing training and technical
677 assistance, an ability to provide training and technical
678 assistance statewide, and a proven track record of successfully
679 providing training and technical assistance under the Affordable
680 Housing Catalyst Program. The technical support shall, at a
681 minimum, include training relating to the following key elements
682 of the partnership programs:

683 (a)~~(1)~~ Formation of local and regional housing
684 partnerships as a means of bringing together resources to
685 provide affordable housing.

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

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

690 ~~(d)(4)~~ Compliance with requirements of federally funded
691 housing programs.

692 (2) In consultation with the corporation, the entity
693 providing statewide training and technical assistance shall
694 convene and administer biannual regional workshops for the
695 locally elected officials serving on affordable housing advisory
696 committees as provided in s. 420.9076. The regional workshops
697 may be conducted through teleconferencing or other technological
698 means and must include processes and programming that facilitate
699 peer-to-peer identification and sharing of best affordable
700 housing practices among the locally elected officials. Annually,
701 the entity providing statewide training and technical assistance
702 must compile calendar year reports summarizing the
703 deliberations, actions, and recommendations of each region, as
704 well as the attendance records of locally elected officials, and
705 must submit such reports to the President of the Senate, the
706 Speaker of the House of Representatives, and the corporation by
707 March 31 of the following year.

708 Section 18. Subsection (2) of section 420.9071, Florida
709 Statutes, is amended to read:

710 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
711 term:

712 (2) "Affordable" means that monthly rents or monthly

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713 mortgage payments including taxes and insurance do not exceed 30
714 percent of that amount which represents the percentage of the
715 median annual gross income for the households as indicated in
716 subsection (19), subsection (20), or subsection (28). However,
717 it is not the intent to limit an individual household's ability
718 to devote more than 30 percent of its income for housing, and
719 housing for which a household devotes more than 30 percent of
720 its income shall be deemed affordable if the first institutional
721 mortgage lender is satisfied that the household can afford
722 mortgage payments in excess of the 30 percent benchmark. The
723 term also includes housing provided by a not-for-profit
724 corporation that derives at least 75 percent of its annual
725 revenues from contracts or services provided to a state or
726 federal agency, for low-income persons and low-income
727 households, that provides treatment for persons who suffer from
728 mental health issues, substance abuse, or domestic violence; and
729 that provides on-premises social and community support services,
730 including job training, life skills training, alcohol and
731 substance abuse disorder treatment, child care, and client case
732 management services.

733 Section 19. Subsection (7) of section 420.9073, Florida
734 Statutes, is renumbered as subsection (8), and a new subsection
735 (7) is added to that section to read:

736 420.9073 Local housing distributions.—

737 (7) Notwithstanding subsections (1)-(4), the corporation

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738 may withhold up to 5 percent of the total amount distributed
739 each fiscal year from the Local Government Housing Trust Fund to
740 provide additional funding to counties and eligible
741 municipalities for the construction of transitional housing for
742 persons aging out of foster care. Funds may not be used for the
743 design or planning of transitional housing and the housing must
744 be constructed on campuses that provide housing for persons in
745 foster care or persons aging out of foster care pursuant to s.
746 409.1451. The corporation must consult with the Department of
747 Children and Families to create minimum criteria for such
748 housing. Any portion of the withheld funds not distributed or
749 committed by the end of the fiscal year shall be distributed as
750 provided in subsections (1) and (2).

751 Section 20. Paragraph (j) is added to subsection (10) of
752 section 420.9075, Florida Statutes, to read:

753 420.9075 Local housing assistance plans; partnerships.—

754 (10) Each county or eligible municipality shall submit to
755 the corporation by September 15 of each year a report of its
756 affordable housing programs and accomplishments through June 30
757 immediately preceding submittal of the report. The report shall
758 be certified as accurate and complete by the local government's
759 chief elected official or his or her designee. Transmittal of
760 the annual report by a county's or eligible municipality's chief
761 elected official, or his or her designee, certifies that the
762 local housing incentive strategies, or, if applicable, the local

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763 housing incentive plan, have been implemented or are in the
764 process of being implemented pursuant to the adopted schedule
765 for implementation. The report must include, but is not limited
766 to:

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

769 Section 21. Subsections (2) and (4) of section 420.9076,
770 Florida Statutes, are amended, and subsection (10) is added to
771 that section, to read:

772 420.9076 Adoption of affordable housing incentive
773 strategies; committees.—

774 (2) The governing board of a county or municipality shall
775 appoint the members of the affordable housing advisory
776 committee. Pursuant to the terms of any interlocal agreement, a
777 county and municipality may create and jointly appoint an
778 advisory committee. The local action adopted pursuant to s.
779 420.9072 which creates the advisory committee and appoints the
780 advisory committee members must name at least 8 but not more
781 than 11 committee members and specify their terms. Effective
782 October 1, 2020, the committee must consist of one locally
783 elected official from each county or municipality participating
784 in the State Housing Initiatives Partnership Program and one
785 representative from at least six of the categories below:

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

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

790 (c) A citizen who is a representative of those areas of
791 labor actively engaged in home building in connection with
792 affordable housing.

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

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

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

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

801 (h) A citizen who actively serves on the local planning
802 agency pursuant to s. 163.3174. If the local planning agency is
803 comprised of the governing board of the county or municipality,
804 the governing board may appoint a designee who is knowledgeable
805 in the local planning process.

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

808 (j) A citizen who represents employers within the
809 jurisdiction.

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

812 (4) Annually ~~Triennially~~, the advisory committee shall

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813 review the established policies and procedures, ordinances, land
814 development regulations, and adopted local government
815 comprehensive plan of the appointing local government and shall
816 recommend specific actions or initiatives to encourage or
817 facilitate affordable housing while protecting the ability of
818 the property to appreciate in value. The recommendations may
819 include the modification or repeal of existing policies,
820 procedures, ordinances, regulations, or plan provisions; the
821 creation of exceptions applicable to affordable housing; or the
822 adoption of new policies, procedures, regulations, ordinances,
823 or plan provisions, including recommendations to amend the local
824 government comprehensive plan and corresponding regulations,
825 ordinances, and other policies. At a minimum, each advisory
826 committee shall submit an annual ~~a~~ report to the local governing
827 body and to the entity providing statewide training and
828 technical assistance for the Affordable Housing Catalyst Program
829 which ~~that~~ includes recommendations on, ~~and triennially~~
830 ~~thereafter evaluates~~ the implementation of, affordable housing
831 incentives in the following areas:

832 (a) The processing of approvals of development orders or
833 permits for affordable housing projects is expedited to a
834 greater degree than other projects, as provided in s.
835 163.3177(6)(f)3.

836 (b) All allowable fee waivers provided ~~The modification of~~
837 ~~impact-fee requirements, including reduction or waiver of fees~~

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838 ~~and alternative methods of fee payment for the development or~~
839 ~~construction of~~ affordable housing.

840 (c) The allowance of flexibility in densities for
841 affordable housing.

842 (d) The reservation of infrastructure capacity for housing
843 for very-low-income persons, low-income persons, and moderate-
844 income persons.

845 (e) ~~The allowance of Affordable accessory residential~~
846 ~~units in residential zoning districts.~~

847 (f) The reduction of parking and setback requirements for
848 affordable housing.

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

851 (h) The modification of street requirements for affordable
852 housing.

853 (i) The establishment of a process by which a local
854 government considers, before adoption, policies, procedures,
855 ordinances, regulations, or plan provisions that increase the
856 cost of housing.

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

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

861

862 The advisory committee recommendations may also include other

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863 affordable housing incentives identified by the advisory
864 committee. Local governments that receive the minimum allocation
865 under the State Housing Initiatives Partnership Program shall
866 perform an ~~the~~ initial review but may elect to not perform the
867 annual ~~triennial~~ review.

868 (10) The locally elected official serving on an advisory
869 committee, or a locally elected designee, must attend biannual
870 regional workshops convened and administered under the
871 Affordable Housing Catalyst Program as provided in s.
872 420.531(2). If the locally elected official or locally elected
873 designee fails to attend three consecutive regional workshops,
874 the corporation may withhold funds pending the person's
875 attendance at the next regularly scheduled biannual meeting.

876 Section 22. Section 423.02, Florida Statutes, is amended
877 to read:

878 423.02 Housing projects exempted from taxes and
879 assessments; payments in lieu thereof.—The housing projects,
880 including all property of housing authorities used for or in
881 connection therewith or appurtenant thereto, of housing
882 authorities shall be exempt from all taxes and special
883 assessments of the state or any city, town, county, or political
884 subdivision of the state, provided, however, that in lieu of
885 such taxes or special assessments a housing authority may agree
886 to make payments to any city, town, county or political
887 subdivision of the state for services, improvements or

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888 facilities furnished by such city, town, county or political
889 subdivision for the benefit of a housing project owned by the
890 housing authority, but in no event shall such payments exceed
891 the estimated cost to such city, town, county or political
892 subdivision of the services, improvements or facilities to be so
893 furnished. A city, town, county, or political subdivision of the
894 state may not rename, modify terminology, or otherwise change a
895 tax or assessment with the intent to circumvent the exemption
896 provided under this section, which must be interpreted broadly
897 to protect housing authorities from taxation or assessment.

898 Section 23. Subsection (4) of section 723.011, Florida
899 Statutes, is amended to read:

900 723.011 Disclosure prior to rental of a mobile home lot;
901 prospectus, filing, approval.-

902 (4) With regard to a tenancy in existence on the effective
903 date of this chapter, the prospectus or offering circular
904 offered by the mobile home park owner must ~~shall~~ contain the
905 same terms and conditions as rental agreements offered to all
906 other mobile home owners residing in the park on the effective
907 date of this act, excepting only rent variations based upon lot
908 location and size, and may ~~shall~~ not require any mobile home
909 owner to install any permanent improvements, except that the
910 mobile home owner may be required to install permanent
911 improvements to the mobile home as disclosed in the prospectus.

912 Section 24. Subsection (5) of section 723.012, Florida

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913 Statutes, is amended to read:

914 723.012 Prospectus or offering circular.—The prospectus or
915 offering circular, which is required to be provided by s.
916 723.011, must contain the following information:

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

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

923 (b) Each swimming pool, as to its general location,
924 approximate size and depths, and approximate deck size and
925 capacity and whether heated.

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

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

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

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

934

935 If a mobile home park owner intends to include additional
936 property and mobile home lots and to increase the number of lots
937 that will use the shared facilities of the park, the mobile home

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

948 Section 25. Section 723.023, Florida Statutes, is amended
949 to read:

950 723.023 Mobile home owner's general obligations.—A mobile
951 home owner shall ~~at all times~~:

952 (1) At all times comply with all obligations imposed on
953 mobile home owners by applicable provisions of building,
954 housing, and health codes, including compliance with all
955 building permits and construction requirements for construction
956 on the mobile home and lot. The home owner is responsible for
957 all fines imposed by the local government for noncompliance with
958 any local codes.

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

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

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963 rules and regulations and require other persons on the premises
964 with his or her consent to comply with such rules and to conduct
965 themselves, and other persons on the premises with his or her
966 consent, in a manner that does not unreasonably disturb other
967 residents of the park or constitute a breach of the peace.

968 (4) Receive written approval from the mobile home park
969 owner before making any exterior modification or addition to the
970 home.

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

973 Section 26. Subsection (5) of section 723.031, Florida
974 Statutes, is amended to read:

975 723.031 Mobile home lot rental agreements.-

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

980 723.059(4), whichever is applicable; ~~it~~ provided that, pursuant to
981 s. 723.059(4), the amount of the lot rental increase is
982 disclosed and agreed to by the purchaser, in writing. An
983 increase in lot rental amount shall not be arbitrary or
984 discriminatory between similarly situated tenants in the park. A
985 lot rental amount may not be increased during the term of the
986 lot rental agreement, except:

987 (a) When the manner of the increase is disclosed in a lot

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988 rental agreement with a term exceeding 12 months and which
989 provides for such increases not more frequently than annually.

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

991 (c) That a charge may not be collected which results in
992 payment of money for sums previously collected as part of the
993 lot rental amount. The provisions hereof notwithstanding, the
994 mobile home park owner may pass on, at any time during the term
995 of the lot rental agreement, ad valorem property taxes, non-ad
996 valorem assessments, and utility charges, or increases of
997 either, provided that the ad valorem property taxes, non-ad
998 valorem assessments, and utility charges are not otherwise being
999 collected in the remainder of the lot rental amount and provided
1000 further that the passing on of such ad valorem taxes, non-ad
1001 valorem assessments, or utility charges, or increases of either,
1002 was disclosed prior to tenancy, was being passed on as a matter
1003 of custom between the mobile home park owner and the mobile home
1004 owner, or such passing on was authorized by law. A park owner is
1005 deemed to have disclosed the passing on of ad valorem property
1006 taxes and non-ad valorem assessments if ad valorem property
1007 taxes or non-ad valorem assessments were disclosed as a separate
1008 charge or a factor for increasing the lot rental amount in the
1009 prospectus or rental agreement. Such ad valorem taxes, non-ad
1010 valorem assessments, and utility charges shall be a part of the
1011 lot rental amount as defined by this chapter. The term "non-ad
1012 valorem assessments" has the same meaning as provided in s.

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1013 197.3632(1)(d). Other provisions of this chapter
1014 notwithstanding, pass-on charges may be passed on only within 1
1015 year of the date a mobile home park owner remits payment of the
1016 charge. A mobile home park owner is prohibited from passing on
1017 any fine, interest, fee, or increase in a charge resulting from
1018 a park owner's payment of the charge after the date such charges
1019 become delinquent. A mobile home park owner is prohibited from
1020 charging or collecting from the mobile home owners any sum for
1021 ad valorem taxes or non-ad valorem tax charges in an amount in
1022 excess of the sums remitted by the park owner to the tax
1023 collector. Nothing herein shall prohibit a park owner and a
1024 homeowner from mutually agreeing to an alternative manner of
1025 payment to the park owner of the charges.

1026 (d) If a notice of increase in lot rental amount is not
1027 given 90 days before the renewal date of the rental agreement,
1028 the rental agreement must remain under the same terms until a
1029 90-day notice of increase in lot rental amount is given. The
1030 notice may provide for a rental term shorter than 1 year in
1031 order to maintain the same renewal date.

1032 Section 27. Subsection (1) and paragraph (a) of subsection
1033 (4) of section 723.037, Florida Statutes, are amended to read:

1034 723.037 Lot rental increases; reduction in services or
1035 utilities; change in rules and regulations; mediation.—

1036 (1) A park owner shall give written notice to each
1037 affected mobile home owner and the board of directors of the

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1038 homeowners' association, if one has been formed, at least 90
1039 days before any increase in lot rental amount or reduction in
1040 services or utilities provided by the park owner or change in
1041 rules and regulations. The park owner may give notice of all
1042 increases in lot rental amount for multiple anniversary dates in
1043 the same 90-day notice. The notice must ~~shall~~ identify all other
1044 affected homeowners, which may be by lot number, name, group, or
1045 phase. If the affected homeowners are not identified by name,
1046 the park owner shall make the names and addresses available upon
1047 request. However, this requirement does not authorize the
1048 release of the names, addresses, or other private information
1049 about the homeowners to the association or any other person for
1050 any other purpose. The home owner's right to the 90-day notice
1051 may not be waived or precluded by a home owner, or the
1052 homeowners' committee, in an agreement with the park owner.
1053 Rules adopted as a result of restrictions imposed by
1054 governmental entities and required to protect the public health,
1055 safety, and welfare may be enforced prior to the expiration of
1056 the 90-day period but are not otherwise exempt from the
1057 requirements of this chapter. Pass-through charges must be
1058 separately listed as to the amount of the charge, the name of
1059 the governmental entity mandating the capital improvement, and
1060 the nature or type of the pass-through charge being levied.
1061 Notices of increase in the lot rental amount due to a pass-
1062 through charge must ~~shall~~ state the additional payment and

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1063 starting and ending dates of each pass-through charge. The
1064 homeowners' association shall have no standing to challenge the
1065 increase in lot rental amount, reduction in services or
1066 utilities, or change of rules and regulations unless a majority
1067 of the affected homeowners agree, in writing, to such
1068 representation.

1069 (4) (a) A committee, not to exceed five in number,
1070 designated by a majority of the affected mobile home owners or
1071 by the board of directors of the homeowners' association, if
1072 applicable, and the park owner shall meet, at a mutually
1073 convenient time and place no later than 60 days before the
1074 effective date of the change to discuss the reasons for the
1075 increase in lot rental amount, reduction in services or
1076 utilities, or change in rules and regulations. The negotiating
1077 committee shall make a written request for a meeting with the
1078 park owner or subdivision developer to discuss those matters
1079 addressed in the 90-day notice, and may include in the request a
1080 listing of any other issue, with supporting documentation, that
1081 the committee intends to raise and discuss at the meeting. The
1082 committee shall address all lot rental amount increases that are
1083 specified in the notice of lot rental amount increase,
1084 regardless of the effective date of the increase.

1085
1086 This subsection is not intended to be enforced by civil or
1087 administrative action. Rather, the meetings and discussions are

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1088 intended to be in the nature of settlement discussions prior to
1089 the parties proceeding to mediation of any dispute.

1090 Section 28. Subsections (5) and (6) are added to section
1091 723.041, Florida Statutes, to read:

1092 723.041 Entrance fees; refunds; exit fees prohibited;
1093 replacement homes.—

1094 (5) A mobile home park that is damaged or destroyed due to
1095 wind, water, or other natural force may be rebuilt on the same
1096 site with the same density as was approved, permitted, and built
1097 before the park was damaged or destroyed.

1098 (6) This section does not limit the regulation of the
1099 uniform firesafety standards established under s. 633.206, but
1100 supersedes any other density, separation, setback, or lot size
1101 regulation adopted after initial permitting and construction of
1102 the mobile home park.

1103 Section 29. Section 723.042, Florida Statutes, is amended
1104 to read:

1105 723.042 Provision of improvements.—A No person may not
1106 ~~shall~~ be required by a mobile home park owner or developer, as a
1107 condition of residence in the mobile home park, to provide any
1108 improvement unless the requirement is disclosed pursuant to s.
1109 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home
1110 park.

1111 Section 30. Subsections (3) and (4) of section 723.059,
1112 Florida Statutes, are amended to read:

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1113 723.059 ~~Rights of Purchaser of a mobile home within a~~
1114 mobile home park.—

1115 (3) The purchaser of a mobile home who intends to become
1116 ~~becomes~~ a resident of the mobile home park in accordance with
1117 this section has the right to assume the remainder of the term
1118 of any rental agreement then in effect between the mobile home
1119 park owner and the seller and may assume the seller's
1120 prospectus. However, nothing herein shall prohibit a mobile home
1121 park owner from offering the purchaser of a mobile home any
1122 approved prospectus shall be entitled to rely on the terms and
1123 conditions of the prospectus or offering circular as delivered
1124 to the initial recipient.

1125 (4) However, nothing herein shall be construed to prohibit
1126 a mobile home park owner from increasing the rental amount to be
1127 paid by the purchaser upon the expiration of the assumed rental
1128 agreement in an amount deemed appropriate by the mobile home
1129 park owner, so long as such increase is disclosed to the
1130 purchaser prior to his or her occupancy and is imposed in a
1131 manner consistent with the purchaser's initial offering circular
1132 ~~or~~ prospectus and this act.

1133 Section 31. Paragraph (d) of subsection (1) of section
1134 723.061, Florida Statutes, is amended, and subsection (5) is
1135 added to that section, to read:

1136 723.061 Eviction; grounds, proceedings.—

1137 (1) A mobile home park owner may evict a mobile home

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1138 owner, a mobile home tenant, a mobile home occupant, or a mobile
1139 home only on one or more of the following grounds:

1140 (d) Change in use of the land comprising the mobile home
1141 park, or the portion thereof from which mobile homes are to be
1142 evicted, from mobile home lot rentals to some other use, if:

1143 1. The park owner gives written notice to the homeowners'
1144 association formed and operating under ss. 723.075-723.079 of
1145 its right to purchase the mobile home park, if the land
1146 comprising the mobile home park is changing use from mobile home
1147 lot rentals to a different use, at the price and under the terms
1148 and conditions set forth in the written notice.

1149 a. The notice shall be delivered to the officers of the
1150 homeowners' association by United States mail. Within 45 days
1151 after the date of mailing of the notice, the homeowners'
1152 association may execute and deliver a contract to the park owner
1153 to purchase the mobile home park at the price and under the
1154 terms and conditions set forth in the notice. If the contract
1155 between the park owner and the homeowners' association is not
1156 executed and delivered to the park owner within the 45-day
1157 period, the park owner is under no further obligation to the
1158 homeowners' association except as provided in sub-subparagraph
1159 b.

1160 b. If the park owner elects to offer or sell the mobile
1161 home park at a price lower than the price specified in her or
1162 his initial notice to the officers of the homeowners'

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1163 association, the homeowners' association has an additional 10
1164 days to meet the revised price, terms, and conditions of the
1165 park owner by executing and delivering a revised contract to the
1166 park owner.

1167 c. The park owner is not obligated under this subparagraph
1168 or s. 723.071 to give any other notice to, or to further
1169 negotiate with, the homeowners' association for the sale of the
1170 mobile home park to the homeowners' association after 6 months
1171 after the date of the mailing of the initial notice under sub-
1172 subparagraph a.

1173 2. The park owner gives the affected mobile home owners
1174 and tenants at least 6 months' notice of the eviction due to the
1175 projected change in use and of their need to secure other
1176 accommodations. Within 20 days after giving an eviction notice
1177 to a mobile home owner, the park owner must provide the division
1178 with a copy of the notice. The division must provide the
1179 executive director of the Florida Mobile Home Relocation
1180 Corporation with a copy of the notice.

1181 a. The notice of eviction due to a change in use of the
1182 land must include in a font no smaller than the body of the
1183 notice the following statement:

1184
1185 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME
1186 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME
1187 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS

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1188 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND
1189 PROFESSIONAL REGULATION.

1190

1191 b. The park owner may not give a notice of increase in lot
1192 rental amount within 90 days before giving notice of a change in
1193 use.

1194 (5) A park owner who accepts payment of any portion of the
1195 lot rental amount with actual knowledge of noncompliance after
1196 notice and termination of the rental agreement due to a
1197 violation under paragraph (1)(b), paragraph (1)(c), or paragraph
1198 (1)(e) does not waive the right to terminate the rental
1199 agreement or the right to bring a civil action for the
1200 noncompliance, but not for any subsequent or continuing
1201 noncompliance. Any rent so received must be accounted for at the
1202 final hearing.

1203 Section 32. Subsection (1) of section 723.076, Florida
1204 Statutes, is amended to read:

1205 723.076 Incorporation; notification of park owner.—

1206 (1) Upon receipt of its certificate of incorporation, the
1207 homeowners' association shall notify the park owner in writing
1208 of such incorporation and shall advise the park owner of the
1209 names and addresses of the officers of the homeowners'
1210 association by personal delivery upon the park owner's
1211 representative as designated in the prospectus or by certified
1212 mail, return receipt requested. Thereafter, the homeowners'

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1213 association shall notify the park owner in writing by certified
1214 mail, return receipt requested, of any change of names and
1215 addresses of its president or registered agent. Upon election or
1216 appointment of new officers or board members, the homeowners'
1217 association shall notify the park owner in writing by certified
1218 mail, return receipt requested, of the names and addresses of
1219 the new officers or board members.

1220 Section 33. Paragraphs (b) through (e) of subsection (2)
1221 of section 723.078, Florida Statutes, are amended, and paragraph
1222 (i) of that subsection is reenacted, to read:

1223 723.078 Bylaws of homeowners' associations.—

1224 (2) The bylaws shall provide and, if they do not, shall be
1225 deemed to include, the following provisions:

1226 (b) Quorum; voting requirements; proxies.—

1227 1. Unless otherwise provided in the bylaws, 30 percent of
1228 the total membership is required to constitute a quorum.

1229 Decisions shall be made by a majority of members represented at
1230 a meeting at which a quorum is present.

1231 2.a. A member may not vote by general proxy but may vote
1232 by limited proxies substantially conforming to a limited proxy
1233 form adopted by the division. Limited proxies and general
1234 proxies may be used to establish a quorum. Limited proxies may
1235 be used for votes taken to amend the articles of incorporation
1236 or bylaws pursuant to this section, and any other matters for
1237 which this chapter requires or permits a vote of members. A

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1238 ~~except that no~~ proxy, limited or general, may not be used in the
1239 election of board members in general elections or elections to
1240 fill vacancies caused by recall, resignation, or otherwise.

1241 Board members must be elected by written ballot or by voting in
1242 person. If a mobile home or subdivision lot is owned jointly,
1243 the owners of the mobile home or subdivision lot must be counted
1244 as one for the purpose of determining the number of votes
1245 required for a majority. Only one vote per mobile home or
1246 subdivision lot shall be counted. Any number greater than 50
1247 percent of the total number of votes constitutes a majority.
1248 Notwithstanding this section, members may vote in person at
1249 member meetings or by secret ballot, including absentee ballots,
1250 as defined by the division.

1251 b. Elections shall be decided by a plurality of the
1252 ballots cast. There is no quorum requirement; however, at least
1253 20 percent of the eligible voters must cast a ballot in order to
1254 have a valid election. A member may not allow any other person
1255 to cast his or her ballot, and any ballots improperly cast are
1256 invalid. An election is not required unless there are more
1257 candidates nominated than vacancies that exist on the board.

1258 c. Each member or other eligible person who desires to be
1259 a candidate for the board of directors shall appear on the
1260 ballot in alphabetical order by surname. A ballot may not
1261 indicate if any of the candidates are incumbent on the board.
1262 All ballots must be uniform in appearance. Write-in candidates

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1263 and more than one vote per candidate per ballot are not allowed.
1264 A ballot may not provide a space for the signature of, or any
1265 other means of identifying, a voter. If a ballot contains more
1266 votes than vacancies or fewer votes than vacancies, the ballot
1267 is invalid unless otherwise stated in the bylaws.

1268 d. An impartial committee shall be responsible for
1269 overseeing the election process and complying with all ballot
1270 requirements. For purposes of this section, the term "impartial
1271 committee" means a committee whose members do not include any of
1272 the following people or their spouses:

1273 (I) Current board members.

1274 (II) Current association officers.

1275 (III) Candidates for the association or board.

1276 e. The association bylaws shall provide a method for
1277 determining the winner of an election in which two or more
1278 candidates for the same position receive the same number of
1279 votes.

1280 f. The division shall adopt procedural rules to govern
1281 elections, including, but not limited to, rules for providing
1282 notice by electronic transmission and rules for maintaining the
1283 secrecy of ballots.

1284 3. A proxy is effective only for the specific meeting for
1285 which originally given and any lawfully adjourned meetings
1286 thereof. In no event shall any proxy be valid for a period
1287 longer than 90 days after the date of the first meeting for

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1288 which it was given. Every proxy shall be revocable at any time
1289 at the pleasure of the member executing it.

1290 4. A member of the board of directors or a committee may
1291 submit in writing his or her agreement or disagreement with any
1292 action taken at a meeting that the member did not attend. This
1293 agreement or disagreement may not be used as a vote for or
1294 against the action taken and may not be used for the purposes of
1295 creating a quorum.

1296 (c) Board of directors' and committee meetings.—

1297 1. Meetings of the board of directors and meetings of its
1298 committees at which a quorum is present shall be open to all
1299 members. Notwithstanding any other provision of law, the
1300 requirement that board meetings and committee meetings be open
1301 to the members does not apply to meetings between the park owner
1302 and the board of directors or any of the board's committees,
1303 board or committee meetings held for the purpose of discussing
1304 personnel matters, or meetings between the board or a committee
1305 and the association's attorney, with respect to potential or
1306 pending litigation, ~~when~~ ~~where~~ the meeting is held for the
1307 purpose of seeking or rendering legal advice, and ~~when~~ ~~where~~ the
1308 contents of the discussion would otherwise be governed by the
1309 attorney-client privilege. Notice of all meetings open to
1310 members shall be posted in a conspicuous place upon the park
1311 property at least 48 hours in advance, except in an emergency.
1312 Notice of any meeting in which dues ~~assessments against members~~

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1313 are to be considered for any reason shall specifically contain a
1314 statement that dues ~~assessments~~ will be considered and the
1315 nature of such dues ~~assessments~~.

1316 2. A board or committee member's participation in a
1317 meeting via telephone, real-time videoconferencing, or similar
1318 real-time telephonic, electronic, or video communication counts
1319 toward a quorum, and such member may vote as if physically
1320 present. A speaker shall be used so that the conversation of
1321 those board or committee members attending by telephone may be
1322 heard by the board or committee members attending in person, as
1323 well as by members present at a meeting.

1324 3. Members of the board of directors may use e-mail as a
1325 means of communication but may not cast a vote on an association
1326 matter via e-mail.

1327 4. The right to attend meetings of the board of directors
1328 and its committees includes the right to speak at such meetings
1329 with reference to all designated agenda items. The association
1330 may adopt reasonable written rules governing the frequency,
1331 duration, and manner of members' statements. Any item not
1332 included on the notice may be taken up on an emergency basis by
1333 at least a majority plus one of the members of the board. Such
1334 emergency action shall be noticed and ratified at the next
1335 regular meeting of the board. Any member may tape record or
1336 videotape meetings of the board of directors and its committees,
1337 except meetings between the board of directors or its appointed

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1338 homeowners' committee and the park owner. The division shall
1339 adopt reasonable rules governing the tape recording and
1340 videotaping of the meeting.

1341 5. Except as provided in paragraph (i), a vacancy
1342 occurring on the board of directors may be filled by the
1343 affirmative vote of the majority of the remaining directors,
1344 even though the remaining directors constitute less than a
1345 quorum; by the sole remaining director; if the vacancy is not so
1346 filled or if no director remains, by the members; or, on the
1347 application of any person, by the circuit court of the county in
1348 which the registered office of the corporation is located.

1349 6. The term of a director elected or appointed to fill a
1350 vacancy expires at the next annual meeting at which directors
1351 are elected. A directorship to be filled by reason of an
1352 increase in the number of directors may be filled by the board
1353 of directors, but only for the term of office continuing until
1354 the next election of directors by the members.

1355 7. A vacancy that will occur at a specific later date, by
1356 reason of a resignation effective at a later date, may be filled
1357 before the vacancy occurs. However, the new director may not
1358 take office until the vacancy occurs.

1359 8.a. The officers and directors of the association have a
1360 fiduciary relationship to the members.

1361 b. A director and committee member shall discharge his or
1362 her duties in good faith, with the care an ordinarily prudent

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1363 person in a like position would exercise under similar
1364 circumstances, and in a manner he or she reasonably believes to
1365 be in the best interests of the corporation.

1366 9. In discharging his or her duties, a director may rely
1367 on information, opinions, reports, or statements, including
1368 financial statements and other financial data, if prepared or
1369 presented by:

1370 a. One or more officers or employees of the corporation
1371 who the director reasonably believes to be reliable and
1372 competent in the matters presented;

1373 b. Legal counsel, public accountants, or other persons as
1374 to matters the director reasonably believes are within the
1375 persons' professional or expert competence; or

1376 c. A committee of the board of directors of which he or
1377 she is not a member if the director reasonably believes the
1378 committee merits confidence.

1379 10. A director is not acting in good faith if he or she
1380 has knowledge concerning the matter in question that makes
1381 reliance otherwise permitted by subparagraph 9. unwarranted.

1382 11. A director is not liable for any action taken as a
1383 director, or any failure to take any action, if he or she
1384 performed the duties of his or her office in compliance with
1385 this section.

1386 (d) Member meetings.—Members shall meet at least once each
1387 calendar year, and the meeting shall be the annual meeting. All

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1388 members of the board of directors shall be elected at the annual
1389 meeting unless the bylaws provide for staggered election terms
1390 or for their election at another meeting. The bylaws shall not
1391 restrict any member desiring to be a candidate for board
1392 membership from being nominated from the floor. All nominations
1393 from the floor must be made at a duly noticed meeting of the
1394 members held at least 27 ~~30~~ days before the annual meeting. The
1395 bylaws shall provide the method for calling the meetings of the
1396 members, including annual meetings. The method shall provide at
1397 least 14 days' written notice to each member in advance of the
1398 meeting and require the posting in a conspicuous place on the
1399 park property of a notice of the meeting at least 14 days prior
1400 to the meeting. The right to receive written notice of
1401 membership meetings may be waived in writing by a member. Unless
1402 waived, the notice of the annual meeting shall be mailed, hand
1403 delivered, or electronically transmitted to each member, and
1404 shall constitute notice. Unless otherwise stated in the bylaws,
1405 an officer of the association shall provide an affidavit
1406 affirming that the notices were mailed, ~~or~~ hand delivered, or
1407 provided by electronic transmission in accordance with ~~the~~
1408 ~~provisions of~~ this section to each member at the address last
1409 furnished to the corporation. These meeting requirements do not
1410 prevent members from waiving notice of meetings or from acting
1411 by written agreement without meetings, if allowed by the bylaws.

1412 (e) Minutes of meetings.—

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1413 1. Notwithstanding any other provision of law, the minutes
1414 of board or committee meetings that are closed to members are
1415 privileged and confidential and are not available for inspection
1416 or photocopying.

1417 2. Minutes of all meetings of members of an association
1418 and meetings open to members of~~7~~ the board of directors~~7~~ and a
1419 committee of the board must be maintained in written form and
1420 approved by the members, board, or committee, as applicable. A
1421 vote or abstention from voting on each matter voted upon for
1422 each director present at a board meeting must be recorded in the
1423 minutes.

1424 ~~3.2.~~ All approved minutes of open meetings of members,
1425 committees, and the board of directors shall be kept in a
1426 businesslike manner and shall be available for inspection by
1427 members, or their authorized representatives, and board members
1428 at reasonable times. The association shall retain these minutes
1429 within this state for ~~a period of~~ at least 5 ~~7~~ years.

1430 (i) Recall of board members.—Any member of the board of
1431 directors may be recalled and removed from office with or
1432 without cause by the vote of or agreement in writing by a
1433 majority of all members. A special meeting of the members to
1434 recall a member or members of the board of directors may be
1435 called by 10 percent of the members giving notice of the meeting
1436 as required for a meeting of members, and the notice shall state
1437 the purpose of the meeting. Electronic transmission may not be

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1438 used as a method of giving notice of a meeting called in whole
1439 or in part for this purpose.

1440 1. If the recall is approved by a majority of all members
1441 by a vote at a meeting, the recall is effective as provided in
1442 this paragraph. The board shall duly notice and hold a board
1443 meeting within 5 full business days after the adjournment of the
1444 member meeting to recall one or more board members. At the
1445 meeting, the board shall either certify the recall, in which
1446 case such member or members shall be recalled effective
1447 immediately and shall turn over to the board within 5 full
1448 business days any and all records and property of the
1449 association in their possession, or shall proceed under
1450 subparagraph 3.

1451 2. If the proposed recall is by an agreement in writing by
1452 a majority of all members, the agreement in writing or a copy
1453 thereof shall be served on the association by certified mail or
1454 by personal service in the manner authorized by chapter 48 and
1455 the Florida Rules of Civil Procedure. The board of directors
1456 shall duly notice and hold a meeting of the board within 5 full
1457 business days after receipt of the agreement in writing. At the
1458 meeting, the board shall either certify the written agreement to
1459 recall members of the board, in which case such members shall be
1460 recalled effective immediately and shall turn over to the board,
1461 within 5 full business days, any and all records and property of
1462 the association in their possession, or shall proceed as

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1463 described in subparagraph 3.

1464 3. If the board determines not to certify the written
1465 agreement to recall members of the board, or does not certify
1466 the recall by a vote at a meeting, the board shall, within 5
1467 full business days after the board meeting, file with the
1468 division a petition for binding arbitration pursuant to the
1469 procedures of s. 723.1255. For purposes of this paragraph, the
1470 members who voted at the meeting or who executed the agreement
1471 in writing shall constitute one party under the petition for
1472 arbitration. If the arbitrator certifies the recall of a member
1473 of the board, the recall shall be effective upon mailing of the
1474 final order of arbitration to the association. If the
1475 association fails to comply with the order of the arbitrator,
1476 the division may take action under s. 723.006. A member so
1477 recalled shall deliver to the board any and all records and
1478 property of the association in the member's possession within 5
1479 full business days after the effective date of the recall.

1480 4. If the board fails to duly notice and hold a board
1481 meeting within 5 full business days after service of an
1482 agreement in writing or within 5 full business days after the
1483 adjournment of the members' recall meeting, the recall shall be
1484 deemed effective and the board members so recalled shall
1485 immediately turn over to the board all records and property of
1486 the association.

1487 5. If the board fails to duly notice and hold the required

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1488 meeting or fails to file the required petition, the member's
1489 representative may file a petition pursuant to s. 723.1255
1490 challenging the board's failure to act. The petition must be
1491 filed within 60 days after expiration of the applicable 5-full-
1492 business-day period. The review of a petition under this
1493 subparagraph is limited to the sufficiency of service on the
1494 board and the facial validity of the written agreement or
1495 ballots filed.

1496 6. If a vacancy occurs on the board as a result of a
1497 recall and less than a majority of the board members are
1498 removed, the vacancy may be filled by the affirmative vote of a
1499 majority of the remaining directors, notwithstanding any other
1500 provision of this chapter. If vacancies occur on the board as a
1501 result of a recall and a majority or more of the board members
1502 are removed, the vacancies shall be filled in accordance with
1503 procedural rules to be adopted by the division, which rules need
1504 not be consistent with this chapter. The rules must provide
1505 procedures governing the conduct of the recall election as well
1506 as the operation of the association during the period after a
1507 recall but before the recall election.

1508 7. A board member who has been recalled may file a
1509 petition pursuant to s. 723.1255 challenging the validity of the
1510 recall. The petition must be filed within 60 days after the
1511 recall is deemed certified. The association and the member's
1512 representative shall be named as the respondents.

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1513 8. The division may not accept for filing a recall
1514 petition, whether or not filed pursuant to this subsection, and
1515 regardless of whether the recall was certified, when there are
1516 60 or fewer days until the scheduled reelection of the board
1517 member sought to be recalled or when 60 or fewer days have not
1518 elapsed since the election of the board member sought to be
1519 recalled.

1520 Section 34. Paragraphs (d) and (f) through (i) of
1521 subsection (4) and subsection (5) of section 723.079, Florida
1522 Statutes, are amended to read:

1523 723.079 Powers and duties of homeowners' association.—

1524 (4) The association shall maintain the following items,
1525 when applicable, which constitute the official records of the
1526 association:

1527 (d) The approved minutes of all meetings of the members of
1528 an association and meetings open for members of, the board of
1529 directors, and committees of the board, which minutes must be
1530 retained within this ~~the~~ state for at least 5 7 years.

1531 (f) All of the association's insurance policies or copies
1532 thereof, which must be retained within this state for at least 5
1533 7 years after the expiration date of the policy.

1534 (g) A copy of all contracts or agreements to which the
1535 association is a party, including, without limitation, any
1536 written agreements with the park owner, lease, or other
1537 agreements or contracts under which the association or its

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1538 members has any obligation or responsibility, which must be
1539 retained within this state for at least 5 7 years after the
1540 expiration date of the contract or agreement.

1541 (h) The financial and accounting records of the
1542 association, kept according to good accounting practices. All
1543 financial and accounting records must be maintained within this
1544 state for a ~~period of~~ at least 5 7 years. The financial and
1545 accounting records must include:

1546 1. Accurate, itemized, and detailed records of all
1547 receipts and expenditures.

1548 2. A current account and a periodic statement of the
1549 account for each member, designating the name and current
1550 address of each member who is obligated to pay dues or
1551 assessments, the due date and amount of each assessment or other
1552 charge against the member, the date and amount of each payment
1553 on the account, and the balance due.

1554 3. All tax returns, financial statements, and financial
1555 reports of the association.

1556 4. Any other records that identify, measure, record, or
1557 communicate financial information.

1558 (i) All other written records of the association not
1559 specifically included in the foregoing which are related to the
1560 operation of the association must be retained within this state
1561 for at least 5 years or at least 5 years after the expiration
1562 date, as applicable.

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1563 (5) The official records shall be ~~maintained within the~~
1564 ~~state for at least 7 years and shall be~~ made available to a
1565 member for inspection or photocopying within 20 ~~40~~ business days
1566 after receipt by the board or its designee of a written request
1567 submitted by certified mail, return receipt requested. The
1568 requirements of this subsection are satisfied by having a copy
1569 of the official records available for inspection or copying in
1570 the park or, at the option of the association, by making the
1571 records available to a member electronically via the Internet or
1572 by allowing the records to be viewed in electronic format on a
1573 computer screen and printed upon request. If the association has
1574 a photocopy machine available where the records are maintained,
1575 it must provide a member with copies on request during the
1576 inspection if the entire request is no more than 25 pages. An
1577 association shall allow a member or his or her authorized
1578 representative to use a portable device, including a smartphone,
1579 tablet, portable scanner, or any other technology capable of
1580 scanning or taking photographs, to make an electronic copy of
1581 the official records in lieu of the association's providing the
1582 member or his or her authorized representative with a copy of
1583 such records. The association may not charge a fee to a member
1584 or his or her authorized representative for the use of a
1585 portable device.

1586 (a) The failure of an association to provide access to the
1587 records within 20 ~~40~~ business days after receipt of a written

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1588 request submitted by certified mail, return receipt requested,
1589 creates a rebuttable presumption that the association willfully
1590 failed to comply with this subsection.

1591 (b) A member who is denied access to official records is
1592 entitled to ~~the actual damages or minimum~~ damages for the
1593 association's willful failure to comply with this subsection in
1594 the amount of. ~~The minimum damages are to be~~ \$10 per calendar
1595 day up to 10 days, not to exceed \$100. The calculation for
1596 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after
1597 receipt of the written request, submitted by certified mail,
1598 return receipt requested.

1599 (c) A dispute between a member and an association
1600 regarding inspecting or photocopying official records must be
1601 submitted to mandatory binding arbitration with the division,
1602 and the arbitration must be conducted pursuant to s. 723.1255
1603 and procedural rules adopted by the division.

1604 (d) The association may adopt reasonable written rules
1605 governing the frequency, time, location, notice, records to be
1606 inspected, and manner of inspections, but may not require a
1607 member to demonstrate a proper purpose for the inspection, state
1608 a reason for the inspection, or limit a member's right to
1609 inspect records to less than 1 business day per month. The
1610 association may impose fees to cover the costs of providing
1611 copies of the official records, including the costs of copying
1612 and for personnel to retrieve and copy the records if the time

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1613 spent retrieving and copying the records exceeds 30 minutes and
1614 if the personnel costs do not exceed \$20 per hour. Personnel
1615 costs may not be charged for records requests that result in the
1616 copying of 25 or fewer pages. The association may charge up to
1617 25 cents per page for copies made on the association's
1618 photocopier. If the association does not have a photocopy
1619 machine available where the records are kept, or if the records
1620 requested to be copied exceed 25 pages in length, the
1621 association may have copies made by an outside duplicating
1622 service and may charge the actual cost of copying, as supported
1623 by the vendor invoice. The association shall maintain an
1624 adequate number of copies of the recorded governing documents,
1625 to ensure their availability to members and prospective members.
1626 Notwithstanding this paragraph, the following records are not
1627 accessible to members or home owners:

1628 1. A record protected by the lawyer-client privilege as
1629 described in s. 90.502 and a record protected by the work-
1630 product privilege, including, but not limited to, a record
1631 prepared by an association attorney or prepared at the
1632 attorney's express direction which reflects a mental impression,
1633 conclusion, litigation strategy, or legal theory of the attorney
1634 or the association and which was prepared exclusively for civil
1635 or criminal litigation, for adversarial administrative
1636 proceedings, or in anticipation of such litigation or
1637 proceedings until the conclusion of the litigation or

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1638 | proceedings.

1639 | 2. E-mail addresses, telephone numbers, facsimile numbers,
1640 | emergency contact information, any addresses for a home owner
1641 | other than as provided for association notice requirements, and
1642 | other personal identifying information of any person, excluding
1643 | the person's name, lot designation, mailing address, and
1644 | property address. Notwithstanding the restrictions in this
1645 | subparagraph, an association may print and distribute to home
1646 | owners a directory containing the name, park address, and
1647 | telephone number of each home owner. However, a home owner may
1648 | exclude his or her telephone number from the directory by so
1649 | requesting in writing to the association. The association is not
1650 | liable for the disclosure of information that is protected under
1651 | this subparagraph if the information is included in an official
1652 | record of the association and is voluntarily provided by a home
1653 | owner and not requested by the association.

1654 | 3. An electronic security measure that is used by the
1655 | association to safeguard data, including passwords.

1656 | 4. The software and operating system used by the
1657 | association which allows the manipulation of data, even if the
1658 | home owner owns a copy of the same software used by the
1659 | association. The data is part of the official records of the
1660 | association.

1661 | Section 35. Section 723.1255, Florida Statutes, is amended
1662 | to read:

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1663 723.1255 Alternative resolution of recall, election, and
1664 inspection and photocopying of official records disputes.—

1665 (1) A dispute between a mobile home owner and a
1666 homeowners' association regarding the election and recall of
1667 officers or directors under s. 723.078(2)(b) or regarding the
1668 inspection and photocopying of official records under s.
1669 723.079(5) must be submitted to mandatory binding arbitration
1670 with the division. The arbitration shall be conducted in
1671 accordance with this section and the procedural rules adopted by
1672 the division.

1673 (2) Each party shall be responsible for paying its own
1674 attorney fees, expert and investigator fees, and associated
1675 costs. The cost of the arbitrators shall be divided equally
1676 between the parties regardless of the outcome.

1677 (3) The division shall adopt procedural rules to govern
1678 mandatory binding arbitration proceedings ~~The Division of~~
1679 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~
1680 ~~Department of Business and Professional Regulation shall adopt~~
1681 ~~rules of procedure to govern binding recall arbitration~~
1682 ~~proceedings.~~

1683 Section 36. For the purpose of incorporating the amendment
1684 made by this act to section 420.5087, Florida Statutes, in a
1685 reference thereto, paragraph (i) of subsection (22) of section
1686 420.507, Florida Statutes, is reenacted to read:

1687 420.507 Powers of the corporation.—The corporation shall

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1688 have all the powers necessary or convenient to carry out and
1689 effectuate the purposes and provisions of this part, including
1690 the following powers which are in addition to all other powers
1691 granted by other provisions of this part:

1692 (22) To develop and administer the State Apartment
1693 Incentive Loan Program. In developing and administering that
1694 program, the corporation may:

1695 (i) Establish, by rule, the procedure for competitively
1696 evaluating and selecting all applications for funding based on
1697 the criteria set forth in s. 420.5087(6)(c), determining actual
1698 loan amounts, making and servicing loans, and exercising the
1699 powers authorized in this subsection.

1700 Section 37. For the purpose of incorporating the amendment
1701 made by this act to section 420.5095, Florida Statutes, in a
1702 reference thereto, subsection (2) of section 193.018, Florida
1703 Statutes, is reenacted to read:

1704 193.018 Land owned by a community land trust used to
1705 provide affordable housing; assessment; structural improvements,
1706 condominium parcels, and cooperative parcels.—

1707 (2) A community land trust may convey structural
1708 improvements, condominium parcels, or cooperative parcels, that
1709 are located on specific parcels of land that are identified by a
1710 legal description contained in and subject to a ground lease
1711 having a term of at least 99 years, for the purpose of providing
1712 affordable housing to natural persons or families who meet the

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1713 extremely-low-income, very-low-income, low-income, or moderate-
 1714 income limits specified in s. 420.0004, or the income limits for
 1715 workforce housing, as defined in s. 420.5095(3). A community
 1716 land trust shall retain a preemptive option to purchase any
 1717 structural improvements, condominium parcels, or cooperative
 1718 parcels on the land at a price determined by a formula specified
 1719 in the ground lease which is designed to ensure that the
 1720 structural improvements, condominium parcels, or cooperative
 1721 parcels remain affordable.

1722 Section 38. This act shall take effect July 1, 2020.

1723

1724 -----

1725 **T I T L E A M E N D M E N T**

1726 Remove lines 7-174 and insert:

1727 s. 129.03, F.S.; revising the information that the
 1728 county budget officer must submit to the Office of
 1729 Economic and Demographic Research regarding the final
 1730 budget and the county's economic status; s. 163.01,
 1731 F.S.; amending the Florida Interlocal Cooperation Act
 1732 of 1969 to authorize private entities to enter into
 1733 specified loan agreements; authorizing certain bond
 1734 proceeds to be loaned to private entities for
 1735 specified types of projects; providing that such loans
 1736 are deemed a paramount public purpose; amending s.
 1737 163.31771, F.S.; revising legislative findings;

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1738 requiring local governments to adopt ordinances that
1739 allow accessory dwelling units in any area zoned for
1740 single-family residential use; providing an exception;
1741 amending s. 163.31801, F.S.; requiring counties,
1742 municipalities, and special districts to include
1743 certain data relating to impact fees in their annual
1744 financial reports; amending s. 166.04151, F.S.;
1745 authorizing governing bodies of municipalities to
1746 approve the development of affordable housing on any
1747 parcel zoned for residential, commercial, or
1748 industrial use; amending s. 166.241, F.S.; revising
1749 the information that the municipal budget officer must
1750 submit to the Office of Economic and Demographic
1751 Research regarding the final budget and the
1752 municipality's economic status; amending s. 196.1978,
1753 F.S.; specifying that property owned by certain
1754 limited liability companies be exempt from ad valorem
1755 taxation; providing circumstances under which the
1756 exemption from ad valorem taxation applies; amending
1757 s. 320.77, F.S.; revising a certification requirement
1758 for mobile home dealer applicants relating to the
1759 applicant's business location; amending s. 320.771,
1760 F.S.; exempting certain recreational vehicle dealer
1761 applicants from a garage liability insurance
1762 requirement; amending s. 320.822, F.S.; revising the

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1763 definition of the term "code"; amending s. 320.8232,
1764 F.S.; revising applicable standards for the repair and
1765 remodeling of mobile and manufactured homes; amending
1766 s. 367.022, F.S.; exempting certain mobile home park
1767 owners and mobile home subdivision owners from
1768 regulation by the Florida Public Service Commission
1769 relating to water and wastewater service; amending s.
1770 420.5087, F.S.; revising the criteria used by a review
1771 committee when evaluating and selecting specified
1772 applications for state apartment incentive loans;
1773 amending s. 420.5095, F.S.; renaming the Community
1774 Workforce Housing Innovation Pilot Program as the
1775 Community Workforce Housing Loan Program; requiring
1776 the program to provide workforce housing; revising the
1777 definition of the term "workforce housing"; deleting
1778 the definition of the term "public-private
1779 partnership"; authorizing the Florida Housing Finance
1780 Corporation to provide loans under the program to
1781 applicants for construction of workforce housing;
1782 requiring the corporation to establish a certain loan
1783 application process; deleting provisions requiring the
1784 corporation to provide incentives for local
1785 governments to use certain funds; requiring projects
1786 to receive priority consideration for funding under
1787 certain circumstances; deleting a provision providing

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1788 for the expedition of local government comprehensive
1789 plan amendments to implement a program project;
1790 requiring that the corporation award loans at a
1791 specified interest rate and for a limited term;
1792 conforming provisions to changes made by the act;
1793 creating s. 420.531, F.S.; authorizing certain
1794 applicants or affiliates to be precluded from the
1795 housing program under certain circumstances; providing
1796 procedural rules for use if the board of directors
1797 determines that an applicant or affiliate has been
1798 precluded from the program; specifying conditions
1799 which must be met before an order can be final;
1800 providing how funding, allocation of federal housing
1801 credits, credit underwriting procedures, or
1802 application review are to be handled under specified
1803 situations; amending s. 420.531, F.S.; specifying that
1804 technical support provided to local governments and
1805 community-based organizations includes implementation
1806 of the State Apartment Incentive Loan Program;
1807 requiring the entity providing training and technical
1808 assistance to convene and administer biannual regional
1809 workshops; requiring such entity to annually compile
1810 and submit certain information to the Legislature and
1811 the corporation by a specified date; amending s.
1812 420.9071, F.S.; revising the definition of the term

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1813 "affordable"; amending s. 420.9073, F.S.; authorizing
1814 the corporation to withhold a certain portion of funds
1815 distributed from the Local Government Housing Trust
1816 Fund to be used for certain transitional housing;
1817 prohibiting such funds from being used for specified
1818 purposes; requiring the corporation to consult with
1819 the Department of Children and Families to create
1820 minimum criteria for such housing; providing for the
1821 distribution of withheld funds; amending s. 420.9075,
1822 F.S.; revising information that must be included in
1823 the report from each county and municipality that
1824 addresses affordable housing programs and
1825 accomplishments; amending s. 420.9076, F.S.; revising
1826 the membership of local affordable housing advisory
1827 committees beginning on a specified date; requiring
1828 the committees to perform specified duties annually
1829 instead of triennially; requiring locally elected
1830 officials serving on advisory committees, or their
1831 designees, to attend biannual regional workshops;
1832 providing a penalty; amending s. s. 423.02, F.S.;
1833 prohibiting cities, towns, counties, or political
1834 subdivisions from changing taxes or assessments
1835 related to certain housing projects under certain
1836 circumstances; amending s. 723.011, F.S.; providing
1837 construction relating to rental agreements and

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1838 tenancies; providing that a mobile home owner may be
1839 required to install permanent improvements as
1840 disclosed in the mobile home park prospectus; amending
1841 s. 723.012, F.S.; authorizing mobile home park owners
1842 to make certain prospectus amendments; providing
1843 requirements for the amendment; prohibiting certain
1844 costs and expenses from being passed on to existing
1845 mobile home owners; amending s. 723.023, F.S.;

1846 revising general obligations for mobile home owners;
1847 amending s. 723.031, F.S.; specifying a requirement
1848 for disclosing and agreeing to a mobile home lot
1849 rental increase; revising construction relating to a
1850 park owner's disclosure of certain taxes and
1851 assessments; amending s. 723.037, F.S.; authorizing
1852 mobile home park owners to give notice of lot rental
1853 increases for multiple anniversary dates in one
1854 notice; providing construction; revising a requirement
1855 for a lot rental negotiation committee; amending s.
1856 723.041, F.S.; providing that a mobile home park
1857 damaged or destroyed due to natural forces may be
1858 rebuilt with the same density as previously approved,
1859 permitted, and built; providing construction; amending
1860 s. 723.042, F.S.; conforming a provision to changes
1861 made by the act; amending s. 723.059, F.S.;

1862 authorizing certain mobile home purchasers to assume

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1863 the remainder of a seller's prospectus; authorizing a
1864 mobile home park owner to offer a purchaser any
1865 approved prospectus; amending s. 723.061, F.S.;
1866 specifying entities that must be provided with a copy
1867 of an eviction notice when received by a mobile home
1868 owner; specifying the waiver and nonwaiver of certain
1869 rights of a mobile home park owner under certain
1870 circumstances; requiring the accounting at final
1871 hearing of rents received; amending s. 723.076, F.S.;
1872 revising procedures related to the election or
1873 appointment of new officers or board members in a
1874 homeowner's association; amending s. 723.078, F.S.;
1875 revising requirements for board elections and ballots;
1876 requiring an impartial committee to be responsible for
1877 overseeing the election process and complying with
1878 ballot requirements; defining the term "impartial
1879 committee"; requiring that association bylaws provide
1880 a method for determining the winner of an election
1881 under certain circumstances; requiring the Division of
1882 Florida Condominiums, Timeshares, and Mobile Homes to
1883 adopt procedural rules; revising the types of meetings
1884 that are not required to be open to members; providing
1885 an exception to a provision requiring an officer of an
1886 association to provide an affidavit affirming certain
1887 information; authorizing meeting notices to be

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1888 provided by electronic means; providing that the
1889 minutes of certain board and committee meetings are
1890 privileged and confidential; conforming provisions to
1891 changes made by the act; amending s. 723.079, F.S.;
1892 revising homeowners' association recordkeeping
1893 requirements; revising the timeframes for which
1894 certain records are required to be retained and be
1895 made available for inspection or photocopying; capping
1896 the amount of damages for which an association is
1897 liable when a member is denied access to official
1898 records; requiring that certain disputes be submitted
1899 to mandatory binding arbitration with the division;
1900 amending s. 723.1255, F.S.; requiring that certain
1901 disputes be submitted to mandatory binding arbitration
1902 with the division; providing requirements for such
1903 arbitration and fees and costs; requiring the division
1904 to adopt rules; reenacting s. 420.507(22)(i), F.S.,
1905 relating to powers of the Florida Housing Finance
1906 Corporation, to incorporate the amendment made to s.
1907 420.5087, F.S., in a reference thereto; reenacting s.
1908 193.018(2), F.S., relating to land owned by a
1909 community land trust used to provide affordable
1910 housing, to incorporate the amendment made to s.
1911 420.5095, F.S., in a reference thereto; providing an

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