

1                   A bill to be entitled  
2           An act relating to housing; amending s. 125.01055,  
3           F.S.; authorizing a board of county commissioners to  
4           approve development of affordable housing on any  
5           parcel zoned for residential, commercial, or  
6           industrial use; amending s. 163.31771, F.S.; revising  
7           legislative findings; requiring local governments to  
8           adopt ordinances that allow accessory dwelling units  
9           in any area zoned for single-family residential use;  
10          providing an exception; amending s. 163.31801, F.S.;  
11          requiring counties, municipalities, and special  
12          districts to include certain data relating to impact  
13          fees in their annual financial reports; amending s.  
14          166.04151, F.S.; authorizing governing bodies of  
15          municipalities to approve the development of  
16          affordable housing on any parcel zoned for  
17          residential, commercial, or industrial use; amending  
18          s. 320.77, F.S.; revising a certification requirement  
19          for mobile home dealer applicants relating to the  
20          applicant's business location; amending s. 320.771,  
21          F.S.; exempting certain recreational vehicle dealer  
22          applicants from a garage liability insurance  
23          requirement; amending s. 320.822, F.S.; revising the  
24          definition of the term "code"; amending s. 320.8232,  
25          F.S.; revising applicable standards for the repair and

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

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

76 420.9076, F.S.; revising the membership of local  
77 affordable housing advisory committees beginning on a  
78 specified date; requiring the committees to perform  
79 specified duties annually instead of triennially;  
80 requiring locally elected officials serving on  
81 advisory committees, or their designees, to attend  
82 biannual regional workshops; providing a penalty;  
83 amending s. 723.011, F.S.; providing construction  
84 relating to rental agreements and tenancies; providing  
85 that a mobile home owner may be required to install  
86 permanent improvements as disclosed in the mobile home  
87 park prospectus; amending s. 723.012, F.S.;

88 authorizing mobile home park owners to make certain  
89 prospectus amendments; providing requirements for the  
90 amendment; prohibiting certain costs and expenses from  
91 being passed on to existing mobile home owners;  
92 amending s. 723.023, F.S.; revising general  
93 obligations for mobile home owners; amending s.  
94 723.031, F.S.; specifying a requirement for disclosing  
95 and agreeing to a mobile home lot rental increase;  
96 revising construction relating to a park owner's  
97 disclosure of certain taxes and assessments; amending  
98 s. 723.037, F.S.; authorizing mobile home park owners  
99 to give notice of lot rental increases for multiple  
100 anniversary dates in one notice; providing

101 construction; revising a requirement for a lot rental  
102 negotiation committee; amending s. 723.041, F.S.;  
103 providing that a mobile home park damaged or destroyed  
104 due to natural forces may be rebuilt with the same  
105 density as previously approved, permitted, and built;  
106 providing construction; amending s. 723.042, F.S.;  
107 conforming a provision to changes made by the act;  
108 amending s. 723.059, F.S.; authorizing certain mobile  
109 home purchasers to assume the remainder of a seller's  
110 prospectus; authorizing a mobile home park owner to  
111 offer a purchaser any approved prospectus; amending s.  
112 723.061, F.S.; specifying entities that must be  
113 provided with a copy of an eviction notice when  
114 received by a mobile home owner; specifying the waiver  
115 and nonwaiver of certain rights of a mobile home park  
116 owner under certain circumstances; requiring the  
117 accounting at final hearing of rents received;  
118 amending s. 723.076, F.S.; revising procedures related  
119 to the election or appointment of new officers in a  
120 homeowner's association; amending s. 723.078, F.S.;  
121 revising requirements for board elections and ballots;  
122 requiring an impartial committee to be responsible for  
123 overseeing the election process and complying with  
124 ballot requirements; defining the term "impartial  
125 committee"; requiring that association bylaws provide

126 a method for determining the winner of an election  
127 under certain circumstances; requiring the Division of  
128 Florida Condominiums, Timeshares, and Mobile Homes to  
129 adopt procedural rules; revising the types of meetings  
130 that are not required to be open to members; providing  
131 an exception to a provision requiring an officer of an  
132 association to provide an affidavit affirming certain  
133 information; authorizing meeting notices to be  
134 provided by electronic means; providing that the  
135 minutes of certain board and committee meetings are  
136 privileged and confidential; conforming provisions to  
137 changes made by the act; amending s. 723.079, F.S.;  
138 revising homeowners' association recordkeeping  
139 requirements; revising the timeframes for which  
140 certain records are required to be retained and be  
141 made available for inspection or photocopying; capping  
142 the amount of damages for which an association is  
143 liable when a member is denied access to official  
144 records; requiring that certain disputes be submitted  
145 to mandatory binding arbitration with the division;  
146 amending s. 723.1255, F.S.; requiring that certain  
147 disputes be submitted to mandatory binding arbitration  
148 with the division; providing requirements for such  
149 arbitration and fees and costs; requiring the division  
150 to adopt rules; reenacting s. 420.507(22)(i), F.S.,

151 relating to powers of the Florida Housing Finance  
 152 Corporation, to incorporate the amendment made to s.  
 153 420.5087, F.S., in a reference thereto; reenacting s.  
 154 193.018(2), F.S., relating to land owned by a  
 155 community land trust used to provide affordable  
 156 housing, to incorporate the amendment made to s.  
 157 420.5095, F.S., in a reference thereto; providing an  
 158 effective date.

159

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

161

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

164 125.01055 Affordable housing.—

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

170 Section 2. Subsections (1), (3), and (4) of section  
 171 163.31771, Florida Statutes, are amended to read:

172 163.31771 Accessory dwelling units.—

173 (1) The Legislature finds that the median price of homes  
 174 in this state has increased steadily over the last decade and at  
 175 a greater rate of increase than the median income in many urban

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

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

196 (4) ~~If the local government adopts an ordinance under this~~  
197 ~~section,~~ An application for a building permit to construct an  
198 accessory dwelling unit must include an affidavit from the  
199 applicant which attests that the unit will be rented at an  
200 affordable rate to an extremely-low-income, very-low-income,

201 low-income, or moderate-income person or persons.

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

204 163.31801 Impact fees; short title; intent; minimum  
205 requirements; audits; challenges.—

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

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

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

217 (c) The amount assessed for each purpose and for each type  
218 of dwelling.

219 (d) The total amount of impact fees charged by type of  
220 dwelling.

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

223 166.04151 Affordable housing.—

224 (4) Notwithstanding any other law, local ordinance, or  
225 regulation to the contrary, the governing body of a municipality

226 may approve the development of housing that is affordable, as  
 227 defined in s. 420.0004, on any parcel zoned for residential,  
 228 commercial, or industrial use.

229 Section 5. Paragraph (h) of subsection (3) of section  
 230 320.77, Florida Statutes, is amended to read:

231 320.77 License required of mobile home dealers.—

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

236 (h) Certification by the applicant:

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

239 2. Except in the case of a mobile home broker, that the  
 240 location affords sufficient ~~unoccupied~~ space to display ~~store~~  
 241 ~~all mobile homes offered and displayed~~ for sale. A space to  
 242 display a manufactured home as a model home satisfies this  
 243 requirement. ~~;~~ ~~and that~~ The location must be ~~is~~ a suitable place  
 244 in which the applicant can in good faith carry on business and  
 245 keep and maintain books, records, and files necessary to conduct  
 246 such business, which must ~~will~~ be available at all reasonable  
 247 hours to inspection by the department or any of its inspectors  
 248 or other employees.

249  
 250 This paragraph does ~~subsection shall~~ not preclude a licensed

251 mobile home dealer from displaying and offering for sale mobile  
252 homes in a mobile home park.

253

254 The department shall, if it deems necessary, cause an  
255 investigation to be made to ascertain if the facts set forth in  
256 the application are true and shall not issue a license to the  
257 applicant until it is satisfied that the facts set forth in the  
258 application are true.

259 Section 6. Paragraph (j) of subsection (3) of section  
260 320.771, Florida Statutes, is amended to read:

261 320.771 License required of recreational vehicle dealers.—

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

266 (j) A statement that the applicant is insured under a  
267 garage liability insurance policy, which shall include, at a  
268 minimum, \$25,000 combined single-limit liability coverage,  
269 including bodily injury and property damage protection, and  
270 \$10,000 personal injury protection, if the applicant is to be  
271 licensed as a dealer in, or intends to sell, recreational  
272 vehicles. However, a garage liability policy is not required for  
273 the licensure of a mobile home dealer who sells only park  
274 trailers.

275

276 The department shall, if it deems necessary, cause an  
 277 investigation to be made to ascertain if the facts set forth in  
 278 the application are true and shall not issue a license to the  
 279 applicant until it is satisfied that the facts set forth in the  
 280 application are true.

281 Section 7. Paragraph (c) of subsection (2) of section  
 282 320.822, Florida Statutes, is amended to read:

283 320.822 Definitions; ss. 320.822-320.862.—In construing  
 284 ss. 320.822-320.862, unless the context otherwise requires, the  
 285 following words or phrases have the following meanings:

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

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

289 Section 8. Subsection (2) of section 320.8232, Florida  
 290 Statutes, is amended to read:

291 320.8232 Establishment of uniform standards for used  
 292 recreational vehicles and repair and remodeling code for mobile  
 293 homes.—

294 (2) The Mobile and Manufactured Home ~~provisions of the~~  
 295 Repair and Remodeling Code must be a uniform code, must ~~shall~~  
 296 ensure safe and livable housing, and may ~~shall~~ not be more  
 297 stringent than those standards required to be met in the  
 298 manufacture of mobile homes. Such code must ~~provisions shall~~  
 299 include, ~~but not be limited to,~~ standards for structural  
 300 adequacy, plumbing, heating, electrical systems, and fire and

301 | life safety. All repairs and remodeling of mobile and  
 302 | manufactured homes must be performed in accordance with  
 303 | department rules.

304 | Section 9. Subsection (9) of section 367.022, Florida  
 305 | Statutes, is amended, and subsection (14) is added to that  
 306 | section, to read:

307 | 367.022 Exemptions.—The following are not subject to  
 308 | regulation by the commission as a utility nor are they subject  
 309 | to the provisions of this chapter, except as expressly provided:

310 | (9) Any person who resells water service to his or her  
 311 | tenants or to individually metered residents for a fee that does  
 312 | not exceed the actual purchase price of the water and wastewater  
 313 | service plus the actual cost of meter reading and billing, not  
 314 | to exceed 9 percent of the actual cost of service.

315 | (14) The owner of a mobile home park operating both as a  
 316 | mobile home park and a mobile home subdivision, as those terms  
 317 | are defined in s. 723.003, who provides service within the park  
 318 | and subdivision to a combination of both tenants and lot owners,  
 319 | provided that the service to tenants is without specific  
 320 | compensation.

321 | Section 10. Paragraph (c) of subsection (6) of section  
 322 | 420.5087, Florida Statutes, is amended to read:

323 | 420.5087 State Apartment Incentive Loan Program.—There is  
 324 | hereby created the State Apartment Incentive Loan Program for  
 325 | the purpose of providing first, second, or other subordinated

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

329 (6) On all state apartment incentive loans, except loans  
330 made to housing communities for the elderly to provide for  
331 lifesafety, building preservation, health, sanitation, or  
332 security-related repairs or improvements, the following  
333 provisions shall apply:

334 (c) The corporation shall provide by rule for the  
335 establishment of a review committee for the competitive  
336 evaluation and selection of applications submitted in this  
337 program. The review committee must use evaluation criteria that  
338 include, including, but are not limited to, the following  
339 criteria:

340 1. Tenant income and demographic targeting objectives of  
341 the corporation.

342 2. Targeting objectives of the corporation which will  
343 ensure an equitable distribution of loans between rural and  
344 urban areas.

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

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

350 a. Twenty percent of the units in the project for persons

351 or families who have incomes that do not exceed 50 percent of  
352 the state or local median income, whichever is higher; or

353 b. Forty percent of the units in the project for persons  
354 or families who have incomes that do not exceed 60 percent of  
355 the state or local median income, whichever is higher, without  
356 requiring a greater amount of the loans as provided in this  
357 section.

358 5. Provision for tenant counseling.

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

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

366 8. Local government contributions and local government  
367 comprehensive planning and activities that promote affordable  
368 housing and policies that promote access to public  
369 transportation, reduce the need for onsite parking, and expedite  
370 permits for affordable housing projects.

371 9. Project feasibility.

372 10. Economic viability of the project.

373 11. Commitment of first mortgage financing.

374 12. Sponsor's prior experience. This criterion may not  
375 require a sponsor to have prior experience with the corporation

376 | to qualify for financing under the program.

377 | 13. Sponsor's ability to proceed with construction.

378 | 14. Projects that directly implement or assist welfare-to-  
379 | work transitioning.

380 | 15. Projects that reserve units for extremely-low-income  
381 | persons.

382 | 16. Projects that include green building principles,  
383 | storm-resistant construction, or other elements that reduce  
384 | long-term costs relating to maintenance, utilities, or  
385 | insurance.

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

388 | Section 11. Section 420.5095, Florida Statutes, is amended  
389 | to read:

390 | 420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~  
391 | Program.—

392 | (1) The Legislature finds and declares that recent rapid  
393 | increases in the median purchase price of a home and the cost of  
394 | rental housing have far outstripped the increases in median  
395 | income in the state, ~~preventing essential services personnel~~  
396 | ~~from living in the communities where they serve and thereby~~  
397 | creating the need for innovative solutions for the provision of  
398 | housing opportunities ~~for essential services personnel.~~

399 | (2) The Community Workforce Housing Loan ~~Innovation Pilot~~  
400 | Program is created to provide ~~affordable rental and home~~

401 ~~ownership community~~ workforce housing for persons ~~essential~~  
402 ~~services personnel~~ affected by the high cost of housing, ~~using~~  
403 ~~regulatory incentives and state and local funds to promote local~~  
404 ~~public-private partnerships and leverage government and private~~  
405 ~~resources.~~

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

407 ~~(a)~~ "workforce housing" means housing affordable to  
408 natural persons or families whose total annual household income  
409 does not exceed 80 ~~140~~ percent of the area median income,  
410 adjusted for household size, or 120 ~~150~~ percent of area median  
411 income, adjusted for household size, in areas of critical state  
412 concern designated under s. 380.05, for which the Legislature  
413 has declared its intent to provide affordable housing, and areas  
414 that were designated as areas of critical state concern for at  
415 least 20 consecutive years before ~~prior to~~ removal of the  
416 designation.

417 ~~(b)~~ ~~"Public-private partnership"~~ means any form of  
418 ~~business entity that includes substantial involvement of at~~  
419 ~~least one county, one municipality, or one public sector entity,~~  
420 ~~such as a school district or other unit of local government in~~  
421 ~~which the project is to be located, and at least one private~~  
422 ~~sector for-profit or not-for-profit business or charitable~~  
423 ~~entity, and may be any form of business entity, including a~~  
424 ~~joint venture or contractual agreement.~~

425 (4) The Florida Housing Finance Corporation may ~~is~~

426 ~~authorized to provide loans under the Community Workforce~~  
427 ~~Housing Innovation Pilot program loans to applicants an~~  
428 ~~applicant for construction or rehabilitation of workforce~~  
429 ~~housing in eligible areas. This funding is intended to be used~~  
430 ~~with other public and private sector resources.~~

431 (5) The corporation shall establish a loan application  
432 process under s. 420.5087 ~~by rule which includes selection~~  
433 ~~criteria, an application review process, and a funding process.~~  
434 ~~The corporation shall also establish an application review~~  
435 ~~committee that may include up to three private citizens~~  
436 ~~representing the areas of housing or real estate development,~~  
437 ~~banking, community planning, or other areas related to the~~  
438 ~~development or financing of workforce and affordable housing.~~

439 ~~(a) The selection criteria and application review process~~  
440 ~~must include a procedure for curing errors in the loan~~  
441 ~~applications which do not make a substantial change to the~~  
442 ~~proposed project.~~

443 ~~(b) To achieve the goals of the pilot program, the~~  
444 ~~application review committee may approve or reject loan~~  
445 ~~applications or responses to questions raised during the review~~  
446 ~~of an application due to the insufficiency of information~~  
447 ~~provided.~~

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

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

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

457 ~~(6) The corporation shall provide incentives for local~~  
458 ~~governments in eligible areas to use local affordable housing~~  
459 ~~funds, such as those from the State Housing Initiatives~~  
460 ~~Partnership Program, to assist in meeting the affordable housing~~  
461 ~~needs of persons eligible under this program. Local governments~~  
462 ~~are authorized to use State Housing Initiative Partnership~~  
463 ~~Program funds for persons or families whose total annual~~  
464 ~~household income does not exceed:~~

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

467 ~~(b) One hundred and fifty percent of the area median~~  
468 ~~income, adjusted for household size, in areas that were~~  
469 ~~designated as areas of critical state concern for at least 20~~  
470 ~~consecutive years prior to the removal of the designation and in~~  
471 ~~areas of critical state concern, designated under s. 380.05, for~~  
472 ~~which the Legislature has declared its intent to provide~~  
473 ~~affordable housing.~~

474 ~~(7) Funding shall be targeted to innovative projects in~~  
475 ~~areas where the disparity between the area median income and the~~

476 ~~median sales price for a single-family home is greatest, and~~  
477 ~~where population growth as a percentage rate of increase is~~  
478 ~~greatest. The corporation may also fund projects in areas where~~  
479 ~~innovative regulatory and financial incentives are made~~  
480 ~~available. The corporation shall fund at least one eligible~~  
481 ~~project in as many counties and regions of the state as is~~  
482 ~~practicable, consistent with program goals.~~

483 ~~(6)(8)~~ Projects must be given ~~shall receive~~ priority  
484 consideration for funding if ~~where~~:

485 (a) The local jurisdiction has adopted, or is committed to  
486 adopting, appropriate regulatory incentives, ~~or the local~~  
487 ~~jurisdiction or public-private partnership has adopted or is~~  
488 ~~committed to adopting~~ local contributions or financial  
489 strategies, or other funding sources to promote the development  
490 and ongoing financial viability of such projects. Local  
491 incentives include such actions as expediting review of  
492 development orders and permits, supporting development near  
493 transportation hubs and major employment centers, and adopting  
494 land development regulations designed to allow flexibility in  
495 densities, use of accessory units, mixed-use developments, and  
496 flexible lot configurations. Financial strategies include such  
497 actions as promoting employer-assisted housing programs,  
498 providing tax increment financing, and providing land.

499 ~~(b) Projects are innovative and include new construction~~  
500 ~~or rehabilitation; mixed-income housing; commercial and housing~~

501 ~~mixed-use elements; innovative design; green building~~  
502 ~~principles; storm-resistant construction; or other elements that~~  
503 ~~reduce long-term costs relating to maintenance, utilities, or~~  
504 ~~insurance and promote homeownership. The program funding may not~~  
505 ~~exceed the costs attributable to the portion of the project that~~  
506 ~~is set aside to provide housing for the targeted population.~~

507 (b)(e) ~~The projects that set aside at least 50 at least 80~~  
508 ~~percent of the units for workforce housing and at least 50~~  
509 ~~percent for essential services personnel and for projects that~~  
510 ~~require the least amount of program funding compared to the~~  
511 ~~overall housing costs for the project.~~

512 ~~(9) Notwithstanding s. 163.3184(4) (b)-(d), any local~~  
513 ~~government comprehensive plan amendment to implement a Community~~  
514 ~~Workforce Housing Innovation Pilot Program project found~~  
515 ~~consistent with this section shall be expedited as provided in~~  
516 ~~this subsection. At least 30 days prior to adopting a plan~~  
517 ~~amendment under this subsection, the local government shall~~  
518 ~~notify the state land planning agency of its intent to adopt~~  
519 ~~such an amendment, and the notice shall include its evaluation~~  
520 ~~related to site suitability and availability of facilities and~~  
521 ~~services. The public notice of the hearing required by s.~~  
522 ~~163.3184(11) (b)2. shall include a statement that the local~~  
523 ~~government intends to use the expedited adoption process~~  
524 ~~authorized by this subsection. Such amendments shall require~~  
525 ~~only a single public hearing before the governing board, which~~

526 ~~shall be an adoption hearing as described in s. 163.3184(4)(c).~~  
527 ~~Any further proceedings shall be governed by s. 163.3184(5)~~  
528 ~~(13).~~

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

532 ~~(7)~~(11) The corporation shall award loans with a 1  
533 interest rates set at 1 to 3 percent interest rate for a term  
534 that does not exceed 15 years, ~~which may be made forgivable when~~  
535 ~~long-term affordability is provided and when at least 80 percent~~  
536 ~~of the units are set aside for workforce housing and at least 50~~  
537 ~~percent of the units are set aside for essential services~~  
538 ~~personnel.~~

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

540 ~~(a) For home ownership, limit the sales price of a~~  
541 ~~detached unit, townhome, or condominium unit to not more than 90~~  
542 ~~percent of the median sales price for that type of unit in that~~  
543 ~~county, or the statewide median sales price for that type of~~  
544 ~~unit, whichever is higher, and require that all eligible~~  
545 ~~purchasers of home ownership units occupy the homes as their~~  
546 ~~primary residence.~~

547 ~~(b) For rental units, restrict rents for all workforce~~  
548 ~~housing serving those with incomes at or below 120 percent of~~  
549 ~~area median income at the appropriate income level using the~~  
550 ~~restricted rents for the federal low-income housing tax credit~~

551 ~~program and, for workforce housing units serving those with~~  
552 ~~incomes above 120 percent of area median income, restrict rents~~  
553 ~~to those established by the corporation, not to exceed 30~~  
554 ~~percent of the maximum household income adjusted to unit size.~~

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

559 ~~(d) Have grants, donations of land, or contributions from~~  
560 ~~the public-private partnership or other sources collectively~~  
561 ~~totaling at least 10 percent of the total development cost or \$2~~  
562 ~~million, whichever is less. Such grants, donations of land, or~~  
563 ~~contributions must be evidenced by a letter of commitment,~~  
564 ~~agreement, contract, deed, memorandum of understanding, or other~~  
565 ~~written instrument at the time of application. Grants, donations~~  
566 ~~of land, or contributions in excess of 10 percent of the~~  
567 ~~development cost shall increase the application score.~~

568 ~~(e) Demonstrate how the applicant will use the regulatory~~  
569 ~~incentives and financial strategies outlined in subsection (8)~~  
570 ~~from the local jurisdiction in which the proposed project is to~~  
571 ~~be located. The corporation may consult with the Department of~~  
572 ~~Economic Opportunity in evaluating the use of regulatory~~  
573 ~~incentives by applicants.~~

574 ~~(f) Demonstrate that the applicant possesses title to or~~  
575 ~~site control of land and evidences availability of required~~

576 ~~infrastructure.~~

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

579 ~~(h) Provide any research or facts available supporting the~~  
580 ~~demand and need for rental or home ownership workforce housing~~  
581 ~~for eligible persons in the market in which the project is~~  
582 ~~proposed.~~

583 ~~(13) Projects may include manufactured housing constructed~~  
584 ~~after June 1994 and installed in accordance with mobile home~~  
585 ~~installation standards of the Department of Highway Safety and~~  
586 ~~Motor Vehicles.~~

587 (8) ~~(14)~~ The corporation may adopt rules pursuant to ss.  
588 120.536(1) and 120.54 to implement this section.

589 ~~(15) The corporation may use a maximum of 2 percent of the~~  
590 ~~annual program appropriation for administration and compliance~~  
591 ~~monitoring.~~

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

597 Section 12. Section 420.531, Florida Statutes, is amended  
598 to read:

599 420.531 Affordable Housing Catalyst Program.—

600 (1) The corporation shall operate the Affordable Housing

601 Catalyst Program for the purpose of securing the expertise  
602 necessary to provide specialized technical support to local  
603 governments and community-based organizations to implement the  
604 HOME Investment Partnership Program, State Apartment Incentive  
605 Loan Program, State Housing Initiatives Partnership Program, and  
606 other affordable housing programs. To the maximum extent  
607 feasible, the entity to provide the necessary expertise must be  
608 recognized by the Internal Revenue Service as a nonprofit tax-  
609 exempt organization. It must have as its primary mission the  
610 provision of affordable housing training and technical  
611 assistance, an ability to provide training and technical  
612 assistance statewide, and a proven track record of successfully  
613 providing training and technical assistance under the Affordable  
614 Housing Catalyst Program. The technical support shall, at a  
615 minimum, include training relating to the following key elements  
616 of the partnership programs:

617 (a)~~(1)~~ Formation of local and regional housing  
618 partnerships as a means of bringing together resources to  
619 provide affordable housing.

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

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

624 (d)~~(4)~~ Compliance with requirements of federally funded  
625 housing programs.

626        (2) In consultation with the corporation, the entity  
627 providing statewide training and technical assistance shall  
628 convene and administer biannual regional workshops for the  
629 locally elected officials serving on affordable housing advisory  
630 committees as provided in s. 420.9076. The regional workshops  
631 may be conducted through teleconferencing or other technological  
632 means and must include processes and programming that facilitate  
633 peer-to-peer identification and sharing of best affordable  
634 housing practices among the locally elected officials. Annually,  
635 the entity providing statewide training and technical assistance  
636 must compile calendar year reports summarizing the  
637 deliberations, actions, and recommendations of each region, as  
638 well as the attendance records of locally elected officials, and  
639 must submit such reports to the President of the Senate, the  
640 Speaker of the House of Representatives, and the corporation by  
641 March 31 of the following year.

642        Section 13. Subsection (7) of section 420.9073, Florida  
643 Statutes, is renumbered as subsection (8), and a new subsection  
644 (7) is added to that section to read:

645        420.9073 Local housing distributions.—

646        (7) Notwithstanding subsections (1)-(4), the corporation  
647 may withhold up to 5 percent of the total amount distributed  
648 each fiscal year from the Local Government Housing Trust Fund to  
649 provide additional funding to counties and eligible  
650 municipalities for the construction of transitional housing for

651 persons aging out of foster care. Funds may not be used for the  
652 design or planning of transitional housing and the housing must  
653 be constructed on campus. The corporation must consult with the  
654 Department of Children and Families to create minimum criteria  
655 for such housing. Any portion of the withheld funds not  
656 distributed or committed by the end of the fiscal year shall be  
657 distributed as provided in subsections (1) and (2).

658 Section 14. Paragraph (a) of subsection (4) of section  
659 420.9075, Florida Statutes, is amended, and paragraph (j) is  
660 added to subsection (10) of that section, to read:

661 420.9075 Local housing assistance plans; partnerships.—

662 (4) Each local housing assistance plan is governed by the  
663 following criteria and administrative procedures:

664 (a) Each county, eligible municipality, or entity formed  
665 through interlocal agreement to participate in the State Housing  
666 Initiatives Partnership Program must develop a qualification  
667 system and selection criteria for applications for awards by  
668 eligible sponsors, adopt criteria for the selection of eligible  
669 persons, and adopt a maximum award schedule or system of amounts  
670 consistent with the intent and budget of its local housing  
671 assistance plan, with ss. 420.907-420.9079, and with corporation  
672 rule. The selection criteria must provide priority to applicants  
673 who need less assistance so as to maximize the total number of  
674 applicants who may receive an award under the program.

675 (10) Each county or eligible municipality shall submit to

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

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

691 Section 15. Subsections (2) and (4) of section 420.9076,  
692 Florida Statutes, are amended, and subsection (10) is added to  
693 that section, to read:

694 420.9076 Adoption of affordable housing incentive  
695 strategies; committees.—

696 (2) The governing board of a county or municipality shall  
697 appoint the members of the affordable housing advisory  
698 committee. Pursuant to the terms of any interlocal agreement, a  
699 county and municipality may create and jointly appoint an  
700 advisory committee. The local action adopted pursuant to s.

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

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

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

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

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

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

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

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

723 (h) A citizen who actively serves on the local planning  
724 agency pursuant to s. 163.3174. If the local planning agency is  
725 comprised of the governing board of the county or municipality,

726 | the governing board may appoint a designee who is knowledgeable  
727 | in the local planning process.

728 |       (i) A citizen who resides within the jurisdiction of the  
729 | local governing body making the appointments.

730 |       (j) A citizen who represents employers within the  
731 | jurisdiction.

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

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

751 which that includes recommendations on, ~~and triennially~~  
752 ~~thereafter evaluates~~ the implementation of, affordable housing  
753 incentives in the following areas:

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

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

762 (c) The allowance of flexibility in densities for  
763 affordable housing.

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

767 (e) ~~The allowance of~~ Affordable accessory residential  
768 units ~~in residential zoning districts.~~

769 (f) The reduction of parking and setback requirements for  
770 affordable housing.

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

773 (h) The modification of street requirements for affordable  
774 housing.

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

776 government considers, before adoption, policies, procedures,  
777 ordinances, regulations, or plan provisions that increase the  
778 cost of housing.

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

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

783

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

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

798 Section 16. Subsection (4) of section 723.011, Florida  
799 Statutes, is amended to read:

800 723.011 Disclosure prior to rental of a mobile home lot;

801 prospectus, filing, approval.—

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

812 Section 17. Subsection (5) of section 723.012, Florida  
813 Statutes, is amended to read:

814 723.012 Prospectus or offering circular.—The prospectus or  
815 offering circular, which is required to be provided by s.  
816 723.011, must contain the following information:

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

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

823 (b) Each swimming pool, as to its general location,  
824 approximate size and depths, and approximate deck size and  
825 capacity and whether heated.

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

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

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

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

834

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

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

848 Section 18. Section 723.023, Florida Statutes, is amended  
849 to read:

850 723.023 Mobile home owner's general obligations.—A mobile

851 home owner shall ~~at all times~~:

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

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

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

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

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

873 Section 19. Subsection (5) of section 723.031, Florida  
874 Statutes, is amended to read:

875 723.031 Mobile home lot rental agreements.—

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

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

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

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

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

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

932 Section 20. Subsection (1) and paragraph (a) of subsection  
933 (4) of section 723.037, Florida Statutes, are amended to read:

934 723.037 Lot rental increases; reduction in services or  
935 utilities; change in rules and regulations; mediation.—

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

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

969 |       (4) (a) A committee, not to exceed five in number,  
970 | designated by a majority of the affected mobile home owners or  
971 | by the board of directors of the homeowners' association, if  
972 | applicable, and the park owner shall meet, at a mutually  
973 | convenient time and place no later than 60 days before the  
974 | effective date of the change to discuss the reasons for the  
975 | increase in lot rental amount, reduction in services or

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

985

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

990 Section 21. Subsections (5) and (6) are added to section  
991 723.041, Florida Statutes, to read:

992 723.041 Entrance fees; refunds; exit fees prohibited;  
993 replacement homes.—

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

998 (6) This section does not limit the regulation of the  
999 uniform firesafety standards established under s. 633.206, but  
1000 supersedes any other density, separation, setback, or lot size

1001 regulation adopted after initial permitting and construction of  
 1002 the mobile home park.

1003 Section 22. Section 723.042, Florida Statutes, is amended  
 1004 to read:

1005 723.042 Provision of improvements.—A ~~No~~ person may not  
 1006 ~~shall~~ be required by a mobile home park owner or developer, as a  
 1007 condition of residence in the mobile home park, to provide any  
 1008 improvement unless the requirement is disclosed pursuant to s.  
 1009 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home  
 1010 park.

1011 Section 23. Subsections (3) and (4) of section 723.059,  
 1012 Florida Statutes, are amended to read:

1013 723.059 ~~Rights of Purchaser of a mobile home within a~~  
 1014 mobile home park.—

1015 (3) The purchaser of a mobile home who intends to become  
 1016 ~~becomes~~ a resident of the mobile home park in accordance with  
 1017 this section has the right to assume the remainder of the term  
 1018 of any rental agreement then in effect between the mobile home  
 1019 park owner and the seller and may assume the seller's  
 1020 prospectus. However, nothing herein shall prohibit a mobile home  
 1021 park owner from offering the purchaser of a mobile home any  
 1022 approved prospectus ~~shall be entitled to rely on the terms and~~  
 1023 ~~conditions of the prospectus or offering circular as delivered~~  
 1024 ~~to the initial recipient.~~

1025 (4) However, nothing herein shall be construed to prohibit

1026 a mobile home park owner from increasing the rental amount to be  
1027 paid by the purchaser upon the expiration of the assumed rental  
1028 agreement in an amount deemed appropriate by the mobile home  
1029 park owner, so long as such increase is disclosed to the  
1030 purchaser prior to his or her occupancy and is imposed in a  
1031 manner consistent with the purchaser's ~~initial offering circular~~  
1032 ~~or~~ prospectus and this act.

1033 Section 24. Paragraph (d) of subsection (1) of section  
1034 723.061, Florida Statutes, is amended, and subsection (5) is  
1035 added to that section, to read:

1036 723.061 Eviction; grounds, proceedings.—

1037 (1) A mobile home park owner may evict a mobile home  
1038 owner, a mobile home tenant, a mobile home occupant, or a mobile  
1039 home only on one or more of the following grounds:

1040 (d) Change in use of the land comprising the mobile home  
1041 park, or the portion thereof from which mobile homes are to be  
1042 evicted, from mobile home lot rentals to some other use, if:

1043 1. The park owner gives written notice to the homeowners'  
1044 association formed and operating under ss. 723.075-723.079 of  
1045 its right to purchase the mobile home park, if the land  
1046 comprising the mobile home park is changing use from mobile home  
1047 lot rentals to a different use, at the price and under the terms  
1048 and conditions set forth in the written notice.

1049 a. The notice shall be delivered to the officers of the  
1050 homeowners' association by United States mail. Within 45 days

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

1060 b. If the park owner elects to offer or sell the mobile  
1061 home park at a price lower than the price specified in her or  
1062 his initial notice to the officers of the homeowners'  
1063 association, the homeowners' association has an additional 10  
1064 days to meet the revised price, terms, and conditions of the  
1065 park owner by executing and delivering a revised contract to the  
1066 park owner.

1067 c. The park owner is not obligated under this subparagraph  
1068 or s. 723.071 to give any other notice to, or to further  
1069 negotiate with, the homeowners' association for the sale of the  
1070 mobile home park to the homeowners' association after 6 months  
1071 after the date of the mailing of the initial notice under sub-  
1072 subparagraph a.

1073 2. The park owner gives the affected mobile home owners  
1074 and tenants at least 6 months' notice of the eviction due to the  
1075 projected change in use and of their need to secure other

1076 accommodations. Within 20 days after giving an eviction notice  
1077 to a mobile home owner, the park owner must provide the division  
1078 with a copy of the notice. The division must provide the  
1079 executive director of the Florida Mobile Home Relocation  
1080 Corporation with a copy of the notice.

1081 a. The notice of eviction due to a change in use of the  
1082 land must include in a font no smaller than the body of the  
1083 notice the following statement:

1084  
1085 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME  
1086 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME  
1087 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS  
1088 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND  
1089 PROFESSIONAL REGULATION.

1090  
1091 b. The park owner may not give a notice of increase in lot  
1092 rental amount within 90 days before giving notice of a change in  
1093 use.

1094 (5) A park owner who accepts payment of any portion of the  
1095 lot rental amount with actual knowledge of noncompliance after  
1096 notice and termination of the rental agreement due to a  
1097 violation under paragraph (1)(b), paragraph (1)(c), or paragraph  
1098 (1)(e) does not waive the right to terminate the rental  
1099 agreement or the right to bring a civil action for the  
1100 noncompliance, but not for any subsequent or continuing

1101 noncompliance. Any rent so received must be accounted for at the  
1102 final hearing.

1103 Section 25. Subsection (1) of section 723.076, Florida  
1104 Statutes, is amended to read:

1105 723.076 Incorporation; notification of park owner.—

1106 (1) Upon receipt of its certificate of incorporation, the  
1107 homeowners' association shall notify the park owner in writing  
1108 of such incorporation and shall advise the park owner of the  
1109 names and addresses of the officers of the homeowners'  
1110 association by personal delivery upon the park owner's  
1111 representative as designated in the prospectus or by certified  
1112 mail, return receipt requested. Thereafter, the homeowners'  
1113 association shall notify the park owner in writing by certified  
1114 mail, return receipt requested, of any change of names and  
1115 addresses of its president or registered agent. Upon election or  
1116 appointment of new officers or members, the homeowners'  
1117 association shall notify the park owner in writing by certified  
1118 mail, return receipt requested, of the names and addresses of  
1119 the new officers or members.

1120 Section 26. Paragraphs (b) through (e) of subsection (2)  
1121 of section 723.078, Florida Statutes, are amended, and paragraph  
1122 (i) of that subsection is reenacted, to read:

1123 723.078 Bylaws of homeowners' associations.—

1124 (2) The bylaws shall provide and, if they do not, shall be  
1125 deemed to include, the following provisions:

1126 (b) Quorum; voting requirements; proxies.-

1127 1. Unless otherwise provided in the bylaws, 30 percent of  
1128 the total membership is required to constitute a quorum.

1129 Decisions shall be made by a majority of members represented at  
1130 a meeting at which a quorum is present.

1131 2.a. A member may not vote by general proxy but may vote  
1132 by limited proxies substantially conforming to a limited proxy  
1133 form adopted by the division. Limited proxies and general  
1134 proxies may be used to establish a quorum. Limited proxies may  
1135 be used for votes taken to amend the articles of incorporation  
1136 or bylaws pursuant to this section, and any other matters for  
1137 which this chapter requires or permits a vote of members. A  
1138 ~~except that no~~ proxy, limited or general, may not be used in the  
1139 election of board members in general elections or elections to  
1140 fill vacancies caused by recall, resignation, or otherwise.

1141 Board members must be elected by written ballot or by voting in  
1142 person. If a mobile home or subdivision lot is owned jointly,  
1143 the owners of the mobile home or subdivision lot must be counted  
1144 as one for the purpose of determining the number of votes  
1145 required for a majority. Only one vote per mobile home or  
1146 subdivision lot shall be counted. Any number greater than 50  
1147 percent of the total number of votes constitutes a majority.  
1148 Notwithstanding this section, members may vote in person at  
1149 member meetings or by secret ballot, including absentee ballots,  
1150 as defined by the division.

1151 b. Elections shall be decided by a plurality of the  
1152 ballots cast. There is no quorum requirement; however, at least  
1153 20 percent of the eligible voters must cast a ballot in order to  
1154 have a valid election. A member may not allow any other person  
1155 to cast his or her ballot, and any ballots improperly cast are  
1156 invalid. An election is not required unless there are more  
1157 candidates nominated than vacancies that exist on the board.

1158 c. Each member or other eligible person who desires to be  
1159 a candidate for the board of directors shall appear on the  
1160 ballot in alphabetical order by surname. A ballot may not  
1161 indicate if any of the candidates are incumbent on the board.  
1162 All ballots must be uniform in appearance. Write-in candidates  
1163 and more than one vote per candidate per ballot are not allowed.  
1164 A ballot may not provide a space for the signature of, or any  
1165 other means of identifying, a voter. If a ballot contains more  
1166 votes than vacancies or fewer votes than vacancies, the ballot  
1167 is invalid unless otherwise stated in the bylaws.

1168 d. An impartial committee shall be responsible for  
1169 overseeing the election process and complying with all ballot  
1170 requirements. For purposes of this section, the term "impartial  
1171 committee" means a committee whose members do not include any of  
1172 the following people or their spouses:

- 1173 (I) Current board members.  
1174 (II) Current association officers.  
1175 (III) Candidates for the association or board.

1176 e. The association bylaws shall provide a method for  
1177 determining the winner of an election in which two or more  
1178 candidates for the same position receive the same number of  
1179 votes.

1180 f. The division shall adopt procedural rules to govern  
1181 elections, including, but not limited to, rules for providing  
1182 notice by electronic transmission and rules for maintaining the  
1183 secrecy of ballots.

1184 3. A proxy is effective only for the specific meeting for  
1185 which originally given and any lawfully adjourned meetings  
1186 thereof. In no event shall any proxy be valid for a period  
1187 longer than 90 days after the date of the first meeting for  
1188 which it was given. Every proxy shall be revocable at any time  
1189 at the pleasure of the member executing it.

1190 4. A member of the board of directors or a committee may  
1191 submit in writing his or her agreement or disagreement with any  
1192 action taken at a meeting that the member did not attend. This  
1193 agreement or disagreement may not be used as a vote for or  
1194 against the action taken and may not be used for the purposes of  
1195 creating a quorum.

1196 (c) Board of directors' and committee meetings.—

1197 1. Meetings of the board of directors and meetings of its  
1198 committees at which a quorum is present shall be open to all  
1199 members. Notwithstanding any other provision of law, the  
1200 requirement that board meetings and committee meetings be open

1201 to the members does not apply to meetings between the park owner  
1202 and the board of directors or any of the board's committees,  
1203 board or committee meetings held for the purpose of discussing  
1204 personnel matters, or meetings between the board or a committee  
1205 and the association's attorney, with respect to potential or  
1206 pending litigation, when ~~where~~ the meeting is held for the  
1207 purpose of seeking or rendering legal advice, and when ~~where~~ the  
1208 contents of the discussion would otherwise be governed by the  
1209 attorney-client privilege. Notice of all meetings open to  
1210 members shall be posted in a conspicuous place upon the park  
1211 property at least 48 hours in advance, except in an emergency.  
1212 Notice of any meeting in which dues ~~assessments against members~~  
1213 are to be considered for any reason shall specifically contain a  
1214 statement that dues ~~assessments~~ will be considered and the  
1215 nature of such dues ~~assessments~~.

1216 2. A board or committee member's participation in a  
1217 meeting via telephone, real-time videoconferencing, or similar  
1218 real-time telephonic, electronic, or video communication counts  
1219 toward a quorum, and such member may vote as if physically  
1220 present. A speaker shall be used so that the conversation of  
1221 those board or committee members attending by telephone may be  
1222 heard by the board or committee members attending in person, as  
1223 well as by members present at a meeting.

1224 3. Members of the board of directors may use e-mail as a  
1225 means of communication but may not cast a vote on an association

1226 matter via e-mail.

1227         4. The right to attend meetings of the board of directors  
1228 and its committees includes the right to speak at such meetings  
1229 with reference to all designated agenda items. The association  
1230 may adopt reasonable written rules governing the frequency,  
1231 duration, and manner of members' statements. Any item not  
1232 included on the notice may be taken up on an emergency basis by  
1233 at least a majority plus one of the members of the board. Such  
1234 emergency action shall be noticed and ratified at the next  
1235 regular meeting of the board. Any member may tape record or  
1236 videotape meetings of the board of directors and its committees,  
1237 except meetings between the board of directors or its appointed  
1238 homeowners' committee and the park owner. The division shall  
1239 adopt reasonable rules governing the tape recording and  
1240 videotaping of the meeting.

1241         5. Except as provided in paragraph (i), a vacancy  
1242 occurring on the board of directors may be filled by the  
1243 affirmative vote of the majority of the remaining directors,  
1244 even though the remaining directors constitute less than a  
1245 quorum; by the sole remaining director; if the vacancy is not so  
1246 filled or if no director remains, by the members; or, on the  
1247 application of any person, by the circuit court of the county in  
1248 which the registered office of the corporation is located.

1249         6. The term of a director elected or appointed to fill a  
1250 vacancy expires at the next annual meeting at which directors

1251 are elected. A directorship to be filled by reason of an  
1252 increase in the number of directors may be filled by the board  
1253 of directors, but only for the term of office continuing until  
1254 the next election of directors by the members.

1255 7. A vacancy that will occur at a specific later date, by  
1256 reason of a resignation effective at a later date, may be filled  
1257 before the vacancy occurs. However, the new director may not  
1258 take office until the vacancy occurs.

1259 8.a. The officers and directors of the association have a  
1260 fiduciary relationship to the members.

1261 b. A director and committee member shall discharge his or  
1262 her duties in good faith, with the care an ordinarily prudent  
1263 person in a like position would exercise under similar  
1264 circumstances, and in a manner he or she reasonably believes to  
1265 be in the best interests of the corporation.

1266 9. In discharging his or her duties, a director may rely  
1267 on information, opinions, reports, or statements, including  
1268 financial statements and other financial data, if prepared or  
1269 presented by:

1270 a. One or more officers or employees of the corporation  
1271 who the director reasonably believes to be reliable and  
1272 competent in the matters presented;

1273 b. Legal counsel, public accountants, or other persons as  
1274 to matters the director reasonably believes are within the  
1275 persons' professional or expert competence; or

1276 c. A committee of the board of directors of which he or  
1277 she is not a member if the director reasonably believes the  
1278 committee merits confidence.

1279 10. A director is not acting in good faith if he or she  
1280 has knowledge concerning the matter in question that makes  
1281 reliance otherwise permitted by subparagraph 9. unwarranted.

1282 11. A director is not liable for any action taken as a  
1283 director, or any failure to take any action, if he or she  
1284 performed the duties of his or her office in compliance with  
1285 this section.

1286 (d) Member meetings.—Members shall meet at least once each  
1287 calendar year, and the meeting shall be the annual meeting. All  
1288 members of the board of directors shall be elected at the annual  
1289 meeting unless the bylaws provide for staggered election terms  
1290 or for their election at another meeting. The bylaws shall not  
1291 restrict any member desiring to be a candidate for board  
1292 membership from being nominated from the floor. All nominations  
1293 from the floor must be made at a duly noticed meeting of the  
1294 members held at least 27 ~~30~~ days before the annual meeting. The  
1295 bylaws shall provide the method for calling the meetings of the  
1296 members, including annual meetings. The method shall provide at  
1297 least 14 days' written notice to each member in advance of the  
1298 meeting and require the posting in a conspicuous place on the  
1299 park property of a notice of the meeting at least 14 days prior  
1300 to the meeting. The right to receive written notice of

1301 membership meetings may be waived in writing by a member. Unless  
 1302 waived, the notice of the annual meeting shall be mailed, hand  
 1303 delivered, or electronically transmitted to each member, and  
 1304 shall constitute notice. Unless otherwise stated in the bylaws,  
 1305 an officer of the association shall provide an affidavit  
 1306 affirming that the notices were mailed, ~~or~~ hand delivered, or  
 1307 provided by electronic transmission in accordance with ~~the~~  
 1308 ~~provisions of~~ this section to each member at the address last  
 1309 furnished to the corporation. These meeting requirements do not  
 1310 prevent members from waiving notice of meetings or from acting  
 1311 by written agreement without meetings, if allowed by the bylaws.

1312 (e) Minutes of meetings.—

1313 1. Notwithstanding any other provision of law, the minutes  
 1314 of board or committee meetings that are closed to members are  
 1315 privileged and confidential and are not available for inspection  
 1316 or photocopying.

1317 2. Minutes of all meetings of members of an association  
 1318 and meetings open to members of, the board of directors, and a  
 1319 committee of the board must be maintained in written form and  
 1320 approved by the members, board, or committee, as applicable. A  
 1321 vote or abstention from voting on each matter voted upon for  
 1322 each director present at a board meeting must be recorded in the  
 1323 minutes.

1324 3.2. All approved minutes of open meetings of members,  
 1325 committees, and the board of directors shall be kept in a

1326 businesslike manner and shall be available for inspection by  
1327 members, or their authorized representatives, and board members  
1328 at reasonable times. The association shall retain these minutes  
1329 within this state for ~~a period of~~ at least 5 7 years.

1330 (i) Recall of board members.—Any member of the board of  
1331 directors may be recalled and removed from office with or  
1332 without cause by the vote of or agreement in writing by a  
1333 majority of all members. A special meeting of the members to  
1334 recall a member or members of the board of directors may be  
1335 called by 10 percent of the members giving notice of the meeting  
1336 as required for a meeting of members, and the notice shall state  
1337 the purpose of the meeting. Electronic transmission may not be  
1338 used as a method of giving notice of a meeting called in whole  
1339 or in part for this purpose.

1340 1. If the recall is approved by a majority of all members  
1341 by a vote at a meeting, the recall is effective as provided in  
1342 this paragraph. The board shall duly notice and hold a board  
1343 meeting within 5 full business days after the adjournment of the  
1344 member meeting to recall one or more board members. At the  
1345 meeting, the board shall either certify the recall, in which  
1346 case such member or members shall be recalled effective  
1347 immediately and shall turn over to the board within 5 full  
1348 business days any and all records and property of the  
1349 association in their possession, or shall proceed under  
1350 subparagraph 3.

1351           2. If the proposed recall is by an agreement in writing by  
1352 a majority of all members, the agreement in writing or a copy  
1353 thereof shall be served on the association by certified mail or  
1354 by personal service in the manner authorized by chapter 48 and  
1355 the Florida Rules of Civil Procedure. The board of directors  
1356 shall duly notice and hold a meeting of the board within 5 full  
1357 business days after receipt of the agreement in writing. At the  
1358 meeting, the board shall either certify the written agreement to  
1359 recall members of the board, in which case such members shall be  
1360 recalled effective immediately and shall turn over to the board,  
1361 within 5 full business days, any and all records and property of  
1362 the association in their possession, or shall proceed as  
1363 described in subparagraph 3.

1364           3. If the board determines not to certify the written  
1365 agreement to recall members of the board, or does not certify  
1366 the recall by a vote at a meeting, the board shall, within 5  
1367 full business days after the board meeting, file with the  
1368 division a petition for binding arbitration pursuant to the  
1369 procedures of s. 723.1255. For purposes of this paragraph, the  
1370 members who voted at the meeting or who executed the agreement  
1371 in writing shall constitute one party under the petition for  
1372 arbitration. If the arbitrator certifies the recall of a member  
1373 of the board, the recall shall be effective upon mailing of the  
1374 final order of arbitration to the association. If the  
1375 association fails to comply with the order of the arbitrator,

1376 the division may take action under s. 723.006. A member so  
1377 recalled shall deliver to the board any and all records and  
1378 property of the association in the member's possession within 5  
1379 full business days after the effective date of the recall.

1380 4. If the board fails to duly notice and hold a board  
1381 meeting within 5 full business days after service of an  
1382 agreement in writing or within 5 full business days after the  
1383 adjournment of the members' recall meeting, the recall shall be  
1384 deemed effective and the board members so recalled shall  
1385 immediately turn over to the board all records and property of  
1386 the association.

1387 5. If the board fails to duly notice and hold the required  
1388 meeting or fails to file the required petition, the member's  
1389 representative may file a petition pursuant to s. 723.1255  
1390 challenging the board's failure to act. The petition must be  
1391 filed within 60 days after expiration of the applicable 5-full-  
1392 business-day period. The review of a petition under this  
1393 subparagraph is limited to the sufficiency of service on the  
1394 board and the facial validity of the written agreement or  
1395 ballots filed.

1396 6. If a vacancy occurs on the board as a result of a  
1397 recall and less than a majority of the board members are  
1398 removed, the vacancy may be filled by the affirmative vote of a  
1399 majority of the remaining directors, notwithstanding any other  
1400 provision of this chapter. If vacancies occur on the board as a

1401 result of a recall and a majority or more of the board members  
1402 are removed, the vacancies shall be filled in accordance with  
1403 procedural rules to be adopted by the division, which rules need  
1404 not be consistent with this chapter. The rules must provide  
1405 procedures governing the conduct of the recall election as well  
1406 as the operation of the association during the period after a  
1407 recall but before the recall election.

1408 7. A board member who has been recalled may file a  
1409 petition pursuant to s. 723.1255 challenging the validity of the  
1410 recall. The petition must be filed within 60 days after the  
1411 recall is deemed certified. The association and the member's  
1412 representative shall be named as the respondents.

1413 8. The division may not accept for filing a recall  
1414 petition, whether or not filed pursuant to this subsection, and  
1415 regardless of whether the recall was certified, when there are  
1416 60 or fewer days until the scheduled reelection of the board  
1417 member sought to be recalled or when 60 or fewer days have not  
1418 elapsed since the election of the board member sought to be  
1419 recalled.

1420 Section 27. Paragraphs (d) and (f) through (i) of  
1421 subsection (4) and subsection (5) of section 723.079, Florida  
1422 Statutes, are amended to read:

1423 723.079 Powers and duties of homeowners' association.—

1424 (4) The association shall maintain the following items,  
1425 when applicable, which constitute the official records of the

1426 association:

1427 (d) The approved minutes of all meetings of the members of  
1428 an association and meetings open for members of, the board of  
1429 directors, and committees of the board, which minutes must be  
1430 retained within this ~~the~~ state for at least 5 ~~7~~ years.

1431 (f) All of the association's insurance policies or copies  
1432 thereof, which must be retained within this state for at least 5  
1433 7 years after the expiration date of the policy.

1434 (g) A copy of all contracts or agreements to which the  
1435 association is a party, including, without limitation, any  
1436 written agreements with the park owner, lease, or other  
1437 agreements or contracts under which the association or its  
1438 members has any obligation or responsibility, which must be  
1439 retained within this state for at least 5 ~~7~~ years after the  
1440 expiration date of the contract or agreement.

1441 (h) The financial and accounting records of the  
1442 association, kept according to good accounting practices. All  
1443 financial and accounting records must be maintained within this  
1444 state for a ~~period of~~ at least 5 ~~7~~ years. The financial and  
1445 accounting records must include:

1446 1. Accurate, itemized, and detailed records of all  
1447 receipts and expenditures.

1448 2. A current account and a periodic statement of the  
1449 account for each member, designating the name and current  
1450 address of each member who is obligated to pay dues or

1451 assessments, the due date and amount of each assessment or other  
1452 charge against the member, the date and amount of each payment  
1453 on the account, and the balance due.

1454 3. All tax returns, financial statements, and financial  
1455 reports of the association.

1456 4. Any other records that identify, measure, record, or  
1457 communicate financial information.

1458 (i) All other written records of the association not  
1459 specifically included in the foregoing which are related to the  
1460 operation of the association must be retained within this state  
1461 for at least 5 years or at least 5 years after the expiration  
1462 date, as applicable.

1463 (5) The official records shall be ~~maintained within the~~  
1464 ~~state for at least 7 years and shall be~~ made available to a  
1465 member for inspection or photocopying within 20 ~~10~~ business days  
1466 after receipt by the board or its designee of a written request  
1467 submitted by certified mail, return receipt requested. The  
1468 requirements of this subsection are satisfied by having a copy  
1469 of the official records available for inspection or copying in  
1470 the park or, at the option of the association, by making the  
1471 records available to a member electronically via the Internet or  
1472 by allowing the records to be viewed in electronic format on a  
1473 computer screen and printed upon request. If the association has  
1474 a photocopy machine available where the records are maintained,  
1475 it must provide a member with copies on request during the

1476 inspection if the entire request is no more than 25 pages. An  
1477 association shall allow a member or his or her authorized  
1478 representative to use a portable device, including a smartphone,  
1479 tablet, portable scanner, or any other technology capable of  
1480 scanning or taking photographs, to make an electronic copy of  
1481 the official records in lieu of the association's providing the  
1482 member or his or her authorized representative with a copy of  
1483 such records. The association may not charge a fee to a member  
1484 or his or her authorized representative for the use of a  
1485 portable device.

1486 (a) The failure of an association to provide access to the  
1487 records within 20 ~~10~~ business days after receipt of a written  
1488 request submitted by certified mail, return receipt requested,  
1489 creates a rebuttable presumption that the association willfully  
1490 failed to comply with this subsection.

1491 (b) A member who is denied access to official records is  
1492 entitled to ~~the actual damages or minimum~~ damages for the  
1493 association's willful failure to comply with this subsection in  
1494 the amount of. ~~The minimum damages are to be~~ \$10 per calendar  
1495 day up to 10 days, not to exceed \$100. The calculation for  
1496 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after  
1497 receipt of the written request, submitted by certified mail,  
1498 return receipt requested.

1499 (c) A dispute between a member and an association  
1500 regarding inspecting or photocopying official records must be

1501 submitted to mandatory binding arbitration with the division,  
1502 and the arbitration must be conducted pursuant to s. 723.1255  
1503 and procedural rules adopted by the division.

1504 (d) The association may adopt reasonable written rules  
1505 governing the frequency, time, location, notice, records to be  
1506 inspected, and manner of inspections, but may not require a  
1507 member to demonstrate a proper purpose for the inspection, state  
1508 a reason for the inspection, or limit a member's right to  
1509 inspect records to less than 1 business day per month. The  
1510 association may impose fees to cover the costs of providing  
1511 copies of the official records, including the costs of copying  
1512 and for personnel to retrieve and copy the records if the time  
1513 spent retrieving and copying the records exceeds 30 minutes and  
1514 if the personnel costs do not exceed \$20 per hour. Personnel  
1515 costs may not be charged for records requests that result in the  
1516 copying of 25 or fewer pages. The association may charge up to  
1517 25 cents per page for copies made on the association's  
1518 photocopier. If the association does not have a photocopy  
1519 machine available where the records are kept, or if the records  
1520 requested to be copied exceed 25 pages in length, the  
1521 association may have copies made by an outside duplicating  
1522 service and may charge the actual cost of copying, as supported  
1523 by the vendor invoice. The association shall maintain an  
1524 adequate number of copies of the recorded governing documents,  
1525 to ensure their availability to members and prospective members.

1526 Notwithstanding this paragraph, the following records are not  
1527 accessible to members or home owners:

1528 1. A record protected by the lawyer-client privilege as  
1529 described in s. 90.502 and a record protected by the work-  
1530 product privilege, including, but not limited to, a record  
1531 prepared by an association attorney or prepared at the  
1532 attorney's express direction which reflects a mental impression,  
1533 conclusion, litigation strategy, or legal theory of the attorney  
1534 or the association and which was prepared exclusively for civil  
1535 or criminal litigation, for adversarial administrative  
1536 proceedings, or in anticipation of such litigation or  
1537 proceedings until the conclusion of the litigation or  
1538 proceedings.

1539 2. E-mail addresses, telephone numbers, facsimile numbers,  
1540 emergency contact information, any addresses for a home owner  
1541 other than as provided for association notice requirements, and  
1542 other personal identifying information of any person, excluding  
1543 the person's name, lot designation, mailing address, and  
1544 property address. Notwithstanding the restrictions in this  
1545 subparagraph, an association may print and distribute to home  
1546 owners a directory containing the name, park address, and  
1547 telephone number of each home owner. However, a home owner may  
1548 exclude his or her telephone number from the directory by so  
1549 requesting in writing to the association. The association is not  
1550 liable for the disclosure of information that is protected under

1551 this subparagraph if the information is included in an official  
1552 record of the association and is voluntarily provided by a home  
1553 owner and not requested by the association.

1554 3. An electronic security measure that is used by the  
1555 association to safeguard data, including passwords.

1556 4. The software and operating system used by the  
1557 association which allows the manipulation of data, even if the  
1558 home owner owns a copy of the same software used by the  
1559 association. The data is part of the official records of the  
1560 association.

1561 Section 28. Section 723.1255, Florida Statutes, is amended  
1562 to read:

1563 723.1255 Alternative resolution of recall, election, and  
1564 inspection and photocopying of official records disputes.-

1565 (1) A dispute between a mobile home owner and a  
1566 homeowners' association regarding the election and recall of  
1567 officers or directors under s. 723.078(2)(b) or regarding the  
1568 inspection and photocopying of official records under s.  
1569 723.079(5) must be submitted to mandatory binding arbitration  
1570 with the division. The arbitration shall be conducted in  
1571 accordance with this section and the procedural rules adopted by  
1572 the division.

1573 (2) Each party shall be responsible for paying its own  
1574 attorney fees, expert and investigator fees, and associated  
1575 costs. The cost of the arbitrators shall be divided equally

1576 between the parties regardless of the outcome.

1577 (3) The division shall adopt procedural rules to govern  
 1578 mandatory binding arbitration proceedings ~~The Division of~~  
 1579 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~  
 1580 ~~Department of Business and Professional Regulation shall adopt~~  
 1581 ~~rules of procedure to govern binding recall arbitration~~  
 1582 ~~proceedings.~~

1583 Section 29. For the purpose of incorporating the amendment  
 1584 made by this act to section 420.5087, Florida Statutes, in a  
 1585 reference thereto, paragraph (i) of subsection (22) of section  
 1586 420.507, Florida Statutes, is reenacted to read:

1587 420.507 Powers of the corporation.—The corporation shall  
 1588 have all the powers necessary or convenient to carry out and  
 1589 effectuate the purposes and provisions of this part, including  
 1590 the following powers which are in addition to all other powers  
 1591 granted by other provisions of this part:

1592 (22) To develop and administer the State Apartment  
 1593 Incentive Loan Program. In developing and administering that  
 1594 program, the corporation may:

1595 (i) Establish, by rule, the procedure for competitively  
 1596 evaluating and selecting all applications for funding based on  
 1597 the criteria set forth in s. 420.5087(6)(c), determining actual  
 1598 loan amounts, making and servicing loans, and exercising the  
 1599 powers authorized in this subsection.

1600 Section 30. For the purpose of incorporating the amendment

1601 made by this act to section 420.5095, Florida Statutes, in a  
1602 reference thereto, subsection (2) of section 193.018, Florida  
1603 Statutes, is reenacted to read:

1604       193.018 Land owned by a community land trust used to  
1605 provide affordable housing; assessment; structural improvements,  
1606 condominium parcels, and cooperative parcels.—

1607       (2) A community land trust may convey structural  
1608 improvements, condominium parcels, or cooperative parcels, that  
1609 are located on specific parcels of land that are identified by a  
1610 legal description contained in and subject to a ground lease  
1611 having a term of at least 99 years, for the purpose of providing  
1612 affordable housing to natural persons or families who meet the  
1613 extremely-low-income, very-low-income, low-income, or moderate-  
1614 income limits specified in s. 420.0004, or the income limits for  
1615 workforce housing, as defined in s. 420.5095(3). A community  
1616 land trust shall retain a preemptive option to purchase any  
1617 structural improvements, condominium parcels, or cooperative  
1618 parcels on the land at a price determined by a formula specified  
1619 in the ground lease which is designed to ensure that the  
1620 structural improvements, condominium parcels, or cooperative  
1621 parcels remain affordable.

1622       Section 31. This act shall take effect July 1, 2020.