

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 providing an exception; amending s. 163.31801, F.S.;
11 requiring counties, municipalities, and special
12 districts to include certain data relating to impact
13 fees in their annual financial reports; amending s.
14 166.04151, F.S.; authorizing governing bodies of
15 municipalities to approve the development of
16 affordable housing on any parcel zoned for
17 residential, commercial, or industrial use; amending
18 s. 212.05, F.S.; specifying the sales tax rate for new
19 mobile homes; amending s. 320.77, F.S.; revising a
20 certification requirement for mobile home dealer
21 applicants relating to the applicant's business
22 location; amending s. 320.771, F.S.; exempting certain
23 recreational vehicle dealer applicants from a garage
24 liability insurance requirement; amending s. 320.822,
25 F.S.; revising the definition of the term "code";

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

51 government comprehensive plan amendments to implement
52 a program project; requiring that the corporation
53 award loans at a specified interest rate and for a
54 limited term; conforming provisions to changes made by
55 the act; amending s. 420.531, F.S.; specifying that
56 technical support provided to local governments and
57 community-based organizations includes implementation
58 of the State Apartment Incentive Loan Program;
59 requiring the entity providing training and technical
60 assistance to convene and administer biannual regional
61 workshops; requiring such entity to annually compile
62 and submit certain information to the Legislature and
63 the corporation by a specified date; amending s.
64 420.9073, F.S.; authorizing the corporation to
65 withhold a certain portion of funds distributed from
66 the Local Government Housing Trust Fund to be used for
67 certain transitional housing; prohibiting such funds
68 from being used for specified purposes; requiring the
69 corporation to consult with the Department of Children
70 and Families to create minimum criteria for such
71 housing; providing for the distribution of withheld
72 funds; amending s. 420.9075, F.S.; revising
73 requirements for reports submitted by counties and
74 certain municipalities to the corporation; amending s.
75 420.9076, F.S.; revising the membership of local

76 | affordable housing advisory committees beginning on a
77 | specified date; requiring the committees to perform
78 | specified duties annually instead of triennially;
79 | requiring locally elected officials serving on
80 | advisory committees, or their designees, to attend
81 | biannual regional workshops; providing a penalty;
82 | amending s. 723.011, F.S.; providing construction
83 | relating to rental agreements and tenancies; providing
84 | that a mobile home owner may be required to install
85 | permanent improvements as disclosed in the mobile home
86 | park prospectus; amending s. 723.012, F.S.;
87 | authorizing mobile home park owners to make certain
88 | prospectus amendments; providing requirements for the
89 | amendment; prohibiting certain costs and expenses from
90 | being passed on to existing mobile home owners;
91 | amending s. 723.023, F.S.; revising general
92 | obligations for mobile home owners; amending s.
93 | 723.031, F.S.; specifying a requirement for disclosing
94 | and agreeing to a mobile home lot rental increase;
95 | revising construction relating to a park owner's
96 | disclosure of certain taxes and assessments; amending
97 | s. 723.037, F.S.; authorizing mobile home park owners
98 | to give notice of lot rental increases for multiple
99 | anniversary dates in one notice; providing
100 | construction; revising a requirement for a lot rental

101 negotiation committee; amending s. 723.041, F.S.;

102 providing that a mobile home park damaged or destroyed

103 due to natural forces may be rebuilt with the same

104 density as previously approved, permitted, and built;

105 providing construction; amending s. 723.042, F.S.;

106 conforming a provision to changes made by the act;

107 amending s. 723.059, F.S.; authorizing certain mobile

108 home purchasers to assume the remainder of a seller's

109 prospectus; authorizing a mobile home park owner to

110 offer a purchaser any approved prospectus; amending s.

111 723.061, F.S.; specifying entities that must be

112 provided with a copy of an eviction notice when

113 received by a mobile home owner; specifying the waiver

114 and nonwaiver of certain rights of a mobile home park

115 owner under certain circumstances; requiring the

116 accounting at final hearing of rents received;

117 amending s. 723.076, F.S.; revising procedures related

118 to the election or appointment of new officers in a

119 homeowner's association; amending s. 723.078, F.S.;

120 revising requirements for board elections and ballots;

121 requiring an impartial committee to be responsible for

122 overseeing the election process and complying with

123 ballot requirements; defining the term "impartial

124 committee"; requiring that association bylaws provide

125 a method for determining the winner of an election

126 | under certain circumstances; prohibiting certain
127 | persons from seeking election to a board and from
128 | being eligible for board membership; specifying that
129 | certain actions taken by a board are not invalid;
130 | requiring the Division of Florida Condominiums,
131 | Timeshares, and Mobile Homes to adopt procedural
132 | rules; revising the types of meetings that are not
133 | required to be open to members; providing an exception
134 | to a provision requiring an officer of an association
135 | to provide an affidavit affirming certain information;
136 | authorizing meeting notices to be provided by
137 | electronic means; providing that the minutes of
138 | certain board and committee meetings are privileged
139 | and confidential; conforming provisions to changes
140 | made by the act; amending s. 723.079, F.S.; revising
141 | homeowners' association recordkeeping requirements;
142 | revising the timeframes for which certain records are
143 | required to be retained and be made available for
144 | inspection or photocopying; capping the amount of
145 | damages for which an association is liable when a
146 | member is denied access to official records; requiring
147 | that certain disputes be submitted to mandatory
148 | binding arbitration with the division; amending s.
149 | 723.1255, F.S.; requiring that certain disputes be
150 | submitted to mandatory binding arbitration with the

151 division; providing requirements for such arbitration
152 and fees and costs; requiring the division to adopt
153 rules; reenacting s. 420.507(22)(i), F.S., relating to
154 powers of the Florida Housing Finance Corporation, to
155 incorporate the amendment made to s. 420.5087, F.S.,
156 in a reference thereto; reenacting s. 193.018(2),
157 F.S., relating to land owned by a community land trust
158 used to provide affordable housing, to incorporate the
159 amendment made to s. 420.5095, F.S., in a reference
160 thereto; providing an effective date.

161
162 Be It Enacted by the Legislature of the State of Florida:

163
164 Section 1. Subsection (4) is added to section 125.01055,
165 Florida Statutes, to read:

166 125.01055 Affordable housing.—

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

172 Section 2. Subsections (1), (3), and (4) of section
173 163.31771, Florida Statutes, are amended to read:

174 163.31771 Accessory dwelling units.—

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

176 | in this state has increased steadily over the last decade and at
 177 | a greater rate of increase than the median income in many urban
 178 | areas. The Legislature finds that the cost of rental housing has
 179 | also increased steadily and the cost often exceeds an amount
 180 | that is affordable to extremely-low-income, very-low-income,
 181 | low-income, or moderate-income persons and has resulted in a
 182 | critical shortage of affordable rentals in many urban areas in
 183 | the state. This shortage of affordable rentals constitutes a
 184 | threat to the health, safety, and welfare of the residents of
 185 | the state. Therefore, the Legislature finds that it serves an
 186 | important public purpose to require ~~encourage~~ the permitting of
 187 | accessory dwelling units in single-family residential areas in
 188 | order to increase the availability of affordable rentals for
 189 | extremely-low-income, very-low-income, low-income, or moderate-
 190 | income persons.

191 | (3) Each ~~Upon a finding by a local government that there~~
 192 | ~~is a shortage of affordable rentals within its jurisdiction, the~~
 193 | local government shall ~~may~~ adopt an ordinance to allow accessory
 194 | dwelling units in any area zoned for single-family residential
 195 | use, except in an area of critical state concern where the state
 196 | caps the number of new housing units which may be built within a
 197 | year.

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

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

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

206 163.31801 Impact fees; short title; intent; minimum
 207 requirements; audits; challenges.—

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

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

215 (b) The impact fee schedule policy describing the method
 216 of calculating impact fees, such as flat fees, tiered fees based
 217 on the number of bedrooms, or tiered fees based on the square
 218 footage.

219 (c) The amount assessed for each purpose and for each type
 220 of dwelling.

221 (d) The total amount of impact fees charged by type of
 222 dwelling.

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

225 166.04151 Affordable housing.—

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

231 Section 5. Paragraph (n) is added to subsection (1) of
 232 section 212.05, Florida Statutes, to read:

233 212.05 Sales, storage, use tax.—It is hereby declared to
 234 be the legislative intent that every person is exercising a
 235 taxable privilege who engages in the business of selling
 236 tangible personal property at retail in this state, including
 237 the business of making mail order sales, or who rents or
 238 furnishes any of the things or services taxable under this
 239 chapter, or who stores for use or consumption in this state any
 240 item or article of tangible personal property as defined herein
 241 and who leases or rents such property within the state.

242 (1) For the exercise of such privilege, a tax is levied on
 243 each taxable transaction or incident, which tax is due and
 244 payable as follows:

245 (n) At the rate of 3 percent of the sales price on the
 246 sale of a new mobile home. For purposes of this paragraph, the
 247 term "new mobile home" has the same meaning as provided in s.
 248 319.001.

249 Section 6. Paragraph (h) of subsection (3) of section
 250 320.77, Florida Statutes, is amended to read:

251 320.77 License required of mobile home dealers.—

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

256 (h) Certification by the applicant:

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

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

269
 270 This paragraph does ~~subsection shall~~ not preclude a licensed
 271 mobile home dealer from displaying and offering for sale mobile
 272 homes in a mobile home park.

273
 274 The department shall, if it deems necessary, cause an
 275 investigation to be made to ascertain if the facts set forth in

276 the application are true and shall not issue a license to the
277 applicant until it is satisfied that the facts set forth in the
278 application are true.

279 Section 7. Paragraph (j) of subsection (3) of section
280 320.771, Florida Statutes, is amended to read:

281 320.771 License required of recreational vehicle dealers.—

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

286 (j) A statement that the applicant is insured under a
287 garage liability insurance policy, which shall include, at a
288 minimum, \$25,000 combined single-limit liability coverage,
289 including bodily injury and property damage protection, and
290 \$10,000 personal injury protection, if the applicant is to be
291 licensed as a dealer in, or intends to sell, recreational
292 vehicles. However, a garage liability policy is not required for
293 the licensure of a mobile home dealer who sells only park
294 trailers.

295
296 The department shall, if it deems necessary, cause an
297 investigation to be made to ascertain if the facts set forth in
298 the application are true and shall not issue a license to the
299 applicant until it is satisfied that the facts set forth in the
300 application are true.

301 Section 8. Paragraph (c) of subsection (2) of section
 302 320.822, Florida Statutes, is amended to read:

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

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

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

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

311 320.8232 Establishment of uniform standards for used
 312 recreational vehicles and repair and remodeling code for mobile
 313 homes.—

314 (2) The Mobile and Manufactured Home ~~provisions of the~~
 315 Repair and Remodeling Code must be a uniform code, must shall
 316 ensure safe and livable housing, and may shall not be more
 317 stringent than those standards required to be met in the
 318 manufacture of mobile homes. Such code must ~~provisions shall~~
 319 ~~include, but not be limited to,~~ standards for structural
 320 adequacy, plumbing, heating, electrical systems, and fire and
 321 life safety. All repairs and remodeling of mobile and
 322 manufactured homes must be performed in accordance with
 323 department rules.

324 Section 10. Subsection (9) of section 367.022, Florida
 325 Statutes, is amended, and subsection (14) is added to that

326 section, to read:

327 367.022 Exemptions.—The following are not subject to
 328 regulation by the commission as a utility nor are they subject
 329 to the provisions of this chapter, except as expressly provided:

330 (9) Any person who resells water service to his or her
 331 tenants or to individually metered residents for a fee that does
 332 not exceed the actual purchase price of the water and wastewater
 333 service plus the actual cost of meter reading and billing, not
 334 to exceed 9 percent of the actual cost of service.

335 (14) The owner of a mobile home park operating both as a
 336 mobile home park and a mobile home subdivision, as those terms
 337 are defined in s. 723.003, who provides service within the park
 338 and subdivision to a combination of both tenants and lot owners,
 339 provided that the service to tenants is without specific
 340 compensation.

341 Section 11. Paragraph (c) of subsection (6) of section
 342 420.5087, Florida Statutes, is amended to read:

343 420.5087 State Apartment Incentive Loan Program.—There is
 344 hereby created the State Apartment Incentive Loan Program for
 345 the purpose of providing first, second, or other subordinated
 346 mortgage loans or loan guarantees to sponsors, including for-
 347 profit, nonprofit, and public entities, to provide housing
 348 affordable to very-low-income persons.

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

351 lifesafety, building preservation, health, sanitation, or
352 security-related repairs or improvements, the following
353 provisions shall apply:

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

358 1. Tenant income and demographic targeting objectives of
359 the corporation.

360 2. Targeting objectives of the corporation which will
361 ensure an equitable distribution of loans between rural and
362 urban areas.

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

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

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

371 b. Forty percent of the units in the project for persons
372 or families who have incomes that do not exceed 60 percent of
373 the state or local median income, whichever is higher, without
374 requiring a greater amount of the loans as provided in this
375 section.

- 376 5. Provision for tenant counseling.
- 377 6. Sponsor's agreement to accept rental assistance
- 378 certificates or vouchers as payment for rent.
- 379 7. Projects requiring the least amount of a state
- 380 apartment incentive loan compared to overall project cost,
- 381 except that the share of the loan attributable to units serving
- 382 extremely-low-income persons must be excluded from this
- 383 requirement.
- 384 8. Local government contributions and local government
- 385 comprehensive planning and activities that promote affordable
- 386 housing and policies that promote access to public
- 387 transportation, reduce the need for onsite parking, and expedite
- 388 permits for affordable housing projects.
- 389 9. Project feasibility.
- 390 10. Economic viability of the project.
- 391 11. Commitment of first mortgage financing.
- 392 12. Sponsor's prior experience.
- 393 13. Sponsor's ability to proceed with construction.
- 394 14. Projects that directly implement or assist welfare-to-
- 395 work transitioning.
- 396 15. Projects that reserve units for extremely-low-income
- 397 persons.
- 398 16. Projects that include green building principles,
- 399 storm-resistant construction, or other elements that reduce
- 400 long-term costs relating to maintenance, utilities, or

401 insurance.

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

404 Section 12. Section 420.5095, Florida Statutes, is amended
 405 to read:

406 420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~
 407 Program.—

408 (1) The Legislature finds and declares that recent rapid
 409 increases in the median purchase price of a home and the cost of
 410 rental housing have far outstripped the increases in median
 411 income in the state, ~~preventing essential services personnel~~
 412 ~~from living in the communities where they serve and thereby~~
 413 creating the need for innovative solutions for the provision of
 414 housing opportunities ~~for essential services personnel~~.

415 (2) The Community Workforce Housing Loan ~~Innovation Pilot~~
 416 Program is created to provide ~~affordable rental and home~~
 417 ~~ownership community~~ workforce housing for persons ~~essential~~
 418 ~~services personnel~~ affected by the high cost of housing, ~~using~~
 419 ~~regulatory incentives and state and local funds to promote local~~
 420 ~~public-private partnerships and leverage government and private~~
 421 ~~resources~~.

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

423 ~~(a)~~ "workforce housing" means housing affordable to
 424 natural persons or families whose total annual household income
 425 does not exceed 80 ~~140~~ percent of the area median income,

426 adjusted for household size, or 120 ~~150~~ percent of area median
427 income, adjusted for household size, in areas of critical state
428 concern designated under s. 380.05, for which the Legislature
429 has declared its intent to provide affordable housing, and areas
430 that were designated as areas of critical state concern for at
431 least 20 consecutive years before ~~prior to~~ removal of the
432 designation.

433 ~~(b) "Public-private partnership" means any form of~~
434 ~~business entity that includes substantial involvement of at~~
435 ~~least one county, one municipality, or one public sector entity,~~
436 ~~such as a school district or other unit of local government in~~
437 ~~which the project is to be located, and at least one private~~
438 ~~sector for-profit or not-for-profit business or charitable~~
439 ~~entity, and may be any form of business entity, including a~~
440 ~~joint venture or contractual agreement.~~

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

447 (5) The corporation shall establish a loan application
448 process under s. 420.5087 ~~by rule which includes selection~~
449 ~~criteria, an application review process, and a funding process.~~
450 ~~The corporation shall also establish an application review~~

451 ~~committee that may include up to three private citizens~~
452 ~~representing the areas of housing or real estate development,~~
453 ~~banking, community planning, or other areas related to the~~
454 ~~development or financing of workforce and affordable housing.~~

455 ~~(a) The selection criteria and application review process~~
456 ~~must include a procedure for curing errors in the loan~~
457 ~~applications which do not make a substantial change to the~~
458 ~~proposed project.~~

459 ~~(b) To achieve the goals of the pilot program, the~~
460 ~~application review committee may approve or reject loan~~
461 ~~applications or responses to questions raised during the review~~
462 ~~of an application due to the insufficiency of information~~
463 ~~provided.~~

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

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

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

473 ~~(6) The corporation shall provide incentives for local~~
474 ~~governments in eligible areas to use local affordable housing~~
475 ~~funds, such as those from the State Housing Initiatives~~

476 ~~Partnership Program, to assist in meeting the affordable housing~~
477 ~~needs of persons eligible under this program. Local governments~~
478 ~~are authorized to use State Housing Initiative Partnership~~
479 ~~Program funds for persons or families whose total annual~~
480 ~~household income does not exceed:~~

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

483 ~~(b) One hundred and fifty percent of the area median~~
484 ~~income, adjusted for household size, in areas that were~~
485 ~~designated as areas of critical state concern for at least 20~~
486 ~~consecutive years prior to the removal of the designation and in~~
487 ~~areas of critical state concern, designated under s. 380.05, for~~
488 ~~which the Legislature has declared its intent to provide~~
489 ~~affordable housing.~~

490 ~~(7) Funding shall be targeted to innovative projects in~~
491 ~~areas where the disparity between the area median income and the~~
492 ~~median sales price for a single-family home is greatest, and~~
493 ~~where population growth as a percentage rate of increase is~~
494 ~~greatest. The corporation may also fund projects in areas where~~
495 ~~innovative regulatory and financial incentives are made~~
496 ~~available. The corporation shall fund at least one eligible~~
497 ~~project in as many counties and regions of the state as is~~
498 ~~practicable, consistent with program goals.~~

499 ~~(6)-(8)~~ Projects must be given ~~shall receive~~ priority
500 consideration for funding if ~~where~~:

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

515 ~~(b) Projects are innovative and include new construction~~
516 ~~or rehabilitation; mixed-income housing; commercial and housing~~
517 ~~mixed-use elements; innovative design; green building~~
518 ~~principles; storm-resistant construction; or other elements that~~
519 ~~reduce long-term costs relating to maintenance, utilities, or~~
520 ~~insurance and promote homeownership. The program funding may not~~
521 ~~exceed the costs attributable to the portion of the project that~~
522 ~~is set aside to provide housing for the targeted population.~~

523 ~~(b)(e)~~ The projects ~~that~~ set aside at least 50 ~~at least 80~~
524 percent of the units for workforce housing ~~and at least 50~~
525 percent ~~for essential services personnel and for projects that~~

526 ~~require the least amount of program funding compared to the~~
527 ~~overall housing costs for the project.~~

528 ~~(9) Notwithstanding s. 163.3184(4) (b) - (d), any local~~
529 ~~government comprehensive plan amendment to implement a Community~~
530 ~~Workforce Housing Innovation Pilot Program project found~~
531 ~~consistent with this section shall be expedited as provided in~~
532 ~~this subsection. At least 30 days prior to adopting a plan~~
533 ~~amendment under this subsection, the local government shall~~
534 ~~notify the state land planning agency of its intent to adopt~~
535 ~~such an amendment, and the notice shall include its evaluation~~
536 ~~related to site suitability and availability of facilities and~~
537 ~~services. The public notice of the hearing required by s.~~
538 ~~163.3184(11) (b) 2. shall include a statement that the local~~
539 ~~government intends to use the expedited adoption process~~
540 ~~authorized by this subsection. Such amendments shall require~~
541 ~~only a single public hearing before the governing board, which~~
542 ~~shall be an adoption hearing as described in s. 163.3184(4) (e).~~
543 ~~Any further proceedings shall be governed by s. 163.3184(5) -~~
544 ~~(13).~~

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

548 (7) (11) The corporation shall award loans with a 1
549 interest rates set at 1 to 3 percent interest rate for a term
550 that does not exceed 15 years, which may be made forgivable when

551 ~~long-term affordability is provided and when at least 80 percent~~
552 ~~of the units are set aside for workforce housing and at least 50~~
553 ~~percent of the units are set aside for essential services~~
554 ~~personnel.~~

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

556 ~~(a) For home ownership, limit the sales price of a~~
557 ~~detached unit, townhome, or condominium unit to not more than 90~~
558 ~~percent of the median sales price for that type of unit in that~~
559 ~~county, or the statewide median sales price for that type of~~
560 ~~unit, whichever is higher, and require that all eligible~~
561 ~~purchasers of home ownership units occupy the homes as their~~
562 ~~primary residence.~~

563 ~~(b) For rental units, restrict rents for all workforce~~
564 ~~housing serving those with incomes at or below 120 percent of~~
565 ~~area median income at the appropriate income level using the~~
566 ~~restricted rents for the federal low-income housing tax credit~~
567 ~~program and, for workforce housing units serving those with~~
568 ~~incomes above 120 percent of area median income, restrict rents~~
569 ~~to those established by the corporation, not to exceed 30~~
570 ~~percent of the maximum household income adjusted to unit size.~~

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

575 ~~(d) Have grants, donations of land, or contributions from~~

576 ~~the public-private partnership or other sources collectively~~
577 ~~totaling at least 10 percent of the total development cost or \$2~~
578 ~~million, whichever is less. Such grants, donations of land, or~~
579 ~~contributions must be evidenced by a letter of commitment,~~
580 ~~agreement, contract, deed, memorandum of understanding, or other~~
581 ~~written instrument at the time of application. Grants, donations~~
582 ~~of land, or contributions in excess of 10 percent of the~~
583 ~~development cost shall increase the application score.~~

584 ~~(c) Demonstrate how the applicant will use the regulatory~~
585 ~~incentives and financial strategies outlined in subsection (8)~~
586 ~~from the local jurisdiction in which the proposed project is to~~
587 ~~be located. The corporation may consult with the Department of~~
588 ~~Economic Opportunity in evaluating the use of regulatory~~
589 ~~incentives by applicants.~~

590 ~~(f) Demonstrate that the applicant possesses title to or~~
591 ~~site control of land and evidences availability of required~~
592 ~~infrastructure.~~

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

595 ~~(h) Provide any research or facts available supporting the~~
596 ~~demand and need for rental or home ownership workforce housing~~
597 ~~for eligible persons in the market in which the project is~~
598 ~~proposed.~~

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

601 ~~installation standards of the Department of Highway Safety and~~
602 ~~Motor Vehicles.~~

603 ~~(8)-(14)~~ The corporation may adopt rules pursuant to ss.
604 120.536(1) and 120.54 to implement this section.

605 ~~(15)~~ ~~The corporation may use a maximum of 2 percent of the~~
606 ~~annual program appropriation for administration and compliance~~
607 ~~monitoring.~~

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

613 Section 13. Section 420.531, Florida Statutes, is amended
614 to read:

615 420.531 Affordable Housing Catalyst Program.—

616 (1) The corporation shall operate the Affordable Housing
617 Catalyst Program for the purpose of securing the expertise
618 necessary to provide specialized technical support to local
619 governments and community-based organizations to implement the
620 HOME Investment Partnership Program, State Apartment Incentive
621 Loan Program, State Housing Initiatives Partnership Program, and
622 other affordable housing programs. To the maximum extent
623 feasible, the entity to provide the necessary expertise must be
624 recognized by the Internal Revenue Service as a nonprofit tax-
625 exempt organization. It must have as its primary mission the

626 provision of affordable housing training and technical
627 assistance, an ability to provide training and technical
628 assistance statewide, and a proven track record of successfully
629 providing training and technical assistance under the Affordable
630 Housing Catalyst Program. The technical support shall, at a
631 minimum, include training relating to the following key elements
632 of the partnership programs:

633 (a)~~(1)~~ Formation of local and regional housing
634 partnerships as a means of bringing together resources to
635 provide affordable housing.

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

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

640 (d)~~(4)~~ Compliance with requirements of federally funded
641 housing programs.

642 (2) In consultation with the corporation, the entity
643 providing statewide training and technical assistance shall
644 convene and administer biannual regional workshops for the
645 locally elected officials serving on affordable housing advisory
646 committees as provided in s. 420.9076. The regional workshops
647 may be conducted through teleconferencing or other technological
648 means and must include processes and programming that facilitate
649 peer-to-peer identification and sharing of best affordable
650 housing practices among the locally elected officials. Annually,

651 the entity providing statewide training and technical assistance
652 must compile calendar year reports summarizing the
653 deliberations, actions, and recommendations of each region, as
654 well as the attendance records of locally elected officials, and
655 must submit such reports to the President of the Senate, the
656 Speaker of the House of Representatives, and the corporation by
657 March 31 of the following year.

658 Section 14. Subsection (7) of section 420.9073, Florida
659 Statutes, is renumbered as subsection (8), and a new subsection
660 (7) is added to that section to read:

661 420.9073 Local housing distributions.—

662 (7) Notwithstanding subsections (1)-(4), the corporation
663 may withhold up to 5 percent of the total amount distributed
664 each fiscal year from the Local Government Housing Trust Fund to
665 provide additional funding to counties and eligible
666 municipalities for the construction of transitional housing for
667 persons aging out of foster care. Funds may not be used for the
668 design or planning of transitional housing and the housing must
669 be constructed on campus. The corporation must consult with the
670 Department of Children and Families to create minimum criteria
671 for such housing. Any portion of the withheld funds not
672 distributed or committed by the end of the fiscal year shall be
673 distributed as provided in subsections (1) and (2).

674 Section 15. Paragraph (j) is added to subsection (10) of
675 section 420.9075, Florida Statutes, to read:

676 420.9075 Local housing assistance plans; partnerships.—

677 (10) Each county or eligible municipality shall submit to
 678 the corporation by September 15 of each year a report of its
 679 affordable housing programs and accomplishments through June 30
 680 immediately preceding submittal of the report. The report shall
 681 be certified as accurate and complete by the local government's
 682 chief elected official or his or her designee. Transmittal of
 683 the annual report by a county's or eligible municipality's chief
 684 elected official, or his or her designee, certifies that the
 685 local housing incentive strategies, or, if applicable, the local
 686 housing incentive plan, have been implemented or are in the
 687 process of being implemented pursuant to the adopted schedule
 688 for implementation. The report must include, but is not limited
 689 to:

690 (j) The number of affordable housing applications that
 691 were submitted, the number of such applications that were
 692 approved, and the number of such applications that were denied.

693 Section 16. Subsections (2) and (4) of section 420.9076,
 694 Florida Statutes, are amended, and subsection (10) is added to
 695 that section, to read:

696 420.9076 Adoption of affordable housing incentive
 697 strategies; committees.—

698 (2) The governing board of a county or municipality shall
 699 appoint the members of the affordable housing advisory
 700 committee. Pursuant to the terms of any interlocal agreement, a

701 county and municipality may create and jointly appoint an
702 advisory committee. The local action adopted pursuant to s.
703 420.9072 which creates the advisory committee and appoints the
704 advisory committee members must name at least 8 but not more
705 than 11 committee members and specify their terms. Effective
706 October 1, 2020, the committee must consist of one locally
707 elected official from each county or municipality participating
708 in the State Housing Initiatives Partnership Program and one
709 representative from at least six of the categories below:

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

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

714 (c) A citizen who is a representative of those areas of
715 labor actively engaged in home building in connection with
716 affordable housing.

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

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

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

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

725 (h) A citizen who actively serves on the local planning

726 agency pursuant to s. 163.3174. If the local planning agency is
 727 comprised of the governing board of the county or municipality,
 728 the governing board may appoint a designee who is knowledgeable
 729 in the local planning process.

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

732 (j) A citizen who represents employers within the
 733 jurisdiction.

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

736 (4) Annually ~~Triennially~~, the advisory committee shall
 737 review the established policies and procedures, ordinances, land
 738 development regulations, and adopted local government
 739 comprehensive plan of the appointing local government and shall
 740 recommend specific actions or initiatives to encourage or
 741 facilitate affordable housing while protecting the ability of
 742 the property to appreciate in value. The recommendations may
 743 include the modification or repeal of existing policies,
 744 procedures, ordinances, regulations, or plan provisions; the
 745 creation of exceptions applicable to affordable housing; or the
 746 adoption of new policies, procedures, regulations, ordinances,
 747 or plan provisions, including recommendations to amend the local
 748 government comprehensive plan and corresponding regulations,
 749 ordinances, and other policies. At a minimum, each advisory
 750 committee shall submit an annual ~~a~~ report to the local governing

751 body and to the entity providing statewide training and
752 technical assistance for the Affordable Housing Catalyst Program
753 which ~~that~~ includes recommendations on, ~~and triennially~~
754 ~~thereafter evaluates~~ the implementation of, affordable housing
755 incentives in the following areas:

756 (a) The processing of approvals of development orders or
757 permits for affordable housing projects is expedited to a
758 greater degree than other projects, as provided in s.
759 163.3177(6)(f)3.

760 (b) All allowable fee waivers provided ~~The modification of~~
761 ~~impact fee requirements, including reduction or waiver of fees~~
762 ~~and alternative methods of fee payment for~~ the development or
763 construction of affordable housing.

764 (c) The allowance of flexibility in densities for
765 affordable housing.

766 (d) The reservation of infrastructure capacity for housing
767 for very-low-income persons, low-income persons, and moderate-
768 income persons.

769 (e) ~~The allowance of~~ Affordable accessory residential
770 units ~~in residential zoning districts.~~

771 (f) The reduction of parking and setback requirements for
772 affordable housing.

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

775 (h) The modification of street requirements for affordable

776 housing.

777 (i) The establishment of a process by which a local
778 government considers, before adoption, policies, procedures,
779 ordinances, regulations, or plan provisions that increase the
780 cost of housing.

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

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

785

786 The advisory committee recommendations may also include other
787 affordable housing incentives identified by the advisory
788 committee. Local governments that receive the minimum allocation
789 under the State Housing Initiatives Partnership Program shall
790 perform an ~~the~~ initial review but may elect to not perform the
791 annual ~~triennial~~ review.

792 (10) The locally elected official serving on an advisory
793 committee, or a locally elected designee, must attend biannual
794 regional workshops convened and administered under the
795 Affordable Housing Catalyst Program as provided in s.
796 420.531(2). If the locally elected official or locally elected
797 designee fails to attend three consecutive regional workshops,
798 the corporation may withhold funds pending the person's
799 attendance at the next regularly scheduled biannual meeting.

800 Section 17. Subsection (4) of section 723.011, Florida

801 Statutes, is amended to read:

802 723.011 Disclosure prior to rental of a mobile home lot;
803 prospectus, filing, approval.—

804 (4) With regard to a tenancy in existence on the effective
805 date of this chapter, the prospectus or offering circular
806 offered by the mobile home park owner must ~~shall~~ contain the
807 same terms and conditions as rental agreements offered to all
808 other mobile home owners residing in the park on the effective
809 date of this act, excepting only rent variations based upon lot
810 location and size, and may ~~shall~~ not require any mobile home
811 owner to install any permanent improvements, except that the
812 mobile home owner may be required to install permanent
813 improvements to the mobile home as disclosed in the prospectus.

814 Section 18. Subsection (5) of section 723.012, Florida
815 Statutes, is amended to read:

816 723.012 Prospectus or offering circular.—The prospectus or
817 offering circular, which is required to be provided by s.
818 723.011, must contain the following information:

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

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

825 (b) Each swimming pool, as to its general location,

826 approximate size and depths, and approximate deck size and
827 capacity and whether heated.

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

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

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

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

836

837 If a mobile home park owner intends to include additional
838 property and mobile home lots and to increase the number of lots
839 that will use the shared facilities of the park, the mobile home
840 park owner must amend the prospectus to disclose such additions.

841 If the number of mobile home lots in the park increases by more
842 than 15 percent of the total number of lots in the original
843 prospectus, the mobile home park owner must reasonably offset
844 the impact of the additional lots by increasing the shared
845 facilities. The amendment to the prospectus must include a
846 reasonable timeframe for providing the required additional
847 shared facilities. The costs and expenses necessary to increase
848 the shared facilities may not be passed on or passed through to
849 the existing mobile home owners.

850 Section 19. Section 723.023, Florida Statutes, is amended

851 to read:

852 723.023 Mobile home owner's general obligations.—A mobile
853 home owner shall ~~at all times~~:

854 (1) At all times comply with all obligations imposed on
855 mobile home owners by applicable provisions of building,
856 housing, and health codes, including compliance with all
857 building permits and construction requirements for construction
858 on the mobile home and lot. The home owner is responsible for
859 all fines imposed by the local government for noncompliance with
860 any local codes.

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

864 (3) At all times comply with properly promulgated park
865 rules and regulations and require other persons on the premises
866 with his or her consent to comply with such rules and to conduct
867 themselves, and other persons on the premises with his or her
868 consent, in a manner that does not unreasonably disturb other
869 residents of the park or constitute a breach of the peace.

870 (4) Receive written approval from the mobile home park
871 owner before making any exterior modification or addition to the
872 home.

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

875 Section 20. Subsection (5) of section 723.031, Florida

876 Statutes, is amended to read:

877 723.031 Mobile home lot rental agreements.—

878 (5) The rental agreement must ~~shall~~ contain the lot rental
 879 amount and services included. An increase in lot rental amount
 880 upon expiration of the term of the lot rental agreement must
 881 ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s.
 882 723.059(4), whichever is applicable; 7 provided that, pursuant to
 883 s. 723.059(4), the amount of the lot rental increase is
 884 disclosed and agreed to by the purchaser, in writing. An
 885 increase in lot rental amount shall not be arbitrary or
 886 discriminatory between similarly situated tenants in the park. A
 887 lot rental amount may not be increased during the term of the
 888 lot rental agreement, except:

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

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

893 (c) That a charge may not be collected which results in
 894 payment of money for sums previously collected as part of the
 895 lot rental amount. The provisions hereof notwithstanding, the
 896 mobile home park owner may pass on, at any time during the term
 897 of the lot rental agreement, ad valorem property taxes, non-ad
 898 valorem assessments, and utility charges, or increases of
 899 either, provided that the ad valorem property taxes, non-ad
 900 valorem assessments, and utility charges are not otherwise being

901 collected in the remainder of the lot rental amount and provided
902 further that the passing on of such ad valorem taxes, non-ad
903 valorem assessments, or utility charges, or increases of either,
904 was disclosed prior to tenancy, was being passed on as a matter
905 of custom between the mobile home park owner and the mobile home
906 owner, or such passing on was authorized by law. A park owner is
907 deemed to have disclosed the passing on of ad valorem property
908 taxes and non-ad valorem assessments if ad valorem property
909 taxes or non-ad valorem assessments were disclosed as a separate
910 charge or a factor for increasing the lot rental amount in the
911 prospectus or rental agreement. Such ad valorem taxes, non-ad
912 valorem assessments, and utility charges shall be a part of the
913 lot rental amount as defined by this chapter. The term "non-ad
914 valorem assessments" has the same meaning as provided in s.
915 197.3632(1)(d). Other provisions of this chapter
916 notwithstanding, pass-on charges may be passed on only within 1
917 year of the date a mobile home park owner remits payment of the
918 charge. A mobile home park owner is prohibited from passing on
919 any fine, interest, fee, or increase in a charge resulting from
920 a park owner's payment of the charge after the date such charges
921 become delinquent. A mobile home park owner is prohibited from
922 charging or collecting from the mobile home owners any sum for
923 ad valorem taxes or non-ad valorem tax charges in an amount in
924 excess of the sums remitted by the park owner to the tax
925 collector. Nothing herein shall prohibit a park owner and a

926 homeowner from mutually agreeing to an alternative manner of
927 payment to the park owner of the charges.

928 (d) If a notice of increase in lot rental amount is not
929 given 90 days before the renewal date of the rental agreement,
930 the rental agreement must remain under the same terms until a
931 90-day notice of increase in lot rental amount is given. The
932 notice may provide for a rental term shorter than 1 year in
933 order to maintain the same renewal date.

934 Section 21. Subsection (1) and paragraph (a) of subsection
935 (4) of section 723.037, Florida Statutes, are amended to read:

936 723.037 Lot rental increases; reduction in services or
937 utilities; change in rules and regulations; mediation.—

938 (1) A park owner shall give written notice to each
939 affected mobile home owner and the board of directors of the
940 homeowners' association, if one has been formed, at least 90
941 days before any increase in lot rental amount or reduction in
942 services or utilities provided by the park owner or change in
943 rules and regulations. The park owner may give notice of all
944 increases in lot rental amount for multiple anniversary dates in
945 the same 90-day notice. The notice must ~~shall~~ identify all other
946 affected homeowners, which may be by lot number, name, group, or
947 phase. If the affected homeowners are not identified by name,
948 the park owner shall make the names and addresses available upon
949 request. However, this requirement does not authorize the
950 release of the names, addresses, or other private information

951 about the homeowners to the association or any other person for
952 any other purpose. The home owner's right to the 90-day notice
953 may not be waived or precluded by a home owner, or the
954 homeowners' committee, in an agreement with the park owner.
955 Rules adopted as a result of restrictions imposed by
956 governmental entities and required to protect the public health,
957 safety, and welfare may be enforced prior to the expiration of
958 the 90-day period but are not otherwise exempt from the
959 requirements of this chapter. Pass-through charges must be
960 separately listed as to the amount of the charge, the name of
961 the governmental entity mandating the capital improvement, and
962 the nature or type of the pass-through charge being levied.
963 Notices of increase in the lot rental amount due to a pass-
964 through charge must ~~shall~~ state the additional payment and
965 starting and ending dates of each pass-through charge. The
966 homeowners' association shall have no standing to challenge the
967 increase in lot rental amount, reduction in services or
968 utilities, or change of rules and regulations unless a majority
969 of the affected homeowners agree, in writing, to such
970 representation.

971 (4) (a) A committee, not to exceed five in number,
972 designated by a majority of the affected mobile home owners or
973 by the board of directors of the homeowners' association, if
974 applicable, and the park owner shall meet, at a mutually
975 convenient time and place no later than 60 days before the

976 effective date of the change to discuss the reasons for the
 977 increase in lot rental amount, reduction in services or
 978 utilities, or change in rules and regulations. The negotiating
 979 committee shall make a written request for a meeting with the
 980 park owner or subdivision developer to discuss those matters
 981 addressed in the 90-day notice, and may include in the request a
 982 listing of any other issue, with supporting documentation, that
 983 the committee intends to raise and discuss at the meeting. The
 984 committee shall address all lot rental amount increases that are
 985 specified in the notice of lot rental amount increase,
 986 regardless of the effective date of the increase.

987
 988 This subsection is not intended to be enforced by civil or
 989 administrative action. Rather, the meetings and discussions are
 990 intended to be in the nature of settlement discussions prior to
 991 the parties proceeding to mediation of any dispute.

992 Section 22. Subsections (5) and (6) are added to section
 993 723.041, Florida Statutes, to read:

994 723.041 Entrance fees; refunds; exit fees prohibited;
 995 replacement homes.—

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

1000 (6) This section does not limit the regulation of the

1001 uniform firesafety standards established under s. 633.206, but
 1002 supersedes any other density, separation, setback, or lot size
 1003 regulation adopted after initial permitting and construction of
 1004 the mobile home park.

1005 Section 23. Section 723.042, Florida Statutes, is amended
 1006 to read:

1007 723.042 Provision of improvements.—A ~~No~~ person may not
 1008 ~~shall~~ be required by a mobile home park owner or developer, as a
 1009 condition of residence in the mobile home park, to provide any
 1010 improvement unless the requirement is disclosed pursuant to s.
 1011 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home
 1012 park.

1013 Section 24. Subsections (3) and (4) of section 723.059,
 1014 Florida Statutes, are amended to read:

1015 723.059 ~~Rights of Purchaser~~ of a mobile home within a
 1016 mobile home park.—

1017 (3) The purchaser of a mobile home who intends to become
 1018 ~~becomes~~ a resident of the mobile home park in accordance with
 1019 this section has the right to assume the remainder of the term
 1020 of any rental agreement then in effect between the mobile home
 1021 park owner and the seller and may assume the seller's
 1022 prospectus. However, nothing herein shall prohibit a mobile home
 1023 park owner from offering the purchaser of a mobile home any
 1024 approved prospectus shall be entitled to rely on the terms and
 1025 conditions of the prospectus or offering circular as delivered

1026 | ~~to the initial recipient.~~

1027 | (4) However, nothing herein shall be construed to prohibit
 1028 | a mobile home park owner from increasing the rental amount to be
 1029 | paid by the purchaser upon the expiration of the assumed rental
 1030 | agreement in an amount deemed appropriate by the mobile home
 1031 | park owner, so long as such increase is disclosed to the
 1032 | purchaser prior to his or her occupancy and is imposed in a
 1033 | manner consistent with the purchaser's initial offering circular
 1034 | ~~or~~ prospectus and this act.

1035 | Section 25. Paragraph (d) of subsection (1) of section
 1036 | 723.061, Florida Statutes, is amended, and subsection (5) is
 1037 | added to that section, to read:

1038 | 723.061 Eviction; grounds, proceedings.—

1039 | (1) A mobile home park owner may evict a mobile home
 1040 | owner, a mobile home tenant, a mobile home occupant, or a mobile
 1041 | home only on one or more of the following grounds:

1042 | (d) Change in use of the land comprising the mobile home
 1043 | park, or the portion thereof from which mobile homes are to be
 1044 | evicted, from mobile home lot rentals to some other use, if:

1045 | 1. The park owner gives written notice to the homeowners'
 1046 | association formed and operating under ss. 723.075-723.079 of
 1047 | its right to purchase the mobile home park, if the land
 1048 | comprising the mobile home park is changing use from mobile home
 1049 | lot rentals to a different use, at the price and under the terms
 1050 | and conditions set forth in the written notice.

1051 a. The notice shall be delivered to the officers of the
1052 homeowners' association by United States mail. Within 45 days
1053 after the date of mailing of the notice, the homeowners'
1054 association may execute and deliver a contract to the park owner
1055 to purchase the mobile home park at the price and under the
1056 terms and conditions set forth in the notice. If the contract
1057 between the park owner and the homeowners' association is not
1058 executed and delivered to the park owner within the 45-day
1059 period, the park owner is under no further obligation to the
1060 homeowners' association except as provided in sub-subparagraph
1061 b.

1062 b. If the park owner elects to offer or sell the mobile
1063 home park at a price lower than the price specified in her or
1064 his initial notice to the officers of the homeowners'
1065 association, the homeowners' association has an additional 10
1066 days to meet the revised price, terms, and conditions of the
1067 park owner by executing and delivering a revised contract to the
1068 park owner.

1069 c. The park owner is not obligated under this subparagraph
1070 or s. 723.071 to give any other notice to, or to further
1071 negotiate with, the homeowners' association for the sale of the
1072 mobile home park to the homeowners' association after 6 months
1073 after the date of the mailing of the initial notice under sub-
1074 subparagraph a.

1075 2. The park owner gives the affected mobile home owners

1076 and tenants at least 6 months' notice of the eviction due to the
 1077 projected change in use and of their need to secure other
 1078 accommodations. Within 20 days after giving an eviction notice
 1079 to a mobile home owner, the park owner must provide the division
 1080 with a copy of the notice. The division must provide the
 1081 executive director of the Florida Mobile Home Relocation
 1082 Corporation with a copy of the notice.

1083 a. The notice of eviction due to a change in use of the
 1084 land must include in a font no smaller than the body of the
 1085 notice the following statement:

1086
 1087 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME
 1088 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME
 1089 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS
 1090 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND
 1091 PROFESSIONAL REGULATION.

1092
 1093 b. The park owner may not give a notice of increase in lot
 1094 rental amount within 90 days before giving notice of a change in
 1095 use.

1096 (5) A park owner who accepts payment of any portion of the
 1097 lot rental amount with actual knowledge of noncompliance after
 1098 notice and termination of the rental agreement due to a
 1099 violation under paragraph (1)(b), paragraph (1)(c), or paragraph
 1100 (1)(e) does not waive the right to terminate the rental

1101 agreement or the right to bring a civil action for the
 1102 noncompliance, but not for any subsequent or continuing
 1103 noncompliance. Any rent so received must be accounted for at the
 1104 final hearing.

1105 Section 26. Subsection (1) of section 723.076, Florida
 1106 Statutes, is amended to read:

1107 723.076 Incorporation; notification of park owner.—

1108 (1) Upon receipt of its certificate of incorporation, the
 1109 homeowners' association shall notify the park owner in writing
 1110 of such incorporation and shall advise the park owner of the
 1111 names and addresses of the officers of the homeowners'
 1112 association by personal delivery upon the park owner's
 1113 representative as designated in the prospectus or by certified
 1114 mail, return receipt requested. Thereafter, the homeowners'
 1115 association shall notify the park owner in writing by certified
 1116 mail, return receipt requested, of any change of names and
 1117 addresses of its president or registered agent. Upon election or
 1118 appointment of new officers or members, the homeowners'
 1119 association shall notify the park owner in writing by certified
 1120 mail, return receipt requested, of the names and addresses of
 1121 the new officers or members.

1122 Section 27. Paragraphs (b) through (e) of subsection (2)
 1123 of section 723.078, Florida Statutes, are amended, and paragraph
 1124 (i) of that subsection is reenacted, to read:

1125 723.078 Bylaws of homeowners' associations.—

1126 (2) The bylaws shall provide and, if they do not, shall be
1127 deemed to include, the following provisions:

1128 (b) Quorum; voting requirements; proxies.-

1129 1. Unless otherwise provided in the bylaws, 30 percent of
1130 the total membership is required to constitute a quorum.
1131 Decisions shall be made by a majority of members represented at
1132 a meeting at which a quorum is present.

1133 2.a. A member may not vote by general proxy but may vote
1134 by limited proxies substantially conforming to a limited proxy
1135 form adopted by the division. Limited proxies and general
1136 proxies may be used to establish a quorum. Limited proxies may
1137 be used for votes taken to amend the articles of incorporation
1138 or bylaws pursuant to this section, and any other matters for
1139 which this chapter requires or permits a vote of members. A~~r~~
1140 ~~except that no~~ proxy, limited or general, may not be used in the
1141 election of board members in general elections or elections to
1142 fill vacancies caused by recall, resignation, or otherwise.
1143 Board members must be elected by written ballot or by voting in
1144 person. If a mobile home or subdivision lot is owned jointly,
1145 the owners of the mobile home or subdivision lot must be counted
1146 as one for the purpose of determining the number of votes
1147 required for a majority. Only one vote per mobile home or
1148 subdivision lot shall be counted. Any number greater than 50
1149 percent of the total number of votes constitutes a majority.
1150 Notwithstanding this section, members may vote in person at

1151 member meetings or by secret ballot, including absentee ballots,
1152 as defined by the division.

1153 b. Elections shall be decided by a plurality of the
1154 ballots cast. There is no quorum requirement; however, at least
1155 20 percent of the eligible voters must cast a ballot in order to
1156 have a valid election. A member may not allow any other person
1157 to cast his or her ballot, and any ballots improperly cast are
1158 invalid. An election is not required unless there are more
1159 candidates nominated than vacancies that exist on the board.

1160 c. Each member or other eligible person who desires to be
1161 a candidate for the board of directors shall appear on the
1162 ballot in alphabetical order by surname. A ballot may not
1163 indicate if any of the candidates are incumbent on the board.
1164 All ballots must be uniform in appearance. Write-in candidates
1165 and more than one vote per candidate per ballot are not allowed.
1166 A ballot may not provide a space for the signature of, or any
1167 other means of identifying, a voter. If a ballot contains more
1168 votes than vacancies or fewer votes than vacancies, the ballot
1169 is invalid unless otherwise stated in the bylaws.

1170 d. An impartial committee shall be responsible for
1171 overseeing the election process and complying with all ballot
1172 requirements. For purposes of this section, the term "impartial
1173 committee" means a committee whose members do not include any of
1174 the following people or their spouses:

1175 (I) Current board members.

1176 (II) Current association officers.
 1177 (III) Candidates for the association or board.
 1178 e. The association bylaws shall provide a method for
 1179 determining the winner of an election in which two or more
 1180 candidates for the same position receive the same number of
 1181 votes.
 1182 f. A person who has been convicted of a felony in this
 1183 state or in a United States District Court or Territorial Court,
 1184 or who has been convicted of any offense in another jurisdiction
 1185 which would be considered a felony if committed in this state,
 1186 may not seek election to the board and is not eligible for board
 1187 membership unless the person's civil rights have been restored
 1188 for at least 5 years before the date on which the person seeks
 1189 election to the board. The validity of an action taken by the
 1190 board is not affected if it is later determined that a member of
 1191 the board is ineligible for board membership.
 1192 g. The division shall adopt procedural rules to govern
 1193 elections, including, but not limited to, rules for providing
 1194 notice by electronic transmission and rules for maintaining the
 1195 secrecy of ballots.
 1196 3. A proxy is effective only for the specific meeting for
 1197 which originally given and any lawfully adjourned meetings
 1198 thereof. In no event shall any proxy be valid for a period
 1199 longer than 90 days after the date of the first meeting for
 1200 which it was given. Every proxy shall be revocable at any time

1201 at the pleasure of the member executing it.

1202 4. A member of the board of directors or a committee may
 1203 submit in writing his or her agreement or disagreement with any
 1204 action taken at a meeting that the member did not attend. This
 1205 agreement or disagreement may not be used as a vote for or
 1206 against the action taken and may not be used for the purposes of
 1207 creating a quorum.

1208 (c) Board of directors' and committee meetings.—

1209 1. Meetings of the board of directors and meetings of its
 1210 committees at which a quorum is present shall be open to all
 1211 members. Notwithstanding any other provision of law, the
 1212 requirement that board meetings and committee meetings be open
 1213 to the members does not apply to meetings between the park owner
 1214 and the board of directors or any of the board's committees,
 1215 board or committee meetings held for the purpose of discussing
 1216 personnel matters, or meetings between the board or a committee
 1217 and the association's attorney, with respect to potential or
 1218 pending litigation, when ~~where~~ the meeting is held for the
 1219 purpose of seeking or rendering legal advice, and when ~~where~~ the
 1220 contents of the discussion would otherwise be governed by the
 1221 attorney-client privilege. Notice of all meetings open to
 1222 members shall be posted in a conspicuous place upon the park
 1223 property at least 48 hours in advance, except in an emergency.
 1224 Notice of any meeting in which dues ~~assessments against members~~
 1225 are to be considered for any reason shall specifically contain a

1226 statement that dues ~~assessments~~ will be considered and the
1227 nature of such dues ~~assessments~~.

1228 2. A board or committee member's participation in a
1229 meeting via telephone, real-time videoconferencing, or similar
1230 real-time telephonic, electronic, or video communication counts
1231 toward a quorum, and such member may vote as if physically
1232 present. A speaker shall be used so that the conversation of
1233 those board or committee members attending by telephone may be
1234 heard by the board or committee members attending in person, as
1235 well as by members present at a meeting.

1236 3. Members of the board of directors may use e-mail as a
1237 means of communication but may not cast a vote on an association
1238 matter via e-mail.

1239 4. The right to attend meetings of the board of directors
1240 and its committees includes the right to speak at such meetings
1241 with reference to all designated agenda items. The association
1242 may adopt reasonable written rules governing the frequency,
1243 duration, and manner of members' statements. Any item not
1244 included on the notice may be taken up on an emergency basis by
1245 at least a majority plus one of the members of the board. Such
1246 emergency action shall be noticed and ratified at the next
1247 regular meeting of the board. Any member may tape record or
1248 videotape meetings of the board of directors and its committees,
1249 except meetings between the board of directors or its appointed
1250 homeowners' committee and the park owner. The division shall

1251 adopt reasonable rules governing the tape recording and
1252 videotaping of the meeting.

1253 5. Except as provided in paragraph (i), a vacancy
1254 occurring on the board of directors may be filled by the
1255 affirmative vote of the majority of the remaining directors,
1256 even though the remaining directors constitute less than a
1257 quorum; by the sole remaining director; if the vacancy is not so
1258 filled or if no director remains, by the members; or, on the
1259 application of any person, by the circuit court of the county in
1260 which the registered office of the corporation is located.

1261 6. The term of a director elected or appointed to fill a
1262 vacancy expires at the next annual meeting at which directors
1263 are elected. A directorship to be filled by reason of an
1264 increase in the number of directors may be filled by the board
1265 of directors, but only for the term of office continuing until
1266 the next election of directors by the members.

1267 7. A vacancy that will occur at a specific later date, by
1268 reason of a resignation effective at a later date, may be filled
1269 before the vacancy occurs. However, the new director may not
1270 take office until the vacancy occurs.

1271 8.a. The officers and directors of the association have a
1272 fiduciary relationship to the members.

1273 b. A director and committee member shall discharge his or
1274 her duties in good faith, with the care an ordinarily prudent
1275 person in a like position would exercise under similar

1276 | circumstances, and in a manner he or she reasonably believes to
1277 | be in the best interests of the corporation.

1278 | 9. In discharging his or her duties, a director may rely
1279 | on information, opinions, reports, or statements, including
1280 | financial statements and other financial data, if prepared or
1281 | presented by:

1282 | a. One or more officers or employees of the corporation
1283 | who the director reasonably believes to be reliable and
1284 | competent in the matters presented;

1285 | b. Legal counsel, public accountants, or other persons as
1286 | to matters the director reasonably believes are within the
1287 | persons' professional or expert competence; or

1288 | c. A committee of the board of directors of which he or
1289 | she is not a member if the director reasonably believes the
1290 | committee merits confidence.

1291 | 10. A director is not acting in good faith if he or she
1292 | has knowledge concerning the matter in question that makes
1293 | reliance otherwise permitted by subparagraph 9. unwarranted.

1294 | 11. A director is not liable for any action taken as a
1295 | director, or any failure to take any action, if he or she
1296 | performed the duties of his or her office in compliance with
1297 | this section.

1298 | (d) Member meetings.—Members shall meet at least once each
1299 | calendar year, and the meeting shall be the annual meeting. All
1300 | members of the board of directors shall be elected at the annual

1301 meeting unless the bylaws provide for staggered election terms
1302 or for their election at another meeting. The bylaws shall not
1303 restrict any member desiring to be a candidate for board
1304 membership from being nominated from the floor. All nominations
1305 from the floor must be made at a duly noticed meeting of the
1306 members held at least 27 ~~30~~ days before the annual meeting. The
1307 bylaws shall provide the method for calling the meetings of the
1308 members, including annual meetings. The method shall provide at
1309 least 14 days' written notice to each member in advance of the
1310 meeting and require the posting in a conspicuous place on the
1311 park property of a notice of the meeting at least 14 days prior
1312 to the meeting. The right to receive written notice of
1313 membership meetings may be waived in writing by a member. Unless
1314 waived, the notice of the annual meeting shall be mailed, hand
1315 delivered, or electronically transmitted to each member, and
1316 shall constitute notice. Unless otherwise stated in the bylaws,
1317 an officer of the association shall provide an affidavit
1318 affirming that the notices were mailed, ~~or~~ hand delivered, or
1319 provided by electronic transmission in accordance with ~~the~~
1320 ~~provisions of~~ this section to each member at the address last
1321 furnished to the corporation. These meeting requirements do not
1322 prevent members from waiving notice of meetings or from acting
1323 by written agreement without meetings, if allowed by the bylaws.

1324 (e) Minutes of meetings.—

1325 1. Notwithstanding any other provision of law, the minutes

1326 of board or committee meetings that are closed to members are
1327 privileged and confidential and are not available for inspection
1328 or photocopying.

1329 2. Minutes of all meetings of members of an association
1330 and meetings open to members of, the board of directors, and a
1331 committee of the board must be maintained in written form and
1332 approved by the members, board, or committee, as applicable. A
1333 vote or abstention from voting on each matter voted upon for
1334 each director present at a board meeting must be recorded in the
1335 minutes.

1336 3.2- All approved minutes of open meetings of members,
1337 committees, and the board of directors shall be kept in a
1338 businesslike manner and shall be available for inspection by
1339 members, or their authorized representatives, and board members
1340 at reasonable times. The association shall retain these minutes
1341 within this state for ~~a period of~~ at least 5 7 years.

1342 (i) Recall of board members.—Any member of the board of
1343 directors may be recalled and removed from office with or
1344 without cause by the vote of or agreement in writing by a
1345 majority of all members. A special meeting of the members to
1346 recall a member or members of the board of directors may be
1347 called by 10 percent of the members giving notice of the meeting
1348 as required for a meeting of members, and the notice shall state
1349 the purpose of the meeting. Electronic transmission may not be
1350 used as a method of giving notice of a meeting called in whole

1351 or in part for this purpose.

1352 1. If the recall is approved by a majority of all members
1353 by a vote at a meeting, the recall is effective as provided in
1354 this paragraph. The board shall duly notice and hold a board
1355 meeting within 5 full business days after the adjournment of the
1356 member meeting to recall one or more board members. At the
1357 meeting, the board shall either certify the recall, in which
1358 case such member or members shall be recalled effective
1359 immediately and shall turn over to the board within 5 full
1360 business days any and all records and property of the
1361 association in their possession, or shall proceed under
1362 subparagraph 3.

1363 2. If the proposed recall is by an agreement in writing by
1364 a majority of all members, the agreement in writing or a copy
1365 thereof shall be served on the association by certified mail or
1366 by personal service in the manner authorized by chapter 48 and
1367 the Florida Rules of Civil Procedure. The board of directors
1368 shall duly notice and hold a meeting of the board within 5 full
1369 business days after receipt of the agreement in writing. At the
1370 meeting, the board shall either certify the written agreement to
1371 recall members of the board, in which case such members shall be
1372 recalled effective immediately and shall turn over to the board,
1373 within 5 full business days, any and all records and property of
1374 the association in their possession, or shall proceed as
1375 described in subparagraph 3.

1376 3. If the board determines not to certify the written
1377 agreement to recall members of the board, or does not certify
1378 the recall by a vote at a meeting, the board shall, within 5
1379 full business days after the board meeting, file with the
1380 division a petition for binding arbitration pursuant to the
1381 procedures of s. 723.1255. For purposes of this paragraph, the
1382 members who voted at the meeting or who executed the agreement
1383 in writing shall constitute one party under the petition for
1384 arbitration. If the arbitrator certifies the recall of a member
1385 of the board, the recall shall be effective upon mailing of the
1386 final order of arbitration to the association. If the
1387 association fails to comply with the order of the arbitrator,
1388 the division may take action under s. 723.006. A member so
1389 recalled shall deliver to the board any and all records and
1390 property of the association in the member's possession within 5
1391 full business days after the effective date of the recall.

1392 4. If the board fails to duly notice and hold a board
1393 meeting within 5 full business days after service of an
1394 agreement in writing or within 5 full business days after the
1395 adjournment of the members' recall meeting, the recall shall be
1396 deemed effective and the board members so recalled shall
1397 immediately turn over to the board all records and property of
1398 the association.

1399 5. If the board fails to duly notice and hold the required
1400 meeting or fails to file the required petition, the member's

1401 representative may file a petition pursuant to s. 723.1255
1402 challenging the board's failure to act. The petition must be
1403 filed within 60 days after expiration of the applicable 5-full-
1404 business-day period. The review of a petition under this
1405 subparagraph is limited to the sufficiency of service on the
1406 board and the facial validity of the written agreement or
1407 ballots filed.

1408 6. If a vacancy occurs on the board as a result of a
1409 recall and less than a majority of the board members are
1410 removed, the vacancy may be filled by the affirmative vote of a
1411 majority of the remaining directors, notwithstanding any other
1412 provision of this chapter. If vacancies occur on the board as a
1413 result of a recall and a majority or more of the board members
1414 are removed, the vacancies shall be filled in accordance with
1415 procedural rules to be adopted by the division, which rules need
1416 not be consistent with this chapter. The rules must provide
1417 procedures governing the conduct of the recall election as well
1418 as the operation of the association during the period after a
1419 recall but before the recall election.

1420 7. A board member who has been recalled may file a
1421 petition pursuant to s. 723.1255 challenging the validity of the
1422 recall. The petition must be filed within 60 days after the
1423 recall is deemed certified. The association and the member's
1424 representative shall be named as the respondents.

1425 8. The division may not accept for filing a recall

1426 petition, whether or not filed pursuant to this subsection, and
1427 regardless of whether the recall was certified, when there are
1428 60 or fewer days until the scheduled reelection of the board
1429 member sought to be recalled or when 60 or fewer days have not
1430 elapsed since the election of the board member sought to be
1431 recalled.

1432 Section 28. Paragraphs (d) and (f) through (i) of
1433 subsection (4) and subsection (5) of section 723.079, Florida
1434 Statutes, are amended to read:

1435 723.079 Powers and duties of homeowners' association.—

1436 (4) The association shall maintain the following items,
1437 when applicable, which constitute the official records of the
1438 association:

1439 (d) The approved minutes of all meetings of the members of
1440 an association and meetings open for members of~~7~~ the board of
1441 directors, and committees of the board, which minutes must be
1442 retained within this ~~the~~ state for at least 5 ~~7~~ years.

1443 (f) All of the association's insurance policies or copies
1444 thereof, which must be retained within this state for at least 5
1445 7 years after the expiration date of the policy.

1446 (g) A copy of all contracts or agreements to which the
1447 association is a party, including, without limitation, any
1448 written agreements with the park owner, lease, or other
1449 agreements or contracts under which the association or its
1450 members has any obligation or responsibility, which must be

1451 retained within this state for at least 5 7 years after the
 1452 expiration date of the contract or agreement.

1453 (h) The financial and accounting records of the
 1454 association, kept according to good accounting practices. All
 1455 financial and accounting records must be maintained within this
 1456 state for a ~~period of~~ at least 5 7 years. The financial and
 1457 accounting records must include:

1458 1. Accurate, itemized, and detailed records of all
 1459 receipts and expenditures.

1460 2. A current account and a periodic statement of the
 1461 account for each member, designating the name and current
 1462 address of each member who is obligated to pay dues or
 1463 assessments, the due date and amount of each assessment or other
 1464 charge against the member, the date and amount of each payment
 1465 on the account, and the balance due.

1466 3. All tax returns, financial statements, and financial
 1467 reports of the association.

1468 4. Any other records that identify, measure, record, or
 1469 communicate financial information.

1470 (i) All other written records of the association not
 1471 specifically included in the foregoing which are related to the
 1472 operation of the association must be retained within this state
 1473 for at least 5 years or at least 5 years after the expiration
 1474 date, as applicable.

1475 (5) The official records shall be ~~maintained within the~~

1476 ~~state for at least 7 years and shall be~~ made available to a
1477 member for inspection or photocopying within 20 ~~10~~ business days
1478 after receipt by the board or its designee of a written request
1479 submitted by certified mail, return receipt requested. The
1480 requirements of this subsection are satisfied by having a copy
1481 of the official records available for inspection or copying in
1482 the park or, at the option of the association, by making the
1483 records available to a member electronically via the Internet or
1484 by allowing the records to be viewed in electronic format on a
1485 computer screen and printed upon request. If the association has
1486 a photocopy machine available where the records are maintained,
1487 it must provide a member with copies on request during the
1488 inspection if the entire request is no more than 25 pages. An
1489 association shall allow a member or his or her authorized
1490 representative to use a portable device, including a smartphone,
1491 tablet, portable scanner, or any other technology capable of
1492 scanning or taking photographs, to make an electronic copy of
1493 the official records in lieu of the association's providing the
1494 member or his or her authorized representative with a copy of
1495 such records. The association may not charge a fee to a member
1496 or his or her authorized representative for the use of a
1497 portable device.

1498 (a) The failure of an association to provide access to the
1499 records within 20 ~~10~~ business days after receipt of a written
1500 request submitted by certified mail, return receipt requested,

1501 creates a rebuttable presumption that the association willfully
 1502 failed to comply with this subsection.

1503 (b) A member who is denied access to official records is
 1504 entitled to ~~the actual damages or minimum~~ damages for the
 1505 association's willful failure to comply with this subsection in
 1506 the amount of. ~~The minimum damages are to be~~ \$10 per calendar
 1507 day up to 10 days, not to exceed \$100. The calculation for
 1508 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after
 1509 receipt of the written request, submitted by certified mail,
 1510 return receipt requested.

1511 (c) A dispute between a member and an association
 1512 regarding inspecting or photocopying official records must be
 1513 submitted to mandatory binding arbitration with the division,
 1514 and the arbitration must be conducted pursuant to s. 723.1255
 1515 and procedural rules adopted by the division.

1516 (d) The association may adopt reasonable written rules
 1517 governing the frequency, time, location, notice, records to be
 1518 inspected, and manner of inspections, but may not require a
 1519 member to demonstrate a proper purpose for the inspection, state
 1520 a reason for the inspection, or limit a member's right to
 1521 inspect records to less than 1 business day per month. The
 1522 association may impose fees to cover the costs of providing
 1523 copies of the official records, including the costs of copying
 1524 and for personnel to retrieve and copy the records if the time
 1525 spent retrieving and copying the records exceeds 30 minutes and

1526 | if the personnel costs do not exceed \$20 per hour. Personnel
1527 | costs may not be charged for records requests that result in the
1528 | copying of 25 or fewer pages. The association may charge up to
1529 | 25 cents per page for copies made on the association's
1530 | photocopier. If the association does not have a photocopy
1531 | machine available where the records are kept, or if the records
1532 | requested to be copied exceed 25 pages in length, the
1533 | association may have copies made by an outside duplicating
1534 | service and may charge the actual cost of copying, as supported
1535 | by the vendor invoice. The association shall maintain an
1536 | adequate number of copies of the recorded governing documents,
1537 | to ensure their availability to members and prospective members.
1538 | Notwithstanding this paragraph, the following records are not
1539 | accessible to members or home owners:

1540 | 1. A record protected by the lawyer-client privilege as
1541 | described in s. 90.502 and a record protected by the work-
1542 | product privilege, including, but not limited to, a record
1543 | prepared by an association attorney or prepared at the
1544 | attorney's express direction which reflects a mental impression,
1545 | conclusion, litigation strategy, or legal theory of the attorney
1546 | or the association and which was prepared exclusively for civil
1547 | or criminal litigation, for adversarial administrative
1548 | proceedings, or in anticipation of such litigation or
1549 | proceedings until the conclusion of the litigation or
1550 | proceedings.

1551 2. E-mail addresses, telephone numbers, facsimile numbers,
1552 emergency contact information, any addresses for a home owner
1553 other than as provided for association notice requirements, and
1554 other personal identifying information of any person, excluding
1555 the person's name, lot designation, mailing address, and
1556 property address. Notwithstanding the restrictions in this
1557 subparagraph, an association may print and distribute to home
1558 owners a directory containing the name, park address, and
1559 telephone number of each home owner. However, a home owner may
1560 exclude his or her telephone number from the directory by so
1561 requesting in writing to the association. The association is not
1562 liable for the disclosure of information that is protected under
1563 this subparagraph if the information is included in an official
1564 record of the association and is voluntarily provided by a home
1565 owner and not requested by the association.

1566 3. An electronic security measure that is used by the
1567 association to safeguard data, including passwords.

1568 4. The software and operating system used by the
1569 association which allows the manipulation of data, even if the
1570 home owner owns a copy of the same software used by the
1571 association. The data is part of the official records of the
1572 association.

1573 Section 29. Section 723.1255, Florida Statutes, is amended
1574 to read:

1575 723.1255 Alternative resolution of recall, election, and

1576 inspection and photocopying of official records disputes.-

1577 (1) A dispute between a mobile home owner and a
 1578 homeowners' association regarding the election and recall of
 1579 officers or directors under s. 723.078(2)(b) or regarding the
 1580 inspection and photocopying of official records under s.
 1581 723.079(5) must be submitted to mandatory binding arbitration
 1582 with the division. The arbitration shall be conducted in
 1583 accordance with this section and the procedural rules adopted by
 1584 the division.

1585 (2) Each party shall be responsible for paying its own
 1586 attorney fees, expert and investigator fees, and associated
 1587 costs. The cost of the arbitrators shall be divided equally
 1588 between the parties regardless of the outcome.

1589 (3) The division shall adopt procedural rules to govern
 1590 mandatory binding arbitration proceedings ~~The Division of~~
 1591 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~
 1592 ~~Department of Business and Professional Regulation shall adopt~~
 1593 ~~rules of procedure to govern binding recall arbitration~~
 1594 ~~proceedings.~~

1595 Section 30. For the purpose of incorporating the amendment
 1596 made by this act to section 420.5087, Florida Statutes, in a
 1597 reference thereto, paragraph (i) of subsection (22) of section
 1598 420.507, Florida Statutes, is reenacted to read:

1599 420.507 Powers of the corporation.—The corporation shall
 1600 have all the powers necessary or convenient to carry out and

1601 effectuate the purposes and provisions of this part, including
 1602 the following powers which are in addition to all other powers
 1603 granted by other provisions of this part:

1604 (22) To develop and administer the State Apartment
 1605 Incentive Loan Program. In developing and administering that
 1606 program, the corporation may:

1607 (i) Establish, by rule, the procedure for competitively
 1608 evaluating and selecting all applications for funding based on
 1609 the criteria set forth in s. 420.5087(6)(c), determining actual
 1610 loan amounts, making and servicing loans, and exercising the
 1611 powers authorized in this subsection.

1612 Section 31. For the purpose of incorporating the amendment
 1613 made by this act to section 420.5095, Florida Statutes, in a
 1614 reference thereto, subsection (2) of section 193.018, Florida
 1615 Statutes, is reenacted to read:

1616 193.018 Land owned by a community land trust used to
 1617 provide affordable housing; assessment; structural improvements,
 1618 condominium parcels, and cooperative parcels.—

1619 (2) A community land trust may convey structural
 1620 improvements, condominium parcels, or cooperative parcels, that
 1621 are located on specific parcels of land that are identified by a
 1622 legal description contained in and subject to a ground lease
 1623 having a term of at least 99 years, for the purpose of providing
 1624 affordable housing to natural persons or families who meet the
 1625 extremely-low-income, very-low-income, low-income, or moderate-

1626 income limits specified in s. 420.0004, or the income limits for
1627 workforce housing, as defined in s. 420.5095(3). A community
1628 land trust shall retain a preemptive option to purchase any
1629 structural improvements, condominium parcels, or cooperative
1630 parcels on the land at a price determined by a formula specified
1631 in the ground lease which is designed to ensure that the
1632 structural improvements, condominium parcels, or cooperative
1633 parcels remain affordable.

1634 Section 32. This act shall take effect July 1, 2020.