

1 A bill to be entitled
2 An act relating to housing; providing a short title;
3 amending ss. 125.0103 and 166.043, F.S.; removing
4 provisions prohibiting municipalities, counties, or
5 other entities of local government from adopting or
6 maintaining certain laws relating to rent control;
7 creating s. 166.0452, F.S.; providing definitions;
8 authorizing municipalities and counties to create
9 community land bank programs for a certain purpose;
10 requiring certain municipalities and counties to
11 develop and annually adopt a community land bank plan;
12 providing requirements for such plan; requiring a
13 public hearing on the proposed plan before its
14 adoption; requiring notice to certain entities;
15 requiring the proposed plan to be made public within a
16 certain timeframe before the public hearing; providing
17 requirements for the sale of certain property to land
18 banks; providing that such sale is for a public
19 purpose; prohibiting certain persons from challenging
20 the market value of a property under certain
21 circumstances; requiring written notice of a sale of
22 such property to be provided to certain persons in a
23 certain manner within a specified timeframe;
24 authorizing the owner of certain property to contest
25 the sale of such property and requiring such property

26 to be sold in a different manner; specifying that the
27 owner of certain property is not entitled to proceeds
28 from the sale and is not liable for certain
29 deficiencies; authorizing land banks to buy certain
30 property for less than market value under certain
31 circumstances; conveying the right, title, and
32 interest in certain property to land banks; requiring
33 land banks to offer qualified organizations a right of
34 first refusal to purchase certain property; providing
35 requirements for the right of first refusal; providing
36 conditions for the subsequent resale of property
37 acquired by land banks; requiring certain deed
38 restrictions on certain property; providing
39 requirements for such deed restrictions; authorizing
40 the modification of or addition to deed restrictions;
41 requiring land banks to maintain certain records;
42 requiring land banks to file annual audited financial
43 statements within a certain timeframe; requiring land
44 banks to submit an annual performance report to the
45 municipality or county, as applicable, by a certain
46 date; providing requirements for such report;
47 requiring copies of such report to be provided to
48 certain entities and made available for public review;
49 authorizing land banks to acquire real property in
50 specified manners and to hold, manage, and dispose of

51 such real property in accordance with the community
52 land bank plan; requiring a specified percentage of
53 certain taxes collected to be remitted to a land bank
54 for a specified duration; requiring such funds to be
55 remitted to a land bank in accordance with certain
56 procedures; providing applicability; creating s.
57 215.55866, F.S.; requiring the Department of Financial
58 Services to adopt a home resiliency grading scale for
59 a specified purpose; providing requirements for the
60 grading scale; requiring the department to create a
61 program that uses the grading scale for a specified
62 purpose; providing requirements for the program;
63 requiring the department to adopt rules; creating s.
64 215.55867, F.S.; establishing the Innovative
65 Mitigation Solutions Pilot Program within the
66 Department of Financial Services for a specified
67 purpose; allowing mortgage lenders and property
68 insurers to submit proposals to the department that
69 include certain information; authorizing the
70 department to waive or develop certain rules in order
71 to implement the proposal; requiring the department to
72 adopt rules; creating s. 220.1851, F.S.; providing
73 definitions; authorizing a tax credit for certain
74 projects; providing the maximum value of such credit;
75 authorizing the Florida Housing Finance Corporation to

76 allocate the tax credit among certain projects;
77 authorizing the tax credit to be transferred by the
78 recipient; requiring the Department of Revenue to
79 adopt rules; authorizing a tax credit allocation to be
80 used for certain eligible costs; authorizing a tax
81 credit allocation to be carried forward for a
82 specified timeframe; amending ss. 420.0005 and
83 420.9079, F.S.; requiring certain agencies to provide
84 a report to the Legislature relating to the use of
85 specified transferred funds; requiring the repayment
86 of certain funds; creating s. 420.50931, F.S.;

87 creating the Retail-to-residence Tax Credit Program
88 for a certain purpose; requiring the Florida Housing
89 Finance Corporation to determine which projects are
90 eligible for the tax credit; requiring the corporation
91 to establish and adopt certain procedures and to
92 prepare a specified annual plan; requiring such plan
93 to be approved by the Governor; authorizing the
94 corporation to exercise certain powers; requiring the
95 board of directors of the corporation to administer
96 certain procedures and determine allocations on behalf
97 of the corporation; providing requirements for certain
98 procedures; requiring taxpayers to submit an
99 application with certain information to the
100 corporation; authorizing the corporation to request

101 additional information; providing requirements for the
102 approval of an application for a project; creating s.
103 420.5312, F.S.; creating the Affordable Housing
104 Construction Loan Program for a certain purpose;
105 providing the Florida Housing Finance Corporation with
106 certain powers and responsibilities relating to the
107 program; providing requirements for the program;
108 providing rulemaking authority; creating s. 542.37,
109 F.S.; providing definitions; providing that certain
110 actions are a violation of the Florida Antitrust Act
111 of 1980; providing applicability; requiring the Office
112 of the Attorney General to develop a public education
113 program and post certain information on the Attorney
114 General's website; authorizing the Office of the
115 Attorney General to adopt rules; amending s. 627.0613,
116 F.S.; revising the powers of the consumer advocate
117 appointed by the Chief Financial Officer; specifying
118 that failure to obey certain court orders may be
119 punished as contempt; authorizing a circuit court to
120 order a person to pay certain expenses; amending s.
121 627.062, F.S.; prohibiting the Office of Insurance
122 Regulation from approving certain rate filings;
123 authorizing the consumer advocate to request a
124 specified administrative hearing and an expedited
125 appellate review; creating s. 692.041, F.S.; providing

definitions; prohibiting certain business entities from purchasing, acquiring, or otherwise obtaining certain property and subsequently leasing or renting such property; specifying that certain sellers are not liable for certain violations; beginning on a date certain, prohibiting certain business entities from purchasing, acquiring, or offering to purchase or acquire certain property unless such property has been listed for sale to the general public for a specified timeframe; requiring certain business entities to complete and retain for inspection by the Department of Legal Affairs a specified notice; requiring all ownership interests held by certain business entities to be aggregated; authorizing the Attorney General to bring a civil action; providing remedies; providing construction; amending s. 83.67, F.S.; conforming a provision to changes made by the act; amending ss. 542.21, 542.22, 542.25, and 542.32, F.S.; conforming cross-references; providing an effective date.

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

Section 1. This act may be cited as the "Real Affordable Housing Relief Act."

Section 2. Subsection (2) of section 125.0103, Florida

Statutes, is amended to read:

125.0103 Ordinances and rules imposing price controls.—

~~(2) A municipality, county, or other entity of local government may not adopt or maintain in effect any law, ordinance, rule, or other measure that would have the effect of imposing controls on rents.~~

Section 3. Subsection (2) of section 166.043, Florida Statutes, is amended to read:

166.043 Ordinances and rules imposing price controls.—

~~(2) A municipality, county, or other entity of local government may not adopt or maintain in effect any law, ordinance, rule, or other measure that would have the effect of imposing controls on rents.~~

Section 4. Section 166.0452, Florida Statutes, is created to read:

166.0452 Community Land Bank Program.—

(1) As used in this section, the term:

(a) "Affordable" has the same meaning as in s. 420.0004.

(b) "Community housing development organization" has the same meaning as in s. 420.503.

(c) "Community land bank plan" or "plan" means a plan adopted by the governing body of a municipality or county to implement a community land bank program.

(d) "Community land bank program" or "program" means the program created by a governing body of a municipality or county

176 under this section.

177 (e) "Land bank" means an entity established or approved by
178 the governing body of a municipality or county for the purpose
179 of acquiring, holding, and transferring unimproved real property
180 under this section.

181 (f) "Low-income household" has the same meaning as in s.
182 420.9071.

183 (g) "Qualified organization" means a community housing
184 development organization that meets all of the following
185 criteria:

186 1. Contains within its designated geographical boundaries
187 of operation, as set forth in its application for certification
188 filed with and approved by the municipality or county, a portion
189 of the property that a land bank is offering for sale.

190 2. Has built at least three single-family homes or
191 duplexes or one multifamily residential dwelling of four or more
192 housing units in compliance with all applicable building codes
193 within the preceding 2-year period and within the organization's
194 designated geographical boundaries of operation.

195 3. Has developed or rehabilitated housing units within the
196 preceding 3-year period which are within a 2-mile radius of the
197 property that a land bank is offering for sale.

198 (h) "Qualified participating developer" means a developer
199 that meets all of the following criteria:

200 1. Has developed three or more housing units within the 3-

201 year period preceding its submission of a proposal to the land
202 bank seeking to acquire real property from a land bank.

203 2. Has a development plan approved by the governing body
204 of the municipality or county for the property acquired from a
205 land bank.

206 3. Any other requirements adopted by the governing body of
207 the municipality or county in its community land bank plan.

208
209 The term includes a qualified organization.

210 (i) "Very-low-income household" has the same meaning as in
211 s. 420.9071.

212 (2) The governing body of a municipality or county may
213 create a community land bank program in which the person charged
214 with selling real property pursuant to a foreclosure judgment
215 may sell certain eligible real property by private sale for
216 purposes of affordable housing developments. The governing body
217 of a municipality or county that adopts a community land bank
218 program shall establish or approve a land bank for the purpose
219 of acquiring, holding, and transferring unimproved real property
220 under this section.

221 (3) (a) The governing body of a municipality or county that
222 creates a community land bank program shall operate the program
223 in conformance with a community land bank plan that the
224 municipality or county adopts annually. The plan may be amended
225 as needed.

226 (b) In developing the plan, the governing body of a
227 municipality or county shall consider other housing plans
228 adopted by the governing body, including the comprehensive plan
229 submitted to the United States Department of Housing and Urban
230 Development and all fair housing plans and policies adopted or
231 agreed to by the governing body.

232 (c) The plan must include, at a minimum, all of the
233 following:

234 1. A list of community housing development organizations
235 eligible to participate in the right of first refusal under
236 subsection (6). The plan must also include the time period
237 during which the right of first refusal may be exercised, which
238 time period must be at least 9 months but not more than 26
239 months after the date of the deed of conveyance of the property
240 to the land bank.

241 2. A right of first refusal for any other nonprofit
242 corporation exempted from federal income tax under s. 501(c)(3)
243 of the United States Internal Revenue Code, provided that the
244 preeminent right of first refusal is provided to qualified
245 organizations as provided in subsection (6).

246 3. A list of the parcels of real property that may be
247 eligible for sale to the land bank during the next year.

248 4. The municipality's or county's plan for the development
249 of affordable housing on those parcels of real property.

250 5. The sources and amounts of money the municipality or

251 county anticipates to be available for subsidies for the
252 development of affordable housing in the municipality or county,
253 including any money specifically available for housing developed
254 under the program, as approved by the governing body of the
255 municipality or county at the time the plan is adopted.

256 6. The amount of additional time, if any, that a property
257 may be held in the land bank once an offer has been received
258 from a qualified participating developer and accepted by the
259 land bank.

260 (4)(a) Before the adoption of a plan, the governing body
261 of a municipality or county must hold a public hearing on the
262 proposed plan.

263 (b) The city or county manager, or his or her designee,
264 must provide notice of the public hearing to all community
265 housing development organizations and to the neighborhood
266 associations identified by the governing body of the
267 municipality or county as serving the neighborhoods in which
268 properties anticipated to be available for sale to the land bank
269 under this section are located.

270 (c) The city or county manager, or his or her designee,
271 must make copies of the proposed plan available to the public at
272 least 60 days before the date of the public hearing.

273 (5)(a) Except as provided in paragraph (f), property that
274 is ordered sold pursuant to a foreclosure judgment may be sold
275 in a private sale to a land bank by the person charged with the

276 sale of the property without first offering the property for
277 sale as otherwise provided in chapter 45 if all of the following
278 apply:

279 1. The market value of the property as specified in the
280 judgment of foreclosure is less than the total amount due under
281 the judgment, including all taxes, penalties, and interest, plus
282 the value of nontax liens held by a taxing unit and awarded by
283 the judgment, court costs, and the cost of the sale.

284 2. The property is not improved with a building or
285 buildings.

286 3. There are delinquent taxes on the property for a total
287 of at least 5 years.

288 4. The governing body of the municipality or county has
289 executed an interlocal agreement with the other taxing units
290 that are parties to the foreclosure proceeding which enables
291 those taxing units to agree to participate in the program while
292 retaining the right to withhold consent to the sale of the
293 specific properties to the land bank.

294 (b) A sale of property for use in connection with the
295 program is a sale for a public purpose.

296 (c) If the person being sued in a foreclosure proceeding
297 does not contest the market value of the property in the
298 proceeding, the person waives the right to challenge the amount
299 of the market value determined by the court for purposes of the
300 sale of the property under s. 45.031.

301 (d) For any sale of property under this section, the
302 person charged with the sale of the property must provide each
303 person who was a defendant to the judgment, or that person's
304 attorney, written notice at least 90 days before the date of the
305 sale of the proposed method of sale of the property. Such notice
306 must be given in accordance with the Florida Rules of Civil
307 Procedure.

308 (e) After receipt of the notice required under paragraph
309 (d) and before the date of the proposed sale, the owner of the
310 property subject to the sale may file with the person charged
311 with the sale a written request that the property not be sold in
312 the manner provided under this section.

313 (f) If the person charged with the sale receives a written
314 request as provided in paragraph (e), the person must sell the
315 property as otherwise provided in chapter 45.

316 (g) The owner of the property subject to the sale may not
317 receive any proceeds of a sale under this section and does not
318 have any personal liability for a deficiency of the judgment as
319 a result of a sale under this section.

320 (h) If consent is given by the taxing units that are a
321 party to the judgment, property may be sold to a land bank for
322 less than the market value of the property as specified in the
323 judgment or less than the total of all taxes, penalties, and
324 interest, plus the value of nontax liens held by a taxing unit
325 and awarded by the judgment, court costs, and the cost of the

326 sale.

327 (i) The deed of conveyance of the property sold to a land
328 bank under this section conveys to the land bank the right,
329 title, and interest in the property acquired or held by each
330 taxing unit that was a party to the judgment, subject to the
331 right of redemption.

332 (6) After receiving the deed of conveyance of the
333 property, a land bank must first offer the property for sale to
334 qualified organizations.

335 (a) A land bank must provide notice to qualified
336 organizations by certified mail, return receipt requested, at
337 least 60 days before the beginning of the time period in which a
338 right of first refusal may be exercised according to a
339 municipality's or county's community land bank plan.

340 (b) If a land bank conveys the property to a qualified
341 organization before the expiration of the time period specified
342 by the community land bank plan, the interlocal agreement
343 executed under subparagraph (5)(a)4. must provide tax abatement
344 for the property until the expiration of the time period.

345 (c) During the right of first refusal time period, a land
346 bank may not sell the property to a qualified participating
347 developer other than a qualified organization. If all qualified
348 organizations notify the land bank that they are declining to
349 exercise their right of first refusal during the applicable time
350 period, the land bank may sell the property to any other

351 qualified participating developer at the same price that the
352 land bank offered the property to the qualified organizations.

353 (d) If more than one qualified organization expresses an
354 interest in exercising its right of first refusal, the
355 organization that has the most geographically compact area
356 encompassing a portion of the property as designated in its
357 application for certification is given priority.

358 (e) A land bank is not required to provide a right of
359 first refusal to qualified organizations under this section if
360 the land bank is selling property that reverted to the land bank
361 as provided under subsection (7).

362 (7) Each subsequent resale of property acquired by a land
363 bank under this section must comply with the conditions of this
364 subsection.

365 (a) A land bank must sell a property to a qualified
366 participating developer within 3 years after receiving the deed
367 of conveyance of the property for the purpose of construction of
368 affordable housing for sale or rent to low-income households or
369 very-low-income households. If the land bank has not sold the
370 property within those 3 years, the property must be transferred
371 from the land bank back to the taxing units that were parties to
372 the foreclosure judgment for disposition as otherwise allowed
373 under law.

374 (b) The number of properties acquired by a qualified
375 participating developer under this section on which development

376 has not been completed may not at any time exceed three times
377 the annual average residential production completed by the
378 qualified participating developer during the preceding 2-year
379 period, as determined by the governing body of the municipality
380 or county. In its community land bank plan, the governing body
381 of the municipality or county may increase the number of
382 properties a qualified participating developer may acquire.

383 (c) The deed conveying a property sold by a land bank must
384 include a right of reverter so that, if the qualified
385 participating developer does not apply for a construction permit
386 and close on any construction financing within 2 years after the
387 date of the conveyance of the property from the land bank to the
388 qualified participating developer, the property reverts to the
389 land bank for subsequent resale to another qualified
390 participating developer or conveyance to the taxing units as
391 required under paragraph (a).

392 (d) The proceeds from sales under this section must be
393 reinvested back into the community land bank program.

394 (8)(a) A land bank must impose deed restrictions on
395 property sold to qualified participating developers requiring
396 the development and sale or rental of the property to low-income
397 households and very-low-income households.

398 (b) At least 25 percent of a land bank's properties sold
399 during any given fiscal year to be developed for sale must be
400 deed restricted for sale to households whose total annual

household income does not exceed 60 percent of the area median income, adjusted for household size, for the metropolitan statistical area, or if not within a metropolitan statistical area, within the county in which the household is located, as determined annually by the United States Department of Housing and Urban Development.

(c)1. If the property sold is to be developed for rental units, the deed restrictions must last for at least 20 years and prohibit the exclusion of a person or family from admission to the development based solely on the participation of the person or family in the Housing Choice Voucher Program under s. 8 of the United States Housing Act of 1937, as amended. Additionally, the deed restrictions must require:

a. That 100 percent of the rental units be occupied by and affordable to households whose total annual household income does not exceed 60 percent of the area median income, adjusted for household size, for the metropolitan statistical area, or if not within a metropolitan statistical area, within the county in which the household is located, as determined annually by the United States Department of Housing and Urban Development;

b. That 40 percent of the rental units be occupied by and affordable to households whose total annual household income does not exceed 50 percent of the area median income, adjusted for household size, for the metropolitan statistical area, or if not within a metropolitan statistical area, within the county in

426 which the household is located, as determined annually by the
427 United States Department of Housing and Urban Development; or

428 c. That 20 percent of the rental units be occupied by and
429 affordable to households whose total annual household income
430 does not exceed 30 percent of the area median income, adjusted
431 for household size, for the metropolitan statistical area, or if
432 not within a metropolitan statistical area, within the county in
433 which the household is located, as determined annually by the
434 United States Department of Housing and Urban Development.

435 2. The owner of a development with deed restrictions
436 required under this paragraph must file an annual occupancy
437 report with the municipality or county, as applicable, on a form
438 adopted by the governing body of the municipality or county.

439 (d) Except as otherwise provided in this section, if the
440 deed restrictions imposed under this subsection are for a number
441 of years, the deed restrictions must renew automatically.

442 (e) A land bank or the governing body of a municipality or
443 county may modify or add to the deed restrictions imposed under
444 this subsection. Any modifications or additions made by the
445 governing body of the municipality or county must be adopted by
446 the governing body as part of its community land bank plan and
447 must comply with the restrictions in this subsection.

448 (9) (a) A land bank must keep accurate minutes of its
449 meetings and accurate records and books of account that conform
450 with generally accepted principles of accounting and that

451 clearly reflect the income and expenses of the land bank and all
452 transactions in relation to its property.

453 (b) A land bank must maintain in its records for
454 inspection a copy of the sale settlement statement for each
455 property sold by a qualified participating developer and a copy
456 of the first page of the mortgage note with the interest rate
457 and indicating the volume and page number of the instrument as
458 filed with the county clerk.

459 (c) Within 90 days after the close of its fiscal year, a
460 land bank must file with the municipality or county, as
461 applicable, an annual audited financial statement prepared by a
462 certified public accountant. The financial transactions of the
463 land bank are subject to audit by the municipality or county.

464 (d) For purposes of evaluating the effectiveness of the
465 program, a land bank must submit an annual performance report to
466 the municipality or county, as applicable, by November 1 of each
467 year in which the land bank acquires or sells property under
468 this section. The performance report must include all of the
469 following:

470 1. A complete and detailed written accounting of all money
471 and properties received and disbursed by the land bank during
472 the preceding fiscal year.

473 2. For each property acquired by the land bank during the
474 preceding fiscal year:

475 a. The street address of the property.

476 b. The legal description of the property.

477 c. The date on which the land bank took title to the
478 property.

479 d. The full name and street address of the property owner
480 of record at the time of the foreclosure proceeding.

481 3. For each property sold by the land bank to a qualified
482 participating developer during the preceding fiscal year:

483 a. The street address of the property.

484 b. The legal description of the property.

485 c. The full name and mailing address of the developer.

486 d. The purchase price paid by the developer.

487 e. The maximum incomes allowed for the households by the
488 terms of the sale.

489 f. The source and amount of any public subsidy provided by
490 the municipality or county to facilitate the sale or rental of
491 the property to a household within the targeted income range.

492 4. For each property sold by a qualified participating
493 developer during the preceding fiscal year, the buyer's
494 household income and a description of all use and sale
495 restrictions.

496 5. For each property developed for rental units with an
497 active deed restriction, a copy of the most recent annual report
498 filed by the owner of the land bank.

499 (e) A land bank must provide copies of the performance
500 report to the taxing units that were parties to the judgment of

501 foreclosure and provide notice of the availability of the
502 performance report for review to the organizations and
503 neighborhood associations identified by the governing body of
504 the municipality or county as serving the neighborhoods in which
505 properties sold to the land bank under this section are located.

506 (f) The land bank and municipality or county, as
507 applicable, must maintain copies of all performance reports and
508 make such reports available for public review.

509 (10) A land bank may acquire real property by donation,
510 devise, purchase, or transfer from a municipality, county, or
511 other governmental entity. Real property acquired under this
512 subsection may be held, managed, and disposed of in accordance
513 with this section and the community land bank plan developed
514 under subsection (3).

515 (11) Exclusive of any state or school district ad valorem
516 tax, up to 75 percent of the taxes collected pursuant to state
517 law on real property conveyed by a land bank must be remitted to
518 the land bank. The allocation of property tax revenues begins in
519 the first taxable year after the date of the conveyance of real
520 property and continues for 5 years. The funds from such property
521 tax revenues must be remitted to the land bank in accordance
522 with the administrative procedures established by the tax
523 commissioner or tax collector of the county or counties in which
524 the land bank is located.

525 (12) This section does not apply to property acquired

526 through an eminent domain action.

527 **Section 5. Section 215.55866, Florida Statutes, is created**
528 **to read:**

529 215.55866 Uniform home resiliency grading scale and
530 database.—

531 (1) The department shall:

532 (a) Adopt a uniform home resiliency grading scale to
533 measure the ability of a home to withstand the wind load from a
534 sustained severe tropical storm or hurricane. The rating system
535 must:

536 1. Be easy to understand by property owners.

537 2. Use objective standards and proven mitigation
538 techniques.

539 (b) Create a program that facilitates the sharing of
540 information on the resiliency of housing stock using the grading
541 scale created in paragraph (a) through a database maintained by
542 the commission. The program must allow insurance companies,
543 mortgage lenders, and others involved in risk financing to
544 access the information.

545 (2) The department shall adopt rules to implement this
546 section.

547 **Section 6. Section 215.55867, Florida Statutes, is created**
548 **to read:**

549 215.55867 Innovative Mitigation Solutions Pilot Program—

550 (1) There is established within the department the

Innovative Mitigation Solutions Pilot Program to allow mortgage lenders and property insurers to develop new financial products to promote and finance mitigation of residential property.

(2) Mortgage lenders and property insurers may submit proposals for new financial products to the commission. The proposal must include information on any regulatory changes needed for implementation.

(3) The department may offer a waiver from existing regulations, or develop new regulations, in order to implement the proposal.

(4) The department shall adopt rules to implement this section.

Section 7. Section 220.1851, Florida Statutes, is created to read:

220.1851 Retail-to-residence tax credit.—

(1) As used in this section, the term:

(a) "Credit period" means the period of 5 years beginning with the year a project is completed.

(b) "Designated project" means a qualified project designated pursuant to s. 420.50931 to receive the tax credit under this section.

(c) "Qualified project" means a project to redevelop a structure that was originally developed as a shopping center to provide appropriate and affordable workforce housing.

(d) "Shopping center" means an area designed to provide

576 space for multiple storefronts within a single building or
577 sharing a common parking lot.

578 (2)(a) There shall be allowed a tax credit of up to 9
579 percent, but no more than necessary to make the project
580 feasible, of the total cost of a designated project for each
581 year of the credit period against any tax due for a taxable year
582 under this chapter.

583 (b) The tax credit shall be allocated among designated
584 projects by the Florida Housing Finance Corporation as provided
585 in s. 420.50931.

586 (c) A tax credit allocated to a designated project may be
587 subject to transfer by the recipient. Such transferred credits
588 may not be transferred again. The department shall adopt rules
589 necessary to administer this paragraph.

590 (d) A tax credit allocation may be used for eligible
591 costs, including, but not limited to, structural modifications,
592 Florida Building Code compliance, utility upgrades, interior
593 reconfigurations, and accessibility improvements, necessary to
594 convert a shopping center into appropriate and affordable
595 workforce housing.

596 (e) Any unused tax credit allocation may be carried
597 forward for up to 1 fiscal year.

598 **Section 8. Section 420.0005, Florida Statutes, is amended**
599 **to read:**

600 420.0005 State Housing Trust Fund; State Housing Fund.—

601 (1) There is established in the State Treasury a separate
602 trust fund to be named the "State Housing Trust Fund." There
603 shall be deposited in the fund all moneys appropriated by the
604 Legislature, or moneys received from any other source, for the
605 purpose of this chapter, and all proceeds derived from the use
606 of such moneys. The fund shall be administered by the Florida
607 Housing Finance Corporation on behalf of the department, as
608 specified in this chapter. Money deposited to the fund and
609 appropriated by the Legislature must, notwithstanding ~~the~~
610 ~~provisions of~~ chapter 216 or s. 420.504(3), be transferred
611 quarterly in advance, to the extent available, or, if not so
612 available, as soon as received into the State Housing Trust
613 Fund, and subject to ~~the provisions of~~ s. 420.5092(6)(a) and (b)
614 by the Chief Financial Officer to the corporation upon
615 certification by the Secretary of Commerce that the corporation
616 is in compliance with the requirements of s. 420.0006. The
617 certification made by the secretary shall also include the split
618 of funds among programs administered by the corporation and the
619 department as specified in chapter 92-317, Laws of Florida, as
620 amended. Moneys advanced by the Chief Financial Officer must be
621 deposited by the corporation into a separate fund established
622 with a qualified public depository meeting the requirements of
623 chapter 280 to be named the "State Housing Fund" and used for
624 the purposes of this chapter. Administrative and personnel costs
625 incurred in implementing this chapter may be paid from the State

Housing Fund, but such costs may not exceed 5 percent of the moneys deposited into such fund. To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated. Moneys in the State Housing Fund which are not currently needed for the purposes of this chapter shall be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the State Housing Fund.

(2) For any funds transferred from the State Housing Trust Fund in accordance with s. 215.32:

(a) An agency receiving funds that originated from the State Housing Trust Fund must provide a report to the Legislature identifying with specificity the manner in which the funds were spent. The report must be submitted within 30 days after the close of the fiscal year in which the funds are expended.

(b) Any funds appropriated from the State Housing Trust Funds for uses other than those specified in this chapter must be repaid within 5 years after the date on which the funds were appropriated.

Section 9. Section 420.50931, Florida Statutes, is created to read:

420.50931 Retail-to-residence Tax Credit Program.—

(1) There is created the Retail-to-residence Tax Credit Program for the purpose of redeveloping shopping centers into appropriate and affordable workforce housing.

(2) The corporation shall determine those qualified projects, as defined in s. 220.1851(1), which shall be considered designated projects under s. 220.1851 and eligible for the corporate tax credit under that section. The corporation shall establish procedures necessary for the proper allocation and distribution of tax credits, including the establishment of criteria for ensuring that the housing is appropriate and affordable for the workers of this state, and may exercise all powers necessary to administer the allocation of such credits. The board of directors of the corporation shall administer the allocation procedures and determine allocations on behalf of the corporation. The corporation shall prepare an annual plan, which must be approved by the Governor, containing general guidelines for the allocation of tax credits to designated projects.

(3) The corporation shall adopt allocation procedures to ensure that tax credits are used in a fair manner, taking into consideration the timeliness of the application, the location of the proposed project, the relative need in the area for appropriate and affordable workforce housing and the availability of such housing, the economic feasibility of the proposed project, and the ability of the applicant to complete

676 the proposed project in the calendar year for which the tax
677 credit is sought.

678 (4) (a) A taxpayer who wishes to participate in the Retail-
679 to-residence Tax Credit Program must submit an application for
680 tax credit to the corporation. The application must identify the
681 proposed project and the location of the proposed project and
682 include evidence that the proposed project is a qualified
683 project as defined in s. 220.1851(1). The corporation may
684 request any information from an applicant necessary to enable
685 the corporation to make tax credit allocations according to the
686 procedures adopted under subsection (3).

687 (b) The corporation's approval of an application for a
688 project must be in writing and include a statement of the
689 maximum tax credit allowable to the applicant.

690 **Section 10. Section 420.5312, Florida Statutes, is created**
691 **to read:**

692 420.5312 Affordable Housing Construction Loan Program.—

693 (1) The Affordable Housing Construction Loan Program is
694 created to encourage the new construction of affordable homes
695 for purchase by low to moderate income homebuyers by providing a
696 revolving line of construction funding.

697 (2) The corporation is authorized to provide loans under
698 the program to applicants for the construction of affordable
699 housing. Applicants may draw from the loan up to five times per
700 home. All homes must meet the requirements of the Florida

701 Building Code or, if more stringent, local amendments to the
702 Florida Building Code.

703 (3) Qualified homebuyers of homes built under this program
704 must be first-time homebuyers whose total annual household
705 income does not exceed 120 percent of the area median income,
706 adjusted for household size, for the metropolitan statistical
707 area, or if not within a metropolitan statistical area, within
708 the county in which the home is located, as determined annually
709 by the United States Department of Housing and Urban
710 Development.

711 (4) The corporation shall develop a loan application
712 process for the program.

713 (5) The corporation may adopt rules pursuant to ss.
714 120.536(1) and 120.54 to implement this section.

715 **Section 11. Section 420.9079, Florida Statutes, is amended**
716 **to read:**

717 420.9079 Local Government Housing Trust Fund.—

718 (1) There is created in the State Treasury the Local
719 Government Housing Trust Fund, which shall be administered by
720 the corporation on behalf of the department according to ~~the~~
721 ~~provisions of~~ ss. 420.907-420.9076 and this section. There shall
722 be deposited into the fund a portion of the documentary stamp
723 tax revenues as provided in s. 201.15, moneys received from any
724 other source for the purposes of ss. 420.907-420.9076 and this
725 section, and all proceeds derived from the investment of such

726 moneys. Moneys in the fund that are not currently needed for the
727 purposes of the programs administered pursuant to ss. 420.907-
728 420.9076 and this section shall be deposited to the credit of
729 the fund and may be invested as provided by law. The interest
730 received on any such investment shall be credited to the fund.

731 (2) The corporation shall administer the fund exclusively
732 for the purpose of implementing the programs described in ss.
733 420.907-420.9076 and this section. With the exception of
734 monitoring the activities of counties and eligible
735 municipalities to determine local compliance with program
736 requirements, the corporation shall not receive appropriations
737 from the fund for administrative or personnel costs. For the
738 purpose of implementing the compliance monitoring provisions of
739 s. 420.9075(9), the corporation may request a maximum of one-
740 quarter of 1 percent of the annual appropriation per state
741 fiscal year. When such funding is appropriated, the corporation
742 shall deduct the amount appropriated before ~~prior to~~ calculating
743 the local housing distribution pursuant to ss. 420.9072 and
744 420.9073.

745 (3) For any funds transferred from the Local Government
746 Housing Trust Fund in accordance with s. 215.32:

747 (a) An agency receiving funds that originated from the
748 Local Government Housing Trust Fund must provide a report to the
749 Legislature identifying with specificity the manner in which the
750 funds were spent. The report must be submitted within 30 days

751 after the close of the fiscal year in which the funds are
752 expended.

753 (b) Any funds appropriated from the Local Government
754 Housing Trust Fund for uses other than those specified in this
755 chapter must be repaid within 5 years after the date on which
756 the funds were appropriated.

757 **Section 12. Section 542.37, Florida Statutes, is created**
758 **to read:**

759 542.37 Unlawful restriction of competition with respect to
760 residential dwelling units.—

761 (1) As used in this section, the term:

762 (a) "Consciously parallel pricing coordination" means a
763 tacit agreement between two or more landlords to raise, lower,
764 change, maintain, or manipulate pricing for the rental of a
765 residential dwelling unit.

766 (b) "Coordinating function" means all of the following:

767 1. Collecting historical or contemporaneous prices, supply
768 levels, or rental agreement termination and renewal dates of
769 residential dwelling units from two or more landlords.

770 2. Analyzing or processing the information described in
771 subparagraph 1. through the use of a system or process or
772 through software that uses computation, including by using the
773 information to train an algorithm.

774 3. Recommending rental prices, rental agreement renewal
775 terms, or ideal occupancy levels to a landlord.

776 (c) "Coordinator" means a person who operates a software
777 or data analytics service that performs a coordinating function
778 for a landlord. The term includes a landlord if such person is
779 performing a coordinating function for his or her own benefit.

780 (d) "Landlord" means a residential property owner or
781 lessor of a residential dwelling unit.

782 (e) "Residential dwelling unit" means a house, an
783 apartment, an accessory unit, or any other unit intended to be
784 used as a primary residence in this state. The term does not
785 include inpatient medical care, licensed long-term care, or
786 detention or correctional facilities.

787 (2) It is unlawful and a violation of the Florida
788 Antitrust Act of 1980 for:

789 (a) A landlord, or the agent, representative, or
790 subcontractor of the landlord, to subscribe to, contract with,
791 or otherwise exchange any form of consideration in return for
792 the use of the services of a coordinator;

793 (b) A coordinator to facilitate an agreement among
794 landlords which restricts competition with respect to
795 residential dwelling units, including by performing a
796 coordinating function; or

797 (c) Two or more landlords to engage in consciously
798 parallel pricing coordination.

799 (3) Sections 542.21, 542.22, 542.23, 542.24-542.32, and
800 542.35 apply to this section.

801 (4) The Office of the Attorney General shall develop a
802 public education program designed to inform residents of this
803 state of the prohibitions in this section. Information developed
804 for the public education program must be posted on the Attorney
805 General's website, along with information on the steps a
806 consumer may take if the consumer suspects a violation of this
807 section.

808 (5) The Office of the Attorney General may adopt rules to
809 implement this section.

810 **Section 13. Subsections (5) and (6) are added to section**
811 **627.0613, Florida Statutes, to read:**

812 627.0613 Consumer advocate.—The Chief Financial Officer
813 must appoint a consumer advocate who must represent the general
814 public of the state before the department and the office. The
815 consumer advocate must report directly to the Chief Financial
816 Officer, but is not otherwise under the authority of the
817 department or of any employee of the department. The consumer
818 advocate has such powers as are necessary to carry out the
819 duties of the office of consumer advocate, including, but not
820 limited to, the powers to:

821 (5) Request an administrative hearing pursuant to s.
822 120.57 to challenge a notice of intent to approve or a notice of
823 intent to disapprove a rate filing.

824 (6) Administer oaths or affirmations to compel the
825 attendance and testimony of witnesses, or to issue subpoenas for

826 and compel the production of books, papers, records, documents,
827 and other evidence, pertaining to any investigation or hearing
828 convened under this section.

829 (a) In conducting an investigation, the consumer advocate
830 and its investigators must have access at all reasonable times
831 to premises, records, documents, and other evidence or possible
832 sources of evidence and may examine, record, and copy such
833 materials and take and record the testimony or statements of
834 such persons as deemed reasonably necessary for the furtherance
835 of the investigation.

836 (b) In the case of a refusal to obey a subpoena issued to
837 any person, the consumer advocate may apply to any circuit court
838 of this state, which court shall have jurisdiction to order the
839 witness to appear before the consumer advocate to give testimony
840 and to produce evidence concerning the matter in question.
841 Failure to obey the court's order may be punished by the court
842 as contempt. If the court enters an order holding a person in
843 contempt or compelling the person to comply with the subpoena,
844 the court may order the person to pay the consumer advocate
845 reasonable expenses, including reasonable attorney fees, accrued
846 by the consumer advocate in obtaining the order from the court.

847 **Section 14. Paragraph (a) of subsection (2) and subsection**
848 **(6) of section 627.062, Florida Statutes, are amended to read:**

849 627.062 Rate standards.—

850 (2) As to all such classes of insurance:

851 (a) Insurers or rating organizations shall establish and
852 use rates, rating schedules, or rating manuals that allow the
853 insurer a reasonable rate of return on the classes of insurance
854 written in this state. A copy of rates, rating schedules, rating
855 manuals, premium credits or discount schedules, and surcharge
856 schedules, and changes thereto, must be filed with the office
857 under one of the following procedures:

858 1. If the filing is made at least 90 days before the
859 proposed effective date and is not implemented during the
860 office's review of the filing and any proceeding and judicial
861 review, such filing is considered a "file and use" filing. In
862 such case, the office shall finalize its review by issuance of a
863 notice of intent to approve or a notice of intent to disapprove
864 within 90 days after receipt of the filing. If the 90-day period
865 ends on a weekend or a holiday under s. 110.117(1)(a)-(i), it
866 must be extended until the conclusion of the next business day.
867 The notice of intent to approve and the notice of intent to
868 disapprove constitute agency action for purposes of the
869 Administrative Procedure Act. Requests for supporting
870 information, requests for mathematical or mechanical
871 corrections, or notification to the insurer by the office of its
872 preliminary findings does not toll the 90-day period during any
873 such proceedings and subsequent judicial review. The rate shall
874 be deemed approved if the office does not issue a notice of
875 intent to approve or a notice of intent to disapprove within 90

876 days after receipt of the filing.

877 2. If the filing is not made in accordance with
878 subparagraph 1., such filing must be made as soon as
879 practicable, but within 30 days after the effective date, and is
880 considered a "use and file" filing. An insurer making a "use and
881 file" filing is potentially subject to an order by the office to
882 return to policyholders those portions of rates found to be
883 excessive, as provided in paragraph (h).

884 3. For all property insurance filings made or submitted
885 after January 25, 2007, but before May 1, 2012, an insurer
886 seeking a rate that is greater than the rate most recently
887 approved by the office shall make a "file and use" filing. For
888 purposes of this subparagraph, motor vehicle collision and
889 comprehensive coverages are not considered property coverages.

890 4. The office may not approve any property insurance
891 filings made or submitted on or after July 1, 2026, if the
892 proposed rate is more than 10 percent above the highest rate
893 approved by the office within the past 12 months. If multiple
894 rate filings occur within a 12-month period, the office may not
895 approve a total cumulative increase that is more than 15 percent
896 above the highest approved rate within the past 12 months.

897
898 The provisions of this subsection do not apply to workers'
899 compensation, employer's liability insurance, and motor vehicle
900 insurance.

(6) (a) If an insurer or the consumer advocate under s. 627.0613 requests an administrative hearing pursuant to s. 120.57 related to a rate filing under this section, the director of the Division of Administrative Hearings must ~~shall~~ expedite the hearing and assign an administrative law judge who shall commence the hearing within 30 days after the receipt of the formal request and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript by the administrative law judge, whichever is later. Each party shall have 10 days in which to submit written exceptions to the recommended order. The office shall enter a final order within 30 days after the entry of the recommended order. The provisions of this paragraph may be waived upon stipulation of all parties.

(b) Upon entry of a final order, the insurer or the consumer advocate under s. 627.0613 may request an expedited appellate review pursuant to the Florida Rules of Appellate Procedure. It is the intent of the Legislature that the First District Court of Appeal grant an insurer's or a consumer advocate's request for an expedited appellate review.

Section 15. Section 692.041, Florida Statutes, is created to read:

692.041 Single-family residential property.—

(1) As used in this section, the term:

(a) "Affiliate" means:

926 1. A person or business entity that directly or indirectly
927 controls, is controlled by, or is under common control with
928 another person or business entity, including, but not limited
929 to, any heirs, assigns, related trusts, or persons who are in
930 privity of contract at law or in equity.

931 2. A person or business entity that receives a financial
932 benefit from possession of the land as an asset, including, but
933 not limited to, income, leverage, capital securitization,
934 inclusion in a financial portfolio, or for purposes related to
935 debt or taxes.

936
937 As used in this paragraph, the term "control" means the direct
938 or indirect power to direct or cause the direction of the
939 management or policies of a business entity, whether through
940 ownership, common management, contractual arrangements, or
941 otherwise.

942 (b) "Business entity" means an association, a company, a
943 firm, a partnership, a corporation, a limited liability company,
944 a limited liability partnership, a real estate investment trust,
945 or any other legal entity, and such entity's successors,
946 assignees, or affiliates. The term does not include:

947 1. A nonprofit corporation or other nonprofit legal
948 entity.

949 2. A person or entity primarily engaged in the
950 acquisition, rehabilitation, or construction of new or existing

951 market rate or affordable residential housing. As used in this
952 subparagraph, the term "affordable" has the same meaning as in
953 s. 420.0004.

954 (c) "Single-family residential property" means a single
955 parcel of real property improved with only one detached dwelling
956 unit on it for which a certificate of occupancy has been issued.

957 (2)(a) A business entity that has an interest in more than
958 100 single-family residential properties in this state may not
959 purchase, acquire, or otherwise obtain an ownership interest in
960 another single-family residential property and subsequently
961 lease or rent such property.

962 (b) The seller of single-family residential property to a
963 business entity is not liable for any violation of this section
964 by the business entity.

965 (3)(a) Beginning July 1, 2026, a business entity that has
966 an interest in 10 or more single-family residential properties
967 may not purchase, acquire, or offer to purchase or acquire any
968 interest in another single-family residential property unless
969 such property has been listed for sale to the general public for
970 at least 90 days. The 90-day waiting period restarts if the
971 seller of the single-family residential property changes the
972 asking price of such property.

973 (b) If a business entity described in paragraph (a)
974 purchases or acquires an interest in a single-family residential
975 property, the business entity, or its authorized agent, must

complete and retain the following notice at the time a contract
for purchase is executed:

COMPLIANCE WITH FLORIDA LAW

Under s. 692.041, Florida Statutes, a business entity
that has an interest in 10 or more single-family
residential properties may not purchase, acquire, or
offer to purchase or acquire any interest in another
single-family residential property unless such
property has been listed for sale to the general
public for at least 90 days. The undersigned certifies
compliance with this requirement.

(c) A business entity must retain the signed notice under
paragraph (b) for inspection, upon request, by the Department of
Legal Affairs.

(4) (a) For purposes of determining compliance with this
section, all ownership interests held by a business entity,
together with those held by any affiliates of the business
entity, must be aggregated and treated as if such ownership
interests are held by a single business entity.

(b) A business entity may not use affiliated entities or
other similar arrangements to avoid the application of this
section.

(5) The Attorney General may bring a civil action for a

1001 violation of this section. If the Attorney General prevails in a
1002 civil action brought under this section, the court must order
1003 all of the following:

1004 (a)1. A civil penalty of \$100,000 against the business
1005 entity for each violation of paragraph (2)(a); or

1006 2. A civil penalty up to \$10,000 against the business
1007 entity for each violation of subsection (3).

1008 (b) Require the business entity to sell the single-family
1009 residential property to a natural person or an independent third
1010 party within 1 year after the date the court enters the
1011 judgment.

1012 (c) Reasonable attorney fees and costs.

1013 (6) Subsection (5) is the exclusive remedy for a violation
1014 of this section.

1015 **Section 16. Subsections (6), (7), and (8) of section**
1016 **83.67, Florida Statutes, are renumbered as subsections (7), (8),**
1017 **and (9), respectively, and a new subsection (6) is added to that**
1018 **section, to read:**

1019 83.67 Prohibited practices.—

1020 (6) A landlord of any dwelling unit governed by this part
1021 may not use the services of a coordinator or engage in
1022 consciously parallel pricing coordination, as those terms are
1023 defined in s. 542.37(1).

1024 **Section 17. Section 542.21, Florida Statutes, is amended**
1025 **to read:**

542.21 Penalties for violation.—

(1) Any natural person who violates ~~any of the provisions~~
~~of s. 542.18, or s. 542.19, or s. 542.37~~ is ~~shall be~~ subject to
a civil penalty of not more than \$100,000. Any other person who
violates ~~any of the provisions of s. 542.18, or s. 542.19, or s.~~
~~542.37~~ is ~~shall be~~ subject to a civil penalty of not more than
\$1 million.

(2) Any person who knowingly violates ~~any of the~~
~~provisions of s. 542.18, or s. 542.19, or s. 542.37,~~ or who
knowingly aids in or advises such violation, is guilty of a
felony, punishable by a fine not exceeding \$1 million if a
corporation, or, if any other person, \$100,000 or imprisonment
not exceeding 3 years, or ~~by both said punishments.~~

(3) The commencement of trial seeking civil penalties in
any action under this section bars ~~shall bar~~ any subsequent
criminal prosecution against the same person for violation of s.
542.18, ~~or s. 542.19, or s. 542.37,~~ based upon the same acts.
The commencement of trial in a criminal prosecution for a
violation of s. 542.18, ~~or s. 542.19, or s. 542.37~~ bars ~~shall~~
~~bar~~ any subsequent action against the same person for recovery
of civil penalties under this section based upon the same acts,
but may ~~shall~~ not bar a subsequent suit for damages or
injunctive relief under ss. 542.22 and 542.23.

(4) The Attorney General may not commence an ~~No~~ action
under this section or s. 542.23 ~~shall be commenced by the~~

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1051 ~~Attorney General~~ against any person who, at the time, is a
1052 defendant in a suit filed by the United States for violation or
1053 alleged violation of the federal antitrust laws involving
1054 substantially the same subject matter and seeking substantially
1055 the same relief.

1056 **Section 18. Subsections (1) and (2) of section 542.22,**
1057 **Florida Statutes, are amended to read:**

1058 542.22 Suits for damages.—

1059 (1) Any person who is ~~shall be~~ injured in her or his
1060 business or property by reason of any violation of s. 542.18, ~~or~~
1061 s. 542.19, or s. 542.37 may sue ~~therefor~~ in the circuit courts
1062 of this state and shall recover threefold the damages by her or
1063 him sustained, and the cost of suit, including a reasonable
1064 attorney fee. The court shall award a reasonable attorney fee to
1065 a defendant prevailing in any action under this part for damages
1066 or equitable relief in which the court finds there was a
1067 complete absence of a justiciable issue of either law or fact
1068 raised by the plaintiff.

1069 (2) The Attorney General, or a state attorney after
1070 receiving written permission from the Attorney General, may
1071 bring a civil action in the name of this ~~the~~ state, as parens
1072 patriae on behalf of natural persons residing in this state, to
1073 recover on behalf of those persons threefold the actual damages
1074 sustained by reason of any violation of s. 542.18, ~~or~~ s. 542.19,
1075 or s. 542.37, and the cost of such suit, including a reasonable

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1076 attorney ~~attorney's~~ fee. The court shall exclude from the amount
1077 of monetary relief awarded in such action any amount of monetary
1078 relief which:

1079 (a) Duplicates amounts which have been awarded for the
1080 same injury;

1081 (b) Is properly allocable to natural persons who have
1082 excluded their claims pursuant to paragraph (3)(b); or

1083 (c) Is properly allocable to any business entity.

1084 **Section 19. Section 542.25, Florida Statutes, is amended**
1085 **to read:**

1086 542.25 Judgment in favor of state as prima facie
1087 evidence.—A final judgment or decree entered in any civil or
1088 criminal proceeding brought by the Attorney General or a state
1089 attorney under s. 542.21 or s. 542.23 to the effect that a
1090 defendant has violated s. 542.18, ~~or~~ s. 542.19, or s. 542.37, or
1091 entered in any civil or criminal proceeding brought by the
1092 United States Department of Justice under comparable federal
1093 laws, shall be prima facie evidence against such defendant in
1094 any civil action or proceeding under this part brought by any
1095 other person against such defendant as to all matters with
1096 respect to which such judgment or decree would be an estoppel as
1097 between the parties thereto; however, this section does not
1098 apply to a consent judgment or decree entered before any
1099 testimony has been taken. ~~Nothing contained in~~ This section may
1100 not ~~shall~~ be construed to impose any limitation on the

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application of collateral estoppel.

Section 20. Section 542.32, Florida Statutes, is amended to read:

542.32 Rule of construction and coverage.—It is the intent of the Legislature that, in construing this part, due consideration and great weight be given to the interpretations of the federal courts relating to comparable federal antitrust statutes. In particular, the failure to include in this part the substantive provisions of s. 3 of the Clayton Act, 15 U.S.C. s. 14, may ~~shall~~ not be deemed in any way to limit the scope of s. 542.18, ~~or~~ s. 542.19, or s. 542.37.

Section 21. This act shall take effect July 1, 2026.