



911204

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
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The Committee on Infrastructure and Security (Hutson)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 122 - 1017

and insert:

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

163.31771 Accessory dwelling units.—

(3) ~~A Upon a finding by a local government that there is a  
shortage of affordable rentals within its jurisdiction, the~~  
local government may adopt an ordinance to allow accessory



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11 dwelling units in any area zoned for single-family residential  
12 use.

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

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

21 163.31801 Impact fees; short title; intent; minimum  
22 requirements; audits; challenges.—

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

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

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

33 (c) The amount assessed for each purpose and for each type  
34 of dwelling.

35 (d) The total amount of impact fees charged by type of  
36 dwelling.

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

39 166.04151 Affordable housing.—



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

45           Section 5. Subsection (5) of section 196.196, Florida  
46 Statutes, is amended to read:

47           196.196 Determining whether property is entitled to  
48 charitable, religious, scientific, or literary exemption.—

49           (5) (a) Property owned by an exempt organization qualified  
50 as charitable under s. 501(c) (3) of the Internal Revenue Code,  
51 and property owned by a person granted an exemption under  
52 paragraph (b), is used for a charitable purpose if the  
53 organization or person has taken affirmative steps to prepare  
54 the property to provide affordable housing to persons or  
55 families that meet the extremely-low-income, very-low-income,  
56 low-income, or moderate-income limits, as specified in s.  
57 420.0004. The term "affirmative steps" means environmental or  
58 land use permitting activities, creation of architectural plans  
59 or schematic drawings, land clearing or site preparation,  
60 construction or renovation activities, or other similar  
61 activities that demonstrate a commitment of the property to  
62 providing affordable housing.

63           (b) The board of county commissioners of any county, or the  
64 governing authority of any municipality, may adopt an ordinance  
65 to grant an ad valorem tax exemption under s. 3, Art. VII of the  
66 State Constitution, for property used for the charitable purpose  
67 of providing affordable housing, if the person owning such  
68 property has taken affirmative steps as defined in paragraph (a)



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69 to prepare the property to provide affordable housing to persons  
70 or families that meet the extremely-low-income, very-low-income,  
71 low-income, or moderate-income limits, as specified in s.  
72 420.0004.

73 (c) (b)1. If property owned by an organization or person  
74 granted an exemption under this subsection is transferred for a  
75 purpose other than directly providing affordable homeownership  
76 or rental housing to persons or families who meet the extremely-  
77 low-income, very-low-income, low-income, or moderate-income  
78 limits, as specified in s. 420.0004, or is not in actual use to  
79 provide such affordable housing within 5 years after the date  
80 the organization or person is granted the exemption, the  
81 property appraiser making such determination shall serve upon  
82 the organization or person that illegally or improperly received  
83 the exemption a notice of intent to record in the public records  
84 of the county a notice of tax lien against any property owned by  
85 that organization or person in the county, and such property  
86 must shall be identified in the notice of tax lien. The  
87 organization or person owning such property is subject to the  
88 taxes otherwise due and owing as a result of the failure to use  
89 the property to provide affordable housing plus 15 percent  
90 interest per annum and a penalty of 50 percent of the taxes  
91 owed.

92 2. Such lien, when filed, attaches to any property  
93 identified in the notice of tax lien owned by the organization  
94 or person that illegally or improperly received the exemption.  
95 If such organization or person no longer owns property in the  
96 county but owns property in any other county in the state, the  
97 property appraiser shall record in each such other county a



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98 notice of tax lien identifying the property owned by such  
99 organization or person in such county which shall become a lien  
100 against the identified property. Before any such lien may be  
101 filed, the organization or person so notified must be given 30  
102 days to pay the taxes, penalties, and interest.

103 3. If an exemption is improperly granted as a result of a  
104 clerical mistake or an omission by the property appraiser, the  
105 organization or person improperly receiving the exemption shall  
106 not be assessed a penalty or interest.

107 4. The 5-year limitation specified in this subsection may  
108 be extended if the holder of the exemption continues to take  
109 affirmative steps to develop the property for the purposes  
110 specified in this subsection.

111 Section 6. Subsection (1) of section 196.1978, Florida  
112 Statutes, is amended to read:

113 196.1978 Affordable housing property exemption.—

114 (1) Property used to provide affordable housing to eligible  
115 persons as defined by s. 159.603 and natural persons or families  
116 meeting the extremely-low-income, very-low-income, low-income,  
117 or moderate-income limits specified in s. 420.0004, which is  
118 owned entirely by a nonprofit entity that is a corporation not  
119 for profit, qualified as charitable under s. 501(c)(3) of the  
120 Internal Revenue Code and in compliance with Rev. Proc. 96-32,  
121 1996-1 C.B. 717, is considered property owned by an exempt  
122 entity and used for a charitable purpose, and those portions of  
123 the affordable housing property that provide housing to natural  
124 persons or families classified as extremely low income, very low  
125 income, low income, or moderate income under s. 420.0004 are  
126 exempt from ad valorem taxation to the extent authorized under



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127 s. 196.196. Units that are vacant or that are occupied by  
128 tenants who were natural persons or families meeting the  
129 extremely-low-income, very-low-income, low-income, or moderate-  
130 income limits specified in s. 420.0004 at the time they  
131 initially became tenants, but who no longer meet those income  
132 limits, shall be treated as portions of the property exempt from  
133 ad valorem taxation under s. 196.196 provided that the property  
134 is subject to a recorded land use restriction agreement in favor  
135 of the Florida Housing Finance Agency or any other governmental  
136 or quasi-governmental jurisdiction. All property identified in  
137 this section must comply with the criteria provided under s.  
138 196.195 for determining exempt status and applied by property  
139 appraisers on an annual basis. The Legislature intends that any  
140 property owned by one or more limited liability companies or  
141 limited partnerships, each of which is a limited liability  
142 company which is disregarded as an entity for federal income tax  
143 purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii)  
144 shall be treated as owned by the ultimate ~~its~~ sole member s.  
145 501(c)(3) nonprofit corporation.

146 Section 7. Paragraph (h) of subsection (3) of section  
147 320.77, Florida Statutes, is amended to read:

148 320.77 License required of mobile home dealers.—

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

153 (h) Certification by the applicant:

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



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

166  
167 This paragraph does ~~subsection shall~~ not preclude a licensed  
168 mobile home dealer from displaying and offering for sale mobile  
169 homes in a mobile home park.

170  
171 The department shall, if it deems necessary, cause an  
172 investigation to be made to ascertain if the facts set forth in  
173 the application are true and shall not issue a license to the  
174 applicant until it is satisfied that the facts set forth in the  
175 application are true.

176           Section 8. Paragraph (j) of subsection (3) of section  
177 320.771, Florida Statutes, is amended to read:

178           320.771 License required of recreational vehicle dealers.-

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

183           (j) A statement that the applicant is insured under a  
184 garage liability insurance policy, which shall include, at a



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185 minimum, \$25,000 combined single-limit liability coverage,  
186 including bodily injury and property damage protection, and  
187 \$10,000 personal injury protection, if the applicant is to be  
188 licensed as a dealer in, or intends to sell, recreational  
189 vehicles. However, a garage liability policy is not required for  
190 the licensure of a mobile home dealer who sells only park  
191 trailers.

192  
193 The department shall, if it deems necessary, cause an  
194 investigation to be made to ascertain if the facts set forth in  
195 the application are true and shall not issue a license to the  
196 applicant until it is satisfied that the facts set forth in the  
197 application are true.

198 Section 9. Paragraph (c) of subsection (2) of section  
199 320.822, Florida Statutes, is amended to read:

200 320.822 Definitions; ss. 320.822-320.862.—In construing ss.  
201 320.822-320.862, unless the context otherwise requires, the  
202 following words or phrases have the following meanings:

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

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

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

208 320.8232 Establishment of uniform standards for used  
209 recreational vehicles and repair and remodeling code for mobile  
210 homes.—

211 (2) The Mobile and Manufactured Home ~~provisions of the~~  
212 Repair and Remodeling Code must be a uniform code, must shall  
213 ensure safe and livable housing, and may shall not be more





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214 stringent than those standards required to be met in the  
215 manufacture of mobile homes. Such code must ~~provisions shall~~  
216 ~~include, but not be limited to,~~ standards for structural  
217 adequacy, plumbing, heating, electrical systems, and fire and  
218 life safety. All repairs and remodeling of mobile and  
219 manufactured homes must be performed in accordance with  
220 department rules.

221 Section 11. Subsection (9) of section 367.022, Florida  
222 Statutes, is amended, and subsection (14) is added to that  
223 section, to read:

224 367.022 Exemptions.—The following are not subject to  
225 regulation by the commission as a utility nor are they subject  
226 to the provisions of this chapter, except as expressly provided:

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

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

238 Section 12. Paragraph (c) of subsection (6) of section  
239 420.5087, Florida Statutes, is amended to read:

240 420.5087 State Apartment Incentive Loan Program.—There is  
241 hereby created the State Apartment Incentive Loan Program for  
242 the purpose of providing first, second, or other subordinated



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

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

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

255 1. Tenant income and demographic targeting objectives of  
256 the corporation.

257 2. Targeting objectives of the corporation which will  
258 ensure an equitable distribution of loans between rural and  
259 urban areas.

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

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

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

268 b. Forty percent of the units in the project for persons or  
269 families who have incomes that do not exceed 60 percent of the  
270 state or local median income, whichever is higher, without  
271 requiring a greater amount of the loans as provided in this



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272 section.  
273       5. Provision for tenant counseling.  
274       6. Sponsor's agreement to accept rental assistance  
275 certificates or vouchers as payment for rent.  
276       7. Projects requiring the least amount of a state apartment  
277 incentive loan compared to overall project cost, except that the  
278 share of the loan attributable to units serving extremely-low-  
279 income persons must be excluded from this requirement.  
280       8. Local government contributions and local government  
281 comprehensive planning and activities that promote affordable  
282 housing and policies that promote access to public  
283 transportation, reduce the need for onsite parking, and expedite  
284 permits for affordable housing projects.  
285       9. Project feasibility.  
286       10. Economic viability of the project.  
287       11. Commitment of first mortgage financing.  
288       12. Sponsor's prior experience.  
289       13. Sponsor's ability to proceed with construction.  
290       14. Projects that directly implement or assist welfare-to-  
291 work transitioning.  
292       15. Projects that reserve units for extremely-low-income  
293 persons.  
294       16. Projects that include green building principles, storm-  
295 resistant construction, or other elements that reduce long-term  
296 costs relating to maintenance, utilities, or insurance.  
297       17. Job-creation rate of the developer and general  
298 contractor, as provided in s. 420.507(47).  
299       Section 13. Section 420.5095, Florida Statutes, is amended  
300 to read:



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301           420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~  
302 Program.—

303           (1) The Legislature finds and declares that recent rapid  
304 increases in the median purchase price of a home and the cost of  
305 rental housing have far outstripped the increases in median  
306 income in the state, ~~preventing essential services personnel~~  
307 ~~from living in the communities where they serve and thereby~~  
308 creating the need for innovative solutions for the provision of  
309 housing opportunities ~~for essential services personnel.~~

310           (2) The Community Workforce Housing Loan ~~Innovation Pilot~~  
311 Program is created to provide ~~affordable rental and home~~  
312 ~~ownership community~~ workforce housing for persons ~~essential~~  
313 ~~services personnel~~ affected by the high cost of housing, ~~using~~  
314 ~~regulatory incentives and state and local funds to promote local~~  
315 ~~public-private partnerships and leverage government and private~~  
316 ~~resources.~~

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

318           ~~(a)~~ “workforce housing” means housing affordable to natural  
319 persons or families whose total annual household income does not  
320 exceed 80 ~~140~~ percent of the area median income, adjusted for  
321 household size, or 120 ~~150~~ percent of area median income,  
322 adjusted for household size, in areas of critical state concern  
323 designated under s. 380.05, for which the Legislature has  
324 declared its intent to provide affordable housing, and areas  
325 that were designated as areas of critical state concern for at  
326 least 20 consecutive years before ~~prior to~~ removal of the  
327 designation.

328           ~~(b)~~ “~~Public-private partnership~~” means ~~any form of business~~  
329 ~~entity that includes substantial involvement of at least one~~



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330 ~~county, one municipality, or one public sector entity, such as a~~  
331 ~~school district or other unit of local government in which the~~  
332 ~~project is to be located, and at least one private sector for-~~  
333 ~~profit or not-for-profit business or charitable entity, and may~~  
334 ~~be any form of business entity, including a joint venture or~~  
335 ~~contractual agreement.~~

336 (4) The Florida Housing Finance Corporation is authorized  
337 to provide loans under the Community Workforce Housing  
338 ~~Innovation Pilot~~ program loans to applicants ~~an applicant~~ for  
339 construction ~~or rehabilitation~~ of workforce housing in eligible  
340 areas. ~~This funding is intended to be used with other public and~~  
341 ~~private sector resources.~~

342 (5) The corporation shall establish a loan application  
343 process under s. 420.5087 ~~by rule which includes selection~~  
344 ~~criteria, an application review process, and a funding process.~~  
345 ~~The corporation shall also establish an application review~~  
346 ~~committee that may include up to three private citizens~~  
347 ~~representing the areas of housing or real estate development,~~  
348 ~~banking, community planning, or other areas related to the~~  
349 ~~development or financing of workforce and affordable housing.~~

350 (a) ~~The selection criteria and application review process~~  
351 ~~must include a procedure for curing errors in the loan~~  
352 ~~applications which do not make a substantial change to the~~  
353 ~~proposed project.~~

354 (b) ~~To achieve the goals of the pilot program, the~~  
355 ~~application review committee may approve or reject loan~~  
356 ~~applications or responses to questions raised during the review~~  
357 ~~of an application due to the insufficiency of information~~  
358 ~~provided.~~



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

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

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

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

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

378           ~~(b) One hundred and fifty percent of the area median~~  
379 ~~income, adjusted for household size, in areas that were~~  
380 ~~designated as areas of critical state concern for at least 20~~  
381 ~~consecutive years prior to the removal of the designation and in~~  
382 ~~areas of critical state concern, designated under s. 380.05, for~~  
383 ~~which the Legislature has declared its intent to provide~~  
384 ~~affordable housing.~~

385           ~~(7) Funding shall be targeted to innovative projects in~~  
386 ~~areas where the disparity between the area median income and the~~  
387 ~~median sales price for a single-family home is greatest, and~~



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388 ~~where population growth as a percentage rate of increase is~~  
389 ~~greatest. The corporation may also fund projects in areas where~~  
390 ~~innovative regulatory and financial incentives are made~~  
391 ~~available. The corporation shall fund at least one eligible~~  
392 ~~project in as many counties and regions of the state as is~~  
393 ~~practicable, consistent with program goals.~~

394 ~~(6)-(8)~~ Projects must be given ~~shall receive~~ priority  
395 consideration for funding if ~~where~~:

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

410 ~~(b)~~ ~~Projects are innovative and include new construction or~~  
411 ~~rehabilitation; mixed-income housing; commercial and housing~~  
412 ~~mixed-use elements; innovative design; green building~~  
413 ~~principles; storm-resistant construction; or other elements that~~  
414 ~~reduce long-term costs relating to maintenance, utilities, or~~  
415 ~~insurance and promote homeownership. The program funding may not~~  
416 ~~exceed the costs attributable to the portion of the project that~~



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

418 ~~(c) Projects that set aside at least 80 percent of units~~  
419 ~~for workforce housing and at least 50 percent for essential~~  
420 ~~services personnel and for projects that require the least~~  
421 ~~amount of program funding compared to the overall housing costs~~  
422 ~~for the project.~~

423 ~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local~~  
424 ~~government comprehensive plan amendment to implement a Community~~  
425 ~~Workforce Housing Innovation Pilot Program project found~~  
426 ~~consistent with this section shall be expedited as provided in~~  
427 ~~this subsection. At least 30 days prior to adopting a plan~~  
428 ~~amendment under this subsection, the local government shall~~  
429 ~~notify the state land planning agency of its intent to adopt~~  
430 ~~such an amendment, and the notice shall include its evaluation~~  
431 ~~related to site suitability and availability of facilities and~~  
432 ~~services. The public notice of the hearing required by s.~~  
433 ~~163.3184(11)(b)2. shall include a statement that the local~~  
434 ~~government intends to use the expedited adoption process~~  
435 ~~authorized by this subsection. Such amendments shall require~~  
436 ~~only a single public hearing before the governing board, which~~  
437 ~~shall be an adoption hearing as described in s. 163.3184(4)(c).~~  
438 ~~Any further proceedings shall be governed by s. 163.3184(5)-~~  
439 ~~(13).~~

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

443 ~~(7)(11) The corporation shall award loans with a 1 interest~~  
444 ~~rates set at 1 to 3 percent interest rate for a term that does~~  
445 ~~not exceed 15 years, which may be made forgivable when long-term~~





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446 ~~affordability is provided and when at least 80 percent of the~~  
447 ~~units are set aside for workforce housing and at least 50~~  
448 ~~percent of the units are set aside for essential services~~  
449 ~~personnel.~~

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

451 ~~(a) For home ownership, limit the sales price of a detached~~  
452 ~~unit, townhome, or condominium unit to not more than 90 percent~~  
453 ~~of the median sales price for that type of unit in that county,~~  
454 ~~or the statewide median sales price for that type of unit,~~  
455 ~~whichever is higher, and require that all eligible purchasers of~~  
456 ~~home ownership units occupy the homes as their primary~~  
457 ~~residence.~~

458 ~~(b) For rental units, restrict rents for all workforce~~  
459 ~~housing serving those with incomes at or below 120 percent of~~  
460 ~~area median income at the appropriate income level using the~~  
461 ~~restricted rents for the federal low-income housing tax credit~~  
462 ~~program and, for workforce housing units serving those with~~  
463 ~~incomes above 120 percent of area median income, restrict rents~~  
464 ~~to those established by the corporation, not to exceed 30~~  
465 ~~percent of the maximum household income adjusted to unit size.~~

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

470 ~~(d) Have grants, donations of land, or contributions from~~  
471 ~~the public-private partnership or other sources collectively~~  
472 ~~totaling at least 10 percent of the total development cost or \$2~~  
473 ~~million, whichever is less. Such grants, donations of land, or~~  
474 ~~contributions must be evidenced by a letter of commitment,~~



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475 ~~agreement, contract, deed, memorandum of understanding, or other~~  
476 ~~written instrument at the time of application. Grants, donations~~  
477 ~~of land, or contributions in excess of 10 percent of the~~  
478 ~~development cost shall increase the application score.~~

479 ~~(e) Demonstrate how the applicant will use the regulatory~~  
480 ~~incentives and financial strategies outlined in subsection (8)~~  
481 ~~from the local jurisdiction in which the proposed project is to~~  
482 ~~be located. The corporation may consult with the Department of~~  
483 ~~Economic Opportunity in evaluating the use of regulatory~~  
484 ~~incentives by applicants.~~

485 ~~(f) Demonstrate that the applicant possesses title to or~~  
486 ~~site control of land and evidences availability of required~~  
487 ~~infrastructure.~~

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

490 ~~(h) Provide any research or facts available supporting the~~  
491 ~~demand and need for rental or home ownership workforce housing~~  
492 ~~for eligible persons in the market in which the project is~~  
493 ~~proposed.~~

494 ~~(13) Projects may include manufactured housing constructed~~  
495 ~~after June 1994 and installed in accordance with mobile home~~  
496 ~~installation standards of the Department of Highway Safety and~~  
497 ~~Motor Vehicles.~~

498 ~~(8) (14) The corporation may adopt rules pursuant to ss.~~  
499 ~~120.536(1) and 120.54 to implement this section.~~

500 ~~(15) The corporation may use a maximum of 2 percent of the~~  
501 ~~annual program appropriation for administration and compliance~~  
502 ~~monitoring.~~

503 ~~(16) The corporation shall review the success of the~~



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504 ~~Community Workforce Housing Innovation Pilot Program to~~  
505 ~~ascertain whether the projects financed by the program are~~  
506 ~~useful in meeting the housing needs of eligible areas and shall~~  
507 ~~include its findings in the annual report required under s.~~  
508 ~~420.511(3).~~

509 Section 14. Section 420.531, Florida Statutes, is amended  
510 to read:

511 420.531 Affordable Housing Catalyst Program.—

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

529 (a) ~~(1)~~ Formation of local and regional housing partnerships  
530 as a means of bringing together resources to provide affordable  
531 housing.

532 (b) ~~(2)~~ Implementation of regulatory reforms to reduce the



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533 risk and cost of developing affordable housing.

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

536 (d)~~(4)~~ Compliance with requirements of federally funded  
537 housing programs.

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

555 Section 15. Present subsection (7) of section 420.9073,  
556 Florida Statutes, is redesignated as subsection (8), and a new  
557 subsection (7) is added to that section, to read:

558 420.9073 Local housing distributions.—

559 (7) Notwithstanding subsections (1)-(4), the corporation  
560 may prioritize a portion of the State Apartment Incentive Loan  
561 Program funds set aside under s. 420.5087(3)(d) for persons with



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562 special needs as defined in s. 420.0004(13) to provide funding  
563 for the development of newly constructed permanent rental  
564 housing on a campus that provides housing for persons in foster  
565 care or persons aging out of foster care pursuant to s.  
566 409.1451. Such housing shall promote and facilitate access to  
567 community-based supportive, educational, and employment services  
568 and resources that assist persons aging out of foster care to  
569 successfully transition to independent living and adulthood. The  
570 corporation must consult with the Department of Children and  
571 Families to create minimum criteria for such housing.

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

574 420.9075 Local housing assistance plans; partnerships.—

575 (10) Each county or eligible municipality shall submit to  
576 the corporation by September 15 of each year a report of its  
577 affordable housing programs and accomplishments through June 30  
578 immediately preceding submittal of the report. The report shall  
579 be certified as accurate and complete by the local government's  
580 chief elected official or his or her designee. Transmittal of  
581 the annual report by a county's or eligible municipality's chief  
582 elected official, or his or her designee, certifies that the  
583 local housing incentive strategies, or, if applicable, the local  
584 housing incentive plan, have been implemented or are in the  
585 process of being implemented pursuant to the adopted schedule  
586 for implementation. The report must include, but is not limited  
587 to:

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

590 Section 17. Subsections (2) and (4) of section 420.9076,



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591 Florida Statutes, are amended, and subsection (10) is added to  
592 that section, to read:

593 420.9076 Adoption of affordable housing incentive  
594 strategies; committees.—

595 (2) The governing board of a county or municipality shall  
596 appoint the members of the affordable housing advisory  
597 committee. Pursuant to the terms of any interlocal agreement, a  
598 county and municipality may create and jointly appoint an  
599 advisory committee. The local action adopted pursuant to s.  
600 420.9072 which creates the advisory committee and appoints the  
601 advisory committee members must name at least 8 but not more  
602 than 11 committee members and specify their terms. Effective  
603 October 1, 2020, the committee must consist of one locally  
604 elected official from each county or municipality participating  
605 in the State Housing Initiatives Partnership Program and one  
606 representative from at least six of the categories below:

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

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

611 (c) A citizen who is a representative of those areas of  
612 labor actively engaged in home building in connection with  
613 affordable housing.

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

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

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



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

622 (h) A citizen who actively serves on the local planning  
623 agency pursuant to s. 163.3174. If the local planning agency is  
624 comprised of the governing board of the county or municipality,  
625 the governing board may appoint a designee who is knowledgeable  
626 in the local planning process.

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

629 (j) A citizen who represents employers within the  
630 jurisdiction.

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

633 (4) Annually ~~Triennially~~, the advisory committee shall  
634 review the established policies and procedures, ordinances, land  
635 development regulations, and adopted local government  
636 comprehensive plan of the appointing local government and shall  
637 recommend specific actions or initiatives to encourage or  
638 facilitate affordable housing while protecting the ability of  
639 the property to appreciate in value. The recommendations may  
640 include the modification or repeal of existing policies,  
641 procedures, ordinances, regulations, or plan provisions; the  
642 creation of exceptions applicable to affordable housing; or the  
643 adoption of new policies, procedures, regulations, ordinances,  
644 or plan provisions, including recommendations to amend the local  
645 government comprehensive plan and corresponding regulations,  
646 ordinances, and other policies. At a minimum, each advisory  
647 committee shall submit an annual ~~a~~ report to the local governing  
648 body and to the entity providing statewide training and



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649 technical assistance for the Affordable Housing Catalyst Program  
650 which that includes recommendations on, ~~and triennially~~  
651 ~~thereafter evaluates~~ the implementation of, affordable housing  
652 incentives in the following areas:

653 (a) The processing of approvals of development orders or  
654 permits for affordable housing projects is expedited to a  
655 greater degree than other projects, as provided in s.  
656 163.3177(6)(f)3.

657 (b) All allowable fee waivers provided ~~The modification of~~  
658 ~~impact fee requirements, including reduction or waiver of fees~~  
659 ~~and alternative methods of fee payment~~ for the development or  
660 construction of affordable housing.

661 (c) The allowance of flexibility in densities for  
662 affordable housing.

663 (d) The reservation of infrastructure capacity for housing  
664 for very-low-income persons, low-income persons, and moderate-  
665 income persons.

666 (e) ~~The allowance of~~ Affordable accessory residential units  
667 ~~in residential zoning districts.~~

668 (f) The reduction of parking and setback requirements for  
669 affordable housing.

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

672 (h) The modification of street requirements for affordable  
673 housing.

674 (i) The establishment of a process by which a local  
675 government considers, before adoption, policies, procedures,  
676 ordinances, regulations, or plan provisions that increase the  
677 cost of housing.





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

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

682

683 The advisory committee recommendations may also include other  
684 affordable housing incentives identified by the advisory  
685 committee. Local governments that receive the minimum allocation  
686 under the State Housing Initiatives Partnership Program shall  
687 perform an ~~the~~ initial review but may elect to not perform the  
688 annual ~~triennial~~ review.

689 (10) The locally elected official serving on an advisory  
690 committee, or a locally elected designee, must attend biannual  
691 regional workshops convened and administered under the  
692 Affordable Housing Catalyst Program as provided in s.  
693 420.531(2). If the locally elected official or a locally elected  
694 designee fails to attend three consecutive regional workshops,  
695 the corporation may withhold funds pending the person's  
696 attendance at the next regularly scheduled biannual meeting.

697 Section 18. Section 423.02, Florida Statutes, is amended to  
698 read:

699 423.02 Housing projects exempted from taxes and  
700 assessments; payments in lieu thereof.—The housing projects,  
701 including all property of housing authorities used for or in  
702 connection therewith or appurtenant thereto, of housing  
703 authorities, or their nonprofit instrumentalities as authorized  
704 by s. 421.08(8), shall be exempt from all taxes and special  
705 assessments of the state or any city, town, county, or political  
706 subdivision of the state, provided, however, that in lieu of



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707 such taxes or special assessments, a housing authority or its  
708 nonprofit instrumentality may agree to make payments to any  
709 city, town, county, or political subdivision of the state for  
710 services, improvements, or facilities furnished by such city,  
711 town, county, or political subdivision for the benefit of a  
712 housing project owned by the housing authority or its nonprofit  
713 instrumentality, but in no event shall such payments exceed the  
714 estimated cost to such city, town, county, or political  
715 subdivision of the services, improvements, or facilities to be  
716 so furnished. A city, town, county, or political subdivision of  
717 the state may not rename, modify terminology, or otherwise  
718 change a tax or assessment with the intent to circumvent the  
719 exemption provided under this section, which must be interpreted  
720 broadly to protect housing authorities or their nonprofit  
721 instrumentalities from taxation or assessment.

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

724 723.011 Disclosure prior to rental of a mobile home lot;  
725 prospectus, filing, approval.-

726 (4) With regard to a tenancy in existence on the effective  
727 date of this chapter, the prospectus or offering circular  
728 offered by the mobile home park owner must ~~shall~~ contain the  
729 same terms and conditions as rental agreements offered to all  
730 other mobile home owners residing in the park on the effective  
731 date of this act, excepting only rent variations based upon lot  
732 location and size, and may ~~shall~~ not require any mobile home  
733 owner to install any permanent improvements, except that the  
734 mobile home owner may be required to install permanent  
735 improvements to the mobile home as disclosed in the prospectus.



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

738 723.012 Prospectus or offering circular.—The prospectus or  
739 offering circular, which is required to be provided by s.  
740 723.011, must contain the following information:

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

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

747 (b) Each swimming pool, as to its general location,  
748 approximate size and depths, and approximate deck size and  
749 capacity and whether heated.

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

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

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

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

758  
759 If a mobile home park owner intends to include additional  
760 property and mobile home lots and to increase the number of lots  
761 that will use the shared facilities of the park, the mobile home  
762 park owner must amend the prospectus to disclose such additions.  
763 If the number of mobile home lots in the park increases by more  
764 than 15 percent of the total number of lots in the original



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765 prospectus, the mobile home park owner must reasonably offset  
766 the impact of the additional lots by increasing the shared  
767 facilities. The amendment to the prospectus must include a  
768 reasonable timeframe for providing the required additional  
769 shared facilities. The costs and expenses necessary to increase  
770 the shared facilities may not be passed on or passed through to  
771 the existing mobile home owners.

772 Section 21. Section 723.023, Florida Statutes, is amended  
773 to read:

774 723.023 Mobile home owner's general obligations.—A mobile  
775 home owner shall ~~at all times~~:

776 (1) At all times comply with all obligations imposed on  
777 mobile home owners by applicable provisions of building,  
778 housing, and health codes, including compliance with all  
779 building permits and construction requirements for construction  
780 on the mobile home and lot. The home owner is responsible for  
781 all fines imposed by the local government for noncompliance with  
782 any local codes.

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

786 (3) At all times comply with properly promulgated park  
787 rules and regulations and require other persons on the premises  
788 with his or her consent to comply with such rules and to conduct  
789 themselves, and other persons on the premises with his or her  
790 consent, in a manner that does not unreasonably disturb other  
791 residents of the park or constitute a breach of the peace.

792 (4) Receive written approval from the mobile home park  
793 owner before making any exterior modification or addition to the



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794 home.

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

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

799 723.031 Mobile home lot rental agreements.-

800 (5) The rental agreement must ~~shall~~ contain the lot rental  
801 amount and services included. An increase in lot rental amount  
802 upon expiration of the term of the lot rental agreement must  
803 ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s.  
804 723.059(4), whichever is applicable; it provided that, pursuant to  
805 s. 723.059(4), the amount of the lot rental increase is  
806 disclosed and agreed to by the purchaser, in writing. An  
807 increase in lot rental amount shall not be arbitrary or  
808 discriminatory between similarly situated tenants in the park. A  
809 lot rental amount may not be increased during the term of the  
810 lot rental agreement, except:

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

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

815 (c) That a charge may not be collected which results in  
816 payment of money for sums previously collected as part of the  
817 lot rental amount. The provisions hereof notwithstanding, the  
818 mobile home park owner may pass on, at any time during the term  
819 of the lot rental agreement, ad valorem property taxes, non-ad  
820 valorem assessments, and utility charges, or increases of  
821 either, provided that the ad valorem property taxes, non-ad  
822 valorem assessments, and utility charges are not otherwise being



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823 collected in the remainder of the lot rental amount and provided  
824 further that the passing on of such ad valorem taxes, non-ad  
825 valorem assessments, or utility charges, or increases of either,  
826 was disclosed prior to tenancy, was being passed on as a matter  
827 of custom between the mobile home park owner and the mobile home  
828 owner, or such passing on was authorized by law. A park owner is  
829 deemed to have disclosed the passing on of ad valorem property  
830 taxes and non-ad valorem assessments if ad valorem property  
831 taxes or non-ad valorem assessments were disclosed as a separate  
832 charge or a factor for increasing the lot rental amount in the  
833 prospectus or rental agreement. Such ad valorem taxes, non-ad  
834 valorem assessments, and utility charges shall be a part of the  
835 lot rental amount as defined by this chapter. The term "non-ad  
836 valorem assessments" has the same meaning as provided in s.  
837 197.3632(1)(d). Other provisions of this chapter  
838 notwithstanding, pass-on charges may be passed on only within 1  
839 year of the date a mobile home park owner remits payment of the  
840 charge. A mobile home park owner is prohibited from passing on  
841 any fine, interest, fee, or increase in a charge resulting from  
842 a park owner's payment of the charge after the date such charges  
843 become delinquent. A mobile home park owner is prohibited from  
844 charging or collecting from the mobile home owners any sum for  
845 ad valorem taxes or non-ad valorem tax charges in an amount in  
846 excess of the sums remitted by the park owner to the tax  
847 collector. Nothing herein shall prohibit a park owner and a  
848 homeowner from mutually agreeing to an alternative manner of  
849 payment to the park owner of the charges.

850 (d) If a notice of increase in lot rental amount is not  
851 given 90 days before the renewal date of the rental agreement,



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852 the rental agreement must remain under the same terms until a  
853 90-day notice of increase in lot rental amount is given. The  
854 notice may provide for a rental term shorter than 1 year in  
855 order to maintain the same renewal date.

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

858 723.037 Lot rental increases; reduction in services or  
859 utilities; change in rules and regulations; mediation.—

860 (1) A park owner shall give written notice to each affected  
861 mobile home owner and the board of directors of the homeowners'  
862 association, if one has been formed, at least 90 days before any  
863 increase in lot rental amount or reduction in services or  
864 utilities provided by the park owner or change in rules and  
865 regulations. The park owner may give notice of all increases in  
866 lot rental amount for multiple anniversary dates in the same 90-  
867 day notice. The notice must ~~shall~~ identify all other affected  
868 homeowners, which may be by lot number, name, group, or phase.  
869 If the affected homeowners are not identified by name, the park  
870 owner shall make the names and addresses available upon request.  
871 However, this requirement does not authorize the release of the  
872 names, addresses, or other private information about the  
873 homeowners to the association or any other person for any other  
874 purpose. The home owner's right to the 90-day notice may not be  
875 waived or precluded by a home owner, or the homeowners'  
876 committee, in an agreement with the park owner. Rules adopted as  
877 a result of restrictions imposed by governmental entities and  
878 required to protect the public health, safety, and welfare may  
879 be enforced prior to the expiration of the 90-day period but are  
880 not otherwise exempt from the requirements of this chapter.



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881 Pass-through charges must be separately listed as to the amount  
882 of the charge, the name of the governmental entity mandating the  
883 capital improvement, and the nature or type of the pass-through  
884 charge being levied. Notices of increase in the lot rental  
885 amount due to a pass-through charge must ~~shall~~ state the  
886 additional payment and starting and ending dates of each pass-  
887 through charge. The homeowners' association shall have no  
888 standing to challenge the increase in lot rental amount,  
889 reduction in services or utilities, or change of rules and  
890 regulations unless a majority of the affected homeowners agree,  
891 in writing, to such representation.

892 (4) (a) A committee, not to exceed five in number,  
893 designated by a majority of the affected mobile home owners or  
894 by the board of directors of the homeowners' association, if  
895 applicable, and the park owner shall meet, at a mutually  
896 convenient time and place no later than 60 days before the  
897 effective date of the change to discuss the reasons for the  
898 increase in lot rental amount, reduction in services or  
899 utilities, or change in rules and regulations. The negotiating  
900 committee shall make a written request for a meeting with the  
901 park owner or subdivision developer to discuss those matters  
902 addressed in the 90-day notice, and may include in the request a  
903 listing of any other issue, with supporting documentation, that  
904 the committee intends to raise and discuss at the meeting. The  
905 committee shall address all lot rental amount increases that are  
906 specified in the notice of lot rental amount increase,  
907 regardless of the effective date of the increase.

908  
909 This subsection is not intended to be enforced by civil or





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910 administrative action. Rather, the meetings and discussions are  
911 intended to be in the nature of settlement discussions prior to  
912 the parties proceeding to mediation of any dispute.

913 Section 24. Subsections (5) and (6) are added to section  
914 723.041, Florida Statutes, to read:

915 723.041 Entrance fees; refunds; exit fees prohibited;  
916 replacement homes.—

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

921 (6) This section does not limit the regulation of the  
922 uniform firesafety standards established under s. 633.206, but  
923 supersedes any other density, separation, setback, or lot size  
924 regulation adopted after initial permitting and construction of  
925 the mobile home park.

926 Section 25. Section 723.042, Florida Statutes, is amended  
927 to read:

928 723.042 Provision of improvements.—A No person may not  
929 ~~shall~~ be required by a mobile home park owner or developer, as a  
930 condition of residence in the mobile home park, to provide any  
931 improvement unless the requirement is disclosed pursuant to s.  
932 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home  
933 park.

934 Section 26. Section 723.059, Florida Statutes, is amended  
935 to read:

936 723.059 ~~Rights of Purchaser of a mobile home within a~~  
937 mobile home park.—

938 (1) The purchaser of a mobile home within a mobile home



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939 park may become a tenant of the park if such purchaser would  
940 otherwise qualify with the requirements of entry into the park  
941 under the park rules and regulations, subject to the approval of  
942 the park owner, but such approval may not be unreasonably  
943 withheld. The purchaser of the mobile home may cancel or rescind  
944 the contract for purchase of the mobile home if the purchaser's  
945 tenancy has not been approved by the park owner 5 days before  
946 the closing of the purchase.

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

950 (3) The purchaser of a mobile home who intends to become  
951 ~~becomes~~ a resident of the mobile home park in accordance with  
952 this section has the right to assume the remainder of the term  
953 of any rental agreement then in effect between the mobile home  
954 park owner and the seller and may assume the seller's  
955 prospectus. However, nothing herein shall prohibit a mobile home  
956 park owner from offering the purchaser of a mobile home any  
957 approved prospectus shall be entitled to rely on the terms and  
958 conditions of the prospectus or offering circular as delivered  
959 to the initial recipient.

960 (4) However, nothing herein shall be construed to prohibit  
961 a mobile home park owner from increasing the rental amount to be  
962 paid by the purchaser upon the expiration of the assumed rental  
963 agreement in an amount deemed appropriate by the mobile home  
964 park owner, so long as such increase is disclosed to the  
965 purchaser prior to his or her occupancy and is imposed in a  
966 manner consistent with the purchaser's initial offering circular  
967 ~~or~~ prospectus and this act.



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

975 Section 27. Paragraph (d) of subsection (1) and subsection  
976 (4) of section 723.061, Florida Statutes, are amended, and  
977 subsection (5) is added to that section, to read:

978 723.061 Eviction; grounds, proceedings.—

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

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

985 1. The park owner gives written notice to the homeowners'  
986 association formed and operating under ss. 723.075-723.079 of  
987 its right to purchase the mobile home park, if the land  
988 comprising the mobile home park is changing use from mobile home  
989 lot rentals to a different use, at the price and under the terms  
990 and conditions set forth in the written notice.

991 a. The notice shall be delivered to the officers of the  
992 homeowners' association by United States mail. Within 45 days  
993 after the date of mailing of the notice, the homeowners'  
994 association may execute and deliver a contract to the park owner  
995 to purchase the mobile home park at the price and under the  
996 terms and conditions set forth in the notice. If the contract



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997 between the park owner and the homeowners' association is not  
998 executed and delivered to the park owner within the 45-day  
999 period, the park owner is under no further obligation to the  
1000 homeowners' association except as provided in sub-subparagraph  
1001 b.

1002 b. If the park owner elects to offer or sell the mobile  
1003 home park at a price lower than the price specified in her or  
1004 his initial notice to the officers of the homeowners'  
1005 association, the homeowners' association has an additional 10  
1006 days to meet the revised price, terms, and conditions of the  
1007 park owner by executing and delivering a revised contract to the  
1008 park owner.

1009 c. The park owner is not obligated under this subparagraph  
1010 or s. 723.071 to give any other notice to, or to further  
1011 negotiate with, the homeowners' association for the sale of the  
1012 mobile home park to the homeowners' association after 6 months  
1013 after the date of the mailing of the initial notice under sub-  
1014 subparagraph a.

1015 2. The park owner gives the affected mobile home owners and  
1016 tenants at least 6 months' notice of the eviction due to the  
1017 projected change in use and of their need to secure other  
1018 accommodations. Within 20 days after giving an eviction notice  
1019 to a mobile home owner, the park owner must provide the division  
1020 with a copy of the notice. The division must provide the  
1021 executive director of the Florida Mobile Home Relocation  
1022 Corporation with a copy of the notice.

1023 a. The notice of eviction due to a change in use of the  
1024 land must include in a font no smaller than the body of the  
1025 notice the following statement:



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

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

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

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

Section 28. Subsection (1) of section 723.076, Florida



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1055 Statutes, is amended to read:

1056 723.076 Incorporation; notification of park owner.—

1057 (1) Upon receipt of its certificate of incorporation, the  
1058 homeowners' association shall notify the park owner in writing  
1059 of such incorporation and shall advise the park owner of the  
1060 names and addresses of the officers of the homeowners'  
1061 association by personal delivery upon the park owner's  
1062 representative as designated in the prospectus or by certified  
1063 mail, return receipt requested. Thereafter, the homeowners'  
1064 association shall notify the park owner in writing by certified  
1065 mail, return receipt requested, of any change of names and  
1066 addresses of its president or registered agent. Upon election or  
1067 appointment of new officers or members, the homeowners'  
1068 association shall notify the park owner in writing by certified  
1069 mail, return receipt requested, of the names and addresses of  
1070 the new officers or members.

1071 Section 29. Paragraphs (b) through (e) of subsection (2) of  
1072 section 723.078, Florida Statutes, are amended, and paragraph  
1073 (i) of that subsection is reenacted, to read:

1074 723.078 Bylaws of homeowners' associations.—

1075 (2) The bylaws shall provide and, if they do not, shall be  
1076 deemed to include, the following provisions:

1077 (b) *Quorum; voting requirements; proxies.*—

1078 1. Unless otherwise provided in the bylaws, 30 percent of  
1079 the total membership is required to constitute a quorum.

1080 Decisions shall be made by a majority of members represented at  
1081 a meeting at which a quorum is present.

1082 2.a. A member may not vote by general proxy but may vote by  
1083 limited proxies substantially conforming to a limited proxy form



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1084 adopted by the division. Limited proxies and general proxies may  
1085 be used to establish a quorum. Limited proxies may be used for  
1086 votes taken to amend the articles of incorporation or bylaws  
1087 pursuant to this section, and any other matters for which this  
1088 chapter requires or permits a vote of members. ~~A, except that no~~  
1089 proxy, limited or general, may not be used in the election of  
1090 board members in general elections or elections to fill  
1091 vacancies caused by recall, resignation, or otherwise. Board  
1092 members must be elected by written ballot or by voting in  
1093 person. If a mobile home or subdivision lot is owned jointly,  
1094 the owners of the mobile home or subdivision lot must be counted  
1095 as one for the purpose of determining the number of votes  
1096 required for a majority. Only one vote per mobile home or  
1097 subdivision lot shall be counted. Any number greater than 50  
1098 percent of the total number of votes constitutes a majority.  
1099 Notwithstanding this section, members may vote in person at  
1100 member meetings or by secret ballot, including absentee ballots,  
1101 as defined by the division.

1102 b. Elections shall be decided by a plurality of the ballots  
1103 cast. There is no quorum requirement; however, at least 20  
1104 percent of the eligible voters must cast a ballot in order to  
1105 have a valid election. A member may not allow any other person  
1106 to cast his or her ballot, and any ballots improperly cast are  
1107 invalid. An election is not required unless there are more  
1108 candidates nominated than vacancies that exist on the board.

1109 c. Each member or other eligible person who desires to be a  
1110 candidate for the board of directors shall appear on the ballot  
1111 in alphabetical order by surname. A ballot may not indicate if  
1112 any of the candidates are incumbent on the board. All ballots



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1113 must be uniform in appearance. Write-in candidates and more than  
1114 one vote per candidate per ballot are not allowed. A ballot may  
1115 not provide a space for the signature of, or any other means of  
1116 identifying, a voter. If a ballot contains more votes than  
1117 vacancies or fewer votes than vacancies, the ballot is invalid  
1118 unless otherwise stated in the bylaws.

1119 d. An impartial committee shall be responsible for  
1120 overseeing the election process and complying with all ballot  
1121 requirements. For purposes of this section, the term "impartial  
1122 committee" means a committee whose members do not include any of  
1123 the following people or their spouses:

1124 (I) Current board members.

1125 (II) Current association officers.

1126 (III) Candidates for the association or board.

1127 e. The association bylaws shall provide a method for  
1128 determining the winner of an election in which two or more  
1129 candidates for the same position receive the same number of  
1130 votes.

1131 f. The division shall adopt procedural rules to govern  
1132 elections, including, but not limited to, rules for providing  
1133 notice by electronic transmission and rules for maintaining the  
1134 secrecy of ballots.

1135 3. A proxy is effective only for the specific meeting for  
1136 which originally given and any lawfully adjourned meetings  
1137 thereof. In no event shall any proxy be valid for a period  
1138 longer than 90 days after the date of the first meeting for  
1139 which it was given. Every proxy shall be revocable at any time  
1140 at the pleasure of the member executing it.

1141 4. A member of the board of directors or a committee may





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1142 submit in writing his or her agreement or disagreement with any  
1143 action taken at a meeting that the member did not attend. This  
1144 agreement or disagreement may not be used as a vote for or  
1145 against the action taken and may not be used for the purposes of  
1146 creating a quorum.

1147 (c) *Board of directors' and committee meetings.*—

1148 1. Meetings of the board of directors and meetings of its  
1149 committees at which a quorum is present shall be open to all  
1150 members. Notwithstanding any other provision of law, the  
1151 requirement that board meetings and committee meetings be open  
1152 to the members does not apply to meetings between the park owner  
1153 and the board of directors or any of the board's committees,  
1154 board or committee meetings held for the purpose of discussing  
1155 personnel matters, or meetings between the board or a committee  
1156 and the association's attorney, with respect to potential or  
1157 pending litigation, ~~when~~ where the meeting is held for the  
1158 purpose of seeking or rendering legal advice, and ~~when~~ where the  
1159 contents of the discussion would otherwise be governed by the  
1160 attorney-client privilege. Notice of all meetings open to  
1161 members shall be posted in a conspicuous place upon the park  
1162 property at least 48 hours in advance, except in an emergency.  
1163 Notice of any meeting in which dues assessments against members  
1164 are to be considered for any reason shall specifically contain a  
1165 statement that dues assessments will be considered and the  
1166 nature of such dues assessments.

1167 2. A board or committee member's participation in a meeting  
1168 via telephone, real-time videoconferencing, or similar real-time  
1169 telephonic, electronic, or video communication counts toward a  
1170 quorum, and such member may vote as if physically present. A



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1171 speaker shall be used so that the conversation of those board or  
1172 committee members attending by telephone may be heard by the  
1173 board or committee members attending in person, as well as by  
1174 members present at a meeting.

1175 3. Members of the board of directors may use e-mail as a  
1176 means of communication but may not cast a vote on an association  
1177 matter via e-mail.

1178 4. The right to attend meetings of the board of directors  
1179 and its committees includes the right to speak at such meetings  
1180 with reference to all designated agenda items. The association  
1181 may adopt reasonable written rules governing the frequency,  
1182 duration, and manner of members' statements. Any item not  
1183 included on the notice may be taken up on an emergency basis by  
1184 at least a majority plus one of the members of the board. Such  
1185 emergency action shall be noticed and ratified at the next  
1186 regular meeting of the board. Any member may tape record or  
1187 videotape meetings of the board of directors and its committees,  
1188 except meetings between the board of directors or its appointed  
1189 homeowners' committee and the park owner. The division shall  
1190 adopt reasonable rules governing the tape recording and  
1191 videotaping of the meeting.

1192 5. Except as provided in paragraph (i), a vacancy occurring  
1193 on the board of directors may be filled by the affirmative vote  
1194 of the majority of the remaining directors, even though the  
1195 remaining directors constitute less than a quorum; by the sole  
1196 remaining director; if the vacancy is not so filled or if no  
1197 director remains, by the members; or, on the application of any  
1198 person, by the circuit court of the county in which the  
1199 registered office of the corporation is located.



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1200           6. The term of a director elected or appointed to fill a  
1201 vacancy expires at the next annual meeting at which directors  
1202 are elected. A directorship to be filled by reason of an  
1203 increase in the number of directors may be filled by the board  
1204 of directors, but only for the term of office continuing until  
1205 the next election of directors by the members.

1206           7. A vacancy that will occur at a specific later date, by  
1207 reason of a resignation effective at a later date, may be filled  
1208 before the vacancy occurs. However, the new director may not  
1209 take office until the vacancy occurs.

1210           8.a. The officers and directors of the association have a  
1211 fiduciary relationship to the members.

1212           b. A director and committee member shall discharge his or  
1213 her duties in good faith, with the care an ordinarily prudent  
1214 person in a like position would exercise under similar  
1215 circumstances, and in a manner he or she reasonably believes to  
1216 be in the best interests of the corporation.

1217           9. In discharging his or her duties, a director may rely on  
1218 information, opinions, reports, or statements, including  
1219 financial statements and other financial data, if prepared or  
1220 presented by:

1221           a. One or more officers or employees of the corporation who  
1222 the director reasonably believes to be reliable and competent in  
1223 the matters presented;

1224           b. Legal counsel, public accountants, or other persons as  
1225 to matters the director reasonably believes are within the  
1226 persons' professional or expert competence; or

1227           c. A committee of the board of directors of which he or she  
1228 is not a member if the director reasonably believes the



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1229 committee merits confidence.

1230 10. A director is not acting in good faith if he or she has  
1231 knowledge concerning the matter in question that makes reliance  
1232 otherwise permitted by subparagraph 9. unwarranted.

1233 11. A director is not liable for any action taken as a  
1234 director, or any failure to take any action, if he or she  
1235 performed the duties of his or her office in compliance with  
1236 this section.

1237 (d) *Member meetings.*—Members shall meet at least once each  
1238 calendar year, and the meeting shall be the annual meeting. All  
1239 members of the board of directors shall be elected at the annual  
1240 meeting unless the bylaws provide for staggered election terms  
1241 or for their election at another meeting. The bylaws shall not  
1242 restrict any member desiring to be a candidate for board  
1243 membership from being nominated from the floor. All nominations  
1244 from the floor must be made at a duly noticed meeting of the  
1245 members held at least 27 ~~30~~ days before the annual meeting. The  
1246 bylaws shall provide the method for calling the meetings of the  
1247 members, including annual meetings. The method shall provide at  
1248 least 14 days' written notice to each member in advance of the  
1249 meeting and require the posting in a conspicuous place on the  
1250 park property of a notice of the meeting at least 14 days prior  
1251 to the meeting. The right to receive written notice of  
1252 membership meetings may be waived in writing by a member. Unless  
1253 waived, the notice of the annual meeting shall be mailed, hand  
1254 delivered, or electronically transmitted to each member, and  
1255 shall constitute notice. Unless otherwise stated in the bylaws,  
1256 an officer of the association shall provide an affidavit  
1257 affirming that the notices were mailed, ~~or~~ hand delivered, or



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1258 provided by electronic transmission in accordance with ~~the~~  
1259 ~~provisions of~~ this section to each member at the address last  
1260 furnished to the corporation. These meeting requirements do not  
1261 prevent members from waiving notice of meetings or from acting  
1262 by written agreement without meetings, if allowed by the bylaws.

1263 (e) *Minutes of meetings.*—

1264 1. Notwithstanding any other provision of law, the minutes  
1265 of board or committee meetings that are closed to members are  
1266 privileged and confidential and are not available for inspection  
1267 or photocopying.

1268 2. Minutes of all meetings of members of an association and  
1269 meetings open to members of the board of directors, and a  
1270 committee of the board must be maintained in written form and  
1271 approved by the members, board, or committee, as applicable. A  
1272 vote or abstention from voting on each matter voted upon for  
1273 each director present at a board meeting must be recorded in the  
1274 minutes.

1275 3.2. All approved minutes of open meetings of members,  
1276 committees, and the board of directors shall be kept in a  
1277 businesslike manner and shall be available for inspection by  
1278 members, or their authorized representatives, and board members  
1279 at reasonable times. The association shall retain these minutes  
1280 within this state for ~~a period of~~ at least 5 7 years.

1281 (i) *Recall of board members.*—Any member of the board of  
1282 directors may be recalled and removed from office with or  
1283 without cause by the vote of or agreement in writing by a  
1284 majority of all members. A special meeting of the members to  
1285 recall a member or members of the board of directors may be  
1286 called by 10 percent of the members giving notice of the meeting



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1287 as required for a meeting of members, and the notice shall state  
1288 the purpose of the meeting. Electronic transmission may not be  
1289 used as a method of giving notice of a meeting called in whole  
1290 or in part for this purpose.

1291 1. If the recall is approved by a majority of all members  
1292 by a vote at a meeting, the recall is effective as provided in  
1293 this paragraph. The board shall duly notice and hold a board  
1294 meeting within 5 full business days after the adjournment of the  
1295 member meeting to recall one or more board members. At the  
1296 meeting, the board shall either certify the recall, in which  
1297 case such member or members shall be recalled effective  
1298 immediately and shall turn over to the board within 5 full  
1299 business days any and all records and property of the  
1300 association in their possession, or shall proceed under  
1301 subparagraph 3.

1302 2. If the proposed recall is by an agreement in writing by  
1303 a majority of all members, the agreement in writing or a copy  
1304 thereof shall be served on the association by certified mail or  
1305 by personal service in the manner authorized by chapter 48 and  
1306 the Florida Rules of Civil Procedure. The board of directors  
1307 shall duly notice and hold a meeting of the board within 5 full  
1308 business days after receipt of the agreement in writing. At the  
1309 meeting, the board shall either certify the written agreement to  
1310 recall members of the board, in which case such members shall be  
1311 recalled effective immediately and shall turn over to the board,  
1312 within 5 full business days, any and all records and property of  
1313 the association in their possession, or shall proceed as  
1314 described in subparagraph 3.

1315 3. If the board determines not to certify the written



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1316 agreement to recall members of the board, or does not certify  
1317 the recall by a vote at a meeting, the board shall, within 5  
1318 full business days after the board meeting, file with the  
1319 division a petition for binding arbitration pursuant to the  
1320 procedures of s. 723.1255. For purposes of this paragraph, the  
1321 members who voted at the meeting or who executed the agreement  
1322 in writing shall constitute one party under the petition for  
1323 arbitration. If the arbitrator certifies the recall of a member  
1324 of the board, the recall shall be effective upon mailing of the  
1325 final order of arbitration to the association. If the  
1326 association fails to comply with the order of the arbitrator,  
1327 the division may take action under s. 723.006. A member so  
1328 recalled shall deliver to the board any and all records and  
1329 property of the association in the member's possession within 5  
1330 full business days after the effective date of the recall.

1331 4. If the board fails to duly notice and hold a board  
1332 meeting within 5 full business days after service of an  
1333 agreement in writing or within 5 full business days after the  
1334 adjournment of the members' recall meeting, the recall shall be  
1335 deemed effective and the board members so recalled shall  
1336 immediately turn over to the board all records and property of  
1337 the association.

1338 5. If the board fails to duly notice and hold the required  
1339 meeting or fails to file the required petition, the member's  
1340 representative may file a petition pursuant to s. 723.1255  
1341 challenging the board's failure to act. The petition must be  
1342 filed within 60 days after expiration of the applicable 5-full-  
1343 business-day period. The review of a petition under this  
1344 subparagraph is limited to the sufficiency of service on the



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1345 board and the facial validity of the written agreement or  
1346 ballots filed.

1347         6. If a vacancy occurs on the board as a result of a recall  
1348 and less than a majority of the board members are removed, the  
1349 vacancy may be filled by the affirmative vote of a majority of  
1350 the remaining directors, notwithstanding any other provision of  
1351 this chapter. If vacancies occur on the board as a result of a  
1352 recall and a majority or more of the board members are removed,  
1353 the vacancies shall be filled in accordance with procedural  
1354 rules to be adopted by the division, which rules need not be  
1355 consistent with this chapter. The rules must provide procedures  
1356 governing the conduct of the recall election as well as the  
1357 operation of the association during the period after a recall  
1358 but before the recall election.

1359         7. A board member who has been recalled may file a petition  
1360 pursuant to s. 723.1255 challenging the validity of the recall.  
1361 The petition must be filed within 60 days after the recall is  
1362 deemed certified. The association and the member's  
1363 representative shall be named as the respondents.

1364         8. The division may not accept for filing a recall  
1365 petition, whether or not filed pursuant to this subsection, and  
1366 regardless of whether the recall was certified, when there are  
1367 60 or fewer days until the scheduled reelection of the board  
1368 member sought to be recalled or when 60 or fewer days have not  
1369 elapsed since the election of the board member sought to be  
1370 recalled.

1371         Section 30. Paragraphs (d) and (f) through (i) of  
1372 subsection (4) and subsection (5) of section 723.079, Florida  
1373 Statutes, are amended to read:





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1374 723.079 Powers and duties of homeowners' association.—

1375 (4) The association shall maintain the following items,  
1376 when applicable, which constitute the official records of the  
1377 association:

1378 (d) The approved minutes of all meetings of the members of  
1379 an association and meetings open for members of, the board of  
1380 directors, and committees of the board, which minutes must be  
1381 retained within this ~~the~~ state for at least 5 7 years.

1382 (f) All of the association's insurance policies or copies  
1383 thereof, which must be retained within this state for at least 5  
1384 7 years after the expiration date of the policy.

1385 (g) A copy of all contracts or agreements to which the  
1386 association is a party, including, without limitation, any  
1387 written agreements with the park owner, lease, or other  
1388 agreements or contracts under which the association or its  
1389 members has any obligation or responsibility, which must be  
1390 retained within this state for at least 5 7 years after the  
1391 expiration date of the contract or agreement.

1392 (h) The financial and accounting records of the  
1393 association, kept according to good accounting practices. All  
1394 financial and accounting records must be maintained within this  
1395 state for a ~~period of~~ at least 5 7 years. The financial and  
1396 accounting records must include:

1397 1. Accurate, itemized, and detailed records of all receipts  
1398 and expenditures.

1399 2. A current account and a periodic statement of the  
1400 account for each member, designating the name and current  
1401 address of each member who is obligated to pay dues or  
1402 assessments, the due date and amount of each assessment or other



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1403 charge against the member, the date and amount of each payment  
1404 on the account, and the balance due.

1405 3. All tax returns, financial statements, and financial  
1406 reports of the association.

1407 4. Any other records that identify, measure, record, or  
1408 communicate financial information.

1409 (i) All other written records of the association not  
1410 specifically included in the foregoing which are related to the  
1411 operation of the association must be retained within this state  
1412 for at least 5 years or at least 5 years after the expiration  
1413 date, as applicable.

1414 (5) The official records shall be ~~maintained within the~~  
1415 ~~state for at least 7 years and shall be~~ made available to a  
1416 member for inspection or photocopying within 20 ~~10~~ business days  
1417 after receipt by the board or its designee of a written request  
1418 submitted by certified mail, return receipt requested. The  
1419 requirements of this subsection are satisfied by having a copy  
1420 of the official records available for inspection or copying in  
1421 the park or, at the option of the association, by making the  
1422 records available to a member electronically via the Internet or  
1423 by allowing the records to be viewed in electronic format on a  
1424 computer screen and printed upon request. If the association has  
1425 a photocopy machine available where the records are maintained,  
1426 it must provide a member with copies on request during the  
1427 inspection if the entire request is no more than 25 pages. An  
1428 association shall allow a member or his or her authorized  
1429 representative to use a portable device, including a smartphone,  
1430 tablet, portable scanner, or any other technology capable of  
1431 scanning or taking photographs, to make an electronic copy of



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1432 the official records in lieu of the association's providing the  
1433 member or his or her authorized representative with a copy of  
1434 such records. The association may not charge a fee to a member  
1435 or his or her authorized representative for the use of a  
1436 portable device.

1437 (a) The failure of an association to provide access to the  
1438 records within 20 ~~10~~ business days after receipt of a written  
1439 request submitted by certified mail, return receipt requested,  
1440 creates a rebuttable presumption that the association willfully  
1441 failed to comply with this subsection.

1442 (b) A member who is denied access to official records is  
1443 entitled to ~~the actual damages or minimum~~ damages for the  
1444 association's willful failure to comply with this subsection in  
1445 the amount of. The minimum damages are to be \$10 per calendar  
1446 day up to 10 days, not to exceed \$100. The calculation for  
1447 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after  
1448 receipt of the written request, submitted by certified mail,  
1449 return receipt requested.

1450 (c) A dispute between a member and an association regarding  
1451 inspecting or photocopying official records must be submitted to  
1452 mandatory binding arbitration with the division, and the  
1453 arbitration must be conducted pursuant to s. 723.1255 and  
1454 procedural rules adopted by the division.

1455 (d) The association may adopt reasonable written rules  
1456 governing the frequency, time, location, notice, records to be  
1457 inspected, and manner of inspections, but may not require a  
1458 member to demonstrate a proper purpose for the inspection, state  
1459 a reason for the inspection, or limit a member's right to  
1460 inspect records to less than 1 business day per month. The



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1461 association may impose fees to cover the costs of providing  
1462 copies of the official records, including the costs of copying  
1463 and for personnel to retrieve and copy the records if the time  
1464 spent retrieving and copying the records exceeds 30 minutes and  
1465 if the personnel costs do not exceed \$20 per hour. Personnel  
1466 costs may not be charged for records requests that result in the  
1467 copying of 25 or fewer pages. The association may charge up to  
1468 25 cents per page for copies made on the association's  
1469 photocopier. If the association does not have a photocopy  
1470 machine available where the records are kept, or if the records  
1471 requested to be copied exceed 25 pages in length, the  
1472 association may have copies made by an outside duplicating  
1473 service and may charge the actual cost of copying, as supported  
1474 by the vendor invoice. The association shall maintain an  
1475 adequate number of copies of the recorded governing documents,  
1476 to ensure their availability to members and prospective members.  
1477 Notwithstanding this paragraph, the following records are not  
1478 accessible to members or home owners:

1479       1. A record protected by the lawyer-client privilege as  
1480 described in s. 90.502 and a record protected by the work-  
1481 product privilege, including, but not limited to, a record  
1482 prepared by an association attorney or prepared at the  
1483 attorney's express direction which reflects a mental impression,  
1484 conclusion, litigation strategy, or legal theory of the attorney  
1485 or the association and which was prepared exclusively for civil  
1486 or criminal litigation, for adversarial administrative  
1487 proceedings, or in anticipation of such litigation or  
1488 proceedings until the conclusion of the litigation or  
1489 proceedings.



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1490           2. E-mail addresses, telephone numbers, facsimile numbers,  
1491 emergency contact information, any addresses for a home owner  
1492 other than as provided for association notice requirements, and  
1493 other personal identifying information of any person, excluding  
1494 the person's name, lot designation, mailing address, and  
1495 property address. Notwithstanding the restrictions in this  
1496 subparagraph, an association may print and distribute to home  
1497 owners a directory containing the name, park address, and  
1498 telephone number of each home owner. However, a home owner may  
1499 exclude his or her telephone number from the directory by so  
1500 requesting in writing to the association. The association is not  
1501 liable for the disclosure of information that is protected under  
1502 this subparagraph if the information is included in an official  
1503 record of the association and is voluntarily provided by a home  
1504 owner and not requested by the association.

1505           3. An electronic security measure that is used by the  
1506 association to safeguard data, including passwords.

1507           4. The software and operating system used by the  
1508 association which allows the manipulation of data, even if the  
1509 home owner owns a copy of the same software used by the  
1510 association. The data is part of the official records of the  
1511 association.

1512           Section 31. Section 723.1255, Florida Statutes, is amended  
1513 to read:

1514           723.1255 Alternative resolution of recall, election, and  
1515 inspection and photocopying of official records disputes.—

1516           (1) A dispute between a mobile home owner and a homeowners'  
1517 association regarding the election and recall of officers or  
1518 directors under s. 723.078(2)(b) or regarding the inspection and



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1519 photocopying of official records under s. 723.079(5) must be  
1520 submitted to mandatory binding arbitration with the division.  
1521 The arbitration shall be conducted in accordance with this  
1522 section and the procedural rules adopted by the division.

1523 (2) Each party shall be responsible for paying its own  
1524 attorney fees, expert and investigator fees, and associated  
1525 costs. The cost of the arbitrators shall be divided equally  
1526 between the parties regardless of the outcome.

1527 (3) The division shall adopt procedural rules to govern  
1528 mandatory binding arbitration proceedings ~~The Division of~~  
1529 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~  
1530 ~~Department of Business and Professional Regulation shall adopt~~  
1531 ~~rules of procedure to govern binding recall arbitration~~  
1532 ~~proceedings.~~

1533  
1534 ===== T I T L E A M E N D M E N T =====

1535 And the title is amended as follows:

1536 Delete lines 7 - 102

1537 and insert:

1538 conditions under which local governments are  
1539 authorized to adopt ordinances that allow accessory  
1540 dwelling units in any area zoned for single-family  
1541 residential use; amending s. 163.31801, F.S.;

1542 requiring counties, municipalities, and special  
1543 districts to include certain data relating to impact  
1544 fees in their annual financial reports; amending s.  
1545 166.04151, F.S.; authorizing governing bodies of  
1546 municipalities to approve the development of  
1547 affordable housing on any parcel zoned for



1548 residential, commercial, or industrial use; amending  
1549 s. 196.196, F.S.; providing that property owned by a  
1550 person granted a specified exemption is used for a  
1551 charitable purpose under certain circumstances;  
1552 authorizing the board of county commissioners of a  
1553 county or the governing authority of a municipality to  
1554 adopt certain ordinances related to ad valorem tax  
1555 exemptions; amending s. 196.1978, F.S.; requiring  
1556 certain units to be treated as portions of property  
1557 exempt from ad valorem taxation under certain  
1558 circumstances; amending s. 320.77, F.S.; revising a  
1559 certification requirement for mobile home dealer  
1560 applicants relating to the applicant's business  
1561 location; amending s. 320.771, F.S.; exempting certain  
1562 recreational vehicle dealer applicants from a garage  
1563 liability insurance requirement; amending s. 320.822,  
1564 F.S.; revising the definition of the term "code";  
1565 amending s. 320.8232, F.S.; revising applicable  
1566 standards for the repair and remodeling of mobile and  
1567 manufactured homes; amending s. 367.022, F.S.;  
1568 revising an exemption from regulation for certain  
1569 water service resellers; exempting certain mobile home  
1570 park and mobile home subdivision owners from  
1571 regulation by the Florida Public Service Commission  
1572 relating to water and wastewater systems; amending s.  
1573 420.5087, F.S.; revising the criteria used by a review  
1574 committee when evaluating and selecting specified  
1575 applications for state apartment incentive loans;  
1576 amending s. 420.5095, F.S.; renaming the Community



1577 Workforce Housing Innovation Pilot Program as the  
1578 Community Workforce Housing Loan Program to provide  
1579 workforce housing for persons affected by the high  
1580 cost of housing; revising the definition of the term  
1581 "workforce housing"; deleting the definition of the  
1582 term "public-private partnership"; authorizing the  
1583 corporation to provide loans under the program to  
1584 applicants for construction of workforce housing;  
1585 requiring the corporation to establish a certain loan  
1586 application process; deleting provisions requiring the  
1587 corporation to provide incentives for local  
1588 governments to use certain funds; requiring projects  
1589 to receive priority consideration for funding under  
1590 certain circumstances; deleting a provision providing  
1591 for the expedition of local government comprehensive  
1592 plan amendments to implement a program project;  
1593 requiring that the corporation award loans at a  
1594 specified interest rate and for a limited term;  
1595 conforming provisions to changes made by the act;  
1596 deleting a provision authorizing the corporation to  
1597 use a maximum percentage of a specified appropriation  
1598 for administration and compliance; amending s.  
1599 420.531, F.S.; specifying that technical support  
1600 provided to local governments and community-based  
1601 organizations includes implementation of the State  
1602 Apartment Incentive Loan Program; requiring the entity  
1603 providing training and technical assistance to convene  
1604 and administer biannual workshops; providing  
1605 requirements for such workshops; requiring such entity





1606 to annually compile and submit certain information to  
1607 the Legislature and the corporation by a specified  
1608 date; amending s. 420.9073, F.S.; authorizing the  
1609 corporation to prioritize a portion of the State  
1610 Apartment Incentive Loan funding set aside for certain  
1611 purposes; requiring that such funding be used for  
1612 housing for certain persons in foster care or persons  
1613 aging out of foster care; providing requirements for  
1614 such housing; requiring the corporation to consult  
1615 with the Department of Children and Families to create  
1616 minimum criteria for such housing; amending s.  
1617 420.9075, F.S.; revising requirements for reports  
1618 submitted to the corporation by counties and certain  
1619 municipalities; amending s. 420.9076, F.S.; beginning  
1620 on a specified date, revising the membership of local  
1621 affordable housing advisory committees; requiring the  
1622 committees to perform specified duties annually  
1623 instead of triennially; revising duties of the  
1624 committees; requiring locally elected officials  
1625 serving on advisory committees, or their designees, to  
1626 attend biannual regional workshops; providing a  
1627 penalty; amending s. 423.02, F.S.; exempting certain  
1628 nonprofit instrumentalities from all taxes and special  
1629 assessments of the state or any city, town, county, or  
1630 political subdivision of the state under certain  
1631 conditions; authorizing such nonprofit  
1632 instrumentalities to agree to make payments to any  
1633 city, town, county, or political subdivision of the  
1634 state for services, improvements, or facilities



1635 furnished by such city, town, county, or political  
1636 subdivision for the benefit of a certain housing  
1637 project; prohibiting a city, town, county, or  
1638 political subdivision of the state from renaming,  
1639 modifying terminology, or otherwise changing a tax or  
1640 assessment with a certain intent; amending s. 723.011,  
1641 F.S.; providing that a mobile home owner may be  
1642 required to install permanent improvements as  
1643 disclosed in the mobile home park prospectus; amending  
1644 s. 723.012, F.S.; requiring a mobile home park owner  
1645 to amend its prospectus under certain circumstances;  
1646 requiring a mobile home park owner to increase shared  
1647 facilities under certain circumstances; providing a  
1648 requirement for the prospectus amendment; prohibiting  
1649 certain costs and expenses from being passed on or  
1650 passed through to existing mobile home owners;  
1651 amending s. 723.023, F.S.; revising general  
1652 obligations for mobile home owners; amending s.  
1653 723.031, F.S.; revising construction relating to a  
1654 park owner's disclosure of certain taxes and  
1655 assessments; prohibiting a mobile home park owner from  
1656 charging or collecting certain taxes or charges in  
1657 excess of a certain amount; amending s. 723.037, F.S.;  
1658 authorizing mobile home park owners to give notice of  
1659 lot rental increases for multiple anniversary dates in  
1660 one notice; providing construction; revising a  
1661 requirement for a lot rental negotiation committee;  
1662 amending s. 723.041, F.S.; providing that a mobile  
1663 home park damaged or destroyed due to natural force



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1664 may be rebuilt with the same density as previously  
1665 approved, permitted, or built; providing construction;  
1666 amending s. 723.042, F.S.; conforming a provision to  
1667 changes made by the act; amending s. 723.059, F.S.;  
1668 authorizing certain mobile home purchasers to assume  
1669 the seller's prospectus; authorizing a mobile home  
1670 park owner to offer a purchaser any approved  
1671 prospectus; amending s. 723.061, F.S.; revising  
1672 requirements related to the provision and mailing of  
1673 eviction notices; specifying the waiver and nonwaiver  
1674 of certain rights of mobile home park owners under  
1675 certain circumstances; requiring the accounting at  
1676 final hearing of rents received; amending s. 723.076,  
1677 F.S.; providing a notice requirement for homeowners'  
1678 associations to park owners after the election or  
1679 appointment of new officers or members; amending s.  
1680 723.078, F.S.; revising requirements for homeowners'  
1681 association board elections and ballots; requiring an  
1682 impartial committee to be responsible for overseeing  
1683 the election process and complying with ballot  
1684 requirements; defining the term "impartial committee";  
1685 requiring that association bylaws provide a method for  
1686 determining the winner of an election under certain  
1687 circumstances; requiring the division to adopt  
1688 procedural rules; revising the types of meetings that  
1689 are not required to be open to members; providing an  
1690 exception to a requirement for an officer of an  
1691 association to provide an affidavit affirming certain  
1692 information; authorizing meeting notices to be



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1693 provided by electronic means; providing that the  
1694 minutes of certain board and committee meetings are  
1695 privileged and confidential; conforming provisions to  
1696 changes made by the act; amending s. 723.079, F.S.;  
1697 revising homeowners' association recordkeeping  
1698 requirements; revising the timeframes during which  
1699 certain records are required to be retained and be  
1700 made available for inspection or photocopying;  
1701 limiting the amount of damages for which an  
1702 association is liable when a member is denied access  
1703 to official records; requiring that certain disputes  
1704 be submitted to mandatory binding arbitration with the  
1705 division; providing requirements for such arbitration;  
1706 amending s. 723.1255, F.S.; requiring that certain  
1707 disputes be submitted to mandatory binding arbitration  
1708 with the division; providing requirements for such  
1709 arbitration and responsibility for fees and costs;  
1710 requiring the division to adopt procedural rules;  
1711 reenacting s.