

**By** the Committees on Infrastructure and Security; and Community Affairs; and Senator Hutson

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1                                   A bill to be entitled  
2       An act relating to housing; amending s. 125.01055,  
3       F.S.; authorizing a board of county commissioners to  
4       approve development of affordable housing on any  
5       parcel zoned for residential, commercial, or  
6       industrial use; amending s. 163.31771, F.S.; revising  
7       conditions under which local governments are  
8       authorized to adopt ordinances that allow accessory  
9       dwelling units in any area zoned for single-family  
10      residential use; amending s. 163.31801, F.S.;  
11      requiring counties, municipalities, and special  
12      districts to include certain data relating to impact  
13      fees in their annual financial reports; amending s.  
14      166.04151, F.S.; authorizing governing bodies of  
15      municipalities to approve the development of  
16      affordable housing on any parcel zoned for  
17      residential, commercial, or industrial use; amending  
18      s. 196.196, F.S.; providing that property owned by a  
19      person granted a specified exemption is used for a  
20      charitable purpose under certain circumstances;  
21      authorizing the board of county commissioners of a  
22      county or the governing authority of a municipality to  
23      adopt certain ordinances related to ad valorem tax  
24      exemptions; amending s. 196.1978, F.S.; requiring  
25      certain units to be treated as portions of property  
26      exempt from ad valorem taxation under certain  
27      circumstances; amending s. 320.77, F.S.; revising a  
28      certification requirement for mobile home dealer  
29      applicants relating to the applicant's business

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30 location; amending s. 320.771, F.S.; exempting certain  
31 recreational vehicle dealer applicants from a garage  
32 liability insurance requirement; amending s. 320.822,  
33 F.S.; revising the definition of the term "code";  
34 amending s. 320.8232, F.S.; revising applicable  
35 standards for the repair and remodeling of mobile and  
36 manufactured homes; amending s. 367.022, F.S.;  
37 revising an exemption from regulation for certain  
38 water service resellers; exempting certain mobile home  
39 park and mobile home subdivision owners from  
40 regulation by the Florida Public Service Commission  
41 relating to water and wastewater systems; amending s.  
42 420.5087, F.S.; revising the criteria used by a review  
43 committee when evaluating and selecting specified  
44 applications for state apartment incentive loans;  
45 amending s. 420.5095, F.S.; renaming the Community  
46 Workforce Housing Innovation Pilot Program as the  
47 Community Workforce Housing Loan Program to provide  
48 workforce housing for persons affected by the high  
49 cost of housing; revising the definition of the term  
50 "workforce housing"; deleting the definition of the  
51 term "public-private partnership"; authorizing the  
52 corporation to provide loans under the program to  
53 applicants for construction of workforce housing;  
54 requiring the corporation to establish a certain loan  
55 application process; deleting provisions requiring the  
56 corporation to provide incentives for local  
57 governments to use certain funds; requiring projects  
58 to receive priority consideration for funding under

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59 certain circumstances; deleting a provision providing  
60 for the expedition of local government comprehensive  
61 plan amendments to implement a program project;  
62 requiring that the corporation award loans at a  
63 specified interest rate and for a limited term;  
64 conforming provisions to changes made by the act;  
65 deleting a provision authorizing the corporation to  
66 use a maximum percentage of a specified appropriation  
67 for administration and compliance; amending s.  
68 420.531, F.S.; specifying that technical support  
69 provided to local governments and community-based  
70 organizations includes implementation of the State  
71 Apartment Incentive Loan Program; requiring the entity  
72 providing training and technical assistance to convene  
73 and administer biannual workshops; providing  
74 requirements for such workshops; requiring such entity  
75 to annually compile and submit certain information to  
76 the Legislature and the corporation by a specified  
77 date; amending s. 420.9073, F.S.; authorizing the  
78 corporation to prioritize a portion of the State  
79 Apartment Incentive Loan funding set aside for certain  
80 purposes; requiring that such funding be used for  
81 housing for certain persons in foster care or persons  
82 aging out of foster care; providing requirements for  
83 such housing; requiring the corporation to consult  
84 with the Department of Children and Families to create  
85 minimum criteria for such housing; amending s.  
86 420.9075, F.S.; revising requirements for reports  
87 submitted to the corporation by counties and certain

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88 municipalities; amending s. 420.9076, F.S.; beginning  
89 on a specified date, revising the membership of local  
90 affordable housing advisory committees; requiring the  
91 committees to perform specified duties annually  
92 instead of triennially; revising duties of the  
93 committees; requiring locally elected officials  
94 serving on advisory committees, or their designees, to  
95 attend biannual regional workshops; providing a  
96 penalty; amending s. 423.02, F.S.; exempting certain  
97 nonprofit instrumentalities from all taxes and special  
98 assessments of the state or any city, town, county, or  
99 political subdivision of the state under certain  
100 conditions; authorizing such nonprofit  
101 instrumentalities to agree to make payments to any  
102 city, town, county, or political subdivision of the  
103 state for services, improvements, or facilities  
104 furnished by such city, town, county, or political  
105 subdivision for the benefit of a certain housing  
106 project; prohibiting a city, town, county, or  
107 political subdivision of the state from renaming,  
108 modifying terminology, or otherwise changing a tax or  
109 assessment with a certain intent; amending s. 723.011,  
110 F.S.; providing that a mobile home owner may be  
111 required to install permanent improvements as  
112 disclosed in the mobile home park prospectus; amending  
113 s. 723.012, F.S.; requiring a mobile home park owner  
114 to amend its prospectus under certain circumstances;  
115 requiring a mobile home park owner to increase shared  
116 facilities under certain circumstances; providing a

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117 requirement for the prospectus amendment; prohibiting  
118 certain costs and expenses from being passed on or  
119 passed through to existing mobile home owners;  
120 amending s. 723.023, F.S.; revising general  
121 obligations for mobile home owners; amending s.  
122 723.031, F.S.; revising construction relating to a  
123 park owner's disclosure of certain taxes and  
124 assessments; prohibiting a mobile home park owner from  
125 charging or collecting certain taxes or charges in  
126 excess of a certain amount; amending s. 723.037, F.S.;  
127 authorizing mobile home park owners to give notice of  
128 lot rental increases for multiple anniversary dates in  
129 one notice; providing construction; revising a  
130 requirement for a lot rental negotiation committee;  
131 amending s. 723.041, F.S.; providing that a mobile  
132 home park damaged or destroyed due to natural force  
133 may be rebuilt with the same density as previously  
134 approved, permitted, and built; providing  
135 construction; amending s. 723.042, F.S.; conforming a  
136 provision to changes made by the act; amending s.  
137 723.059, F.S.; authorizing certain mobile home  
138 purchasers to assume the seller's prospectus;  
139 authorizing a mobile home park owner to offer a  
140 purchaser any approved prospectus; amending s.  
141 723.061, F.S.; revising requirements related to the  
142 provision of eviction notices by mobile home park  
143 owners to specified entities; specifying the waiver  
144 and nonwaiver of certain rights of mobile home park  
145 owners under certain circumstances; requiring the

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146 accounting at final hearing of rents received;  
147 amending s. 723.076, F.S.; providing a notice  
148 requirement for homeowners' associations to park  
149 owners after the election or appointment of new  
150 officers or members; amending s. 723.078, F.S.;;  
151 revising requirements for homeowners' association  
152 board elections and ballots; requiring an impartial  
153 committee to be responsible for overseeing the  
154 election process and complying with ballot  
155 requirements; defining the term "impartial committee";  
156 requiring that association bylaws provide a method for  
157 determining the winner of an election under certain  
158 circumstances; requiring the division to adopt  
159 procedural rules; revising the types of meetings that  
160 are not required to be open to members; providing an  
161 exception to a requirement for an officer of an  
162 association to provide an affidavit affirming certain  
163 information; authorizing meeting notices to be  
164 provided by electronic means; providing that the  
165 minutes of certain board and committee meetings are  
166 privileged and confidential; conforming provisions to  
167 changes made by the act; amending s. 723.079, F.S.;;  
168 revising homeowners' association recordkeeping  
169 requirements; revising the timeframes during which  
170 certain records are required to be retained and be  
171 made available for inspection or photocopying;  
172 limiting the amount of damages for which an  
173 association is liable when a member is denied access  
174 to official records; requiring that certain disputes

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175 be submitted to mandatory binding arbitration with the  
176 division; providing requirements for such arbitration;  
177 amending s. 723.1255, F.S.; requiring that certain  
178 disputes be submitted to mandatory binding arbitration  
179 with the division; providing requirements for such  
180 arbitration and responsibility for fees and costs;  
181 requiring the division to adopt procedural rules;  
182 reenacting s. 420.507(22)(i), F.S., relating to powers  
183 of the Florida Housing Finance Corporation, to  
184 incorporate the amendment made to s. 420.5087, F.S.,  
185 in a reference thereto; reenacting s. 193.018(2),  
186 F.S., relating to land owned by a community land trust  
187 used to provide affordable housing, to incorporate the  
188 amendment made to s. 420.5095, F.S., in a reference  
189 thereto; providing an effective date.  
190

191 Be It Enacted by the Legislature of the State of Florida:  
192

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

195 125.01055 Affordable housing.—

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

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

203 163.31771 Accessory dwelling units.—

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

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

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

217           163.31801 Impact fees; short title; intent; minimum  
218 requirements; audits; challenges.-

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

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

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

229           (c) The amount assessed for each purpose and for each type  
230 of dwelling.

231           (d) The total amount of impact fees charged by type of  
232 dwelling.



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

235 166.04151 Affordable housing.—

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

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

243 196.196 Determining whether property is entitled to  
244 charitable, religious, scientific, or literary exemption.—

245 (5) (a) Property owned by an exempt organization qualified  
246 as charitable under s. 501(c) (3) of the Internal Revenue Code,  
247 and property owned by a person granted an exemption under  
248 paragraph (b), is used for a charitable purpose if the  
249 organization or person has taken affirmative steps to prepare  
250 the property to provide affordable housing to persons or  
251 families that meet the extremely-low-income, very-low-income,  
252 low-income, or moderate-income limits, as specified in s.  
253 420.0004. The term "affirmative steps" means environmental or  
254 land use permitting activities, creation of architectural plans  
255 or schematic drawings, land clearing or site preparation,  
256 construction or renovation activities, or other similar  
257 activities that demonstrate a commitment of the property to  
258 providing affordable housing.

259 (b) The board of county commissioners of any county, or the  
260 governing authority of any municipality, may adopt an ordinance  
261 to grant an ad valorem tax exemption under s. 3, Art. VII of the

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262 State Constitution, for property used for the charitable purpose  
263 of providing affordable housing, if the person owning such  
264 property has taken affirmative steps as defined in paragraph (a)  
265 to prepare the property to provide affordable housing to persons  
266 or families that meet the extremely-low-income, very-low-income,  
267 low-income, or moderate-income limits, as specified in s.  
268 420.0004.

269 (c)~~(b)~~1. If property owned by an organization or person  
270 granted an exemption under this subsection is transferred for a  
271 purpose other than directly providing affordable homeownership  
272 or rental housing to persons or families who meet the extremely-  
273 low-income, very-low-income, low-income, or moderate-income  
274 limits, as specified in s. 420.0004, or is not in actual use to  
275 provide such affordable housing within 5 years after the date  
276 the organization or person is granted the exemption, the  
277 property appraiser making such determination shall serve upon  
278 the organization or person that illegally or improperly received  
279 the exemption a notice of intent to record in the public records  
280 of the county a notice of tax lien against any property owned by  
281 that organization or person in the county, and such property  
282 must ~~shall~~ be identified in the notice of tax lien. The  
283 organization or person owning such property is subject to the  
284 taxes otherwise due and owing as a result of the failure to use  
285 the property to provide affordable housing plus 15 percent  
286 interest per annum and a penalty of 50 percent of the taxes  
287 owed.

288 2. Such lien, when filed, attaches to any property  
289 identified in the notice of tax lien owned by the organization  
290 or person that illegally or improperly received the exemption.

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291 If such organization or person no longer owns property in the  
292 county but owns property in any other county in the state, the  
293 property appraiser shall record in each such other county a  
294 notice of tax lien identifying the property owned by such  
295 organization or person in such county which shall become a lien  
296 against the identified property. Before any such lien may be  
297 filed, the organization or person so notified must be given 30  
298 days to pay the taxes, penalties, and interest.

299 3. If an exemption is improperly granted as a result of a  
300 clerical mistake or an omission by the property appraiser, the  
301 organization or person improperly receiving the exemption shall  
302 not be assessed a penalty or interest.

303 4. The 5-year limitation specified in this subsection may  
304 be extended if the holder of the exemption continues to take  
305 affirmative steps to develop the property for the purposes  
306 specified in this subsection.

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

309 196.1978 Affordable housing property exemption.—

310 (1) Property used to provide affordable housing to eligible  
311 persons as defined by s. 159.603 and natural persons or families  
312 meeting the extremely-low-income, very-low-income, low-income,  
313 or moderate-income limits specified in s. 420.0004, which is  
314 owned entirely by a nonprofit entity that is a corporation not  
315 for profit, qualified as charitable under s. 501(c)(3) of the  
316 Internal Revenue Code and in compliance with Rev. Proc. 96-32,  
317 1996-1 C.B. 717, is considered property owned by an exempt  
318 entity and used for a charitable purpose, and those portions of  
319 the affordable housing property that provide housing to natural

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320 persons or families classified as extremely low income, very low  
321 income, low income, or moderate income under s. 420.0004 are  
322 exempt from ad valorem taxation to the extent authorized under  
323 s. 196.196. Units that are vacant or that are occupied by  
324 tenants who were natural persons or families meeting the  
325 extremely-low-income, very-low-income, low-income, or moderate-  
326 income limits specified in s. 420.0004 at the time they  
327 initially became tenants, but who no longer meet those income  
328 limits, shall be treated as portions of the property exempt from  
329 ad valorem taxation under s. 196.196 provided that the property  
330 is subject to a recorded land use restriction agreement in favor  
331 of the Florida Housing Finance Agency or any other governmental  
332 or quasi-governmental jurisdiction. All property identified in  
333 this section must comply with the criteria provided under s.  
334 196.195 for determining exempt status and applied by property  
335 appraisers on an annual basis. The Legislature intends that any  
336 property owned by one or more limited liability companies or  
337 limited partnerships, each of which is a ~~limited liability~~  
338 ~~company which is~~ disregarded as ~~an~~ entity for federal income tax  
339 purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii)  
340 shall be treated as owned by the ultimate ~~its~~ sole member s.  
341 501(c)(3) nonprofit corporation.

342 Section 7. Paragraph (h) of subsection (3) of section  
343 320.77, Florida Statutes, is amended to read:

344 320.77 License required of mobile home dealers.—

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

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349 (h) Certification by the applicant:

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

352 2. Except in the case of a mobile home broker, that the  
353 location affords sufficient ~~unoccupied~~ space to display store  
354 ~~all mobile homes offered and displayed~~ for sale. A space to  
355 display a manufactured home as a model home is sufficient to  
356 satisfy this requirement.~~;~~~~and that~~ The location must be ~~is~~ a  
357 suitable place in which the applicant can in good faith carry on  
358 business and keep and maintain books, records, and files  
359 necessary to conduct such business, which must ~~will~~ be available  
360 at all reasonable hours to inspection by the department or any  
361 of its inspectors or other employees.

362  
363 This paragraph does ~~subsection shall~~ not preclude a licensed  
364 mobile home dealer from displaying and offering for sale mobile  
365 homes in a mobile home park.

366  
367 The department shall, if it deems necessary, cause an  
368 investigation to be made to ascertain if the facts set forth in  
369 the application are true and shall not issue a license to the  
370 applicant until it is satisfied that the facts set forth in the  
371 application are true.

372 Section 8. Paragraph (j) of subsection (3) of section  
373 320.771, Florida Statutes, is amended to read:

374 320.771 License required of recreational vehicle dealers.-

375 (3) APPLICATION.-The application for such license shall be  
376 in the form prescribed by the department and subject to such  
377 rules as may be prescribed by it. The application shall be

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378 verified by oath or affirmation and shall contain:

379 (j) A statement that the applicant is insured under a  
380 garage liability insurance policy, which shall include, at a  
381 minimum, \$25,000 combined single-limit liability coverage,  
382 including bodily injury and property damage protection, and  
383 \$10,000 personal injury protection, if the applicant is to be  
384 licensed as a dealer in, or intends to sell, recreational  
385 vehicles. However, a garage liability policy is not required for  
386 the licensure of a mobile home dealer who sells only park  
387 trailers.

388  
389 The department shall, if it deems necessary, cause an  
390 investigation to be made to ascertain if the facts set forth in  
391 the application are true and shall not issue a license to the  
392 applicant until it is satisfied that the facts set forth in the  
393 application are true.

394 Section 9. Paragraph (c) of subsection (2) of section  
395 320.822, Florida Statutes, is amended to read:

396 320.822 Definitions; ss. 320.822-320.862.—In construing ss.  
397 320.822-320.862, unless the context otherwise requires, the  
398 following words or phrases have the following meanings:

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

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

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

404 320.8232 Establishment of uniform standards for used  
405 recreational vehicles and repair and remodeling code for mobile  
406 homes.—

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407           (2) The Mobile and Manufactured Home ~~provisions of the~~  
408 Repair and Remodeling Code must be a uniform code, must shall  
409 ensure safe and livable housing, and may shall not be more  
410 stringent than those standards required to be met in the  
411 manufacture of mobile homes. Such code must provisions shall  
412 include, ~~but not be limited to,~~ standards for structural  
413 adequacy, plumbing, heating, electrical systems, and fire and  
414 life safety. All repairs and remodeling of mobile and  
415 manufactured homes must be performed in accordance with  
416 department rules.

417           Section 11. Subsection (9) of section 367.022, Florida  
418 Statutes, is amended, and subsection (14) is added to that  
419 section, to read:

420           367.022 Exemptions.—The following are not subject to  
421 regulation by the commission as a utility nor are they subject  
422 to the provisions of this chapter, except as expressly provided:

423           (9) Any person who resells water service to his or her  
424 tenants or to individually metered residents for a fee that does  
425 not exceed the actual purchase price of the water and wastewater  
426 service plus the actual cost of meter reading and billing, not  
427 to exceed 9 percent of the actual cost of service.

428           (14) The owner of a mobile home park operating both as a  
429 mobile home park and a mobile home subdivision, as those terms  
430 are defined in s. 723.003, who provides service within the park  
431 and subdivision to a combination of both tenants and lot owners,  
432 provided that the service to tenants is without specific  
433 compensation.

434           Section 12. Paragraph (c) of subsection (6) of section  
435 420.5087, Florida Statutes, is amended to read:

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436 420.5087 State Apartment Incentive Loan Program.—There is  
437 hereby created the State Apartment Incentive Loan Program for  
438 the purpose of providing first, second, or other subordinated  
439 mortgage loans or loan guarantees to sponsors, including for-  
440 profit, nonprofit, and public entities, to provide housing  
441 affordable to very-low-income persons.

442 (6) On all state apartment incentive loans, except loans  
443 made to housing communities for the elderly to provide for  
444 lifesafety, building preservation, health, sanitation, or  
445 security-related repairs or improvements, the following  
446 provisions shall apply:

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

451 1. Tenant income and demographic targeting objectives of  
452 the corporation.

453 2. Targeting objectives of the corporation which will  
454 ensure an equitable distribution of loans between rural and  
455 urban areas.

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

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

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

464 b. Forty percent of the units in the project for persons or



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465 families who have incomes that do not exceed 60 percent of the  
466 state or local median income, whichever is higher, without  
467 requiring a greater amount of the loans as provided in this  
468 section.

469 5. Provision for tenant counseling.

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

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

476 8. Local government contributions and local government  
477 comprehensive planning and activities that promote affordable  
478 housing and policies that promote access to public  
479 transportation, reduce the need for onsite parking, and expedite  
480 permits for affordable housing projects.

481 9. Project feasibility.

482 10. Economic viability of the project.

483 11. Commitment of first mortgage financing.

484 12. Sponsor's prior experience.

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

486 14. Projects that directly implement or assist welfare-to-  
487 work transitioning.

488 15. Projects that reserve units for extremely-low-income  
489 persons.

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

493 17. Job-creation rate of the developer and general

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494 contractor, as provided in s. 420.507(47).

495 Section 13. Section 420.5095, Florida Statutes, is amended  
496 to read:

497 420.5095 Community Workforce Housing Loan Innovation Pilot  
498 Program.—

499 (1) The Legislature finds and declares that recent rapid  
500 increases in the median purchase price of a home and the cost of  
501 rental housing have far outstripped the increases in median  
502 income in the state, ~~preventing essential services personnel~~  
503 ~~from living in the communities where they serve and thereby~~  
504 creating the need for innovative solutions for the provision of  
505 housing opportunities ~~for essential services personnel~~.

506 (2) The Community Workforce Housing Loan Innovation Pilot  
507 Program is created to provide ~~affordable rental and home~~  
508 ~~ownership community~~ workforce housing for persons ~~essential~~  
509 ~~services personnel~~ affected by the high cost of housing, ~~using~~  
510 ~~regulatory incentives and state and local funds to promote local~~  
511 ~~public-private partnerships and leverage government and private~~  
512 ~~resources~~.

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

514 ~~(a)~~ “workforce housing” means housing affordable to natural  
515 persons or families whose total annual household income does not  
516 exceed 80 ~~140~~ percent of the area median income, adjusted for  
517 household size, or 120 ~~150~~ percent of area median income,  
518 adjusted for household size, in areas of critical state concern  
519 designated under s. 380.05, for which the Legislature has  
520 declared its intent to provide affordable housing, and areas  
521 that were designated as areas of critical state concern for at  
522 least 20 consecutive years before ~~prior to~~ removal of the

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523 designation.

524 ~~(b) "Public-private partnership" means any form of business~~  
525 ~~entity that includes substantial involvement of at least one~~  
526 ~~county, one municipality, or one public sector entity, such as a~~  
527 ~~school district or other unit of local government in which the~~  
528 ~~project is to be located, and at least one private sector for-~~  
529 ~~profit or not-for-profit business or charitable entity, and may~~  
530 ~~be any form of business entity, including a joint venture or~~  
531 ~~contractual agreement.~~

532 (4) The Florida Housing Finance Corporation is authorized  
533 to provide loans under the Community Workforce Housing  
534 Innovation Pilot program loans to applicants ~~an applicant~~ for  
535 construction or rehabilitation of workforce housing in eligible  
536 areas. This funding is intended to be used with other public and  
537 private sector resources.

538 (5) The corporation shall establish a loan application  
539 process under s. 420.5087 ~~by rule which includes selection~~  
540 ~~criteria, an application review process, and a funding process.~~  
541 The corporation shall also establish an application review  
542 committee that may include up to three private citizens  
543 representing the areas of housing or real estate development,  
544 banking, community planning, or other areas related to the  
545 development or financing of workforce and affordable housing.

546 ~~(a) The selection criteria and application review process~~  
547 ~~must include a procedure for curing errors in the loan~~  
548 ~~applications which do not make a substantial change to the~~  
549 ~~proposed project.~~

550 ~~(b) To achieve the goals of the pilot program, the~~  
551 ~~application review committee may approve or reject loan~~

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552 ~~applications or responses to questions raised during the review~~  
553 ~~of an application due to the insufficiency of information~~  
554 ~~provided.~~

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

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

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

564 ~~(6) The corporation shall provide incentives for local~~  
565 ~~governments in eligible areas to use local affordable housing~~  
566 ~~funds, such as those from the State Housing Initiatives~~  
567 ~~Partnership Program, to assist in meeting the affordable housing~~  
568 ~~needs of persons eligible under this program. Local governments~~  
569 ~~are authorized to use State Housing Initiative Partnership~~  
570 ~~Program funds for persons or families whose total annual~~  
571 ~~household income does not exceed:~~

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

574 ~~(b) One hundred and fifty percent of the area median~~  
575 ~~income, adjusted for household size, in areas that were~~  
576 ~~designated as areas of critical state concern for at least 20~~  
577 ~~consecutive years prior to the removal of the designation and in~~  
578 ~~areas of critical state concern, designated under s. 380.05, for~~  
579 ~~which the Legislature has declared its intent to provide~~  
580 ~~affordable housing.~~

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581 ~~(7) Funding shall be targeted to innovative projects in~~  
582 ~~areas where the disparity between the area median income and the~~  
583 ~~median sales price for a single-family home is greatest, and~~  
584 ~~where population growth as a percentage rate of increase is~~  
585 ~~greatest. The corporation may also fund projects in areas where~~  
586 ~~innovative regulatory and financial incentives are made~~  
587 ~~available. The corporation shall fund at least one eligible~~  
588 ~~project in as many counties and regions of the state as is~~  
589 ~~practicable, consistent with program goals.~~

590 ~~(6)(8)~~ Projects must be given shall receive priority  
591 consideration for funding if where:

592 ~~(a)~~ the local jurisdiction has adopted, or is committed to  
593 adopting, appropriate regulatory incentives, ~~or the local~~  
594 ~~jurisdiction or public-private partnership has adopted or is~~  
595 ~~committed to adopting~~ local contributions or financial  
596 strategies, or other funding sources to promote the development  
597 and ongoing financial viability of such projects. Local  
598 incentives include such actions as expediting review of  
599 development orders and permits, supporting development near  
600 transportation hubs and major employment centers, and adopting  
601 land development regulations designed to allow flexibility in  
602 densities, use of accessory units, mixed-use developments, and  
603 flexible lot configurations. Financial strategies include such  
604 actions as promoting employer-assisted housing programs,  
605 providing tax increment financing, and providing land.

606 ~~(b) Projects are innovative and include new construction or~~  
607 ~~rehabilitation; mixed-income housing; commercial and housing~~  
608 ~~mixed-use elements; innovative design; green building~~  
609 ~~principles; storm-resistant construction; or other elements that~~

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610 ~~reduce long term costs relating to maintenance, utilities, or~~  
611 ~~insurance and promote homeownership. The program funding may not~~  
612 ~~exceed the costs attributable to the portion of the project that~~  
613 ~~is set aside to provide housing for the targeted population.~~

614 ~~(c) Projects that set aside at least 80 percent of units~~  
615 ~~for workforce housing and at least 50 percent for essential~~  
616 ~~services personnel and for projects that require the least~~  
617 ~~amount of program funding compared to the overall housing costs~~  
618 ~~for the project.~~

619 ~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local~~  
620 ~~government comprehensive plan amendment to implement a Community~~  
621 ~~Workforce Housing Innovation Pilot Program project found~~  
622 ~~consistent with this section shall be expedited as provided in~~  
623 ~~this subsection. At least 30 days prior to adopting a plan~~  
624 ~~amendment under this subsection, the local government shall~~  
625 ~~notify the state land planning agency of its intent to adopt~~  
626 ~~such an amendment, and the notice shall include its evaluation~~  
627 ~~related to site suitability and availability of facilities and~~  
628 ~~services. The public notice of the hearing required by s.~~  
629 ~~163.3184(11)(b)2. shall include a statement that the local~~  
630 ~~government intends to use the expedited adoption process~~  
631 ~~authorized by this subsection. Such amendments shall require~~  
632 ~~only a single public hearing before the governing board, which~~  
633 ~~shall be an adoption hearing as described in s. 163.3184(4)(c).~~  
634 ~~Any further proceedings shall be governed by s. 163.3184(5)-~~  
635 ~~(13).~~

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

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639       ~~(7)~~(11) The corporation shall award loans with a 1 interest  
640 ~~rates set at 1 to 3 percent~~ interest rate for a term that does  
641 not exceed 15 years, ~~which may be made forgivable when long-term~~  
642 ~~affordability is provided and when at least 80 percent of the~~  
643 ~~units are set aside for workforce housing and at least 50~~  
644 ~~percent of the units are set aside for essential services~~  
645 ~~personnel.~~

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

647       ~~(a) For home ownership, limit the sales price of a detached~~  
648 ~~unit, townhome, or condominium unit to not more than 90 percent~~  
649 ~~of the median sales price for that type of unit in that county,~~  
650 ~~or the statewide median sales price for that type of unit,~~  
651 ~~whichever is higher, and require that all eligible purchasers of~~  
652 ~~home ownership units occupy the homes as their primary~~  
653 ~~residence.~~

654       ~~(b) For rental units, restrict rents for all workforce~~  
655 ~~housing serving those with incomes at or below 120 percent of~~  
656 ~~area median income at the appropriate income level using the~~  
657 ~~restricted rents for the federal low-income housing tax credit~~  
658 ~~program and, for workforce housing units serving those with~~  
659 ~~incomes above 120 percent of area median income, restrict rents~~  
660 ~~to those established by the corporation, not to exceed 30~~  
661 ~~percent of the maximum household income adjusted to unit size.~~

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

666       ~~(d) Have grants, donations of land, or contributions from~~  
667 ~~the public-private partnership or other sources collectively~~

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668 ~~totaling at least 10 percent of the total development cost or \$2~~  
669 ~~million, whichever is less. Such grants, donations of land, or~~  
670 ~~contributions must be evidenced by a letter of commitment,~~  
671 ~~agreement, contract, deed, memorandum of understanding, or other~~  
672 ~~written instrument at the time of application. Grants, donations~~  
673 ~~of land, or contributions in excess of 10 percent of the~~  
674 ~~development cost shall increase the application score.~~

675 ~~(e) Demonstrate how the applicant will use the regulatory~~  
676 ~~incentives and financial strategies outlined in subsection (8)~~  
677 ~~from the local jurisdiction in which the proposed project is to~~  
678 ~~be located. The corporation may consult with the Department of~~  
679 ~~Economic Opportunity in evaluating the use of regulatory~~  
680 ~~incentives by applicants.~~

681 ~~(f) Demonstrate that the applicant possesses title to or~~  
682 ~~site control of land and evidences availability of required~~  
683 ~~infrastructure.~~

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

686 ~~(h) Provide any research or facts available supporting the~~  
687 ~~demand and need for rental or home ownership workforce housing~~  
688 ~~for eligible persons in the market in which the project is~~  
689 ~~proposed.~~

690 ~~(13) Projects may include manufactured housing constructed~~  
691 ~~after June 1994 and installed in accordance with mobile home~~  
692 ~~installation standards of the Department of Highway Safety and~~  
693 ~~Motor Vehicles.~~

694 ~~(8)~~(14) The corporation may adopt rules pursuant to ss.  
695 120.536(1) and 120.54 to implement this section.

696 ~~(15) The corporation may use a maximum of 2 percent of the~~



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697 ~~annual program appropriation for administration and compliance~~  
698 ~~monitoring.~~

699 ~~(16) The corporation shall review the success of the~~  
700 ~~Community Workforce Housing Innovation Pilot Program to~~  
701 ~~ascertain whether the projects financed by the program are~~  
702 ~~useful in meeting the housing needs of eligible areas and shall~~  
703 ~~include its findings in the annual report required under s.~~  
704 ~~420.511(3).~~

705 Section 14. Section 420.531, Florida Statutes, is amended  
706 to read:

707 420.531 Affordable Housing Catalyst Program.—

708 (1) The corporation shall operate the Affordable Housing  
709 Catalyst Program for the purpose of securing the expertise  
710 necessary to provide specialized technical support to local  
711 governments and community-based organizations to implement the  
712 HOME Investment Partnership Program, State Apartment Incentive  
713 Loan Program, State Housing Initiatives Partnership Program, and  
714 other affordable housing programs. To the maximum extent  
715 feasible, the entity to provide the necessary expertise must be  
716 recognized by the Internal Revenue Service as a nonprofit tax-  
717 exempt organization. It must have as its primary mission the  
718 provision of affordable housing training and technical  
719 assistance, an ability to provide training and technical  
720 assistance statewide, and a proven track record of successfully  
721 providing training and technical assistance under the Affordable  
722 Housing Catalyst Program. The technical support shall, at a  
723 minimum, include training relating to the following key elements  
724 of the partnership programs:

725 (a) ~~(1)~~ Formation of local and regional housing partnerships

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726 as a means of bringing together resources to provide affordable  
727 housing.

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

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

732 ~~(d)(4)~~ Compliance with requirements of federally funded  
733 housing programs.

734 (2) In consultation with the corporation, the entity  
735 providing statewide training and technical assistance shall  
736 convene and administer biannual, regional workshops for the  
737 locally elected officials serving on affordable housing advisory  
738 committees as provided in s. 420.9076. The regional workshops  
739 may be conducted through teleconferencing or other technological  
740 means and must include processes and programming that facilitate  
741 peer-to-peer identification and sharing of best affordable  
742 housing practices among the locally elected officials. Annually,  
743 calendar year reports summarizing the deliberations, actions,  
744 and recommendations of each region, as well as the attendance  
745 records of locally elected officials, must be compiled by the  
746 entity providing statewide training and technical assistance for  
747 the Affordable Housing Catalyst Program and must be submitted to  
748 the President of the Senate, the Speaker of the House of  
749 Representatives, and the corporation by March 31 of the  
750 following year.

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

754 420.9073 Local housing distributions.-

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755       (7) Notwithstanding subsections (1)-(4), the corporation  
756 may prioritize a portion of the State Apartment Incentive Loan  
757 Program funds set aside under s. 420.5087(3)(d) for persons with  
758 special needs as defined in s. 420.0004(13) to provide funding  
759 for the development of newly constructed permanent rental  
760 housing on a campus that provides housing for persons in foster  
761 care or persons aging out of foster care pursuant to s.  
762 409.1451. Such housing shall promote and facilitate access to  
763 community-based supportive, educational, and employment services  
764 and resources that assist persons aging out of foster care to  
765 successfully transition to independent living and adulthood. The  
766 corporation must consult with the Department of Children and  
767 Families to create minimum criteria for such housing.

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

770       420.9075 Local housing assistance plans; partnerships.—

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

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

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

789       420.9076 Adoption of affordable housing incentive  
790 strategies; committees.—

791       (2) The governing board of a county or municipality shall  
792 appoint the members of the affordable housing advisory  
793 committee. Pursuant to the terms of any interlocal agreement, a  
794 county and municipality may create and jointly appoint an  
795 advisory committee. The local action adopted pursuant to s.  
796 420.9072 which creates the advisory committee and appoints the  
797 advisory committee members must name at least 8 but not more  
798 than 11 committee members and specify their terms. Effective  
799 October 1, 2020, the committee must consist of one locally  
800 elected official from each county or municipality participating  
801 in the State Housing Initiatives Partnership Program and one  
802 representative from at least six of the categories below:

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

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

807       (c) A citizen who is a representative of those areas of  
808 labor actively engaged in home building in connection with  
809 affordable housing.

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

812       (e) A citizen who is actively engaged as a for-profit

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813 provider of affordable housing.

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

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

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

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

825 (j) A citizen who represents employers within the  
826 jurisdiction.

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

829 (4) Annually ~~Triennially~~, the advisory committee shall  
830 review the established policies and procedures, ordinances, land  
831 development regulations, and adopted local government  
832 comprehensive plan of the appointing local government and shall  
833 recommend specific actions or initiatives to encourage or  
834 facilitate affordable housing while protecting the ability of  
835 the property to appreciate in value. The recommendations may  
836 include the modification or repeal of existing policies,  
837 procedures, ordinances, regulations, or plan provisions; the  
838 creation of exceptions applicable to affordable housing; or the  
839 adoption of new policies, procedures, regulations, ordinances,  
840 or plan provisions, including recommendations to amend the local  
841 government comprehensive plan and corresponding regulations,

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842 ordinances, and other policies. At a minimum, each advisory  
843 committee shall submit an annual ~~a~~ report to the local governing  
844 body and to the entity providing statewide training and  
845 technical assistance for the Affordable Housing Catalyst Program  
846 which ~~that~~ includes recommendations on, ~~and triennially~~  
847 ~~thereafter evaluates~~ the implementation of, affordable housing  
848 incentives in the following areas:

849 (a) The processing of approvals of development orders or  
850 permits for affordable housing projects is expedited to a  
851 greater degree than other projects, as provided in s.  
852 163.3177(6)(f)3.

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

857 (c) The allowance of flexibility in densities for  
858 affordable housing.

859 (d) The reservation of infrastructure capacity for housing  
860 for very-low-income persons, low-income persons, and moderate-  
861 income persons.

862 (e) ~~The allowance of~~ Affordable accessory residential units  
863 ~~in residential zoning districts.~~

864 (f) The reduction of parking and setback requirements for  
865 affordable housing.

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

868 (h) The modification of street requirements for affordable  
869 housing.

870 (i) The establishment of a process by which a local

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871 government considers, before adoption, policies, procedures,  
872 ordinances, regulations, or plan provisions that increase the  
873 cost of housing.

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

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

878

879 The advisory committee recommendations may also include other  
880 affordable housing incentives identified by the advisory  
881 committee. Local governments that receive the minimum allocation  
882 under the State Housing Initiatives Partnership Program shall  
883 perform an ~~the~~ initial review but may elect to not perform the  
884 annual ~~triennial~~ review.

885 (10) The locally elected official serving on an advisory  
886 committee, or a locally elected designee, must attend biannual  
887 regional workshops convened and administered under the  
888 Affordable Housing Catalyst Program as provided in s.  
889 420.531(2). If the locally elected official or a locally elected  
890 designee fails to attend three consecutive regional workshops,  
891 the corporation may withhold funds pending the person's  
892 attendance at the next regularly scheduled biannual meeting.

893 Section 18. Section 423.02, Florida Statutes, is amended to  
894 read:

895 423.02 Housing projects exempted from taxes and  
896 assessments; payments in lieu thereof.—The housing projects,  
897 including all property of housing authorities used for or in  
898 connection therewith or appurtenant thereto, of housing  
899 authorities, or their nonprofit instrumentalities as authorized

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900 by s. 421.08(8), shall be exempt from all taxes and special  
 901 assessments of the state or any city, town, county, or political  
 902 subdivision of the state, provided, however, that in lieu of  
 903 such taxes or special assessments, a housing authority or its  
 904 nonprofit instrumentality may agree to make payments to any  
 905 city, town, county, or political subdivision of the state for  
 906 services, improvements, or facilities furnished by such city,  
 907 town, county, or political subdivision for the benefit of a  
 908 housing project owned by the housing authority or its nonprofit  
 909 instrumentality, but in no event shall such payments exceed the  
 910 estimated cost to such city, town, county, or political  
 911 subdivision of the services, improvements, or facilities to be  
 912 so furnished. A city, town, county, or political subdivision of  
 913 the state may not rename, modify terminology, or otherwise  
 914 change a tax or assessment with the intent to circumvent the  
 915 exemption provided under this section, which must be interpreted  
 916 broadly to protect housing authorities or their nonprofit  
 917 instrumentalities from taxation or assessment.

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

920 723.011 Disclosure prior to rental of a mobile home lot;  
 921 prospectus, filing, approval.—

922 (4) With regard to a tenancy in existence on the effective  
 923 date of this chapter, the prospectus or offering circular  
 924 offered by the mobile home park owner must ~~shall~~ contain the  
 925 same terms and conditions as rental agreements offered to all  
 926 other mobile home owners residing in the park on the effective  
 927 date of this act, excepting only rent variations based upon lot  
 928 location and size, and may ~~shall~~ not require any mobile home



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929 owner to install any permanent improvements, except that the  
930 mobile home owner may be required to install permanent  
931 improvements to the mobile home as disclosed in the prospectus.

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

934 723.012 Prospectus or offering circular.—The prospectus or  
935 offering circular, which is required to be provided by s.  
936 723.011, must contain the following information:

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

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

943 (b) Each swimming pool, as to its general location,  
944 approximate size and depths, and approximate deck size and  
945 capacity and whether heated.

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

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

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

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

954  
955 If a mobile home park owner intends to include additional  
956 property and mobile home lots and to increase the number of lots  
957 that will use the shared facilities of the park, the mobile home

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958 park owner must amend the prospectus to disclose such additions.  
959 If the number of mobile home lots in the park increases by more  
960 than 15 percent of the total number of lots in the original  
961 prospectus, the mobile home park owner must reasonably offset  
962 the impact of the additional lots by increasing the shared  
963 facilities. The amendment to the prospectus must include a  
964 reasonable timeframe for providing the required additional  
965 shared facilities. The costs and expenses necessary to increase  
966 the shared facilities may not be passed on or passed through to  
967 the existing mobile home owners.

968 Section 21. Section 723.023, Florida Statutes, is amended  
969 to read:

970 723.023 Mobile home owner's general obligations.—A mobile  
971 home owner shall ~~at all times~~:

972 (1) At all times comply with all obligations imposed on  
973 mobile home owners by applicable provisions of building,  
974 housing, and health codes, including compliance with all  
975 building permits and construction requirements for construction  
976 on the mobile home and lot. The home owner is responsible for  
977 all fines imposed by the local government for noncompliance with  
978 any local codes.

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

982 (3) At all times comply with properly promulgated park  
983 rules and regulations and require other persons on the premises  
984 with his or her consent to comply with such rules and to conduct  
985 themselves, and other persons on the premises with his or her  
986 consent, in a manner that does not unreasonably disturb other

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987 residents of the park or constitute a breach of the peace.

988 (4) Receive written approval from the mobile home park  
989 owner before making any exterior modification or addition to the  
990 home.

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

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

995 723.031 Mobile home lot rental agreements.-

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

1000 723.059(4), whichever is applicable; ~~7~~ provided that, pursuant to  
1001 s. 723.059(4), the amount of the lot rental increase is  
1002 disclosed and agreed to by the purchaser, in writing. An  
1003 increase in lot rental amount shall not be arbitrary or  
1004 discriminatory between similarly situated tenants in the park. A  
1005 lot rental amount may not be increased during the term of the  
1006 lot rental agreement, except:

1007 (a) When the manner of the increase is disclosed in a lot  
1008 rental agreement with a term exceeding 12 months and which  
1009 provides for such increases not more frequently than annually.

1010 (b) For pass-through charges as defined in s. 723.003.

1011 (c) That a charge may not be collected which results in  
1012 payment of money for sums previously collected as part of the  
1013 lot rental amount. The provisions hereof notwithstanding, the  
1014 mobile home park owner may pass on, at any time during the term  
1015 of the lot rental agreement, ad valorem property taxes, non-ad

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1016 valorem assessments, and utility charges, or increases of  
1017 either, provided that the ad valorem property taxes, non-ad  
1018 valorem assessments, and utility charges are not otherwise being  
1019 collected in the remainder of the lot rental amount and provided  
1020 further that the passing on of such ad valorem taxes, non-ad  
1021 valorem assessments, or utility charges, or increases of either,  
1022 was disclosed prior to tenancy, was being passed on as a matter  
1023 of custom between the mobile home park owner and the mobile home  
1024 owner, or such passing on was authorized by law. A park owner is  
1025 deemed to have disclosed the passing on of ad valorem property  
1026 taxes and non-ad valorem assessments if ad valorem property  
1027 taxes or non-ad valorem assessments were disclosed as a separate  
1028 charge or a factor for increasing the lot rental amount in the  
1029 prospectus or rental agreement. Such ad valorem taxes, non-ad  
1030 valorem assessments, and utility charges shall be a part of the  
1031 lot rental amount as defined by this chapter. The term "non-ad  
1032 valorem assessments" has the same meaning as provided in s.  
1033 197.3632(1)(d). Other provisions of this chapter  
1034 notwithstanding, pass-on charges may be passed on only within 1  
1035 year of the date a mobile home park owner remits payment of the  
1036 charge. A mobile home park owner is prohibited from passing on  
1037 any fine, interest, fee, or increase in a charge resulting from  
1038 a park owner's payment of the charge after the date such charges  
1039 become delinquent. A mobile home park owner is prohibited from  
1040 charging or collecting from the mobile home owners any sum for  
1041 ad valorem taxes or non-ad valorem tax charges in an amount in  
1042 excess of the sums remitted by the park owner to the tax  
1043 collector. Nothing herein shall prohibit a park owner and a  
1044 homeowner from mutually agreeing to an alternative manner of

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1045 payment to the park owner of the charges.

1046 (d) If a notice of increase in lot rental amount is not  
1047 given 90 days before the renewal date of the rental agreement,  
1048 the rental agreement must remain under the same terms until a  
1049 90-day notice of increase in lot rental amount is given. The  
1050 notice may provide for a rental term shorter than 1 year in  
1051 order to maintain the same renewal date.

1052 Section 23. Subsection (1) and paragraph (a) of subsection  
1053 (4) of section 723.037, Florida Statutes, are amended to read:

1054 723.037 Lot rental increases; reduction in services or  
1055 utilities; change in rules and regulations; mediation.—

1056 (1) A park owner shall give written notice to each affected  
1057 mobile home owner and the board of directors of the homeowners'  
1058 association, if one has been formed, at least 90 days before any  
1059 increase in lot rental amount or reduction in services or  
1060 utilities provided by the park owner or change in rules and  
1061 regulations. The park owner may give notice of all increases in  
1062 lot rental amount for multiple anniversary dates in the same 90-  
1063 day notice. The notice must ~~shall~~ identify all other affected  
1064 homeowners, which may be by lot number, name, group, or phase.  
1065 If the affected homeowners are not identified by name, the park  
1066 owner shall make the names and addresses available upon request.  
1067 However, this requirement does not authorize the release of the  
1068 names, addresses, or other private information about the  
1069 homeowners to the association or any other person for any other  
1070 purpose. The home owner's right to the 90-day notice may not be  
1071 waived or precluded by a home owner, or the homeowners'  
1072 committee, in an agreement with the park owner. Rules adopted as  
1073 a result of restrictions imposed by governmental entities and

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1074 required to protect the public health, safety, and welfare may  
1075 be enforced prior to the expiration of the 90-day period but are  
1076 not otherwise exempt from the requirements of this chapter.  
1077 Pass-through charges must be separately listed as to the amount  
1078 of the charge, the name of the governmental entity mandating the  
1079 capital improvement, and the nature or type of the pass-through  
1080 charge being levied. Notices of increase in the lot rental  
1081 amount due to a pass-through charge must ~~shall~~ state the  
1082 additional payment and starting and ending dates of each pass-  
1083 through charge. The homeowners' association shall have no  
1084 standing to challenge the increase in lot rental amount,  
1085 reduction in services or utilities, or change of rules and  
1086 regulations unless a majority of the affected homeowners agree,  
1087 in writing, to such representation.

1088 (4) (a) A committee, not to exceed five in number,  
1089 designated by a majority of the affected mobile home owners or  
1090 by the board of directors of the homeowners' association, if  
1091 applicable, and the park owner shall meet, at a mutually  
1092 convenient time and place no later than 60 days before the  
1093 effective date of the change to discuss the reasons for the  
1094 increase in lot rental amount, reduction in services or  
1095 utilities, or change in rules and regulations. The negotiating  
1096 committee shall make a written request for a meeting with the  
1097 park owner or subdivision developer to discuss those matters  
1098 addressed in the 90-day notice, and may include in the request a  
1099 listing of any other issue, with supporting documentation, that  
1100 the committee intends to raise and discuss at the meeting. The  
1101 committee shall address all lot rental amount increases that are  
1102 specified in the notice of lot rental amount increase,

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1103 regardless of the effective date of the increase.

1104

1105 This subsection is not intended to be enforced by civil or  
1106 administrative action. Rather, the meetings and discussions are  
1107 intended to be in the nature of settlement discussions prior to  
1108 the parties proceeding to mediation of any dispute.

1109 Section 24. Subsections (5) and (6) are added to section  
1110 723.041, Florida Statutes, to read:

1111 723.041 Entrance fees; refunds; exit fees prohibited;  
1112 replacement homes.—

1113 (5) A mobile home park that is damaged or destroyed due to  
1114 wind, water, or other natural force may be rebuilt on the same  
1115 site with the same density as was approved, permitted, and built  
1116 before the park was damaged or destroyed.

1117 (6) This section does not limit the regulation of the  
1118 uniform firesafety standards established under s. 633.206, but  
1119 supersedes any other density, separation, setback, or lot size  
1120 regulation adopted after initial permitting and construction of  
1121 the mobile home park.

1122 Section 25. Section 723.042, Florida Statutes, is amended  
1123 to read:

1124 723.042 Provision of improvements.—A ~~No~~ person may not  
1125 ~~shall~~ be required by a mobile home park owner or developer, as a  
1126 condition of residence in the mobile home park, to provide any  
1127 improvement unless the requirement is disclosed pursuant to s.  
1128 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home  
1129 park.

1130 Section 26. Section 723.059, Florida Statutes, is amended  
1131 to read:

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1132           723.059 ~~Rights of Purchaser~~ of a mobile home within a  
1133 mobile home park.—

1134           (1) The purchaser of a mobile home within a mobile home  
1135 park may become a tenant of the park if such purchaser would  
1136 otherwise qualify with the requirements of entry into the park  
1137 under the park rules and regulations, subject to the approval of  
1138 the park owner, but such approval may not be unreasonably  
1139 withheld. The purchaser of the mobile home may cancel or rescind  
1140 the contract for purchase of the mobile home if the purchaser's  
1141 tenancy has not been approved by the park owner 5 days before  
1142 the closing of the purchase.

1143           (2) Properly promulgated rules may provide for the  
1144 screening of any prospective purchaser to determine whether or  
1145 not such purchaser is qualified to become a tenant of the park.

1146           (3) The purchaser of a mobile home who intends to become  
1147 ~~becomes~~ a resident of the mobile home park in accordance with  
1148 this section has the right to assume the remainder of the term  
1149 of any rental agreement then in effect between the mobile home  
1150 park owner and the seller and may assume the seller's  
1151 prospectus. However, nothing herein shall prohibit a mobile home  
1152 park owner from offering the purchaser of a mobile home any  
1153 approved prospectus shall be entitled to rely on the terms and  
1154 conditions of the prospectus or offering circular as delivered  
1155 to the initial recipient.

1156           (4) However, nothing herein shall be construed to prohibit  
1157 a mobile home park owner from increasing the rental amount to be  
1158 paid by the purchaser upon the expiration of the assumed rental  
1159 agreement in an amount deemed appropriate by the mobile home  
1160 park owner, so long as such increase is disclosed to the



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1161 purchaser prior to his or her occupancy and is imposed in a  
1162 manner consistent with the purchaser's ~~initial offering circular~~  
1163 ~~or~~ prospectus and this act.

1164 (5) Lifetime leases and the renewal provisions in  
1165 automatically renewable leases, both those existing and those  
1166 entered into after July 1, 1986, are not assumable unless  
1167 otherwise provided in the mobile home lot rental agreement or  
1168 unless the transferee is the home owner's spouse. The right to  
1169 an assumption of the lease by a spouse may be exercised only one  
1170 time during the term of that lease.

1171 Section 27. Paragraph (d) of subsection (1) of section  
1172 723.061, Florida Statutes, is amended, and subsection (5) is  
1173 added to that section, to read:

1174 723.061 Eviction; grounds, proceedings.—

1175 (1) A mobile home park owner may evict a mobile home owner,  
1176 a mobile home tenant, a mobile home occupant, or a mobile home  
1177 only on one or more of the following grounds:

1178 (d) Change in use of the land comprising the mobile home  
1179 park, or the portion thereof from which mobile homes are to be  
1180 evicted, from mobile home lot rentals to some other use, if:

1181 1. The park owner gives written notice to the homeowners'  
1182 association formed and operating under ss. 723.075-723.079 of  
1183 its right to purchase the mobile home park, if the land  
1184 comprising the mobile home park is changing use from mobile home  
1185 lot rentals to a different use, at the price and under the terms  
1186 and conditions set forth in the written notice.

1187 a. The notice shall be delivered to the officers of the  
1188 homeowners' association by United States mail. Within 45 days  
1189 after the date of mailing of the notice, the homeowners'

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1190 association may execute and deliver a contract to the park owner  
1191 to purchase the mobile home park at the price and under the  
1192 terms and conditions set forth in the notice. If the contract  
1193 between the park owner and the homeowners' association is not  
1194 executed and delivered to the park owner within the 45-day  
1195 period, the park owner is under no further obligation to the  
1196 homeowners' association except as provided in sub-subparagraph  
1197 b.

1198         b. If the park owner elects to offer or sell the mobile  
1199 home park at a price lower than the price specified in her or  
1200 his initial notice to the officers of the homeowners'  
1201 association, the homeowners' association has an additional 10  
1202 days to meet the revised price, terms, and conditions of the  
1203 park owner by executing and delivering a revised contract to the  
1204 park owner.

1205         c. The park owner is not obligated under this subparagraph  
1206 or s. 723.071 to give any other notice to, or to further  
1207 negotiate with, the homeowners' association for the sale of the  
1208 mobile home park to the homeowners' association after 6 months  
1209 after the date of the mailing of the initial notice under sub-  
1210 subparagraph a.

1211         2. The park owner gives the affected mobile home owners and  
1212 tenants at least 6 months' notice of the eviction due to the  
1213 projected change in use and of their need to secure other  
1214 accommodations. Within 20 days after giving an eviction notice  
1215 to a mobile home owner, the park owner must provide the division  
1216 with a copy of the notice. The division must provide the  
1217 executive director of the Florida Mobile Home Relocation  
1218 Corporation with a copy of the notice.

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1219 a. The notice of eviction due to a change in use of the  
1220 land must include in a font no smaller than the body of the  
1221 notice the following statement:

1222  
1223 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME  
1224 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME  
1225 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS  
1226 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND  
1227 PROFESSIONAL REGULATION.

1228

1229 b. The park owner may not give a notice of increase in lot  
1230 rental amount within 90 days before giving notice of a change in  
1231 use.

1232 (5) A park owner who accepts payment of any portion of the  
1233 lot rental amount with actual knowledge of noncompliance after  
1234 notice and termination of the rental agreement due to a  
1235 violation under paragraph (1)(b), paragraph (1)(c), or paragraph  
1236 (1)(e) does not waive the right to terminate the rental  
1237 agreement or the right to bring a civil action for the  
1238 noncompliance, but not for any subsequent or continuing  
1239 noncompliance. Any rent so received must be accounted for at the  
1240 final hearing.

1241 Section 28. Subsection (1) of section 723.076, Florida  
1242 Statutes, is amended to read:

1243 723.076 Incorporation; notification of park owner.—

1244 (1) Upon receipt of its certificate of incorporation, the  
1245 homeowners' association shall notify the park owner in writing  
1246 of such incorporation and shall advise the park owner of the  
1247 names and addresses of the officers of the homeowners'

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1248 association by personal delivery upon the park owner's  
1249 representative as designated in the prospectus or by certified  
1250 mail, return receipt requested. Thereafter, the homeowners'  
1251 association shall notify the park owner in writing by certified  
1252 mail, return receipt requested, of any change of names and  
1253 addresses of its president or registered agent. Upon election or  
1254 appointment of new officers or members, the homeowners'  
1255 association shall notify the park owner in writing by certified  
1256 mail, return receipt requested, of the names and addresses of  
1257 the new officers or members.

1258 Section 29. Paragraphs (b) through (e) of subsection (2) of  
1259 section 723.078, Florida Statutes, are amended, and paragraph  
1260 (i) of that subsection is reenacted, to read:

1261 723.078 Bylaws of homeowners' associations.-

1262 (2) The bylaws shall provide and, if they do not, shall be  
1263 deemed to include, the following provisions:

1264 (b) *Quorum; voting requirements; proxies.-*

1265 1. Unless otherwise provided in the bylaws, 30 percent of  
1266 the total membership is required to constitute a quorum.

1267 Decisions shall be made by a majority of members represented at  
1268 a meeting at which a quorum is present.

1269 2.a. A member may not vote by general proxy but may vote by  
1270 limited proxies substantially conforming to a limited proxy form  
1271 adopted by the division. Limited proxies and general proxies may  
1272 be used to establish a quorum. Limited proxies may be used for  
1273 votes taken to amend the articles of incorporation or bylaws  
1274 pursuant to this section, and any other matters for which this  
1275 chapter requires or permits a vote of members. ~~A, except that no~~  
1276 proxy, limited or general, may not be used in the election of

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1277 board members in general elections or elections to fill  
1278 vacancies caused by recall, resignation, or otherwise. Board  
1279 members must be elected by written ballot or by voting in  
1280 person. If a mobile home or subdivision lot is owned jointly,  
1281 the owners of the mobile home or subdivision lot must be counted  
1282 as one for the purpose of determining the number of votes  
1283 required for a majority. Only one vote per mobile home or  
1284 subdivision lot shall be counted. Any number greater than 50  
1285 percent of the total number of votes constitutes a majority.  
1286 Notwithstanding this section, members may vote in person at  
1287 member meetings or by secret ballot, including absentee ballots,  
1288 as defined by the division.

1289 b. Elections shall be decided by a plurality of the ballots  
1290 cast. There is no quorum requirement; however, at least 20  
1291 percent of the eligible voters must cast a ballot in order to  
1292 have a valid election. A member may not allow any other person  
1293 to cast his or her ballot, and any ballots improperly cast are  
1294 invalid. An election is not required unless there are more  
1295 candidates nominated than vacancies that exist on the board.

1296 c. Each member or other eligible person who desires to be a  
1297 candidate for the board of directors shall appear on the ballot  
1298 in alphabetical order by surname. A ballot may not indicate if  
1299 any of the candidates are incumbent on the board. All ballots  
1300 must be uniform in appearance. Write-in candidates and more than  
1301 one vote per candidate per ballot are not allowed. A ballot may  
1302 not provide a space for the signature of, or any other means of  
1303 identifying, a voter. If a ballot contains more votes than  
1304 vacancies or fewer votes than vacancies, the ballot is invalid  
1305 unless otherwise stated in the bylaws.

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1306 d. An impartial committee shall be responsible for  
1307 overseeing the election process and complying with all ballot  
1308 requirements. For purposes of this section, the term "impartial  
1309 committee" means a committee whose members do not include any of  
1310 the following people or their spouses:

1311 (I) Current board members.

1312 (II) Current association officers.

1313 (III) Candidates for the association or board.

1314 e. The association bylaws shall provide a method for  
1315 determining the winner of an election in which two or more  
1316 candidates for the same position receive the same number of  
1317 votes.

1318 f. The division shall adopt procedural rules to govern  
1319 elections, including, but not limited to, rules for providing  
1320 notice by electronic transmission and rules for maintaining the  
1321 secrecy of ballots.

1322 3. A proxy is effective only for the specific meeting for  
1323 which originally given and any lawfully adjourned meetings  
1324 thereof. In no event shall any proxy be valid for a period  
1325 longer than 90 days after the date of the first meeting for  
1326 which it was given. Every proxy shall be revocable at any time  
1327 at the pleasure of the member executing it.

1328 4. A member of the board of directors or a committee may  
1329 submit in writing his or her agreement or disagreement with any  
1330 action taken at a meeting that the member did not attend. This  
1331 agreement or disagreement may not be used as a vote for or  
1332 against the action taken and may not be used for the purposes of  
1333 creating a quorum.

1334 (c) *Board of directors' and committee meetings.-*

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1335 1. Meetings of the board of directors and meetings of its  
1336 committees at which a quorum is present shall be open to all  
1337 members. Notwithstanding any other provision of law, the  
1338 requirement that board meetings and committee meetings be open  
1339 to the members does not apply to meetings between the park owner  
1340 and the board of directors or any of the board's committees,  
1341 board or committee meetings held for the purpose of discussing  
1342 personnel matters, or meetings between the board or a committee  
1343 and the association's attorney, with respect to potential or  
1344 pending litigation, when ~~where~~ the meeting is held for the  
1345 purpose of seeking or rendering legal advice, and when ~~where~~ the  
1346 contents of the discussion would otherwise be governed by the  
1347 attorney-client privilege. Notice of all meetings open to  
1348 members shall be posted in a conspicuous place upon the park  
1349 property at least 48 hours in advance, except in an emergency.  
1350 Notice of any meeting in which dues ~~assessments against members~~  
1351 are to be considered for any reason shall specifically contain a  
1352 statement that dues ~~assessments~~ will be considered and the  
1353 nature of such dues ~~assessments~~.

1354 2. A board or committee member's participation in a meeting  
1355 via telephone, real-time videoconferencing, or similar real-time  
1356 telephonic, electronic, or video communication counts toward a  
1357 quorum, and such member may vote as if physically present. A  
1358 speaker shall be used so that the conversation of those board or  
1359 committee members attending by telephone may be heard by the  
1360 board or committee members attending in person, as well as by  
1361 members present at a meeting.

1362 3. Members of the board of directors may use e-mail as a  
1363 means of communication but may not cast a vote on an association

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1364 matter via e-mail.

1365         4. The right to attend meetings of the board of directors  
1366 and its committees includes the right to speak at such meetings  
1367 with reference to all designated agenda items. The association  
1368 may adopt reasonable written rules governing the frequency,  
1369 duration, and manner of members' statements. Any item not  
1370 included on the notice may be taken up on an emergency basis by  
1371 at least a majority plus one of the members of the board. Such  
1372 emergency action shall be noticed and ratified at the next  
1373 regular meeting of the board. Any member may tape record or  
1374 videotape meetings of the board of directors and its committees,  
1375 except meetings between the board of directors or its appointed  
1376 homeowners' committee and the park owner. The division shall  
1377 adopt reasonable rules governing the tape recording and  
1378 videotaping of the meeting.

1379         5. Except as provided in paragraph (i), a vacancy occurring  
1380 on the board of directors may be filled by the affirmative vote  
1381 of the majority of the remaining directors, even though the  
1382 remaining directors constitute less than a quorum; by the sole  
1383 remaining director; if the vacancy is not so filled or if no  
1384 director remains, by the members; or, on the application of any  
1385 person, by the circuit court of the county in which the  
1386 registered office of the corporation is located.

1387         6. The term of a director elected or appointed to fill a  
1388 vacancy expires at the next annual meeting at which directors  
1389 are elected. A directorship to be filled by reason of an  
1390 increase in the number of directors may be filled by the board  
1391 of directors, but only for the term of office continuing until  
1392 the next election of directors by the members.



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1393           7. A vacancy that will occur at a specific later date, by  
1394 reason of a resignation effective at a later date, may be filled  
1395 before the vacancy occurs. However, the new director may not  
1396 take office until the vacancy occurs.

1397           8.a. The officers and directors of the association have a  
1398 fiduciary relationship to the members.

1399           b. A director and committee member shall discharge his or  
1400 her duties in good faith, with the care an ordinarily prudent  
1401 person in a like position would exercise under similar  
1402 circumstances, and in a manner he or she reasonably believes to  
1403 be in the best interests of the corporation.

1404           9. In discharging his or her duties, a director may rely on  
1405 information, opinions, reports, or statements, including  
1406 financial statements and other financial data, if prepared or  
1407 presented by:

1408           a. One or more officers or employees of the corporation who  
1409 the director reasonably believes to be reliable and competent in  
1410 the matters presented;

1411           b. Legal counsel, public accountants, or other persons as  
1412 to matters the director reasonably believes are within the  
1413 persons' professional or expert competence; or

1414           c. A committee of the board of directors of which he or she  
1415 is not a member if the director reasonably believes the  
1416 committee merits confidence.

1417           10. A director is not acting in good faith if he or she has  
1418 knowledge concerning the matter in question that makes reliance  
1419 otherwise permitted by subparagraph 9. unwarranted.

1420           11. A director is not liable for any action taken as a  
1421 director, or any failure to take any action, if he or she

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1422 performed the duties of his or her office in compliance with  
1423 this section.

1424 (d) *Member meetings.*—Members shall meet at least once each  
1425 calendar year, and the meeting shall be the annual meeting. All  
1426 members of the board of directors shall be elected at the annual  
1427 meeting unless the bylaws provide for staggered election terms  
1428 or for their election at another meeting. The bylaws shall not  
1429 restrict any member desiring to be a candidate for board  
1430 membership from being nominated from the floor. All nominations  
1431 from the floor must be made at a duly noticed meeting of the  
1432 members held at least 27 ~~30~~ days before the annual meeting. The  
1433 bylaws shall provide the method for calling the meetings of the  
1434 members, including annual meetings. The method shall provide at  
1435 least 14 days' written notice to each member in advance of the  
1436 meeting and require the posting in a conspicuous place on the  
1437 park property of a notice of the meeting at least 14 days prior  
1438 to the meeting. The right to receive written notice of  
1439 membership meetings may be waived in writing by a member. Unless  
1440 waived, the notice of the annual meeting shall be mailed, hand  
1441 delivered, or electronically transmitted to each member, and  
1442 shall constitute notice. Unless otherwise stated in the bylaws,  
1443 an officer of the association shall provide an affidavit  
1444 affirming that the notices were mailed, ~~or~~ hand delivered, or  
1445 provided by electronic transmission in accordance with ~~the~~  
1446 ~~provisions of~~ this section to each member at the address last  
1447 furnished to the corporation. These meeting requirements do not  
1448 prevent members from waiving notice of meetings or from acting  
1449 by written agreement without meetings, if allowed by the bylaws.

1450 (e) *Minutes of meetings.*—

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1451       1. Notwithstanding any other provision of law, the minutes  
1452 of board or committee meetings that are closed to members are  
1453 privileged and confidential and are not available for inspection  
1454 or photocopying.

1455       2. Minutes of all meetings of members of an association and  
1456 meetings open to members of, the board of directors, and a  
1457 committee of the board must be maintained in written form and  
1458 approved by the members, board, or committee, as applicable. A  
1459 vote or abstention from voting on each matter voted upon for  
1460 each director present at a board meeting must be recorded in the  
1461 minutes.

1462       ~~3.2.~~ All approved minutes of open meetings of members,  
1463 committees, and the board of directors shall be kept in a  
1464 businesslike manner and shall be available for inspection by  
1465 members, or their authorized representatives, and board members  
1466 at reasonable times. The association shall retain these minutes  
1467 within this state for a period of at least 5 7 years.

1468       (i) *Recall of board members.*—Any member of the board of  
1469 directors may be recalled and removed from office with or  
1470 without cause by the vote of or agreement in writing by a  
1471 majority of all members. A special meeting of the members to  
1472 recall a member or members of the board of directors may be  
1473 called by 10 percent of the members giving notice of the meeting  
1474 as required for a meeting of members, and the notice shall state  
1475 the purpose of the meeting. Electronic transmission may not be  
1476 used as a method of giving notice of a meeting called in whole  
1477 or in part for this purpose.

1478       1. If the recall is approved by a majority of all members  
1479 by a vote at a meeting, the recall is effective as provided in

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1480 this paragraph. The board shall duly notice and hold a board  
1481 meeting within 5 full business days after the adjournment of the  
1482 member meeting to recall one or more board members. At the  
1483 meeting, the board shall either certify the recall, in which  
1484 case such member or members shall be recalled effective  
1485 immediately and shall turn over to the board within 5 full  
1486 business days any and all records and property of the  
1487 association in their possession, or shall proceed under  
1488 subparagraph 3.

1489         2. If the proposed recall is by an agreement in writing by  
1490 a majority of all members, the agreement in writing or a copy  
1491 thereof shall be served on the association by certified mail or  
1492 by personal service in the manner authorized by chapter 48 and  
1493 the Florida Rules of Civil Procedure. The board of directors  
1494 shall duly notice and hold a meeting of the board within 5 full  
1495 business days after receipt of the agreement in writing. At the  
1496 meeting, the board shall either certify the written agreement to  
1497 recall members of the board, in which case such members shall be  
1498 recalled effective immediately and shall turn over to the board,  
1499 within 5 full business days, any and all records and property of  
1500 the association in their possession, or shall proceed as  
1501 described in subparagraph 3.

1502         3. If the board determines not to certify the written  
1503 agreement to recall members of the board, or does not certify  
1504 the recall by a vote at a meeting, the board shall, within 5  
1505 full business days after the board meeting, file with the  
1506 division a petition for binding arbitration pursuant to the  
1507 procedures of s. 723.1255. For purposes of this paragraph, the  
1508 members who voted at the meeting or who executed the agreement

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1509 in writing shall constitute one party under the petition for  
1510 arbitration. If the arbitrator certifies the recall of a member  
1511 of the board, the recall shall be effective upon mailing of the  
1512 final order of arbitration to the association. If the  
1513 association fails to comply with the order of the arbitrator,  
1514 the division may take action under s. 723.006. A member so  
1515 recalled shall deliver to the board any and all records and  
1516 property of the association in the member's possession within 5  
1517 full business days after the effective date of the recall.

1518 4. If the board fails to duly notice and hold a board  
1519 meeting within 5 full business days after service of an  
1520 agreement in writing or within 5 full business days after the  
1521 adjournment of the members' recall meeting, the recall shall be  
1522 deemed effective and the board members so recalled shall  
1523 immediately turn over to the board all records and property of  
1524 the association.

1525 5. If the board fails to duly notice and hold the required  
1526 meeting or fails to file the required petition, the member's  
1527 representative may file a petition pursuant to s. 723.1255  
1528 challenging the board's failure to act. The petition must be  
1529 filed within 60 days after expiration of the applicable 5-full-  
1530 business-day period. The review of a petition under this  
1531 subparagraph is limited to the sufficiency of service on the  
1532 board and the facial validity of the written agreement or  
1533 ballots filed.

1534 6. If a vacancy occurs on the board as a result of a recall  
1535 and less than a majority of the board members are removed, the  
1536 vacancy may be filled by the affirmative vote of a majority of  
1537 the remaining directors, notwithstanding any other provision of

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1538 this chapter. If vacancies occur on the board as a result of a  
1539 recall and a majority or more of the board members are removed,  
1540 the vacancies shall be filled in accordance with procedural  
1541 rules to be adopted by the division, which rules need not be  
1542 consistent with this chapter. The rules must provide procedures  
1543 governing the conduct of the recall election as well as the  
1544 operation of the association during the period after a recall  
1545 but before the recall election.

1546 7. A board member who has been recalled may file a petition  
1547 pursuant to s. 723.1255 challenging the validity of the recall.  
1548 The petition must be filed within 60 days after the recall is  
1549 deemed certified. The association and the member's  
1550 representative shall be named as the respondents.

1551 8. The division may not accept for filing a recall  
1552 petition, whether or not filed pursuant to this subsection, and  
1553 regardless of whether the recall was certified, when there are  
1554 60 or fewer days until the scheduled reelection of the board  
1555 member sought to be recalled or when 60 or fewer days have not  
1556 elapsed since the election of the board member sought to be  
1557 recalled.

1558 Section 30. Paragraphs (d) and (f) through (i) of  
1559 subsection (4) and subsection (5) of section 723.079, Florida  
1560 Statutes, are amended to read:

1561 723.079 Powers and duties of homeowners' association.—

1562 (4) The association shall maintain the following items,  
1563 when applicable, which constitute the official records of the  
1564 association:

1565 (d) The approved minutes of all meetings of the members of  
1566 an association and meetings open for members of~~7~~ the board of

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1567 directors, and committees of the board, which minutes must be  
1568 retained within this ~~the~~ state for at least 5 ~~7~~ years.

1569 (f) All of the association's insurance policies or copies  
1570 thereof, which must be retained within this state for at least 5  
1571 ~~7~~ years after the expiration date of the policy.

1572 (g) A copy of all contracts or agreements to which the  
1573 association is a party, including, without limitation, any  
1574 written agreements with the park owner, lease, or other  
1575 agreements or contracts under which the association or its  
1576 members has any obligation or responsibility, which must be  
1577 retained within this state for at least 5 ~~7~~ years after the  
1578 expiration date of the contract or agreement.

1579 (h) The financial and accounting records of the  
1580 association, kept according to good accounting practices. All  
1581 financial and accounting records must be maintained within this  
1582 state for a ~~period of~~ at least 5 ~~7~~ years. The financial and  
1583 accounting records must include:

1584 1. Accurate, itemized, and detailed records of all receipts  
1585 and expenditures.

1586 2. A current account and a periodic statement of the  
1587 account for each member, designating the name and current  
1588 address of each member who is obligated to pay dues or  
1589 assessments, the due date and amount of each assessment or other  
1590 charge against the member, the date and amount of each payment  
1591 on the account, and the balance due.

1592 3. All tax returns, financial statements, and financial  
1593 reports of the association.

1594 4. Any other records that identify, measure, record, or  
1595 communicate financial information.

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1596 (i) All other written records of the association not  
1597 specifically included in the foregoing which are related to the  
1598 operation of the association must be retained within this state  
1599 for at least 5 years or at least 5 years after the expiration  
1600 date, as applicable.

1601 (5) The official records shall be ~~maintained within the~~  
1602 ~~state for at least 7 years and shall be~~ made available to a  
1603 member for inspection or photocopying within 20 ~~10~~ business days  
1604 after receipt by the board or its designee of a written request  
1605 submitted by certified mail, return receipt requested. The  
1606 requirements of this subsection are satisfied by having a copy  
1607 of the official records available for inspection or copying in  
1608 the park or, at the option of the association, by making the  
1609 records available to a member electronically via the Internet or  
1610 by allowing the records to be viewed in electronic format on a  
1611 computer screen and printed upon request. If the association has  
1612 a photocopy machine available where the records are maintained,  
1613 it must provide a member with copies on request during the  
1614 inspection if the entire request is no more than 25 pages. An  
1615 association shall allow a member or his or her authorized  
1616 representative to use a portable device, including a smartphone,  
1617 tablet, portable scanner, or any other technology capable of  
1618 scanning or taking photographs, to make an electronic copy of  
1619 the official records in lieu of the association's providing the  
1620 member or his or her authorized representative with a copy of  
1621 such records. The association may not charge a fee to a member  
1622 or his or her authorized representative for the use of a  
1623 portable device.

1624 (a) The failure of an association to provide access to the



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1625 records within 20 ~~10~~ business days after receipt of a written  
1626 request submitted by certified mail, return receipt requested,  
1627 creates a rebuttable presumption that the association willfully  
1628 failed to comply with this subsection.

1629 (b) A member who is denied access to official records is  
1630 entitled to ~~the actual damages or minimum~~ damages for the  
1631 association's willful failure to comply with this subsection in  
1632 the amount of. ~~The minimum damages are to be~~ \$10 per calendar  
1633 day up to 10 days, not to exceed \$100. The calculation for  
1634 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after  
1635 receipt of the written request, submitted by certified mail,  
1636 return receipt requested.

1637 (c) A dispute between a member and an association regarding  
1638 inspecting or photocopying official records must be submitted to  
1639 mandatory binding arbitration with the division, and the  
1640 arbitration must be conducted pursuant to s. 723.1255 and  
1641 procedural rules adopted by the division.

1642 (d) The association may adopt reasonable written rules  
1643 governing the frequency, time, location, notice, records to be  
1644 inspected, and manner of inspections, but may not require a  
1645 member to demonstrate a proper purpose for the inspection, state  
1646 a reason for the inspection, or limit a member's right to  
1647 inspect records to less than 1 business day per month. The  
1648 association may impose fees to cover the costs of providing  
1649 copies of the official records, including the costs of copying  
1650 and for personnel to retrieve and copy the records if the time  
1651 spent retrieving and copying the records exceeds 30 minutes and  
1652 if the personnel costs do not exceed \$20 per hour. Personnel  
1653 costs may not be charged for records requests that result in the

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1654 copying of 25 or fewer pages. The association may charge up to  
1655 25 cents per page for copies made on the association's  
1656 photocopier. If the association does not have a photocopy  
1657 machine available where the records are kept, or if the records  
1658 requested to be copied exceed 25 pages in length, the  
1659 association may have copies made by an outside duplicating  
1660 service and may charge the actual cost of copying, as supported  
1661 by the vendor invoice. The association shall maintain an  
1662 adequate number of copies of the recorded governing documents,  
1663 to ensure their availability to members and prospective members.  
1664 Notwithstanding this paragraph, the following records are not  
1665 accessible to members or home owners:

1666 1. A record protected by the lawyer-client privilege as  
1667 described in s. 90.502 and a record protected by the work-  
1668 product privilege, including, but not limited to, a record  
1669 prepared by an association attorney or prepared at the  
1670 attorney's express direction which reflects a mental impression,  
1671 conclusion, litigation strategy, or legal theory of the attorney  
1672 or the association and which was prepared exclusively for civil  
1673 or criminal litigation, for adversarial administrative  
1674 proceedings, or in anticipation of such litigation or  
1675 proceedings until the conclusion of the litigation or  
1676 proceedings.

1677 2. E-mail addresses, telephone numbers, facsimile numbers,  
1678 emergency contact information, any addresses for a home owner  
1679 other than as provided for association notice requirements, and  
1680 other personal identifying information of any person, excluding  
1681 the person's name, lot designation, mailing address, and  
1682 property address. Notwithstanding the restrictions in this

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1683 subparagraph, an association may print and distribute to home  
1684 owners a directory containing the name, park address, and  
1685 telephone number of each home owner. However, a home owner may  
1686 exclude his or her telephone number from the directory by so  
1687 requesting in writing to the association. The association is not  
1688 liable for the disclosure of information that is protected under  
1689 this subparagraph if the information is included in an official  
1690 record of the association and is voluntarily provided by a home  
1691 owner and not requested by the association.

1692 3. An electronic security measure that is used by the  
1693 association to safeguard data, including passwords.

1694 4. The software and operating system used by the  
1695 association which allows the manipulation of data, even if the  
1696 home owner owns a copy of the same software used by the  
1697 association. The data is part of the official records of the  
1698 association.

1699 Section 31. Section 723.1255, Florida Statutes, is amended  
1700 to read:

1701 723.1255 Alternative resolution of recall, election, and  
1702 inspection and photocopying of official records disputes.-

1703 (1) A dispute between a mobile home owner and a homeowners'  
1704 association regarding the election and recall of officers or  
1705 directors under s. 723.078(2)(b) or regarding the inspection and  
1706 photocopying of official records under s. 723.079(5) must be  
1707 submitted to mandatory binding arbitration with the division.  
1708 The arbitration shall be conducted in accordance with this  
1709 section and the procedural rules adopted by the division.

1710 (2) Each party shall be responsible for paying its own  
1711 attorney fees, expert and investigator fees, and associated

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1712 costs. The cost of the arbitrators shall be divided equally  
1713 between the parties regardless of the outcome.

1714 (3) The division shall adopt procedural rules to govern  
1715 mandatory binding arbitration proceedings ~~The Division of~~  
1716 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~  
1717 ~~Department of Business and Professional Regulation shall adopt~~  
1718 ~~rules of procedure to govern binding recall arbitration~~  
1719 ~~proceedings.~~

1720 Section 32. For the purpose of incorporating the amendment  
1721 made by this act to section 420.5087, Florida Statutes, in a  
1722 reference thereto, paragraph (i) of subsection (22) of section  
1723 420.507, Florida Statutes, is reenacted to read:

1724 420.507 Powers of the corporation.—The corporation shall  
1725 have all the powers necessary or convenient to carry out and  
1726 effectuate the purposes and provisions of this part, including  
1727 the following powers which are in addition to all other powers  
1728 granted by other provisions of this part:

1729 (22) To develop and administer the State Apartment  
1730 Incentive Loan Program. In developing and administering that  
1731 program, the corporation may:

1732 (i) Establish, by rule, the procedure for competitively  
1733 evaluating and selecting all applications for funding based on  
1734 the criteria set forth in s. 420.5087(6)(c), determining actual  
1735 loan amounts, making and servicing loans, and exercising the  
1736 powers authorized in this subsection.

1737 Section 33. For the purpose of incorporating the amendment  
1738 made by this act to section 420.5095, Florida Statutes, in a  
1739 reference thereto, subsection (2) of section 193.018, Florida  
1740 Statutes, is reenacted to read:

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1741           193.018 Land owned by a community land trust used to  
1742 provide affordable housing; assessment; structural improvements,  
1743 condominium parcels, and cooperative parcels.—

1744           (2) A community land trust may convey structural  
1745 improvements, condominium parcels, or cooperative parcels, that  
1746 are located on specific parcels of land that are identified by a  
1747 legal description contained in and subject to a ground lease  
1748 having a term of at least 99 years, for the purpose of providing  
1749 affordable housing to natural persons or families who meet the  
1750 extremely-low-income, very-low-income, low-income, or moderate-  
1751 income limits specified in s. 420.0004, or the income limits for  
1752 workforce housing, as defined in s. 420.5095(3). A community  
1753 land trust shall retain a preemptive option to purchase any  
1754 structural improvements, condominium parcels, or cooperative  
1755 parcels on the land at a price determined by a formula specified  
1756 in the ground lease which is designed to ensure that the  
1757 structural improvements, condominium parcels, or cooperative  
1758 parcels remain affordable.

1759           Section 34. This act shall take effect July 1, 2020.