

1 A bill to be entitled
2 An act relating to housing; amending s. 125.01055,
3 F.S.; authorizing a board of county commissioners to
4 approve development of affordable housing on any
5 parcel zoned for residential, commercial, or
6 industrial use; amending s. 163.31771, F.S.; revising
7 legislative findings; requiring local governments to
8 adopt ordinances that allow accessory dwelling units
9 in any area zoned for single-family residential use;
10 amending s. 163.31801, F.S.; requiring counties,
11 municipalities, and special districts to include
12 certain data relating to impact fees in their annual
13 financial reports; amending s. 166.04151, F.S.;
14 authorizing governing bodies of municipalities to
15 approve the development of affordable housing on any
16 parcel zoned for residential, commercial, or
17 industrial use; amending s. 212.05, F.S.; specifying
18 the percentage of the sales price of certain mobile
19 homes which is subject to sales tax; providing a sales
20 tax exemption for certain mobile homes; amending s.
21 212.06, F.S.; revising the definition of the term
22 "fixtures" to include certain mobile homes; amending
23 s. 320.77, F.S.; revising a certification requirement
24 for mobile home dealer applicants relating to the
25 applicant's business location; amending s. 320.771,

26 F.S.; exempting certain recreational vehicle dealer
27 applicants from a garage liability insurance
28 requirement; amending s. 320.822, F.S.; revising the
29 definition of the term "code"; amending s. 320.8232,
30 F.S.; revising applicable standards for the repair and
31 remodeling of mobile and manufactured homes; amending
32 s. 367.022, F.S.; exempting certain mobile home park
33 and mobile home subdivision owners from regulation by
34 the Florida Public Service Commission relating to
35 water and wastewater service; revising an exemption
36 from regulation for certain water and wastewater
37 service resellers; amending s. 420.5087, F.S.;
38 revising the criteria used by a review committee when
39 evaluating and selecting specified applications for
40 state apartment incentive loans; amending s. 420.5095,
41 F.S.; renaming the Community Workforce Housing
42 Innovation Pilot Program as the Community Workforce
43 Housing Loan Program; requiring the program to provide
44 workforce housing; revising the definition of the term
45 "workforce housing"; deleting the definition of the
46 term "public-private partnership"; authorizing the
47 Florida Housing Finance Corporation to provide loans
48 under the program to applicants for construction of
49 workforce housing; requiring the corporation to
50 establish a certain loan application process; deleting

51 provisions requiring the corporation to provide
52 incentives for local governments to use certain funds;
53 requiring projects to receive priority consideration
54 for funding under certain circumstances; deleting a
55 provision providing for the expedition of local
56 government comprehensive plan amendments to implement
57 a program project; requiring that the corporation
58 award loans at a specified interest rate and for a
59 limited term; conforming provisions to changes made by
60 the act; amending s. 420.531, F.S.; specifying that
61 technical support provided to local governments and
62 community-based organizations includes implementation
63 of the State Apartment Incentive Loan Program;
64 requiring the entity providing training and technical
65 assistance to convene and administer biannual regional
66 workshops; requiring such entity to annually compile
67 and submit certain information to the Legislature and
68 the corporation by a specified date; amending s.
69 420.9073, F.S.; authorizing the corporation to
70 withhold a certain portion of funds distributed from
71 the Local Government Housing Trust Fund to be used for
72 certain transitional housing; prohibiting such funds
73 from being used for specified purposes; requiring the
74 corporation to consult with the Department of Children
75 and Families to create minimum criteria for such

76 housing; providing for the distribution of withheld
77 funds; amending s. 420.9075, F.S.; revising
78 requirements for reports submitted by counties and
79 certain municipalities to the corporation; amending s.
80 420.9076, F.S.; revising the membership of local
81 affordable housing advisory committees beginning on a
82 specified date; requiring the committees to perform
83 specified duties annually instead of triennially;
84 requiring locally elected officials serving on
85 advisory committees, or their designees, to attend
86 biannual regional workshops; providing a penalty;
87 amending s. 723.011, F.S.; providing construction
88 relating to rental agreements and tenancies; providing
89 that a mobile home owner, to become an approved
90 tenant, may be required to install permanent
91 improvements as disclosed in the mobile home park
92 owner's prospectus; amending s. 723.012, F.S.;
93 authorizing mobile home park owners to make certain
94 prospectus amendments; providing that certain
95 improvements and changes may be, but are not required
96 to be, disclosed by amendment to the prospectus;
97 authorizing park owners to amend prospectuses to
98 provide certain additional facilities and services to
99 the mobile home park under certain circumstances;
100 conforming a provision to changes made by the act;

101 amending s. 723.023, F.S.; adding general obligations
102 for mobile home owners; amending s. 723.031, F.S.;
103 specifying a requirement for disclosing and agreeing
104 to a mobile home lot rental increase; revising
105 construction relating to a park owner's disclosure of
106 certain taxes and assessments; amending s. 723.037,
107 F.S.; authorizing mobile home park owners to give
108 notice of lot rental increases for multiple
109 anniversary dates in one notice; providing
110 construction; specifying the composition of a certain
111 negotiating committee; specifying the lot rental
112 amount increases the committee must address in
113 meetings with the park owner or subdivision developer;
114 amending s. 723.041, F.S.; providing that a mobile
115 home park damaged or destroyed due to natural forces
116 may be rebuilt with the same density as previously
117 approved, permitted, or built; providing construction;
118 amending s. 723.042, F.S.; conforming a provision to
119 changes made by the act; amending s. 723.059, F.S.;
120 deleting certain purchasers' rights to assume the
121 remainder of a rental agreement term; requiring
122 certain purchasers to enter into a new lot rental
123 agreement with the park owner; revising requirements
124 for the disclosure of lot rental amounts for new
125 tenancies; amending s. 723.061, F.S.; revising a

126 requirement related to mailing eviction notices;
 127 specifying the waiver and nonwaiver of certain rights
 128 of the park owner under certain circumstances;
 129 requiring the accounting at final hearing of rents
 130 received; requiring a tenant defending certain actions
 131 by a landlord to comply with certain requirements;
 132 amending s. 723.063, F.S.; revising procedures and
 133 requirements for mobile home owners and revising
 134 construction relating to park owners' actions for rent
 135 or possession; revising conditions under which a park
 136 owner may apply to a court for disbursement of certain
 137 funds; reenacting s. 420.507(22)(i), F.S., relating to
 138 powers of the Florida Housing Finance Corporation, to
 139 incorporate the amendment made to s. 420.5087, F.S.,
 140 in a reference thereto; reenacting s. 193.018(2),
 141 F.S., relating to land owned by a community land trust
 142 used to provide affordable housing, to incorporate the
 143 amendment made to s. 420.5095, F.S., in a reference
 144 thereto; providing an effective date.

145

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

147

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

150 125.01055 Affordable housing.—

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

156 Section 2. Subsections (1), (3), and (4) of section
157 163.31771, Florida Statutes, are amended to read:

158 163.31771 Accessory dwelling units.—

159 (1) The Legislature finds that the median price of homes
160 in this state has increased steadily over the last decade and at
161 a greater rate of increase than the median income in many urban
162 areas. The Legislature finds that the cost of rental housing has
163 also increased steadily and the cost often exceeds an amount
164 that is affordable to extremely-low-income, very-low-income,
165 low-income, or moderate-income persons and has resulted in a
166 critical shortage of affordable rentals in many urban areas in
167 the state. This shortage of affordable rentals constitutes a
168 threat to the health, safety, and welfare of the residents of
169 the state. Therefore, the Legislature finds that it serves an
170 important public purpose to require ~~encourage~~ the permitting of
171 accessory dwelling units in single-family residential areas in
172 order to increase the availability of affordable rentals for
173 extremely-low-income, very-low-income, low-income, or moderate-
174 income persons.

175 (3) Each ~~Upon a finding by a local government that there~~

176 ~~is a shortage of affordable rentals within its jurisdiction, the~~
 177 local government shall ~~may~~ adopt an ordinance to allow accessory
 178 dwelling units in any area zoned for single-family residential
 179 use.

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

186 Section 3. Subsection (10) is added to section 163.31801,
 187 Florida Statutes, to read:

188 163.31801 Impact fees; short title; intent; minimum
 189 requirements; audits; challenges.—

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

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

197 (b) The impact fee schedule policy describing the method
 198 of calculating impact fees, such as flat fees, tiered fees based
 199 on the number of bedrooms, or tiered fees based on the square
 200 footage.

201 (c) The amount assessed for each purpose and for each type
 202 of dwelling.

203 (d) The total amount of impact fees charged by type of
 204 dwelling.

205 Section 4. Subsection (4) is added to section 166.04151,
 206 Florida Statutes, to read:

207 166.04151 Affordable housing.—

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

213 Section 5. Paragraph (a) of subsection (1) of section
 214 212.05, Florida Statutes, is amended to read:

215 212.05 Sales, storage, use tax.—It is hereby declared to
 216 be the legislative intent that every person is exercising a
 217 taxable privilege who engages in the business of selling
 218 tangible personal property at retail in this state, including
 219 the business of making mail order sales, or who rents or
 220 furnishes any of the things or services taxable under this
 221 chapter, or who stores for use or consumption in this state any
 222 item or article of tangible personal property as defined herein
 223 and who leases or rents such property within the state.

224 (1) For the exercise of such privilege, a tax is levied on
 225 each taxable transaction or incident, which tax is due and

226 payable as follows:

227 (a)1.a. At the rate of 6 percent of the sales price of
228 each item or article of tangible personal property when sold at
229 retail in this state, computed on each taxable sale for the
230 purpose of remitting the amount of tax due the state, and
231 including each and every retail sale.

232 b. Each occasional or isolated sale of an aircraft, boat,
233 mobile home, or motor vehicle of a class or type that ~~which~~ is
234 required to be registered, licensed, titled, or documented in
235 this state or by the United States Government shall be subject
236 to tax at the rate provided in this paragraph. A mobile home
237 shall be assessed sales tax at a rate of 6 percent on 50 percent
238 of the sales price of the mobile home, if subject to sales tax
239 as tangible personal property. However, a mobile home is not
240 subject to sales tax if the mobile home will be permanently
241 affixed to the land and the purchaser signs an affidavit stating
242 that he or she intends to seek an "RP" series sticker pursuant
243 to s. 320.0815(2). The department shall by rule adopt any
244 nationally recognized publication for valuation of used motor
245 vehicles as the reference price list for any used motor vehicle
246 which is required to be licensed pursuant to s. 320.08(1), (2),
247 (3)(a), (b), (c), or (e), or (9). If any party to an occasional
248 or isolated sale of such a vehicle reports to the tax collector
249 a sales price that ~~which~~ is less than 80 percent of the average
250 loan price for the specified model and year of such vehicle as

251 listed in the most recent reference price list, the tax levied
252 under this paragraph shall be computed by the department on such
253 average loan price unless the parties to the sale have provided
254 to the tax collector an affidavit signed by each party, or other
255 substantial proof, stating the actual sales price. Any party to
256 such sale who reports a sales price less than the actual sales
257 price is guilty of a misdemeanor of the first degree, punishable
258 as provided in s. 775.082 or s. 775.083. The department shall
259 collect or attempt to collect from such party any delinquent
260 sales taxes. In addition, such party shall pay any tax due and
261 any penalty and interest assessed plus a penalty equal to twice
262 the amount of the additional tax owed. Notwithstanding any other
263 provision of law, the Department of Revenue may waive or
264 compromise any penalty imposed pursuant to this subparagraph.

265 2. This paragraph does not apply to the sale of a boat or
266 aircraft by or through a registered dealer under this chapter to
267 a purchaser who, at the time of taking delivery, is a
268 nonresident of this state, does not make his or her permanent
269 place of abode in this state, and is not engaged in carrying on
270 in this state any employment, trade, business, or profession in
271 which the boat or aircraft will be used in this state, or is a
272 corporation none of the officers or directors of which is a
273 resident of, or makes his or her permanent place of abode in,
274 this state, or is a noncorporate entity that has no individual
275 vested with authority to participate in the management,

276 | direction, or control of the entity's affairs who is a resident
277 | of, or makes his or her permanent abode in, this state. For
278 | purposes of this exemption, either a registered dealer acting on
279 | his or her own behalf as seller, a registered dealer acting as
280 | broker on behalf of a seller, or a registered dealer acting as
281 | broker on behalf of the purchaser may be deemed to be the
282 | selling dealer. This exemption shall not be allowed unless:

283 | a. The purchaser removes a qualifying boat, as described
284 | in sub-subparagraph f., from the state within 90 days after the
285 | date of purchase or extension, or the purchaser removes a
286 | nonqualifying boat or an aircraft from this state within 10 days
287 | after the date of purchase or, when the boat or aircraft is
288 | repaired or altered, within 20 days after completion of the
289 | repairs or alterations; or if the aircraft will be registered in
290 | a foreign jurisdiction and:

291 | (I) Application for the aircraft's registration is
292 | properly filed with a civil airworthiness authority of a foreign
293 | jurisdiction within 10 days after the date of purchase;

294 | (II) The purchaser removes the aircraft from the state to
295 | a foreign jurisdiction within 10 days after the date the
296 | aircraft is registered by the applicable foreign airworthiness
297 | authority; and

298 | (III) The aircraft is operated in the state solely to
299 | remove it from the state to a foreign jurisdiction.
300 |

301 For purposes of this sub-subparagraph, the term "foreign
 302 jurisdiction" means any jurisdiction outside of the United
 303 States or any of its territories;

304 b. The purchaser, within 30 days from the date of
 305 departure, provides the department with written proof that the
 306 purchaser licensed, registered, titled, or documented the boat
 307 or aircraft outside the state. If such written proof is
 308 unavailable, within 30 days the purchaser shall provide proof
 309 that the purchaser applied for such license, title,
 310 registration, or documentation. The purchaser shall forward to
 311 the department proof of title, license, registration, or
 312 documentation upon receipt;

313 c. The purchaser, within 10 days of removing the boat or
 314 aircraft from Florida, furnishes the department with proof of
 315 removal in the form of receipts for fuel, dockage, slippage,
 316 tie-down, or hangaring from outside of Florida. The information
 317 so provided must clearly and specifically identify the boat or
 318 aircraft;

319 d. The selling dealer, within 5 days of the date of sale,
 320 provides to the department a copy of the sales invoice, closing
 321 statement, bills of sale, and the original affidavit signed by
 322 the purchaser attesting that he or she has read the provisions
 323 of this section;

324 e. The seller makes a copy of the affidavit a part of his
 325 or her record for as long as required by s. 213.35; and

326 f. ~~Unless~~ The nonresident purchaser of a boat of 5 net
327 tons of admeasurement or larger intends to remove the boat from
328 this state within 10 days after the date of purchase or when the
329 boat is repaired or altered, within 20 days after completion of
330 the repairs or alterations, and the nonresident purchaser
331 applies to the selling dealer for a decal which authorizes 90
332 days after the date of purchase for removal of the boat. The
333 nonresident purchaser of a qualifying boat may apply to the
334 selling dealer within 60 days after the date of purchase for an
335 extension decal that authorizes the boat to remain in this state
336 for an additional 90 days, but not more than a total of 180
337 days, before the nonresident purchaser is required to pay the
338 tax imposed by this chapter. The department is authorized to
339 issue decals in advance to dealers. The number of decals issued
340 in advance to a dealer shall be consistent with the volume of
341 the dealer's past sales of boats which qualify under this sub-
342 subparagraph. The selling dealer or his or her agent shall mark
343 and affix the decals to qualifying boats in the manner
344 prescribed by the department, before delivery of the boat.

345 (I) The department is hereby authorized to charge dealers
346 a fee sufficient to recover the costs of decals issued, except
347 the extension decal shall cost \$425.

348 (II) The proceeds from the sale of decals will be
349 deposited into the administrative trust fund.

350 (III) Decals shall display information to identify the

351 boat as a qualifying boat under this sub-subparagraph,
352 including, but not limited to, the decal's date of expiration.

353 (IV) The department is authorized to require dealers who
354 purchase decals to file reports with the department and may
355 prescribe all necessary records by rule. All such records are
356 subject to inspection by the department.

357 (V) Any dealer or his or her agent who issues a decal
358 falsely, fails to affix a decal, mismarks the expiration date of
359 a decal, or fails to properly account for decals will be
360 considered prima facie to have committed a fraudulent act to
361 evade the tax and will be liable for payment of the tax plus a
362 mandatory penalty of 200 percent of the tax, and shall be liable
363 for fine and punishment as provided by law for a conviction of a
364 misdemeanor of the first degree, as provided in s. 775.082 or s.
365 775.083.

366 (VI) Any nonresident purchaser of a boat who removes a
367 decal before permanently removing the boat from the state, or
368 defaces, changes, modifies, or alters a decal in a manner
369 affecting its expiration date before its expiration, or who
370 causes or allows the same to be done by another, will be
371 considered prima facie to have committed a fraudulent act to
372 evade the tax and will be liable for payment of the tax plus a
373 mandatory penalty of 200 percent of the tax, and shall be liable
374 for fine and punishment as provided by law for a conviction of a
375 misdemeanor of the first degree, as provided in s. 775.082 or s.

376 775.083.

377 (VII) The department is authorized to adopt rules
378 necessary to administer and enforce this subparagraph and to
379 publish the necessary forms and instructions.

380 (VIII) The department is hereby authorized to adopt
381 emergency rules pursuant to s. 120.54(4) to administer and
382 enforce the provisions of this subparagraph.

383

384 If the purchaser fails to remove the qualifying boat from this
385 state within the maximum 180 days after purchase or a
386 nonqualifying boat or an aircraft from this state within 10 days
387 after purchase or, when the boat or aircraft is repaired or
388 altered, within 20 days after completion of such repairs or
389 alterations, or permits the boat or aircraft to return to this
390 state within 6 months from the date of departure, except as
391 provided in s. 212.08(7)(fff), or if the purchaser fails to
392 furnish the department with any of the documentation required by
393 this subparagraph within the prescribed time period, the
394 purchaser shall be liable for use tax on the cost price of the
395 boat or aircraft and, in addition thereto, payment of a penalty
396 to the Department of Revenue equal to the tax payable. This
397 penalty shall be in lieu of the penalty imposed by s. 212.12(2).
398 The maximum 180-day period following the sale of a qualifying
399 boat tax-exempt to a nonresident may not be tolled for any
400 reason.

401 Section 6. Paragraph (b) of subsection (14) of section
 402 212.06, Florida Statutes, is amended to read:

403 212.06 Sales, storage, use tax; collectible from dealers;
 404 "dealer" defined; dealers to collect from purchasers;
 405 legislative intent as to scope of tax.—

406 (14) For the purpose of determining whether a person is
 407 improving real property, the term:

408 (b) "Fixtures" means items that are an accessory to a
 409 building, other structure, or land and that do not lose their
 410 identity as accessories when installed but that do become
 411 permanently attached to realty. However, the term does not
 412 include the following items, whether or not such items are
 413 attached to real property in a permanent manner:

414 1. Property of a type that must ~~is required to~~ be
 415 registered, licensed, titled, or documented by this state or by
 416 the United States Government, including, but not limited to,
 417 mobile homes, except the term includes mobile homes assessed as
 418 real property or that will be qualified and taxed as real
 419 property pursuant to s. 320.0815(2). ~~or~~

420 2. Industrial machinery or equipment.

421
 422 For purposes of this paragraph, industrial machinery or
 423 equipment is not limited to machinery and equipment used to
 424 manufacture, process, compound, or produce tangible personal
 425 property. For an item to be considered a fixture, it is not

426 necessary that the owner of the item also own the real property
 427 to which it is attached.

428 Section 7. Paragraph (h) of subsection (3) of section
 429 320.77, Florida Statutes, is amended to read:

430 320.77 License required of mobile home dealers.—

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

435 (h) Certification by the applicant:

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

438 2. Except in the case of a mobile home broker, that the
 439 location affords sufficient ~~unoccupied~~ space to display ~~store~~
 440 ~~all mobile homes offered and displayed~~ for sale. A space to
 441 display a manufactured home as a model home satisfies this
 442 requirement.~~;~~ ~~and that~~ The location must be ~~is~~ a suitable place
 443 in which the applicant can in good faith carry on business and
 444 keep and maintain books, records, and files necessary to conduct
 445 such business, which must ~~will~~ be available at all reasonable
 446 hours to inspection by the department or any of its inspectors
 447 or other employees.

448
 449 This paragraph does ~~subsection shall~~ not preclude a licensed
 450 mobile home dealer from displaying and offering for sale mobile

451 homes in a mobile home park.

452

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

458 Section 8. Paragraph (j) of subsection (3) of section
 459 320.771, Florida Statutes, is amended to read:

460 320.771 License required of recreational vehicle dealers.-

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

465 (j) A statement that the applicant is insured under a
 466 garage liability insurance policy, which shall include, at a
 467 minimum, \$25,000 combined single-limit liability coverage,
 468 including bodily injury and property damage protection, and
 469 \$10,000 personal injury protection, if the applicant is to be
 470 licensed as a dealer in, or intends to sell, recreational
 471 vehicles. However, a garage liability policy is not required for
 472 the licensure of a mobile home dealer who sells only park
 473 trailers.

474

475 The department shall, if it deems necessary, cause an

476 investigation to be made to ascertain if the facts set forth in
 477 the application are true and shall not issue a license to the
 478 applicant until it is satisfied that the facts set forth in the
 479 application are true.

480 Section 9. Paragraph (c) of subsection (2) of section
 481 320.822, Florida Statutes, is amended to read:

482 320.822 Definitions; ss. 320.822-320.862.—In construing
 483 ss. 320.822-320.862, unless the context otherwise requires, the
 484 following words or phrases have the following meanings:

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

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

488 Section 10. Subsection (2) of section 320.8232, Florida
 489 Statutes, is amended to read:

490 320.8232 Establishment of uniform standards for used
 491 recreational vehicles and repair and remodeling code for mobile
 492 homes.—

493 (2) The Mobile and Manufactured Home ~~provisions of the~~
 494 Repair and Remodeling Code must be a uniform code, must ~~shall~~
 495 ensure safe and livable housing, and may ~~shall~~ not be more
 496 stringent than those standards required to be met in the
 497 manufacture of mobile homes. Such code must ~~provisions shall~~
 498 include, ~~but not be limited to,~~ standards for structural
 499 adequacy, plumbing, heating, electrical systems, and fire and
 500 life safety. All repairs and remodeling of mobile and

501 manufactured homes must be performed in accordance with
502 department rules.

503 Section 11. Subsections (5) and (9) of section 367.022,
504 Florida Statutes, are amended to read:

505 367.022 Exemptions.—The following are not subject to
506 regulation by the commission as a utility nor are they subject
507 to the provisions of this chapter, except as expressly provided:

508 (5) Landlords providing service to their tenants without
509 specific compensation for the service. This exemption includes
510 an owner of a mobile home park or a mobile home subdivision, as
511 those terms are defined in s. 723.003, who provides service to
512 any person who:

513 (a) Leases a lot;

514 (b) Leases a mobile home and a lot; or

515 (c) Owns a lot in a mobile home subdivision.

516 (9) Any person who resells water and wastewater service to
517 his or her tenants or to individually metered residents for a
518 fee that does not exceed the actual purchase price of the water
519 and wastewater service plus the actual cost of meter reading and
520 billing, not to exceed 9 percent of the actual cost of service.

521 Section 12. Paragraph (c) of subsection (6) of section
522 420.5087, Florida Statutes, is amended to read:

523 420.5087 State Apartment Incentive Loan Program.—There is
524 hereby created the State Apartment Incentive Loan Program for
525 the purpose of providing first, second, or other subordinated

526 mortgage loans or loan guarantees to sponsors, including for-
527 profit, nonprofit, and public entities, to provide housing
528 affordable to very-low-income persons.

529 (6) On all state apartment incentive loans, except loans
530 made to housing communities for the elderly to provide for
531 lifesafety, building preservation, health, sanitation, or
532 security-related repairs or improvements, the following
533 provisions shall apply:

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

538 1. Tenant income and demographic targeting objectives of
539 the corporation.

540 2. Targeting objectives of the corporation which will
541 ensure an equitable distribution of loans between rural and
542 urban areas.

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

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

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

551 b. Forty percent of the units in the project for persons
 552 or families who have incomes that do not exceed 60 percent of
 553 the state or local median income, whichever is higher, without
 554 requiring a greater amount of the loans as provided in this
 555 section.

556 5. Provision for tenant counseling.

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

559 7. Projects requiring the least amount of a state
 560 apartment incentive loan compared to overall project cost,
 561 except that the share of the loan attributable to units serving
 562 extremely-low-income persons must be excluded from this
 563 requirement.

564 8. Local government contributions and local government
 565 comprehensive planning and activities that promote affordable
 566 housing and policies that promote access to public
 567 transportation, reduce the need for onsite parking, and expedite
 568 permits for affordable housing projects.

569 9. Project feasibility.

570 10. Economic viability of the project.

571 11. Commitment of first mortgage financing.

572 12. Sponsor's prior experience.

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

574 14. Projects that directly implement or assist welfare-to-
 575 work transitioning.

576 15. Projects that reserve units for extremely-low-income
577 persons.

578 16. Projects that include green building principles,
579 storm-resistant construction, or other elements that reduce
580 long-term costs relating to maintenance, utilities, or
581 insurance.

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

584 Section 13. Section 420.5095, Florida Statutes, is amended
585 to read:

586 420.5095 Community Workforce Housing Loan Innovation Pilot
587 Program.—

588 (1) The Legislature finds and declares that recent rapid
589 increases in the median purchase price of a home and the cost of
590 rental housing have far outstripped the increases in median
591 income in the state, ~~preventing essential services personnel~~
592 ~~from living in the communities where they serve and thereby~~
593 creating the need for innovative solutions for the provision of
594 housing opportunities ~~for essential services personnel~~.

595 (2) The Community Workforce Housing Loan Innovation Pilot
596 Program is created to provide ~~affordable rental and home~~
597 ~~ownership community~~ workforce housing for persons ~~essential~~
598 ~~services personnel~~ affected by the high cost of housing, ~~using~~
599 ~~regulatory incentives and state and local funds to promote local~~
600 ~~public-private partnerships and leverage government and private~~

601 ~~resources.~~

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

603 ~~(a)~~ "workforce housing" means housing affordable to
604 natural persons or families whose total annual household income
605 does not exceed 80 ~~140~~ percent of the area median income,
606 adjusted for household size, or 120 ~~150~~ percent of area median
607 income, adjusted for household size, in areas of critical state
608 concern designated under s. 380.05, for which the Legislature
609 has declared its intent to provide affordable housing, and areas
610 that were designated as areas of critical state concern for at
611 least 20 consecutive years before ~~prior to~~ removal of the
612 designation.

613 ~~(b) "Public-private partnership" means any form of~~
614 ~~business entity that includes substantial involvement of at~~
615 ~~least one county, one municipality, or one public sector entity,~~
616 ~~such as a school district or other unit of local government in~~
617 ~~which the project is to be located, and at least one private~~
618 ~~sector for-profit or not-for-profit business or charitable~~
619 ~~entity, and may be any form of business entity, including a~~
620 ~~joint venture or contractual agreement.~~

621 (4) The Florida Housing Finance Corporation may ~~is~~
622 ~~authorized to provide~~ loans under the Community Workforce
623 ~~Housing Innovation Pilot~~ program loans to applicants an
624 ~~applicant~~ for construction ~~or rehabilitation~~ of workforce
625 ~~housing in eligible areas. This funding is intended to be used~~

626 ~~with other public and private sector resources.~~

627 (5) The corporation shall establish a loan application
628 process under s. 420.5087 ~~by rule which includes selection~~
629 ~~criteria, an application review process, and a funding process.~~
630 ~~The corporation shall also establish an application review~~
631 ~~committee that may include up to three private citizens~~
632 ~~representing the areas of housing or real estate development,~~
633 ~~banking, community planning, or other areas related to the~~
634 ~~development or financing of workforce and affordable housing.~~

635 ~~(a) The selection criteria and application review process~~
636 ~~must include a procedure for curing errors in the loan~~
637 ~~applications which do not make a substantial change to the~~
638 ~~proposed project.~~

639 ~~(b) To achieve the goals of the pilot program, the~~
640 ~~application review committee may approve or reject loan~~
641 ~~applications or responses to questions raised during the review~~
642 ~~of an application due to the insufficiency of information~~
643 ~~provided.~~

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

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

650 ~~(e) The board of directors shall decide which approved~~

651 ~~applicants will become program participants and determine the~~
652 ~~maximum loan amount for each program participant.~~

653 ~~(6) The corporation shall provide incentives for local~~
654 ~~governments in eligible areas to use local affordable housing~~
655 ~~funds, such as those from the State Housing Initiatives~~
656 ~~Partnership Program, to assist in meeting the affordable housing~~
657 ~~needs of persons eligible under this program. Local governments~~
658 ~~are authorized to use State Housing Initiative Partnership~~
659 ~~Program funds for persons or families whose total annual~~
660 ~~household income does not exceed:~~

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

663 ~~(b) One hundred and fifty percent of the area median~~
664 ~~income, adjusted for household size, in areas that were~~
665 ~~designated as areas of critical state concern for at least 20~~
666 ~~consecutive years prior to the removal of the designation and in~~
667 ~~areas of critical state concern, designated under s. 380.05, for~~
668 ~~which the Legislature has declared its intent to provide~~
669 ~~affordable housing.~~

670 ~~(7) Funding shall be targeted to innovative projects in~~
671 ~~areas where the disparity between the area median income and the~~
672 ~~median sales price for a single-family home is greatest, and~~
673 ~~where population growth as a percentage rate of increase is~~
674 ~~greatest. The corporation may also fund projects in areas where~~
675 ~~innovative regulatory and financial incentives are made~~

676 available. ~~The corporation shall fund at least one eligible~~
677 ~~project in as many counties and regions of the state as is~~
678 ~~practicable, consistent with program goals.~~

679 ~~(6)-(8)~~ Projects must be given ~~shall receive~~ priority
680 consideration for funding if ~~where~~:

681 (a) The local jurisdiction has adopted, or is committed to
682 adopting, appropriate regulatory incentives, ~~or the local~~
683 ~~jurisdiction or public-private partnership has adopted or is~~
684 ~~committed to adopting~~ local contributions or financial
685 strategies, or other funding sources to promote the development
686 and ongoing financial viability of such projects. Local
687 incentives include such actions as expediting review of
688 development orders and permits, supporting development near
689 transportation hubs and major employment centers, and adopting
690 land development regulations designed to allow flexibility in
691 densities, use of accessory units, mixed-use developments, and
692 flexible lot configurations. Financial strategies include such
693 actions as promoting employer-assisted housing programs,
694 providing tax increment financing, and providing land.

695 ~~(b) Projects are innovative and include new construction~~
696 ~~or rehabilitation; mixed-income housing; commercial and housing~~
697 ~~mixed-use elements; innovative design; green building~~
698 ~~principles; storm-resistant construction; or other elements that~~
699 ~~reduce long-term costs relating to maintenance, utilities, or~~
700 ~~insurance and promote homeownership. The program funding may not~~

701 ~~exceed the costs attributable to the portion of the project that~~
702 ~~is set aside to provide housing for the targeted population.~~

703 ~~(b)(e) The projects that set aside at least 50 at least 80~~
704 ~~percent of the units for workforce housing and at least 50~~
705 ~~percent for essential services personnel and for projects that~~
706 ~~require the least amount of program funding compared to the~~
707 ~~overall housing costs for the project.~~

708 ~~(9) Notwithstanding s. 163.3184(4) (b) (d), any local~~
709 ~~government comprehensive plan amendment to implement a Community~~
710 ~~Workforce Housing Innovation Pilot Program project found~~
711 ~~consistent with this section shall be expedited as provided in~~
712 ~~this subsection. At least 30 days prior to adopting a plan~~
713 ~~amendment under this subsection, the local government shall~~
714 ~~notify the state land planning agency of its intent to adopt~~
715 ~~such an amendment, and the notice shall include its evaluation~~
716 ~~related to site suitability and availability of facilities and~~
717 ~~services. The public notice of the hearing required by s.~~
718 ~~163.3184(11) (b) 2. shall include a statement that the local~~
719 ~~government intends to use the expedited adoption process~~
720 ~~authorized by this subsection. Such amendments shall require~~
721 ~~only a single public hearing before the governing board, which~~
722 ~~shall be an adoption hearing as described in s. 163.3184(4) (e).~~
723 ~~Any further proceedings shall be governed by s. 163.3184(5)~~
724 ~~(13).~~

725 ~~(10) The processing of approvals of development orders or~~

726 ~~development permits, as defined in s. 163.3164, for innovative~~
727 ~~community workforce housing projects shall be expedited.~~

728 ~~(7)-(11)~~ The corporation shall award loans with a 1
729 ~~interest rates set at 1 to 3 percent~~ interest rate for a term
730 that does not exceed 15 years, ~~which may be made forgivable when~~
731 ~~long-term affordability is provided and when at least 80 percent~~
732 ~~of the units are set aside for workforce housing and at least 50~~
733 ~~percent of the units are set aside for essential services~~
734 ~~personnel.~~

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

736 ~~(a) For home ownership, limit the sales price of a~~
737 ~~detached unit, townhome, or condominium unit to not more than 90~~
738 ~~percent of the median sales price for that type of unit in that~~
739 ~~county, or the statewide median sales price for that type of~~
740 ~~unit, whichever is higher, and require that all eligible~~
741 ~~purchasers of home ownership units occupy the homes as their~~
742 ~~primary residence.~~

743 ~~(b) For rental units, restrict rents for all workforce~~
744 ~~housing serving those with incomes at or below 120 percent of~~
745 ~~area median income at the appropriate income level using the~~
746 ~~restricted rents for the federal low-income housing tax credit~~
747 ~~program and, for workforce housing units serving those with~~
748 ~~incomes above 120 percent of area median income, restrict rents~~
749 ~~to those established by the corporation, not to exceed 30~~
750 ~~percent of the maximum household income adjusted to unit size.~~

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

755 ~~(d) Have grants, donations of land, or contributions from~~
756 ~~the public-private partnership or other sources collectively~~
757 ~~totaling at least 10 percent of the total development cost or \$2~~
758 ~~million, whichever is less. Such grants, donations of land, or~~
759 ~~contributions must be evidenced by a letter of commitment,~~
760 ~~agreement, contract, deed, memorandum of understanding, or other~~
761 ~~written instrument at the time of application. Grants, donations~~
762 ~~of land, or contributions in excess of 10 percent of the~~
763 ~~development cost shall increase the application score.~~

764 ~~(e) Demonstrate how the applicant will use the regulatory~~
765 ~~incentives and financial strategies outlined in subsection (8)~~
766 ~~from the local jurisdiction in which the proposed project is to~~
767 ~~be located. The corporation may consult with the Department of~~
768 ~~Economic Opportunity in evaluating the use of regulatory~~
769 ~~incentives by applicants.~~

770 ~~(f) Demonstrate that the applicant possesses title to or~~
771 ~~site control of land and evidences availability of required~~
772 ~~infrastructure.~~

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

775 ~~(h) Provide any research or facts available supporting the~~

776 ~~demand and need for rental or home ownership workforce housing~~
777 ~~for eligible persons in the market in which the project is~~
778 ~~proposed.~~

779 ~~(13) Projects may include manufactured housing constructed~~
780 ~~after June 1994 and installed in accordance with mobile home~~
781 ~~installation standards of the Department of Highway Safety and~~
782 ~~Motor Vehicles.~~

783 (8) ~~(14)~~ The corporation may adopt rules pursuant to ss.
784 120.536(1) and 120.54 to implement this section.

785 ~~(15) The corporation may use a maximum of 2 percent of the~~
786 ~~annual program appropriation for administration and compliance~~
787 ~~monitoring.~~

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

793 Section 14. Section 420.531, Florida Statutes, is amended
794 to read:

795 420.531 Affordable Housing Catalyst Program.—

796 (1) The corporation shall operate the Affordable Housing
797 Catalyst Program for the purpose of securing the expertise
798 necessary to provide specialized technical support to local
799 governments and community-based organizations to implement the
800 HOME Investment Partnership Program, State Apartment Incentive

801 Loan Program, State Housing Initiatives Partnership Program, and
802 other affordable housing programs. To the maximum extent
803 feasible, the entity to provide the necessary expertise must be
804 recognized by the Internal Revenue Service as a nonprofit tax-
805 exempt organization. It must have as its primary mission the
806 provision of affordable housing training and technical
807 assistance, an ability to provide training and technical
808 assistance statewide, and a proven track record of successfully
809 providing training and technical assistance under the Affordable
810 Housing Catalyst Program. The technical support shall, at a
811 minimum, include training relating to the following key elements
812 of the partnership programs:

813 (a)~~(1)~~ Formation of local and regional housing
814 partnerships as a means of bringing together resources to
815 provide affordable housing.

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

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

820 (d)~~(4)~~ Compliance with requirements of federally funded
821 housing programs.

822 (2) In consultation with the corporation, the entity
823 providing statewide training and technical assistance shall
824 convene and administer biannual regional workshops for the
825 locally elected officials serving on affordable housing advisory

826 committees as provided in s. 420.9076. The regional workshops
827 may be conducted through teleconferencing or other technological
828 means and must include processes and programming that facilitate
829 peer-to-peer identification and sharing of best affordable
830 housing practices among the locally elected officials. Annually,
831 the entity providing statewide training and technical assistance
832 must compile calendar year reports summarizing the
833 deliberations, actions, and recommendations of each region, as
834 well as the attendance records of locally elected officials, and
835 must submit such reports to the President of the Senate, the
836 Speaker of the House of Representatives, and the corporation by
837 March 31 of the following year.

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

841 420.9073 Local housing distributions.—

842 (7) Notwithstanding subsections (1)-(4), the corporation
843 may withhold up to 5 percent of the total amount distributed
844 each fiscal year from the Local Government Housing Trust Fund to
845 provide additional funding to counties and eligible
846 municipalities for the construction of transitional housing for
847 persons aging out of foster care. Funds may not be used for the
848 design or planning of transitional housing and the housing must
849 be constructed on campus. The corporation must consult with the
850 Department of Children and Families to create minimum criteria

851 for such housing. Any portion of the withheld funds not
852 distributed or committed by the end of the fiscal year shall be
853 distributed as provided in subsections (1) and (2).

854 Section 16. Paragraph (j) is added to subsection (10) of
855 section 420.9075, Florida Statutes, to read:

856 420.9075 Local housing assistance plans; partnerships.—

857 (10) Each county or eligible municipality shall submit to
858 the corporation by September 15 of each year a report of its
859 affordable housing programs and accomplishments through June 30
860 immediately preceding submittal of the report. The report shall
861 be certified as accurate and complete by the local government's
862 chief elected official or his or her designee. Transmittal of
863 the annual report by a county's or eligible municipality's chief
864 elected official, or his or her designee, certifies that the
865 local housing incentive strategies, or, if applicable, the local
866 housing incentive plan, have been implemented or are in the
867 process of being implemented pursuant to the adopted schedule
868 for implementation. The report must include, but is not limited
869 to:

870 (j) The number of affordable housing applications that
871 were submitted, the number of such applications that were
872 approved, and the number of such applications that were denied.

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

876 420.9076 Adoption of affordable housing incentive
877 strategies; committees.—

878 (2) The governing board of a county or municipality shall
879 appoint the members of the affordable housing advisory
880 committee. Pursuant to the terms of any interlocal agreement, a
881 county and municipality may create and jointly appoint an
882 advisory committee. The local action adopted pursuant to s.
883 420.9072 which creates the advisory committee and appoints the
884 advisory committee members must name at least 8 but not more
885 than 11 committee members and specify their terms. Effective
886 October 1, 2020, the committee must consist of one locally
887 elected official from each county or municipality participating
888 in the State Housing Initiatives Partnership Program and one
889 representative from at least six of the categories below:

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

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

894 (c) A citizen who is a representative of those areas of
895 labor actively engaged in home building in connection with
896 affordable housing.

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

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

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

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

905 (h) A citizen who actively serves on the local planning
 906 agency pursuant to s. 163.3174. If the local planning agency is
 907 comprised of the governing board of the county or municipality,
 908 the governing board may appoint a designee who is knowledgeable
 909 in the local planning process.

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

912 (j) A citizen who represents employers within the
 913 jurisdiction.

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

916 (4) Annually ~~Triennially~~, the advisory committee shall
 917 review the established policies and procedures, ordinances, land
 918 development regulations, and adopted local government
 919 comprehensive plan of the appointing local government and shall
 920 recommend specific actions or initiatives to encourage or
 921 facilitate affordable housing while protecting the ability of
 922 the property to appreciate in value. The recommendations may
 923 include the modification or repeal of existing policies,
 924 procedures, ordinances, regulations, or plan provisions; the
 925 creation of exceptions applicable to affordable housing; or the

926 adoption of new policies, procedures, regulations, ordinances,
927 or plan provisions, including recommendations to amend the local
928 government comprehensive plan and corresponding regulations,
929 ordinances, and other policies. At a minimum, each advisory
930 committee shall submit an annual a report to the local governing
931 body and to the entity providing statewide training and
932 technical assistance for the Affordable Housing Catalyst Program
933 which ~~that~~ includes recommendations on, ~~and triennially~~
934 ~~thereafter evaluates~~ the implementation of, affordable housing
935 incentives in the following areas:

936 (a) The processing of approvals of development orders or
937 permits for affordable housing projects is expedited to a
938 greater degree than other projects, as provided in s.
939 163.3177(6)(f)3.

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

944 (c) The allowance of flexibility in densities for
945 affordable housing.

946 (d) The reservation of infrastructure capacity for housing
947 for very-low-income persons, low-income persons, and moderate-
948 income persons.

949 (e) ~~The allowance of~~ Affordable accessory residential
950 units ~~in residential zoning districts.~~

951 (f) The reduction of parking and setback requirements for
 952 affordable housing.

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

955 (h) The modification of street requirements for affordable
 956 housing.

957 (i) The establishment of a process by which a local
 958 government considers, before adoption, policies, procedures,
 959 ordinances, regulations, or plan provisions that increase the
 960 cost of housing.

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

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

965

966 The advisory committee recommendations may also include other
 967 affordable housing incentives identified by the advisory
 968 committee. Local governments that receive the minimum allocation
 969 under the State Housing Initiatives Partnership Program shall
 970 perform an ~~the~~ initial review but may elect to not perform the
 971 annual ~~triennial~~ review.

972 (10) The locally elected official serving on an advisory
 973 committee, or a locally elected designee, must attend biannual
 974 regional workshops convened and administered under the
 975 Affordable Housing Catalyst Program as provided in s.

976 | 420.531(2). If the locally elected official or locally elected
 977 | designee fails to attend three consecutive regional workshops,
 978 | the corporation may withhold funds pending the person's
 979 | attendance at the next regularly scheduled biannual meeting.

980 | Section 18. Subsections (3) and (4) of section 723.011,
 981 | Florida Statutes, are amended to read:

982 | 723.011 Disclosure prior to rental of a mobile home lot;
 983 | prospectus, filing, approval.—

984 | (3) The prospectus or offering circular, together with its
 985 | exhibits, is a disclosure document intended to afford protection
 986 | to homeowners and prospective homeowners in the mobile home
 987 | park. The purpose of the document is to disclose the
 988 | representations of the mobile home park owner concerning the
 989 | operations of the mobile home park. The rental agreement,
 990 | including the prospectus and rules and regulations, establishes
 991 | the terms and conditions of a homeowner's tenancy. The tenancy
 992 | must be for the duration of the tenant's ownership of the mobile
 993 | home, with a right of survivorship by the tenant's surviving
 994 | spouse, unless terminated pursuant to s. 723.061.

995 | (4) With regard to a tenancy in existence on the effective
 996 | date of this chapter, the prospectus or offering circular
 997 | offered by the mobile home park owner must ~~shall~~ contain the
 998 | same terms and conditions as rental agreements offered to all
 999 | other mobile home owners residing in the park on the effective
 1000 | date of this act, excepting only rent variations based upon lot

1001 location and size, and ~~may shall~~ not require any mobile home
 1002 owner to install any permanent improvements, except that the
 1003 mobile home owner, to become an approved tenant, may be required
 1004 to install permanent improvements to the mobile home as
 1005 disclosed in the prospectus.

1006 Section 19. Paragraph (c) of subsection (4) and
 1007 subsections (5) and (7) of section 723.012, Florida Statutes,
 1008 are amended to read:

1009 723.012 Prospectus or offering circular.—The prospectus or
 1010 offering circular, which is required to be provided by s.
 1011 723.011, must contain the following information:

1012 (4) Beginning on the first page of the text, the following
 1013 information:

1014 (c) A description of the mobile home park property,
 1015 including, but not limited to:

1016 1. The number of lots in each section, the approximate
 1017 size of each lot, the setback requirements, and the minimum
 1018 separation distance between mobile homes as required by law.

1019 2. The maximum number of lots that will use shared
 1020 facilities of the park; and, if the maximum number of lots will
 1021 vary, a description of the basis for variation. A mobile home
 1022 park owner may amend the prospectus to include additional
 1023 property and mobile home lots and to increase the maximum number
 1024 of lots that use the shared facilities of the park.

1025 (5) A description of the recreational and other common

1026 facilities, if any, that will be used by the mobile home owners,
 1027 including, but not limited to:

1028 (a) The number of buildings and each room thereof and its
 1029 intended purposes, location, approximate floor area, and
 1030 capacity in numbers of people.

1031 (b) Each swimming pool, as to its general location,
 1032 approximate size and depths, and approximate deck size and
 1033 capacity and whether heated.

1034 (c) All other facilities and permanent improvements that
 1035 ~~which~~ will serve the mobile home owners.

1036 (d) A general description of the items of personal
 1037 property available for use by the mobile home owners.

1038 (e) A general description of the days and hours that
 1039 facilities will be available for use.

1040 (f) A statement as to whether all improvements are
 1041 complete and, if not, their estimated completion dates.

1042
 1043 Any improvement or change to the facilities or services provided
 1044 by the mobile home park may be, but is not required to be,
 1045 disclosed by the park owner in an amendment to the prospectus.
 1046 If the park owner adds property or lots to the mobile home park
 1047 which were not disclosed in the owner's prospectus, the park
 1048 owner may amend the prospectus to provide additional facilities
 1049 and services to the mobile home park of a type or kind
 1050 determined by the park owner.

1051 (7) A description of all improvements, whether temporary
 1052 or permanent, which are required to be installed by the mobile
 1053 home owner as a condition of his or her occupancy in the park,
 1054 including improvements that are required upon purchase of the
 1055 home by an approved tenant.

1056 Section 20. Section 723.023, Florida Statutes, is amended
 1057 to read:

1058 723.023 Mobile home owner's general obligations.—A mobile
 1059 home owner shall ~~at all times~~:

1060 (1) At all times comply with all obligations imposed on
 1061 mobile home owners by applicable provisions of building,
 1062 housing, and health codes, including compliance with all
 1063 building permits and construction requirements for construction
 1064 on the mobile home and lot. The home owner is responsible for
 1065 all fines imposed by the local government for noncompliance with
 1066 any local codes.

1067 (2) At all times keep the mobile home lot ~~that which~~ he or
 1068 she occupies clean, neat, and sanitary, and maintained in
 1069 compliance with all local codes.

1070 (3) At all times comply with properly promulgated park
 1071 rules and regulations and require other persons on the premises
 1072 with his or her consent to comply with such rules and to conduct
 1073 themselves, and other persons on the premises with his or her
 1074 consent, in a manner that does not unreasonably disturb other
 1075 residents of the park or constitute a breach of the peace.

1076 (4) Receive written approval from the mobile home park
 1077 owner before making any exterior modification or addition to the
 1078 home.

1079 (5) When vacating the premises, remove any debris and
 1080 other property of any kind which is left on the mobile home lot.

1081 Section 21. Subsection (5) of section 723.031, Florida
 1082 Statutes, is amended to read:

1083 723.031 Mobile home lot rental agreements.—

1084 (5) The rental agreement must ~~shall~~ contain the lot rental
 1085 amount and services included. An increase in lot rental amount
 1086 upon expiration of the term of the lot rental agreement must
 1087 ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s.

1088 723.059(4), whichever is applicable; it provided that, pursuant to
 1089 s. 723.059(4), the amount of the lot rental increase is
 1090 disclosed and agreed to by the purchaser by executing a rental
 1091 agreement setting forth the new lot rental amount, ~~in writing.~~

1092 An increase in lot rental amount shall not be arbitrary or
 1093 discriminatory between similarly situated tenants in the park. A
 1094 lot rental amount may not be increased during the term of the
 1095 lot rental agreement, except:

1096 (a) When the manner of the increase is disclosed in a lot
 1097 rental agreement with a term exceeding 12 months and which
 1098 provides for such increases not more frequently than annually.

1099 (b) For pass-through charges as defined in s. 723.003.

1100 (c) That a charge may not be collected which results in

1101 payment of money for sums previously collected as part of the
1102 lot rental amount. The provisions hereof notwithstanding, the
1103 mobile home park owner may pass on, at any time during the term
1104 of the lot rental agreement, ad valorem property taxes, non-ad
1105 valorem assessments, and utility charges, or increases of
1106 either, provided that the ad valorem property taxes, non-ad
1107 valorem assessments, and utility charges are not otherwise being
1108 collected in the remainder of the lot rental amount and provided
1109 further that the passing on of such ad valorem taxes, non-ad
1110 valorem assessments, or utility charges, or increases of either,
1111 was disclosed prior to tenancy, was being passed on as a matter
1112 of custom between the mobile home park owner and the mobile home
1113 owner, or such passing on was authorized by law. A park owner is
1114 deemed to have disclosed the passing on of ad valorem property
1115 taxes and non-ad valorem assessments if ad valorem property
1116 taxes or non-ad valorem assessments were disclosed as a separate
1117 charge or a factor for increasing the lot rental amount in the
1118 prospectus or rental agreement. Such ad valorem taxes, non-ad
1119 valorem assessments, and utility charges shall be a part of the
1120 lot rental amount as defined by this chapter. The term "non-ad
1121 valorem assessments" has the same meaning as provided in s.
1122 197.3632(1)(d). Other provisions of this chapter
1123 notwithstanding, pass-on charges may be passed on only within 1
1124 year of the date a mobile home park owner remits payment of the
1125 charge. A mobile home park owner is prohibited from passing on

1126 any fine, interest, fee, or increase in a charge resulting from
 1127 a park owner's payment of the charge after the date such charges
 1128 become delinquent. Nothing herein shall prohibit a park owner
 1129 and a homeowner from mutually agreeing to an alternative manner
 1130 of payment to the park owner of the charges.

1131 (d) If a notice of increase in lot rental amount is not
 1132 given 90 days before the renewal date of the rental agreement,
 1133 the rental agreement must remain under the same terms until a
 1134 90-day notice of increase in lot rental amount is given. The
 1135 notice may provide for a rental term shorter than 1 year in
 1136 order to maintain the same renewal date.

1137 Section 22. Subsection (1) and paragraph (a) of subsection
 1138 (4) of section 723.037, Florida Statutes, are amended to read:

1139 723.037 Lot rental increases; reduction in services or
 1140 utilities; change in rules and regulations; mediation.—

1141 (1) A park owner shall give written notice to each
 1142 affected mobile home owner and the board of directors of the
 1143 homeowners' association, if one has been formed, at least 90
 1144 days before any increase in lot rental amount or reduction in
 1145 services or utilities provided by the park owner or change in
 1146 rules and regulations. The park owner may give notice of all
 1147 increases in lot rental amount for multiple anniversary dates in
 1148 the same 90-day notice. The notice must ~~shall~~ identify all other
 1149 affected homeowners, which may be by lot number, name, group, or
 1150 phase. If the affected homeowners are not identified by name,

1151 the park owner shall make the names and addresses available upon
1152 request. However, this requirement does not authorize the
1153 release of the names, addresses, or other private information
1154 about the homeowners to the association or any other person for
1155 any other purpose. The home owner's right to the 90-day notice
1156 may not be waived or precluded by a home owner, or the
1157 homeowners' committee, in an agreement with the park owner.
1158 Rules adopted as a result of restrictions imposed by
1159 governmental entities and required to protect the public health,
1160 safety, and welfare may be enforced prior to the expiration of
1161 the 90-day period but are not otherwise exempt from the
1162 requirements of this chapter. Pass-through charges must be
1163 separately listed as to the amount of the charge, the name of
1164 the governmental entity mandating the capital improvement, and
1165 the nature or type of the pass-through charge being levied.
1166 Notices of increase in the lot rental amount due to a pass-
1167 through charge must ~~shall~~ state the additional payment and
1168 starting and ending dates of each pass-through charge. The
1169 homeowners' association shall have no standing to challenge the
1170 increase in lot rental amount, reduction in services or
1171 utilities, or change of rules and regulations unless a majority
1172 of the affected homeowners agree, in writing, to such
1173 representation.

1174 (4) (a) A committee, not to exceed five in number,
1175 consisting of mobile home owners in the park and designated by a

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1176 majority of the affected mobile home owners or by the board of
1177 directors of the homeowners' association, if applicable, and the
1178 park owner shall meet, at a mutually convenient time and place
1179 no later than 60 days before the effective date of the change to
1180 discuss the reasons for the increase in lot rental amount,
1181 reduction in services or utilities, or change in rules and
1182 regulations. The negotiating committee shall make a written
1183 request for a meeting with the park owner or subdivision
1184 developer to discuss those matters addressed in the 90-day
1185 notice, and may include in the request a listing of any other
1186 issue, with supporting documentation, that the committee intends
1187 to raise and discuss at the meeting. The committee shall address
1188 all lot rental amount increases that are specified in the notice
1189 of lot rental amount increase, regardless of the effective date
1190 of the increase.

1191
1192 This subsection is not intended to be enforced by civil or
1193 administrative action. Rather, the meetings and discussions are
1194 intended to be in the nature of settlement discussions prior to
1195 the parties proceeding to mediation of any dispute.

1196 Section 23. Subsections (5) and (6) are added to section
1197 723.041, Florida Statutes, to read:

1198 723.041 Entrance fees; refunds; exit fees prohibited;
1199 replacement homes.—

1200 (5) A mobile home park that is damaged or destroyed due to

1201 wind, water, or other natural force may be rebuilt on the same
 1202 site with the same density as was approved, permitted, or built
 1203 before the park was damaged or destroyed.

1204 (6) This section does not limit the regulation of the
 1205 uniform firesafety standards established under s. 633.206, but
 1206 supersedes any other density, separation, setback, or lot size
 1207 regulation adopted after initial permitting and construction of
 1208 the mobile home park.

1209 Section 24. Section 723.042, Florida Statutes, is amended
 1210 to read:

1211 723.042 Provision of improvements.—A ~~No~~ person may not
 1212 ~~shall~~ be required by a mobile home park owner or developer, as a
 1213 condition of residence in the mobile home park, to provide any
 1214 improvement unless the requirement is disclosed pursuant to s.
 1215 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home
 1216 park.

1217 Section 25. Section 723.059, Florida Statutes, is amended
 1218 to read:

1219 723.059 ~~Rights of Purchaser~~ of a mobile home within a
 1220 mobile home park.—

1221 (1) The purchaser of a mobile home within a mobile home
 1222 park may become a tenant of the park if such purchaser would
 1223 otherwise qualify with the requirements of entry into the park
 1224 under the park rules and regulations, subject to the approval of
 1225 the park owner, but such approval may not be unreasonably

1226 withheld. The purchaser of the mobile home may cancel or rescind
1227 the contract for purchase of the mobile home if the purchaser's
1228 tenancy has not been approved by the park owner 5 days before
1229 the closing of the purchase.

1230 (2) Properly promulgated rules may provide for the
1231 screening of any prospective purchaser to determine whether or
1232 not such purchaser is qualified to become a tenant of the park.

1233 (3) The purchaser of a mobile home who intends to become
1234 ~~becomes~~ a resident of the mobile home park in accordance with
1235 this section shall enter a new tenancy by entering into a new
1236 lot rental agreement, including the prospectus and rules and
1237 regulations, with the park owner ~~has the right to assume the~~
1238 ~~remainder of the term of any rental agreement then in effect~~
1239 ~~between the mobile home park owner and the seller and shall be~~
1240 ~~entitled to rely on the terms and conditions of the prospectus~~
1241 ~~or offering circular as delivered to the initial recipient.~~

1242 (4) The mobile home park owner shall disclose the lot
1243 rental amount to be charged for a new tenancy prior to the
1244 applicant paying a screening fee and applying for approval for
1245 the tenancy ~~However, nothing herein shall be construed to~~
1246 ~~prohibit a mobile home park owner from increasing the rental~~
1247 ~~amount to be paid by the purchaser upon the expiration of the~~
1248 ~~assumed rental agreement in an amount deemed appropriate by the~~
1249 ~~mobile home park owner, so long as such increase is disclosed to~~
1250 ~~the purchaser prior to his or her occupancy and is imposed in a~~

1251 ~~manner consistent with the initial offering circular or~~
 1252 ~~prospectus and this act.~~

1253 (5) Lifetime leases and the renewal provisions in
 1254 automatically renewable leases, both those existing and those
 1255 entered into after July 1, 1986, are not assumable unless
 1256 otherwise provided in the mobile home lot rental agreement or
 1257 unless the transferee is the home owner's spouse. The right to
 1258 an assumption of the lease by a spouse may be exercised only one
 1259 time during the term of that lease.

1260 Section 26. Subsection (4) of section 723.061, Florida
 1261 Statutes, is amended, and subsections (5) and (6) are added to
 1262 that section, to read:

1263 723.061 Eviction; grounds, proceedings.—

1264 (4) Except for the notice to the officers of the
 1265 homeowners' association under subparagraph (1)(d)1., any notice
 1266 required by this section must be in writing~~7~~ and must be posted
 1267 on the premises and sent to the mobile home owner and tenant or
 1268 occupant, as appropriate, by United States mail ~~certified or~~
 1269 ~~registered mail, return receipt requested~~, addressed to the
 1270 mobile home owner and tenant or occupant, as appropriate, at her
 1271 or his last known address. Delivery of the mailed notice is
 1272 ~~shall be~~ deemed given 5 days after the date of postmark.

1273 (5) A park owner who accepts payment of any portion of the
 1274 lot rental amount with actual knowledge of noncompliance after
 1275 notice and termination of the rental agreement due to a

1276 violation under paragraph (1)(b), paragraph (1)(c), or paragraph
 1277 (1)(e) does not waive the right to terminate the rental
 1278 agreement or the right to bring a civil action for the
 1279 noncompliance, but not for any subsequent or continuing
 1280 noncompliance. Any rent so received must be accounted for at the
 1281 final hearing.

1282 (6) A tenant who intends to defend against an action by
 1283 the landlord for possession for noncompliance under paragraph
 1284 (1)(a), paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e)
 1285 must comply with s. 723.063(2).

1286 Section 27. Section 723.063, Florida Statutes, is amended
 1287 to read:

1288 723.063 Defenses to action for rent or possession;
 1289 procedure.—

1290 (1) (a) In any action based upon nonpayment of rent or
 1291 seeking to recover unpaid rent, or a portion thereof, the mobile
 1292 home owner may defend upon the ground of a material
 1293 noncompliance with any portion of this chapter or may raise any
 1294 other defense, whether legal or equitable, which he or she may
 1295 have.

1296 (b) The defense of material noncompliance may be raised by
 1297 the mobile home owner only if 7 days have elapsed after he or
 1298 she has notified the park owner in writing of his or her
 1299 intention not to pay rent, or a portion thereof, based upon the
 1300 park owner's noncompliance with portions of this chapter,

1301 specifying in reasonable detail the provisions in default. A
1302 material noncompliance with this chapter by the park owner is a
1303 complete defense to an action for possession based upon
1304 nonpayment of rent, or a portion thereof, and, upon hearing, the
1305 court or the jury, as the case may be, shall determine the
1306 amount, if any, by which the rent is to be reduced to reflect
1307 the diminution in value of the lot during the period of
1308 noncompliance with any portion of this chapter. After
1309 consideration of all other relevant issues, the court shall
1310 enter appropriate judgment.

1311 (2) In any action by the park owner or a mobile home owner
1312 brought under subsection (1), the mobile home owner shall pay
1313 into the registry of the court that portion of the accrued rent,
1314 if any, relating to the claim of material noncompliance as
1315 alleged in the complaint, or as determined by the court. The
1316 court shall notify the mobile home owner of such requirement.
1317 The failure of the mobile home owner to pay the rent, ~~or portion~~
1318 ~~thereof,~~ into the registry of the court or to file a motion to
1319 determine the amount of rent to be paid into the registry within
1320 5 days, excluding Saturdays, Sundays, and legal holidays, after
1321 the date of service of process constitutes an absolute waiver of
1322 the mobile home owner's defenses other than payment, and the
1323 park owner is entitled to an immediate default judgment for
1324 removal of the mobile home owner with a writ of possession to be
1325 issued without further notice or hearing thereon. If a motion to

1326 determine rent is filed, the movant must provide sworn
1327 documentation in support of his or her allegation that the rent
1328 alleged in the complaint is erroneous as required herein
1329 ~~constitutes an absolute waiver of the mobile home owner's~~
1330 ~~defenses other than payment, and the park owner is entitled to~~
1331 ~~an immediate default.~~

1332 (3) When the mobile home owner has deposited funds into
1333 the registry of the court in accordance with ~~the provisions of~~
1334 ~~this section and the park owner is in actual danger of loss of~~
1335 ~~the premises or other personal hardship resulting from the loss~~
1336 ~~of rental income from the premises,~~ the park owner may apply to
1337 the court for disbursement of all or part of the funds or for
1338 prompt final hearing, whereupon the court shall advance the
1339 cause on the calendar. The court, after preliminary hearing, may
1340 award all or any portion of the funds on deposit to the park
1341 owner or may proceed immediately to a final resolution of the
1342 cause.

1343 Section 28. For the purpose of incorporating the amendment
1344 made by this act to section 420.5087, Florida Statutes, in a
1345 reference thereto, paragraph (i) of subsection (22) of section
1346 420.507, Florida Statutes, is reenacted to read:

1347 420.507 Powers of the corporation.—The corporation shall
1348 have all the powers necessary or convenient to carry out and
1349 effectuate the purposes and provisions of this part, including
1350 the following powers which are in addition to all other powers

1351 granted by other provisions of this part:

1352 (22) To develop and administer the State Apartment
 1353 Incentive Loan Program. In developing and administering that
 1354 program, the corporation may:

1355 (i) Establish, by rule, the procedure for competitively
 1356 evaluating and selecting all applications for funding based on
 1357 the criteria set forth in s. 420.5087(6)(c), determining actual
 1358 loan amounts, making and servicing loans, and exercising the
 1359 powers authorized in this subsection.

1360 Section 29. For the purpose of incorporating the amendment
 1361 made by this act to section 420.5095, Florida Statutes, in a
 1362 reference thereto, subsection (2) of section 193.018, Florida
 1363 Statutes, is reenacted to read:

1364 193.018 Land owned by a community land trust used to
 1365 provide affordable housing; assessment; structural improvements,
 1366 condominium parcels, and cooperative parcels.—

1367 (2) A community land trust may convey structural
 1368 improvements, condominium parcels, or cooperative parcels, that
 1369 are located on specific parcels of land that are identified by a
 1370 legal description contained in and subject to a ground lease
 1371 having a term of at least 99 years, for the purpose of providing
 1372 affordable housing to natural persons or families who meet the
 1373 extremely-low-income, very-low-income, low-income, or moderate-
 1374 income limits specified in s. 420.0004, or the income limits for
 1375 workforce housing, as defined in s. 420.5095(3). A community

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1376 | land trust shall retain a preemptive option to purchase any
1377 | structural improvements, condominium parcels, or cooperative
1378 | parcels on the land at a price determined by a formula specified
1379 | in the ground lease which is designed to ensure that the
1380 | structural improvements, condominium parcels, or cooperative
1381 | parcels remain affordable.

1382 | Section 30. This act shall take effect July 1, 2020.