

By the Committees on Appropriations; Infrastructure and Security; and Community Affairs; and Senators Hutson and Hooper

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1 A bill to be entitled
2 An act relating to housing; amending s. 125.01055,
3 F.S.; authorizing a board of county commissioners to
4 approve development of affordable housing on any
5 parcel zoned for residential, commercial, or
6 industrial use; amending s. 129.03, F.S.; revising the
7 information required to be annually submitted by
8 county budget officers to the Office of Economic and
9 Demographic Research; requiring certain information to
10 be included beginning in a specified submission;
11 amending s. 163.31771, F.S.; revising conditions under
12 which local governments are authorized to adopt
13 ordinances that allow accessory dwelling units in any
14 area zoned for single-family residential use; amending
15 s. 163.31801, F.S.; requiring counties,
16 municipalities, and special districts to include
17 certain data relating to impact fees in their annual
18 financial reports; amending s. 166.04151, F.S.;
19 authorizing governing bodies of municipalities to
20 approve the development of affordable housing on any
21 parcel zoned for residential, commercial, or
22 industrial use; amending s. 166.241, F.S.; revising
23 the information required to be annually submitted by
24 municipal budget officers to the Office of Economic
25 and Demographic Research; requiring certain
26 information to be included beginning in a specified
27 submission; amending s. 320.77, F.S.; revising a
28 certification requirement for mobile home dealer
29 applicants relating to the applicant's business

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30 location; amending s. 320.771, F.S.; exempting certain
31 recreational vehicle dealer applicants from a garage
32 liability insurance requirement; amending s. 320.822,
33 F.S.; revising the definition of the term "code";
34 amending s. 320.8232, F.S.; revising applicable
35 standards for the repair and remodeling of mobile and
36 manufactured homes; amending s. 367.022, F.S.;
37 revising an exemption from regulation for certain
38 water service resellers; exempting certain mobile home
39 park and mobile home subdivision owners from
40 regulation by the Florida Public Service Commission
41 relating to water and wastewater systems; creating
42 420.518, F.S.; authorizing the preclusion of an
43 applicant or affiliate of an applicant from
44 participation in Florida Housing Finance Corporation
45 programs under certain conditions; authorizing the
46 board of directors of the corporation to preclude the
47 applicant for a period of time or revoke the
48 applicant's funding; requiring that an administrative
49 complaint be served before an order is issued;
50 authorizing the corporation to suspend certain
51 funding, allocations of federal housing credits,
52 credit underwriting procedures, or application
53 reviews; providing requirements for such suspensions;
54 amending s. 420.5087, F.S.; revising the criteria used
55 by a review committee when evaluating and selecting
56 specified applications for state apartment incentive
57 loans; authorizing the corporation to prioritize a
58 portion of the State Apartment Incentive Loan funding

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59 set aside for certain purposes; requiring that such
60 funding be used for housing for certain persons in
61 foster care or persons aging out of foster care;
62 providing requirements for such housing; requiring the
63 corporation to consult with the Department of Children
64 and Families to create minimum criteria for such
65 housing; amending s. 420.5095, F.S.; revising
66 legislative findings; renaming the Community Workforce
67 Housing Innovation Pilot Program as the Community
68 Workforce Housing Loan Program to provide workforce
69 housing for persons affected by the high cost of
70 housing; revising the definition of the term
71 "workforce housing"; deleting the definition of the
72 term "public-private partnership"; authorizing the
73 corporation to provide loans under the program to
74 applicants for construction of workforce housing;
75 requiring the corporation to establish a certain loan
76 application process; deleting provisions requiring the
77 corporation to provide incentives for local
78 governments to use certain funds; requiring projects
79 to receive priority consideration for funding under
80 certain circumstances; deleting provisions providing
81 for the expedition of local government comprehensive
82 plan amendments to implement a program project;
83 requiring that the corporation award loans at a
84 specified interest rate and for a limited term;
85 conforming provisions to changes made by the act;
86 deleting a provision authorizing the corporation to
87 use a maximum percentage of a specified appropriation

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88 for administration and compliance; amending s.
89 420.531, F.S.; specifying that technical support
90 provided to local governments and community-based
91 organizations includes implementation of the State
92 Apartment Incentive Loan Program; requiring the entity
93 providing training and technical assistance to convene
94 and administer biannual workshops; providing
95 requirements for such workshops; requiring such entity
96 to annually compile and submit certain information to
97 the Legislature and the corporation by a specified
98 date; amending s. 420.9075, F.S.; revising
99 requirements for reports submitted to the corporation
100 by counties and certain municipalities; amending s.
101 420.9076, F.S.; beginning on a specified date,
102 revising the membership of local affordable housing
103 advisory committees; requiring the committees to
104 perform specified duties annually instead of
105 triennially; revising duties of the committees;
106 requiring locally elected officials serving on
107 advisory committees, or their designees, to attend
108 biannual regional workshops; providing a penalty;
109 amending s. 723.011, F.S.; providing that a mobile
110 home owner may be required to install permanent
111 improvements as disclosed in the mobile home park
112 prospectus; amending s. 723.012, F.S.; requiring a
113 mobile home park owner to amend its prospectus under
114 certain circumstances; requiring a mobile home park
115 owner to increase shared facilities under certain
116 circumstances; providing a requirement for the

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

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

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

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

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

197 125.01055 Affordable housing.—

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

203 Section 2. Paragraph (d) of subsection (3) of section

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204 129.03, Florida Statutes, is amended to read:

205 129.03 Preparation and adoption of budget.—

206 (3) The county budget officer, after tentatively
207 ascertaining the proposed fiscal policies of the board for the
208 next fiscal year, shall prepare and present to the board a
209 tentative budget for the next fiscal year for each of the funds
210 provided in this chapter, including all estimated receipts,
211 taxes to be levied, and balances expected to be brought forward
212 and all estimated expenditures, reserves, and balances to be
213 carried over at the end of the year.

214 (d) By ~~October 15, 2019,~~ and each October 15 ~~annually~~
215 ~~thereafter~~, the county budget officer shall electronically
216 submit the following information regarding the final budget and
217 the county's economic status to the Office of Economic and
218 Demographic Research in the format specified by the office:

219 1. Government spending per resident, including, at a
220 minimum, the spending per resident for the previous 5 fiscal
221 years.

222 2. Government debt per resident, including, at a minimum,
223 the debt per resident for the previous 5 fiscal years.

224 3. Median income within the county.

225 4. The average county employee salary.

226 5. Percent of budget spent on salaries and benefits for
227 county employees.

228 6. Number of special taxing districts, wholly or partially,
229 within the county.

230 7. Annual county expenditures providing for the financing,
231 acquisition, construction, reconstruction, or rehabilitation of
232 housing that is affordable, as that term is defined in s.

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233 420.0004. The reported expenditures must indicate the source of
234 such funds as "federal," "state," "local," or "other," as
235 applicable. The information required by this subparagraph must
236 be included in the submission due by October 15, 2020, and each
237 annual submission thereafter.

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

240 163.31771 Accessory dwelling units.—

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

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

252 Section 4. Subsection (10) is added to section 163.31801,
253 Florida Statutes, to read:

254 163.31801 Impact fees; short title; intent; minimum
255 requirements; audits; challenges.—

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

260 (a) The specific purpose of the impact fee, including the
261 specific infrastructure needs to be met, including, but not

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262 limited to, transportation, parks, water, sewer, and schools.

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

266 (c) The amount assessed for each purpose and for each type
267 of dwelling.

268 (d) The total amount of impact fees charged by type of
269 dwelling.

270 (e) Each exception and waiver provided for construction or
271 development of housing that is affordable.

272 Section 5. Subsection (4) is added to section 166.04151,
273 Florida Statutes, to read:

274 166.04151 Affordable housing.—

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

280 Section 6. Paragraph (g) is added to subsection (4) of
281 section 166.241, Florida Statutes, to read:

282 166.241 Fiscal years, budgets, and budget amendments.—

283 (4) By ~~Beginning October 15, 2019,~~ and each October 15
284 ~~thereafter,~~ the municipal budget officer shall electronically
285 submit the following information regarding the final budget and
286 the municipality's economic status to the Office of Economic and
287 Demographic Research in the format specified by the office:

288 (g) Annual municipal expenditures providing for the
289 financing, acquisition, construction, reconstruction, or
290 rehabilitation of housing that is affordable, as that term is

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291 defined in s. 420.0004. The reported expenditures must indicate
292 the source of such funds as "federal," "state," "local," or
293 "other," as applicable. This information must be included in the
294 submission due by October 15, 2020, and each annual submission
295 thereafter.

296 Section 7. Paragraph (h) of subsection (3) of section
297 320.77, Florida Statutes, is amended to read:

298 320.77 License required of mobile home dealers.—

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

303 (h) Certification by the applicant:

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

306 2. Except in the case of a mobile home broker, that the
307 location affords sufficient ~~unoccupied~~ space to display ~~store~~
308 ~~all mobile homes offered and displayed~~ for sale. A space to
309 display a manufactured home as a model home is sufficient to
310 satisfy this requirement.~~;~~ ~~and that~~ The location must be ~~is~~ a
311 suitable place in which the applicant can in good faith carry on
312 business and keep and maintain books, records, and files
313 necessary to conduct such business, which must ~~will~~ be available
314 at all reasonable hours to inspection by the department or any
315 of its inspectors or other employees.

316
317 This paragraph does ~~subsection shall~~ not preclude a licensed
318 mobile home dealer from displaying and offering for sale mobile
319 homes in a mobile home park.

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321 The department shall, if it deems necessary, cause an
322 investigation to be made to ascertain if the facts set forth in
323 the application are true and shall not issue a license to the
324 applicant until it is satisfied that the facts set forth in the
325 application are true.

326 Section 8. Paragraph (j) of subsection (3) of section
327 320.771, Florida Statutes, is amended to read:

328 320.771 License required of recreational vehicle dealers.—

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

333 (j) A statement that the applicant is insured under a
334 garage liability insurance policy, which shall include, at a
335 minimum, \$25,000 combined single-limit liability coverage,
336 including bodily injury and property damage protection, and
337 \$10,000 personal injury protection, if the applicant is to be
338 licensed as a dealer in, or intends to sell, recreational
339 vehicles. However, a garage liability policy is not required for
340 the licensure of a mobile home dealer who sells only park
341 trailers.

342

343 The department shall, if it deems necessary, cause an
344 investigation to be made to ascertain if the facts set forth in
345 the application are true and shall not issue a license to the
346 applicant until it is satisfied that the facts set forth in the
347 application are true.

348 Section 9. Subsection (2) of section 320.822, Florida

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349 Statutes, is amended to read:

350 320.822 Definitions; ss. 320.822-320.862.—In construing ss.
351 320.822-320.862, unless the context otherwise requires, the
352 following words or phrases have the following meanings:

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

354 (a) The Federal Manufactured Housing Construction and
355 Safety Standards for single-family mobile homes, promulgated by
356 the Department of Housing and Urban Development;

357 (b) The Uniform Standards Code approved by the American
358 National Standards Institute, ANSI A-119.2 for recreational
359 vehicles and ANSI A-119.5 for park trailers or the United States
360 Department of Housing and Urban Development standard for park
361 trailers certified as meeting that standard; or

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

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

366 320.8232 Establishment of uniform standards for used
367 recreational vehicles and repair and remodeling code for mobile
368 homes.—

369 (2) The Mobile and Manufactured Home ~~provisions of the~~
370 Repair and Remodeling Code ~~must be a uniform code, must shall~~
371 ~~ensure safe and livable housing,~~ and may shall not be more
372 stringent than those standards required to be met in the
373 manufacture of mobile homes. Such code must ~~provisions shall~~
374 ~~include, but not be limited to,~~ standards for structural
375 adequacy, plumbing, heating, electrical systems, and fire and
376 life safety. All repairs and remodeling of mobile and
377 manufactured homes must be performed in accordance with

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378 department rules.

379 Section 11. Subsection (9) of section 367.022, Florida
380 Statutes, is amended, and subsection (14) is added to that
381 section, to read:

382 367.022 Exemptions.—The following are not subject to
383 regulation by the commission as a utility nor are they subject
384 to the provisions of this chapter, except as expressly provided:

385 (9) Any person who resells water service to his or her
386 tenants or to individually metered residents for a fee that does
387 not exceed the actual purchase price of the water and wastewater
388 service plus the actual cost of meter reading and billing, not
389 to exceed 9 percent of the actual cost of service.

390 (14) The owner of a mobile home park operating both as a
391 mobile home park and a mobile home subdivision, as those terms
392 are defined in s. 723.003, who provides service within the park
393 and subdivision to a combination of both tenants and lot owners,
394 provided that the service to tenants is without specific
395 compensation.

396 Section 12. Section 420.518, Florida Statutes, is created
397 to read:

398 420.518 Fraudulent or material misrepresentation.—

399 (1) An applicant or affiliate of an applicant may be
400 precluded from participation in any corporation program if the
401 applicant or affiliate of the applicant has:

402 (a) Made a material misrepresentation or engaged in
403 fraudulent actions in connection with any corporation program.

404 (b) Been convicted or found guilty of, or entered a plea of
405 guilty or nolo contendere to, regardless of adjudication, a
406 crime in any jurisdiction which directly relates to the

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407 financing, construction, or management of affordable housing or
408 the fraudulent procurement of state or federal funds. The record
409 of a conviction certified or authenticated in such form as to be
410 admissible in evidence under the laws of the state shall be
411 admissible as prima facie evidence of such guilt.

412 (c) Been excluded from any federal funding program related
413 to the provision of housing.

414 (d) Been excluded from any Florida procurement programs.

415 (e) Offered or given consideration, other than the
416 consideration to provide affordable housing, with respect to a
417 local contribution.

418 (f) Demonstrated a pattern of noncompliance and a failure
419 to correct any such noncompliance after notice from the
420 corporation in the construction, operation, or management of one
421 or more developments funded through a corporation program.

422 (2) Upon a determination by the board of directors of the
423 corporation that an applicant or affiliate of the applicant be
424 precluded from participation in any corporation program, the
425 board may issue an order taking any or all of the following
426 actions:

427 (a) Preclude such applicant or affiliate from applying for
428 funding from any corporation program for a specified period. The
429 period may be a specified period of time or permanent in nature.
430 With regard to establishing the duration, the board shall
431 consider the facts and circumstances, inclusive of the
432 compliance history of the applicant or affiliate of the
433 applicant, the type of action under subsection (1), and the
434 degree of harm to the corporation's programs that has been or
435 may be done.

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436 (b) Revoke any funding previously awarded by the
437 corporation for any development for which construction or
438 rehabilitation has not commenced.

439 (3) Before any order issued under this section can be
440 final, an administrative complaint must be served on the
441 applicant, affiliate of the applicant, or its registered agent
442 that provides notification of findings of the board, the
443 intended action, and the opportunity to request a proceeding
444 pursuant to ss. 120.569 and 120.57.

445 (4) Any funding, allocation of federal housing credits,
446 credit underwriting procedures, or application review for any
447 development for which construction or rehabilitation has not
448 commenced may be suspended by the corporation upon the service
449 of an administrative complaint on the applicant, affiliate of
450 the applicant, or its registered agent. The suspension shall be
451 effective from the date the administrative complaint is served
452 until an order issued by the corporation in regard to that
453 complaint becomes final.

454 Section 13. Paragraph (c) of subsection (6) of section
455 420.5087, Florida Statutes, is amended, and subsection (10) is
456 added to that section, to read:

457 420.5087 State Apartment Incentive Loan Program.—There is
458 hereby created the State Apartment Incentive Loan Program for
459 the purpose of providing first, second, or other subordinated
460 mortgage loans or loan guarantees to sponsors, including for-
461 profit, nonprofit, and public entities, to provide housing
462 affordable to very-low-income persons.

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

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465 lifesafety, building preservation, health, sanitation, or
466 security-related repairs or improvements, the following
467 provisions shall apply:

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

472 1. Tenant income and demographic targeting objectives of
473 the corporation.

474 2. Targeting objectives of the corporation which will
475 ensure an equitable distribution of loans between rural and
476 urban areas.

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

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

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

485 b. Forty percent of the units in the project for persons or
486 families who have incomes that do not exceed 60 percent of the
487 state or local median income, whichever is higher, without
488 requiring a greater amount of the loans as provided in this
489 section.

490 5. Provision for tenant counseling.

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

493 7. Projects requiring the least amount of a state apartment

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494 incentive loan compared to overall project cost, except that the
495 share of the loan attributable to units serving extremely-low-
496 income persons must be excluded from this requirement.

497 8. Local government contributions and local government
498 comprehensive planning and activities that promote affordable
499 housing and policies that promote access to public
500 transportation, reduce the need for onsite parking, and expedite
501 permits for affordable housing projects.

502 9. Project feasibility.

503 10. Economic viability of the project.

504 11. Commitment of first mortgage financing.

505 12. Sponsor's prior experience.

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

507 14. Projects that directly implement or assist welfare-to-
508 work transitioning.

509 15. Projects that reserve units for extremely-low-income
510 persons.

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

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

516 (10) The corporation may prioritize a portion of the
517 program funds set aside under paragraph (3)(d) for persons with
518 special needs as defined in s. 420.0004(13) to provide funding
519 for the development of newly constructed permanent rental
520 housing on a campus that provides housing for persons in foster
521 care or persons aging out of foster care pursuant to s.
522 409.1451. Such housing shall promote and facilitate access to

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523 community-based supportive, educational, and employment services
524 and resources that assist persons aging out of foster care to
525 successfully transition to independent living and adulthood. The
526 corporation must consult with the Department of Children and
527 Families to create minimum criteria for such housing.

528 Section 14. Section 420.5095, Florida Statutes, is amended
529 to read:

530 420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~
531 Program.—

532 (1) The Legislature finds and declares that recent rapid
533 increases in the median purchase price of a home and the cost of
534 rental housing have far outstripped the increases in median
535 income in the state, ~~preventing essential services personnel~~
536 ~~from living in the communities where they serve and thereby~~
537 creating the need for innovative solutions for the provision of
538 housing opportunities ~~for essential services personnel.~~

539 (2) The Community Workforce Housing Loan ~~Innovation Pilot~~
540 Program is created to provide ~~affordable rental and home~~
541 ~~ownership community~~ workforce housing for persons ~~essential~~
542 ~~services personnel~~ affected by the high cost of housing, ~~using~~
543 ~~regulatory incentives and state and local funds to promote local~~
544 ~~public-private partnerships and leverage government and private~~
545 ~~resources.~~

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

547 ~~(a)~~ "workforce housing" means housing affordable to natural
548 persons or families whose total annual household income does not
549 exceed 80 ~~140~~ percent of the area median income, adjusted for
550 household size, or 120 ~~150~~ percent of area median income,
551 adjusted for household size, in areas of critical state concern

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552 designated under s. 380.05, for which the Legislature has
553 declared its intent to provide affordable housing, and areas
554 that were designated as areas of critical state concern for at
555 least 20 consecutive years before ~~prior to~~ removal of the
556 designation.

557 ~~(b) "Public-private partnership" means any form of business~~
558 ~~entity that includes substantial involvement of at least one~~
559 ~~county, one municipality, or one public sector entity, such as a~~
560 ~~school district or other unit of local government in which the~~
561 ~~project is to be located, and at least one private sector for-~~
562 ~~profit or not-for-profit business or charitable entity, and may~~
563 ~~be any form of business entity, including a joint venture or~~
564 ~~contractual agreement.~~

565 (4) The Florida Housing Finance Corporation is authorized
566 to provide loans under the Community Workforce Housing
567 ~~Innovation Pilot~~ program loans to applicants ~~an applicant~~ for
568 construction ~~or rehabilitation~~ of workforce housing in eligible
569 areas. ~~This funding is intended to be used with other public and~~
570 ~~private sector resources.~~

571 (5) The corporation shall establish a loan application
572 process under s. 420.5087 ~~by rule which includes selection~~
573 ~~criteria, an application review process, and a funding process.~~
574 ~~The corporation shall also establish an application review~~
575 ~~committee that may include up to three private citizens~~
576 ~~representing the areas of housing or real estate development,~~
577 ~~banking, community planning, or other areas related to the~~
578 ~~development or financing of workforce and affordable housing.~~

579 ~~(a) The selection criteria and application review process~~
580 ~~must include a procedure for curing errors in the loan~~

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581 ~~applications which do not make a substantial change to the~~
582 ~~proposed project.~~

583 ~~(b) To achieve the goals of the pilot program, the~~
584 ~~application review committee may approve or reject loan~~
585 ~~applications or responses to questions raised during the review~~
586 ~~of an application due to the insufficiency of information~~
587 ~~provided.~~

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

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

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

597 ~~(6) The corporation shall provide incentives for local~~
598 ~~governments in eligible areas to use local affordable housing~~
599 ~~funds, such as those from the State Housing Initiatives~~
600 ~~Partnership Program, to assist in meeting the affordable housing~~
601 ~~needs of persons eligible under this program. Local governments~~
602 ~~are authorized to use State Housing Initiative Partnership~~
603 ~~Program funds for persons or families whose total annual~~
604 ~~household income does not exceed:~~

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

607 ~~(b) One hundred and fifty percent of the area median~~
608 ~~income, adjusted for household size, in areas that were~~
609 ~~designated as areas of critical state concern for at least 20~~

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610 ~~consecutive years prior to the removal of the designation and in~~
611 ~~areas of critical state concern, designated under s. 380.05, for~~
612 ~~which the Legislature has declared its intent to provide~~
613 ~~affordable housing.~~

614 ~~(7) Funding shall be targeted to innovative projects in~~
615 ~~areas where the disparity between the area median income and the~~
616 ~~median sales price for a single-family home is greatest, and~~
617 ~~where population growth as a percentage rate of increase is~~
618 ~~greatest. The corporation may also fund projects in areas where~~
619 ~~innovative regulatory and financial incentives are made~~
620 ~~available. The corporation shall fund at least one eligible~~
621 ~~project in as many counties and regions of the state as is~~
622 ~~practicable, consistent with program goals.~~

623 ~~(6)(8)~~ Projects must be given shall receive priority
624 consideration for funding if where:

625 ~~(a)~~ the local jurisdiction has adopted, or is committed to
626 adopting, appropriate regulatory incentives, ~~or the local~~
627 ~~jurisdiction or public-private partnership has adopted or is~~
628 ~~committed to adopting~~ local contributions or financial
629 strategies, or other funding sources to promote the development
630 and ongoing financial viability of such projects. Local
631 incentives include such actions as expediting review of
632 development orders and permits, supporting development near
633 transportation hubs and major employment centers, and adopting
634 land development regulations designed to allow flexibility in
635 densities, use of accessory units, mixed-use developments, and
636 flexible lot configurations. Financial strategies include such
637 actions as promoting employer-assisted housing programs,
638 providing tax increment financing, and providing land.

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639 ~~(b) Projects are innovative and include new construction or~~
640 ~~rehabilitation; mixed-income housing; commercial and housing~~
641 ~~mixed-use elements; innovative design; green building~~
642 ~~principles; storm-resistant construction; or other elements that~~
643 ~~reduce long-term costs relating to maintenance, utilities, or~~
644 ~~insurance and promote homeownership. The program funding may not~~
645 ~~exceed the costs attributable to the portion of the project that~~
646 ~~is set aside to provide housing for the targeted population.~~

647 ~~(c) Projects that set aside at least 80 percent of units~~
648 ~~for workforce housing and at least 50 percent for essential~~
649 ~~services personnel and for projects that require the least~~
650 ~~amount of program funding compared to the overall housing costs~~
651 ~~for the project.~~

652 ~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local~~
653 ~~government comprehensive plan amendment to implement a Community~~
654 ~~Workforce Housing Innovation Pilot Program project found~~
655 ~~consistent with this section shall be expedited as provided in~~
656 ~~this subsection. At least 30 days prior to adopting a plan~~
657 ~~amendment under this subsection, the local government shall~~
658 ~~notify the state land planning agency of its intent to adopt~~
659 ~~such an amendment, and the notice shall include its evaluation~~
660 ~~related to site suitability and availability of facilities and~~
661 ~~services. The public notice of the hearing required by s.~~
662 ~~163.3184(11)(b)2. shall include a statement that the local~~
663 ~~government intends to use the expedited adoption process~~
664 ~~authorized by this subsection. Such amendments shall require~~
665 ~~only a single public hearing before the governing board, which~~
666 ~~shall be an adoption hearing as described in s. 163.3184(4)(c).~~
667 ~~Any further proceedings shall be governed by s. 163.3184(5).~~

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668 ~~(13).~~

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

672 ~~(7) (11) The corporation shall award loans with a 1 interest~~
673 ~~rates set at 1 to 3 percent interest rate for a term that does~~
674 ~~not exceed 15 years, which may be made forgivable when long-term~~
675 ~~affordability is provided and when at least 80 percent of the~~
676 ~~units are set aside for workforce housing and at least 50~~
677 ~~percent of the units are set aside for essential services~~
678 ~~personnel.~~

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

680 ~~(a) For home ownership, limit the sales price of a detached~~
681 ~~unit, townhome, or condominium unit to not more than 90 percent~~
682 ~~of the median sales price for that type of unit in that county,~~
683 ~~or the statewide median sales price for that type of unit,~~
684 ~~whichever is higher, and require that all eligible purchasers of~~
685 ~~home ownership units occupy the homes as their primary~~
686 ~~residence.~~

687 ~~(b) For rental units, restrict rents for all workforce~~
688 ~~housing serving those with incomes at or below 120 percent of~~
689 ~~area median income at the appropriate income level using the~~
690 ~~restricted rents for the federal low-income housing tax credit~~
691 ~~program and, for workforce housing units serving those with~~
692 ~~incomes above 120 percent of area median income, restrict rents~~
693 ~~to those established by the corporation, not to exceed 30~~
694 ~~percent of the maximum household income adjusted to unit size.~~

695 ~~(c) Demonstrate that the applicant is a public-private~~
696 ~~partnership in an agreement, contract, partnership agreement,~~

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697 ~~memorandum of understanding, or other written instrument signed~~
698 ~~by all the project partners.~~

699 ~~(d) Have grants, donations of land, or contributions from~~
700 ~~the public private partnership or other sources collectively~~
701 ~~totaling at least 10 percent of the total development cost or \$2~~
702 ~~million, whichever is less. Such grants, donations of land, or~~
703 ~~contributions must be evidenced by a letter of commitment,~~
704 ~~agreement, contract, deed, memorandum of understanding, or other~~
705 ~~written instrument at the time of application. Grants, donations~~
706 ~~of land, or contributions in excess of 10 percent of the~~
707 ~~development cost shall increase the application score.~~

708 ~~(e) Demonstrate how the applicant will use the regulatory~~
709 ~~incentives and financial strategies outlined in subsection (8)~~
710 ~~from the local jurisdiction in which the proposed project is to~~
711 ~~be located. The corporation may consult with the Department of~~
712 ~~Economic Opportunity in evaluating the use of regulatory~~
713 ~~incentives by applicants.~~

714 ~~(f) Demonstrate that the applicant possesses title to or~~
715 ~~site control of land and evidences availability of required~~
716 ~~infrastructure.~~

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

719 ~~(h) Provide any research or facts available supporting the~~
720 ~~demand and need for rental or home ownership workforce housing~~
721 ~~for eligible persons in the market in which the project is~~
722 ~~proposed.~~

723 ~~(13) Projects may include manufactured housing constructed~~
724 ~~after June 1994 and installed in accordance with mobile home~~
725 ~~installation standards of the Department of Highway Safety and~~

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726 ~~Motor Vehicles.~~

727 ~~(8)~~⁽¹⁴⁾ The corporation may adopt rules pursuant to ss.
728 120.536(1) and 120.54 to implement this section.

729 ~~(15) The corporation may use a maximum of 2 percent of the~~
730 ~~annual program appropriation for administration and compliance~~
731 ~~monitoring.~~

732 ~~(16) The corporation shall review the success of the~~
733 ~~Community Workforce Housing Innovation Pilot Program to~~
734 ~~ascertain whether the projects financed by the program are~~
735 ~~useful in meeting the housing needs of eligible areas and shall~~
736 ~~include its findings in the annual report required under s.~~
737 ~~420.511(3).~~

738 Section 15. Section 420.531, Florida Statutes, is amended
739 to read:

740 420.531 Affordable Housing Catalyst Program.—

741 (1) The corporation shall operate the Affordable Housing
742 Catalyst Program for the purpose of securing the expertise
743 necessary to provide specialized technical support to local
744 governments and community-based organizations to implement the
745 HOME Investment Partnership Program, State Apartment Incentive
746 Loan Program, State Housing Initiatives Partnership Program, and
747 other affordable housing programs. To the maximum extent
748 feasible, the entity to provide the necessary expertise must be
749 recognized by the Internal Revenue Service as a nonprofit tax-
750 exempt organization. It must have as its primary mission the
751 provision of affordable housing training and technical
752 assistance, an ability to provide training and technical
753 assistance statewide, and a proven track record of successfully
754 providing training and technical assistance under the Affordable

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755 Housing Catalyst Program. The technical support shall, at a
756 minimum, include training relating to the following key elements
757 of the partnership programs:

758 (a)~~(1)~~ Formation of local and regional housing partnerships
759 as a means of bringing together resources to provide affordable
760 housing.

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

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

765 (d)~~(4)~~ Compliance with requirements of federally funded
766 housing programs.

767 (2) In consultation with the corporation, the entity
768 providing statewide training and technical assistance shall
769 convene and administer biannual, regional workshops for the
770 locally elected officials serving on affordable housing advisory
771 committees as provided in s. 420.9076. The regional workshops
772 may be conducted through teleconferencing or other technological
773 means and must include processes and programming that facilitate
774 peer-to-peer identification and sharing of best affordable
775 housing practices among the locally elected officials. Annually,
776 calendar year reports summarizing the deliberations, actions,
777 and recommendations of each region, as well as the attendance
778 records of locally elected officials, must be compiled by the
779 entity providing statewide training and technical assistance for
780 the Affordable Housing Catalyst Program and must be submitted to
781 the President of the Senate, the Speaker of the House of
782 Representatives, and the corporation by March 31 of the
783 following year.

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

786 420.9075 Local housing assistance plans; partnerships.—

787 (10) Each county or eligible municipality shall submit to
788 the corporation by September 15 of each year a report of its
789 affordable housing programs and accomplishments through June 30
790 immediately preceding submittal of the report. The report shall
791 be certified as accurate and complete by the local government's
792 chief elected official or his or her designee. Transmittal of
793 the annual report by a county's or eligible municipality's chief
794 elected official, or his or her designee, certifies that the
795 local housing incentive strategies, or, if applicable, the local
796 housing incentive plan, have been implemented or are in the
797 process of being implemented pursuant to the adopted schedule
798 for implementation. The report must include, but is not limited
799 to:

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

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

805 420.9076 Adoption of affordable housing incentive
806 strategies; committees.—

807 (2) The governing board of a county or municipality shall
808 appoint the members of the affordable housing advisory
809 committee. Pursuant to the terms of any interlocal agreement, a
810 county and municipality may create and jointly appoint an
811 advisory committee. The local action adopted pursuant to s.
812 420.9072 which creates the advisory committee and appoints the

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813 advisory committee members must name at least 8 but not more
814 than 11 committee members and specify their terms. Effective
815 October 1, 2020, the committee must consist of one locally
816 elected official from each county or municipality participating
817 in the State Housing Initiatives Partnership Program and one
818 representative from at least six of the categories below:

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

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

823 (c) A citizen who is a representative of those areas of
824 labor actively engaged in home building in connection with
825 affordable housing.

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

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

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

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

834 (h) A citizen who actively serves on the local planning
835 agency pursuant to s. 163.3174. If the local planning agency is
836 comprised of the governing board of the county or municipality,
837 the governing board may appoint a designee who is knowledgeable
838 in the local planning process.

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

841 (j) A citizen who represents employers within the

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842 jurisdiction.

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

845 (4) Annually ~~Triennially~~, the advisory committee shall
846 review the established policies and procedures, ordinances, land
847 development regulations, and adopted local government
848 comprehensive plan of the appointing local government and shall
849 recommend specific actions or initiatives to encourage or
850 facilitate affordable housing while protecting the ability of
851 the property to appreciate in value. The recommendations may
852 include the modification or repeal of existing policies,
853 procedures, ordinances, regulations, or plan provisions; the
854 creation of exceptions applicable to affordable housing; or the
855 adoption of new policies, procedures, regulations, ordinances,
856 or plan provisions, including recommendations to amend the local
857 government comprehensive plan and corresponding regulations,
858 ordinances, and other policies. At a minimum, each advisory
859 committee shall submit an annual ~~a~~ report to the local governing
860 body and to the entity providing statewide training and
861 technical assistance for the Affordable Housing Catalyst Program
862 which ~~that~~ includes recommendations on, ~~and triennially~~
863 ~~thereafter evaluates~~ the implementation of, ~~7~~ affordable housing
864 incentives in the following areas:

865 (a) The processing of approvals of development orders or
866 permits for affordable housing projects is expedited to a
867 greater degree than other projects, as provided in s.
868 163.3177(6)(f)3.

869 (b) All allowable fee waivers provided ~~The modification of~~
870 ~~impact fee requirements, including reduction or waiver of fees~~

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871 ~~and alternative methods of fee payment for~~ the development or
872 construction of affordable housing.

873 (c) The allowance of flexibility in densities for
874 affordable housing.

875 (d) The reservation of infrastructure capacity for housing
876 for very-low-income persons, low-income persons, and moderate-
877 income persons.

878 (e) ~~The allowance of~~ Affordable accessory residential units
879 ~~in residential zoning districts.~~

880 (f) The reduction of parking and setback requirements for
881 affordable housing.

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

884 (h) The modification of street requirements for affordable
885 housing.

886 (i) The establishment of a process by which a local
887 government considers, before adoption, policies, procedures,
888 ordinances, regulations, or plan provisions that increase the
889 cost of housing.

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

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

894

895 The advisory committee recommendations may also include other
896 affordable housing incentives identified by the advisory
897 committee. Local governments that receive the minimum allocation
898 under the State Housing Initiatives Partnership Program shall
899 perform an ~~the~~ initial review but may elect to not perform the

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900 annual ~~triennial~~ review.

901 (10) The locally elected official serving on an advisory
902 committee, or a locally elected designee, must attend biannual
903 regional workshops convened and administered under the
904 Affordable Housing Catalyst Program as provided in s.
905 420.531(2). If the locally elected official or a locally elected
906 designee fails to attend three consecutive regional workshops,
907 the corporation may withhold funds pending the person's
908 attendance at the next regularly scheduled biannual meeting.

909 Section 18. Subsection (4) of section 723.011, Florida
910 Statutes, is amended to read:

911 723.011 Disclosure prior to rental of a mobile home lot;
912 prospectus, filing, approval.—

913 (4) With regard to a tenancy in existence on the effective
914 date of this chapter, the prospectus or offering circular
915 offered by the mobile home park owner must ~~shall~~ contain the
916 same terms and conditions as rental agreements offered to all
917 other mobile home owners residing in the park on the effective
918 date of this act, excepting only rent variations based upon lot
919 location and size, and may ~~shall~~ not require any mobile home
920 owner to install any permanent improvements, except that the
921 mobile home owner may be required to install permanent
922 improvements to the mobile home as disclosed in the prospectus.

923 Section 19. Subsection (5) of section 723.012, Florida
924 Statutes, is amended to read:

925 723.012 Prospectus or offering circular.—The prospectus or
926 offering circular, which is required to be provided by s.

927 723.011, must contain the following information:

928 (5) A description of the recreational and other common

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929 facilities, if any, that will be used by the mobile home owners,
930 including, but not limited to:

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

934 (b) Each swimming pool, as to its general location,
935 approximate size and depths, and approximate deck size and
936 capacity and whether heated.

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

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

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

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

945

946 If a mobile home park owner intends to include additional
947 property and mobile home lots and to increase the number of lots
948 that will use the shared facilities of the park, the mobile home
949 park owner must amend the prospectus to disclose such additions.

950 If the number of mobile home lots in the park increases by more

951 than 15 percent of the total number of lots in the original

952 prospectus, the mobile home park owner must reasonably offset

953 the impact of the additional lots by increasing the shared

954 facilities. The amendment to the prospectus must include a

955 reasonable timeframe for providing the required additional

956 shared facilities. The costs and expenses necessary to increase

957 the shared facilities may not be passed on or passed through to

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958 the existing mobile home owners.

959 Section 20. Section 723.023, Florida Statutes, is amended
960 to read:

961 723.023 Mobile home owner's general obligations.—A mobile
962 home owner shall ~~at all times~~:

963 (1) At all times comply with all obligations imposed on
964 mobile home owners by applicable provisions of building,
965 housing, and health codes, including compliance with all
966 building permits and construction requirements for construction
967 on the mobile home and lot. The home owner is responsible for
968 all fines imposed by the local government for noncompliance with
969 any local codes.

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

973 (3) At all times comply with properly promulgated park
974 rules and regulations and require other persons on the premises
975 with his or her consent to comply with such rules and to conduct
976 themselves, and other persons on the premises with his or her
977 consent, in a manner that does not unreasonably disturb other
978 residents of the park or constitute a breach of the peace.

979 (4) Receive written approval from the mobile home park
980 owner before making any exterior modification or addition to the
981 home.

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

984 Section 21. Subsection (5) of section 723.031, Florida
985 Statutes, is amended to read:

986 723.031 Mobile home lot rental agreements.—

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987 (5) The rental agreement must ~~shall~~ contain the lot rental
988 amount and services included. An increase in lot rental amount
989 upon expiration of the term of the lot rental agreement must
990 ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s.
991 723.059(4), whichever is applicable; it provided that, pursuant to
992 s. 723.059(4), the amount of the lot rental increase is
993 disclosed and agreed to by the purchaser, in writing. An
994 increase in lot rental amount shall not be arbitrary or
995 discriminatory between similarly situated tenants in the park. A
996 lot rental amount may not be increased during the term of the
997 lot rental agreement, except:

998 (a) When the manner of the increase is disclosed in a lot
999 rental agreement with a term exceeding 12 months and which
1000 provides for such increases not more frequently than annually.

1001 (b) For pass-through charges as defined in s. 723.003.

1002 (c) That a charge may not be collected which results in
1003 payment of money for sums previously collected as part of the
1004 lot rental amount. The provisions hereof notwithstanding, the
1005 mobile home park owner may pass on, at any time during the term
1006 of the lot rental agreement, ad valorem property taxes, non-ad
1007 valorem assessments, and utility charges, or increases of
1008 either, provided that the ad valorem property taxes, non-ad
1009 valorem assessments, and utility charges are not otherwise being
1010 collected in the remainder of the lot rental amount and provided
1011 further that the passing on of such ad valorem taxes, non-ad
1012 valorem assessments, or utility charges, or increases of either,
1013 was disclosed prior to tenancy, was being passed on as a matter
1014 of custom between the mobile home park owner and the mobile home
1015 owner, or such passing on was authorized by law. A park owner is

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1016 deemed to have disclosed the passing on of ad valorem property
1017 taxes and non-ad valorem assessments if ad valorem property
1018 taxes or non-ad valorem assessments were disclosed as a separate
1019 charge or a factor for increasing the lot rental amount in the
1020 prospectus or rental agreement. Such ad valorem taxes, non-ad
1021 valorem assessments, and utility charges shall be a part of the
1022 lot rental amount as defined by this chapter. The term "non-ad
1023 valorem assessments" has the same meaning as provided in s.
1024 197.3632(1)(d). Other provisions of this chapter
1025 notwithstanding, pass-on charges may be passed on only within 1
1026 year of the date a mobile home park owner remits payment of the
1027 charge. A mobile home park owner is prohibited from passing on
1028 any fine, interest, fee, or increase in a charge resulting from
1029 a park owner's payment of the charge after the date such charges
1030 become delinquent. A mobile home park owner is prohibited from
1031 charging or collecting from the mobile home owners any sum for
1032 ad valorem taxes or non-ad valorem tax charges in an amount in
1033 excess of the sums remitted by the park owner to the tax
1034 collector. Nothing herein shall prohibit a park owner and a
1035 homeowner from mutually agreeing to an alternative manner of
1036 payment to the park owner of the charges.

1037 (d) If a notice of increase in lot rental amount is not
1038 given 90 days before the renewal date of the rental agreement,
1039 the rental agreement must remain under the same terms until a
1040 90-day notice of increase in lot rental amount is given. The
1041 notice may provide for a rental term shorter than 1 year in
1042 order to maintain the same renewal date.

1043 Section 22. Subsection (1) and paragraph (a) of subsection
1044 (4) of section 723.037, Florida Statutes, are amended to read:

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1045 723.037 Lot rental increases; reduction in services or
1046 utilities; change in rules and regulations; mediation.—

1047 (1) A park owner shall give written notice to each affected
1048 mobile home owner and the board of directors of the homeowners'
1049 association, if one has been formed, at least 90 days before any
1050 increase in lot rental amount or reduction in services or
1051 utilities provided by the park owner or change in rules and
1052 regulations. The park owner may give notice of all increases in
1053 lot rental amount for multiple anniversary dates in the same 90-
1054 day notice. The notice must ~~shall~~ identify all other affected
1055 homeowners, which may be by lot number, name, group, or phase.
1056 If the affected homeowners are not identified by name, the park
1057 owner shall make the names and addresses available upon request.
1058 However, this requirement does not authorize the release of the
1059 names, addresses, or other private information about the
1060 homeowners to the association or any other person for any other
1061 purpose. The home owner's right to the 90-day notice may not be
1062 waived or precluded by a home owner, or the homeowners'
1063 committee, in an agreement with the park owner. Rules adopted as
1064 a result of restrictions imposed by governmental entities and
1065 required to protect the public health, safety, and welfare may
1066 be enforced prior to the expiration of the 90-day period but are
1067 not otherwise exempt from the requirements of this chapter.
1068 Pass-through charges must be separately listed as to the amount
1069 of the charge, the name of the governmental entity mandating the
1070 capital improvement, and the nature or type of the pass-through
1071 charge being levied. Notices of increase in the lot rental
1072 amount due to a pass-through charge must ~~shall~~ state the
1073 additional payment and starting and ending dates of each pass-

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1074 through charge. The homeowners' association shall have no
1075 standing to challenge the increase in lot rental amount,
1076 reduction in services or utilities, or change of rules and
1077 regulations unless a majority of the affected homeowners agree,
1078 in writing, to such representation.

1079 (4) (a) A committee, not to exceed five in number,
1080 designated by a majority of the affected mobile home owners or
1081 by the board of directors of the homeowners' association, if
1082 applicable, and the park owner shall meet, at a mutually
1083 convenient time and place no later than 60 days before the
1084 effective date of the change to discuss the reasons for the
1085 increase in lot rental amount, reduction in services or
1086 utilities, or change in rules and regulations. The negotiating
1087 committee shall make a written request for a meeting with the
1088 park owner or subdivision developer to discuss those matters
1089 addressed in the 90-day notice, and may include in the request a
1090 listing of any other issue, with supporting documentation, that
1091 the committee intends to raise and discuss at the meeting. The
1092 committee shall address all lot rental amount increases that are
1093 specified in the notice of lot rental amount increase,
1094 regardless of the effective date of the increase.

1095
1096 This subsection is not intended to be enforced by civil or
1097 administrative action. Rather, the meetings and discussions are
1098 intended to be in the nature of settlement discussions prior to
1099 the parties proceeding to mediation of any dispute.

1100 Section 23. Subsections (5) and (6) are added to section
1101 723.041, Florida Statutes, to read:

1102 723.041 Entrance fees; refunds; exit fees prohibited;

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1103 replacement homes.—

1104 (5) A mobile home park that is damaged or destroyed due to
1105 wind, water, or other natural force may be rebuilt on the same
1106 site with the same density as was approved, permitted, and built
1107 before the park was damaged or destroyed.

1108 (6) This section does not limit the regulation of the
1109 uniform firesafety standards established under s. 633.206, but
1110 supersedes any other density, separation, setback, or lot size
1111 regulation adopted after initial permitting and construction of
1112 the mobile home park.

1113 Section 24. Section 723.042, Florida Statutes, is amended
1114 to read:

1115 723.042 Provision of improvements.—A No person may not
1116 ~~shall~~ be required by a mobile home park owner or developer, as a
1117 condition of residence in the mobile home park, to provide any
1118 improvement unless the requirement is disclosed pursuant to s.
1119 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home
1120 park.

1121 Section 25. Section 723.059, Florida Statutes, is amended
1122 to read:

1123 723.059 ~~Rights of Purchaser of~~ a mobile home within a
1124 mobile home park.—

1125 (1) The purchaser of a mobile home within a mobile home
1126 park may become a tenant of the park if such purchaser would
1127 otherwise qualify with the requirements of entry into the park
1128 under the park rules and regulations, subject to the approval of
1129 the park owner, but such approval may not be unreasonably
1130 withheld. The purchaser of the mobile home may cancel or rescind
1131 the contract for purchase of the mobile home if the purchaser's

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1132 tenancy has not been approved by the park owner 5 days before
1133 the closing of the purchase.

1134 (2) Properly promulgated rules may provide for the
1135 screening of any prospective purchaser to determine whether or
1136 not such purchaser is qualified to become a tenant of the park.

1137 (3) The purchaser of a mobile home who intends to become
1138 ~~becomes~~ a resident of the mobile home park in accordance with
1139 this section has the right to assume the remainder of the term
1140 of any rental agreement then in effect between the mobile home
1141 park owner and the seller and may assume the seller's
1142 prospectus. However, nothing herein shall prohibit a mobile home
1143 park owner from offering the purchaser of a mobile home any
1144 approved prospectus ~~shall be entitled to rely on the terms and~~
1145 ~~conditions of the prospectus or offering circular as delivered~~
1146 ~~to the initial recipient.~~

1147 (4) However, nothing herein shall be construed to prohibit
1148 a mobile home park owner from increasing the rental amount to be
1149 paid by the purchaser upon the expiration of the assumed rental
1150 agreement in an amount deemed appropriate by the mobile home
1151 park owner, so long as such increase is disclosed to the
1152 purchaser prior to his or her occupancy and is imposed in a
1153 manner consistent with the purchaser's initial offering circular
1154 ~~or~~ prospectus and this act.

1155 (5) Lifetime leases and the renewal provisions in
1156 automatically renewable leases, both those existing and those
1157 entered into after July 1, 1986, are not assumable unless
1158 otherwise provided in the mobile home lot rental agreement or
1159 unless the transferee is the home owner's spouse. The right to
1160 an assumption of the lease by a spouse may be exercised only one

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1161 time during the term of that lease.

1162 Section 26. Paragraph (d) of subsection (1) of section
1163 723.061, Florida Statutes, is amended, and subsection (5) is
1164 added to that section, to read:

1165 723.061 Eviction; grounds, proceedings.—

1166 (1) A mobile home park owner may evict a mobile home owner,
1167 a mobile home tenant, a mobile home occupant, or a mobile home
1168 only on one or more of the following grounds:

1169 (d) Change in use of the land comprising the mobile home
1170 park, or the portion thereof from which mobile homes are to be
1171 evicted, from mobile home lot rentals to some other use, if:

1172 1. The park owner gives written notice to the homeowners'
1173 association formed and operating under ss. 723.075-723.079 of
1174 its right to purchase the mobile home park, if the land
1175 comprising the mobile home park is changing use from mobile home
1176 lot rentals to a different use, at the price and under the terms
1177 and conditions set forth in the written notice.

1178 a. The notice shall be delivered to the officers of the
1179 homeowners' association by United States mail. Within 45 days
1180 after the date of mailing of the notice, the homeowners'
1181 association may execute and deliver a contract to the park owner
1182 to purchase the mobile home park at the price and under the
1183 terms and conditions set forth in the notice. If the contract
1184 between the park owner and the homeowners' association is not
1185 executed and delivered to the park owner within the 45-day
1186 period, the park owner is under no further obligation to the
1187 homeowners' association except as provided in sub-subparagraph
1188 b.

1189 b. If the park owner elects to offer or sell the mobile

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1190 home park at a price lower than the price specified in her or
1191 his initial notice to the officers of the homeowners'
1192 association, the homeowners' association has an additional 10
1193 days to meet the revised price, terms, and conditions of the
1194 park owner by executing and delivering a revised contract to the
1195 park owner.

1196 c. The park owner is not obligated under this subparagraph
1197 or s. 723.071 to give any other notice to, or to further
1198 negotiate with, the homeowners' association for the sale of the
1199 mobile home park to the homeowners' association after 6 months
1200 after the date of the mailing of the initial notice under sub-
1201 subparagraph a.

1202 2. The park owner gives the affected mobile home owners and
1203 tenants at least 6 months' notice of the eviction due to the
1204 projected change in use and of their need to secure other
1205 accommodations. Within 20 days after giving an eviction notice
1206 to a mobile home owner, the park owner must provide the division
1207 with a copy of the notice. The division must provide the
1208 executive director of the Florida Mobile Home Relocation
1209 Corporation with a copy of the notice.

1210 a. The notice of eviction due to a change in use of the
1211 land must include in a font no smaller than the body of the
1212 notice the following statement:

1213
1214 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME
1215 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME
1216 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS
1217 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND
1218 PROFESSIONAL REGULATION.

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

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

Section 27. Subsection (1) of section 723.076, Florida Statutes, is amended to read:

723.076 Incorporation; notification of park owner.—

(1) Upon receipt of its certificate of incorporation, the homeowners' association shall notify the park owner in writing of such incorporation and shall advise the park owner of the names and addresses of the officers of the homeowners' association by personal delivery upon the park owner's representative as designated in the prospectus or by certified mail, return receipt requested. Thereafter, the homeowners' association shall notify the park owner in writing by certified mail, return receipt requested, of any change of names and addresses of its president or registered agent. Upon election or appointment of new officers or board members, the homeowners' association shall notify the park owner in writing by certified mail, return receipt requested, of the names and addresses of

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1248 the new officers or board members.

1249 Section 28. Paragraphs (b) through (e) of subsection (2) of
1250 section 723.078, Florida Statutes, are amended, and paragraph
1251 (i) of that subsection is reenacted, to read:

1252 723.078 Bylaws of homeowners' associations.—

1253 (2) The bylaws shall provide and, if they do not, shall be
1254 deemed to include, the following provisions:

1255 (b) *Quorum; voting requirements; proxies.*—

1256 1. Unless otherwise provided in the bylaws, 30 percent of
1257 the total membership is required to constitute a quorum.

1258 Decisions shall be made by a majority of members represented at
1259 a meeting at which a quorum is present.

1260 2.a. A member may not vote by general proxy but may vote by
1261 limited proxies substantially conforming to a limited proxy form
1262 adopted by the division. Limited proxies and general proxies may
1263 be used to establish a quorum. Limited proxies may be used for
1264 votes taken to amend the articles of incorporation or bylaws
1265 pursuant to this section, and any other matters for which this
1266 chapter requires or permits a vote of members. ~~A, except that no~~
1267 proxy, limited or general, may not be used in the election of
1268 board members in general elections or elections to fill
1269 vacancies caused by recall, resignation, or otherwise. Board
1270 members must be elected by written ballot or by voting in
1271 person. If a mobile home or subdivision lot is owned jointly,
1272 the owners of the mobile home or subdivision lot must be counted
1273 as one for the purpose of determining the number of votes
1274 required for a majority. Only one vote per mobile home or
1275 subdivision lot shall be counted. Any number greater than 50
1276 percent of the total number of votes constitutes a majority.

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1277 Notwithstanding this section, members may vote in person at
1278 member meetings or by secret ballot, including absentee ballots,
1279 as defined by the division.

1280 b. Elections shall be decided by a plurality of the ballots
1281 cast. There is no quorum requirement; however, at least 20
1282 percent of the eligible voters must cast a ballot in order to
1283 have a valid election. A member may not allow any other person
1284 to cast his or her ballot, and any ballots improperly cast are
1285 invalid. An election is not required unless there are more
1286 candidates nominated than vacancies that exist on the board.

1287 c. Each member or other eligible person who desires to be a
1288 candidate for the board of directors shall appear on the ballot
1289 in alphabetical order by surname. A ballot may not indicate if
1290 any of the candidates are incumbent on the board. All ballots
1291 must be uniform in appearance. Write-in candidates and more than
1292 one vote per candidate per ballot are not allowed. A ballot may
1293 not provide a space for the signature of, or any other means of
1294 identifying, a voter. If a ballot contains more votes than
1295 vacancies or fewer votes than vacancies, the ballot is invalid
1296 unless otherwise stated in the bylaws.

1297 d. An impartial committee shall be responsible for
1298 overseeing the election process and complying with all ballot
1299 requirements. For purposes of this section, the term "impartial
1300 committee" means a committee whose members do not include any of
1301 the following people or their spouses:

1302 (I) Current board members.

1303 (II) Current association officers.

1304 (III) Candidates for the association or board.

1305 e. The association bylaws shall provide a method for

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1306 determining the winner of an election in which two or more
1307 candidates for the same position receive the same number of
1308 votes.

1309 f. The division shall adopt procedural rules to govern
1310 elections, including, but not limited to, rules for providing
1311 notice by electronic transmission and rules for maintaining the
1312 secrecy of ballots.

1313 3. A proxy is effective only for the specific meeting for
1314 which originally given and any lawfully adjourned meetings
1315 thereof. In no event shall any proxy be valid for a period
1316 longer than 90 days after the date of the first meeting for
1317 which it was given. Every proxy shall be revocable at any time
1318 at the pleasure of the member executing it.

1319 4. A member of the board of directors or a committee may
1320 submit in writing his or her agreement or disagreement with any
1321 action taken at a meeting that the member did not attend. This
1322 agreement or disagreement may not be used as a vote for or
1323 against the action taken and may not be used for the purposes of
1324 creating a quorum.

1325 (c) *Board of directors' and committee meetings.-*

1326 1. Meetings of the board of directors and meetings of its
1327 committees at which a quorum is present shall be open to all
1328 members. Notwithstanding any other provision of law, the
1329 requirement that board meetings and committee meetings be open
1330 to the members does not apply to meetings between the park owner
1331 and the board of directors or any of the board's committees,
1332 board or committee meetings held for the purpose of discussing
1333 personnel matters, or meetings between the board or a committee
1334 and the association's attorney, with respect to potential or

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1335 pending litigation, when ~~where~~ the meeting is held for the
1336 purpose of seeking or rendering legal advice, and when ~~where~~ the
1337 contents of the discussion would otherwise be governed by the
1338 attorney-client privilege. Notice of all meetings open to
1339 members shall be posted in a conspicuous place upon the park
1340 property at least 48 hours in advance, except in an emergency.
1341 Notice of any meeting in which dues ~~assessments against members~~
1342 are to be considered for any reason shall specifically contain a
1343 statement that dues ~~assessments~~ will be considered and the
1344 nature of such dues ~~assessments~~.

1345 2. A board or committee member's participation in a meeting
1346 via telephone, real-time videoconferencing, or similar real-time
1347 telephonic, electronic, or video communication counts toward a
1348 quorum, and such member may vote as if physically present. A
1349 speaker shall be used so that the conversation of those board or
1350 committee members attending by telephone may be heard by the
1351 board or committee members attending in person, as well as by
1352 members present at a meeting.

1353 3. Members of the board of directors may use e-mail as a
1354 means of communication but may not cast a vote on an association
1355 matter via e-mail.

1356 4. The right to attend meetings of the board of directors
1357 and its committees includes the right to speak at such meetings
1358 with reference to all designated agenda items. The association
1359 may adopt reasonable written rules governing the frequency,
1360 duration, and manner of members' statements. Any item not
1361 included on the notice may be taken up on an emergency basis by
1362 at least a majority plus one of the members of the board. Such
1363 emergency action shall be noticed and ratified at the next

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1364 regular meeting of the board. Any member may tape record or
1365 videotape meetings of the board of directors and its committees,
1366 except meetings between the board of directors or its appointed
1367 homeowners' committee and the park owner. The division shall
1368 adopt reasonable rules governing the tape recording and
1369 videotaping of the meeting.

1370 5. Except as provided in paragraph (i), a vacancy occurring
1371 on the board of directors may be filled by the affirmative vote
1372 of the majority of the remaining directors, even though the
1373 remaining directors constitute less than a quorum; by the sole
1374 remaining director; if the vacancy is not so filled or if no
1375 director remains, by the members; or, on the application of any
1376 person, by the circuit court of the county in which the
1377 registered office of the corporation is located.

1378 6. The term of a director elected or appointed to fill a
1379 vacancy expires at the next annual meeting at which directors
1380 are elected. A directorship to be filled by reason of an
1381 increase in the number of directors may be filled by the board
1382 of directors, but only for the term of office continuing until
1383 the next election of directors by the members.

1384 7. A vacancy that will occur at a specific later date, by
1385 reason of a resignation effective at a later date, may be filled
1386 before the vacancy occurs. However, the new director may not
1387 take office until the vacancy occurs.

1388 8.a. The officers and directors of the association have a
1389 fiduciary relationship to the members.

1390 b. A director and committee member shall discharge his or
1391 her duties in good faith, with the care an ordinarily prudent
1392 person in a like position would exercise under similar

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1393 circumstances, and in a manner he or she reasonably believes to
1394 be in the best interests of the corporation.

1395 9. In discharging his or her duties, a director may rely on
1396 information, opinions, reports, or statements, including
1397 financial statements and other financial data, if prepared or
1398 presented by:

1399 a. One or more officers or employees of the corporation who
1400 the director reasonably believes to be reliable and competent in
1401 the matters presented;

1402 b. Legal counsel, public accountants, or other persons as
1403 to matters the director reasonably believes are within the
1404 persons' professional or expert competence; or

1405 c. A committee of the board of directors of which he or she
1406 is not a member if the director reasonably believes the
1407 committee merits confidence.

1408 10. A director is not acting in good faith if he or she has
1409 knowledge concerning the matter in question that makes reliance
1410 otherwise permitted by subparagraph 9. unwarranted.

1411 11. A director is not liable for any action taken as a
1412 director, or any failure to take any action, if he or she
1413 performed the duties of his or her office in compliance with
1414 this section.

1415 (d) *Member meetings.*—Members shall meet at least once each
1416 calendar year, and the meeting shall be the annual meeting. All
1417 members of the board of directors shall be elected at the annual
1418 meeting unless the bylaws provide for staggered election terms
1419 or for their election at another meeting. The bylaws shall not
1420 restrict any member desiring to be a candidate for board
1421 membership from being nominated from the floor. All nominations

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1422 from the floor must be made at a duly noticed meeting of the
1423 members held at least 27 ~~30~~ days before the annual meeting. The
1424 bylaws shall provide the method for calling the meetings of the
1425 members, including annual meetings. The method shall provide at
1426 least 14 days' written notice to each member in advance of the
1427 meeting and require the posting in a conspicuous place on the
1428 park property of a notice of the meeting at least 14 days prior
1429 to the meeting. The right to receive written notice of
1430 membership meetings may be waived in writing by a member. Unless
1431 waived, the notice of the annual meeting shall be mailed, hand
1432 delivered, or electronically transmitted to each member, and
1433 shall constitute notice. Unless otherwise stated in the bylaws,
1434 an officer of the association shall provide an affidavit
1435 affirming that the notices were mailed, ~~or~~ hand delivered, or
1436 provided by electronic transmission in accordance with ~~the~~
1437 ~~provisions of~~ this section to each member at the address last
1438 furnished to the corporation. These meeting requirements do not
1439 prevent members from waiving notice of meetings or from acting
1440 by written agreement without meetings, if allowed by the bylaws.

1441 (e) *Minutes of meetings.*—

1442 1. Notwithstanding any other provision of law, the minutes
1443 of board or committee meetings that are closed to members are
1444 privileged and confidential and are not available for inspection
1445 or photocopying.

1446 2. Minutes of all meetings of members of an association and
1447 meetings open to members of~~7~~ the board of directors,~~7~~ and a
1448 committee of the board must be maintained in written form and
1449 approved by the members, board, or committee, as applicable. A
1450 vote or abstention from voting on each matter voted upon for

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1451 each director present at a board meeting must be recorded in the
1452 minutes.

1453 ~~3.2.~~ All approved minutes of open meetings of members,
1454 committees, and the board of directors shall be kept in a
1455 businesslike manner and shall be available for inspection by
1456 members, or their authorized representatives, and board members
1457 at reasonable times. The association shall retain these minutes
1458 within this state for ~~a period of~~ at least 5 7 years.

1459 (i) *Recall of board members.*—Any member of the board of
1460 directors may be recalled and removed from office with or
1461 without cause by the vote of or agreement in writing by a
1462 majority of all members. A special meeting of the members to
1463 recall a member or members of the board of directors may be
1464 called by 10 percent of the members giving notice of the meeting
1465 as required for a meeting of members, and the notice shall state
1466 the purpose of the meeting. Electronic transmission may not be
1467 used as a method of giving notice of a meeting called in whole
1468 or in part for this purpose.

1469 1. If the recall is approved by a majority of all members
1470 by a vote at a meeting, the recall is effective as provided in
1471 this paragraph. The board shall duly notice and hold a board
1472 meeting within 5 full business days after the adjournment of the
1473 member meeting to recall one or more board members. At the
1474 meeting, the board shall either certify the recall, in which
1475 case such member or members shall be recalled effective
1476 immediately and shall turn over to the board within 5 full
1477 business days any and all records and property of the
1478 association in their possession, or shall proceed under
1479 subparagraph 3.

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1480 2. If the proposed recall is by an agreement in writing by
1481 a majority of all members, the agreement in writing or a copy
1482 thereof shall be served on the association by certified mail or
1483 by personal service in the manner authorized by chapter 48 and
1484 the Florida Rules of Civil Procedure. The board of directors
1485 shall duly notice and hold a meeting of the board within 5 full
1486 business days after receipt of the agreement in writing. At the
1487 meeting, the board shall either certify the written agreement to
1488 recall members of the board, in which case such members shall be
1489 recalled effective immediately and shall turn over to the board,
1490 within 5 full business days, any and all records and property of
1491 the association in their possession, or shall proceed as
1492 described in subparagraph 3.

1493 3. If the board determines not to certify the written
1494 agreement to recall members of the board, or does not certify
1495 the recall by a vote at a meeting, the board shall, within 5
1496 full business days after the board meeting, file with the
1497 division a petition for binding arbitration pursuant to the
1498 procedures of s. 723.1255. For purposes of this paragraph, the
1499 members who voted at the meeting or who executed the agreement
1500 in writing shall constitute one party under the petition for
1501 arbitration. If the arbitrator certifies the recall of a member
1502 of the board, the recall shall be effective upon mailing of the
1503 final order of arbitration to the association. If the
1504 association fails to comply with the order of the arbitrator,
1505 the division may take action under s. 723.006. A member so
1506 recalled shall deliver to the board any and all records and
1507 property of the association in the member's possession within 5
1508 full business days after the effective date of the recall.

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1509 4. If the board fails to duly notice and hold a board
1510 meeting within 5 full business days after service of an
1511 agreement in writing or within 5 full business days after the
1512 adjournment of the members' recall meeting, the recall shall be
1513 deemed effective and the board members so recalled shall
1514 immediately turn over to the board all records and property of
1515 the association.

1516 5. If the board fails to duly notice and hold the required
1517 meeting or fails to file the required petition, the member's
1518 representative may file a petition pursuant to s. 723.1255
1519 challenging the board's failure to act. The petition must be
1520 filed within 60 days after expiration of the applicable 5-full-
1521 business-day period. The review of a petition under this
1522 subparagraph is limited to the sufficiency of service on the
1523 board and the facial validity of the written agreement or
1524 ballots filed.

1525 6. If a vacancy occurs on the board as a result of a recall
1526 and less than a majority of the board members are removed, the
1527 vacancy may be filled by the affirmative vote of a majority of
1528 the remaining directors, notwithstanding any other provision of
1529 this chapter. If vacancies occur on the board as a result of a
1530 recall and a majority or more of the board members are removed,
1531 the vacancies shall be filled in accordance with procedural
1532 rules to be adopted by the division, which rules need not be
1533 consistent with this chapter. The rules must provide procedures
1534 governing the conduct of the recall election as well as the
1535 operation of the association during the period after a recall
1536 but before the recall election.

1537 7. A board member who has been recalled may file a petition

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1538 pursuant to s. 723.1255 challenging the validity of the recall.
1539 The petition must be filed within 60 days after the recall is
1540 deemed certified. The association and the member's
1541 representative shall be named as the respondents.

1542 8. The division may not accept for filing a recall
1543 petition, whether or not filed pursuant to this subsection, and
1544 regardless of whether the recall was certified, when there are
1545 60 or fewer days until the scheduled reelection of the board
1546 member sought to be recalled or when 60 or fewer days have not
1547 elapsed since the election of the board member sought to be
1548 recalled.

1549 Section 29. Paragraphs (d) and (f) through (i) of
1550 subsection (4) and subsection (5) of section 723.079, Florida
1551 Statutes, are amended to read:

1552 723.079 Powers and duties of homeowners' association.—

1553 (4) The association shall maintain the following items,
1554 when applicable, which constitute the official records of the
1555 association:

1556 (d) The approved minutes of all meetings of the members of
1557 an association and meetings open for members of, the board of
1558 directors, and committees of the board, which minutes must be
1559 retained within this ~~the~~ state for at least 5 ~~7~~ years.

1560 (f) All of the association's insurance policies or copies
1561 thereof, which must be retained within this state for at least 5
1562 7 years after the expiration date of the policy.

1563 (g) A copy of all contracts or agreements to which the
1564 association is a party, including, without limitation, any
1565 written agreements with the park owner, lease, or other
1566 agreements or contracts under which the association or its

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1567 members has any obligation or responsibility, which must be
1568 retained within this state for at least 5 7 years after the
1569 expiration date of the contract or agreement.

1570 (h) The financial and accounting records of the
1571 association, kept according to good accounting practices. All
1572 financial and accounting records must be maintained within this
1573 state for a ~~period of~~ at least 5 7 years. The financial and
1574 accounting records must include:

1575 1. Accurate, itemized, and detailed records of all receipts
1576 and expenditures.

1577 2. A current account and a periodic statement of the
1578 account for each member, designating the name and current
1579 address of each member who is obligated to pay dues or
1580 assessments, the due date and amount of each assessment or other
1581 charge against the member, the date and amount of each payment
1582 on the account, and the balance due.

1583 3. All tax returns, financial statements, and financial
1584 reports of the association.

1585 4. Any other records that identify, measure, record, or
1586 communicate financial information.

1587 (i) All other written records of the association not
1588 specifically included in the foregoing which are related to the
1589 operation of the association must be retained within this state
1590 for at least 5 years or at least 5 years after the expiration
1591 date, as applicable.

1592 (5) The official records shall be ~~maintained within the~~
1593 ~~state for at least 7 years and shall be~~ made available to a
1594 member for inspection or photocopying within 20 10 business days
1595 after receipt by the board or its designee of a written request

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1596 submitted by certified mail, return receipt requested. The
1597 requirements of this subsection are satisfied by having a copy
1598 of the official records available for inspection or copying in
1599 the park or, at the option of the association, by making the
1600 records available to a member electronically via the Internet or
1601 by allowing the records to be viewed in electronic format on a
1602 computer screen and printed upon request. If the association has
1603 a photocopy machine available where the records are maintained,
1604 it must provide a member with copies on request during the
1605 inspection if the entire request is no more than 25 pages. An
1606 association shall allow a member or his or her authorized
1607 representative to use a portable device, including a smartphone,
1608 tablet, portable scanner, or any other technology capable of
1609 scanning or taking photographs, to make an electronic copy of
1610 the official records in lieu of the association's providing the
1611 member or his or her authorized representative with a copy of
1612 such records. The association may not charge a fee to a member
1613 or his or her authorized representative for the use of a
1614 portable device.

1615 (a) The failure of an association to provide access to the
1616 records within 20 ~~10~~ business days after receipt of a written
1617 request submitted by certified mail, return receipt requested,
1618 creates a rebuttable presumption that the association willfully
1619 failed to comply with this subsection.

1620 (b) A member who is denied access to official records is
1621 entitled to ~~the actual damages or minimum~~ damages for the
1622 association's willful failure to comply with this subsection in
1623 the amount of. ~~The minimum damages are to be~~ \$10 per calendar
1624 day up to 10 days, not to exceed \$100. The calculation for

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1625 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after
1626 receipt of the written request, submitted by certified mail,
1627 return receipt requested.

1628 (c) A dispute between a member and an association regarding
1629 inspecting or photocopying official records must be submitted to
1630 mandatory binding arbitration with the division, and the
1631 arbitration must be conducted pursuant to s. 723.1255 and
1632 procedural rules adopted by the division.

1633 (d) The association may adopt reasonable written rules
1634 governing the frequency, time, location, notice, records to be
1635 inspected, and manner of inspections, but may not require a
1636 member to demonstrate a proper purpose for the inspection, state
1637 a reason for the inspection, or limit a member's right to
1638 inspect records to less than 1 business day per month. The
1639 association may impose fees to cover the costs of providing
1640 copies of the official records, including the costs of copying
1641 and for personnel to retrieve and copy the records if the time
1642 spent retrieving and copying the records exceeds 30 minutes and
1643 if the personnel costs do not exceed \$20 per hour. Personnel
1644 costs may not be charged for records requests that result in the
1645 copying of 25 or fewer pages. The association may charge up to
1646 25 cents per page for copies made on the association's
1647 photocopier. If the association does not have a photocopy
1648 machine available where the records are kept, or if the records
1649 requested to be copied exceed 25 pages in length, the
1650 association may have copies made by an outside duplicating
1651 service and may charge the actual cost of copying, as supported
1652 by the vendor invoice. The association shall maintain an
1653 adequate number of copies of the recorded governing documents,

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1654 to ensure their availability to members and prospective members.
1655 Notwithstanding this paragraph, the following records are not
1656 accessible to members or home owners:

1657 1. A record protected by the lawyer-client privilege as
1658 described in s. 90.502 and a record protected by the work-
1659 product privilege, including, but not limited to, a record
1660 prepared by an association attorney or prepared at the
1661 attorney's express direction which reflects a mental impression,
1662 conclusion, litigation strategy, or legal theory of the attorney
1663 or the association and which was prepared exclusively for civil
1664 or criminal litigation, for adversarial administrative
1665 proceedings, or in anticipation of such litigation or
1666 proceedings until the conclusion of the litigation or
1667 proceedings.

1668 2. E-mail addresses, telephone numbers, facsimile numbers,
1669 emergency contact information, any addresses for a home owner
1670 other than as provided for association notice requirements, and
1671 other personal identifying information of any person, excluding
1672 the person's name, lot designation, mailing address, and
1673 property address. Notwithstanding the restrictions in this
1674 subparagraph, an association may print and distribute to home
1675 owners a directory containing the name, park address, and
1676 telephone number of each home owner. However, a home owner may
1677 exclude his or her telephone number from the directory by so
1678 requesting in writing to the association. The association is not
1679 liable for the disclosure of information that is protected under
1680 this subparagraph if the information is included in an official
1681 record of the association and is voluntarily provided by a home
1682 owner and not requested by the association.

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1683 3. An electronic security measure that is used by the
1684 association to safeguard data, including passwords.

1685 4. The software and operating system used by the
1686 association which allows the manipulation of data, even if the
1687 home owner owns a copy of the same software used by the
1688 association. The data is part of the official records of the
1689 association.

1690 Section 30. Section 723.1255, Florida Statutes, is amended
1691 to read:

1692 723.1255 Alternative resolution of recall, election, and
1693 inspection and photocopying of official records disputes.-

1694 (1) A dispute between a mobile home owner and a homeowners'
1695 association regarding the election and recall of officers or
1696 directors under s. 723.078(2)(b) or regarding the inspection and
1697 photocopying of official records under s. 723.079(5) must be
1698 submitted to mandatory binding arbitration with the division.
1699 The arbitration shall be conducted in accordance with this
1700 section and the procedural rules adopted by the division.

1701 (2) Each party shall be responsible for paying its own
1702 attorney fees, expert and investigator fees, and associated
1703 costs. The cost of the arbitrators shall be divided equally
1704 between the parties regardless of the outcome.

1705 (3) The division shall adopt procedural rules to govern
1706 mandatory binding arbitration proceedings ~~The Division of~~
1707 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~
1708 ~~Department of Business and Professional Regulation shall adopt~~
1709 ~~rules of procedure to govern binding recall arbitration~~
1710 ~~proceedings.~~

1711 Section 31. For the purpose of incorporating the amendment

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1712 made by this act to section 420.5087, Florida Statutes, in a
1713 reference thereto, paragraph (i) of subsection (22) of section
1714 420.507, Florida Statutes, is reenacted to read:

1715 420.507 Powers of the corporation.—The corporation shall
1716 have all the powers necessary or convenient to carry out and
1717 effectuate the purposes and provisions of this part, including
1718 the following powers which are in addition to all other powers
1719 granted by other provisions of this part:

1720 (22) To develop and administer the State Apartment
1721 Incentive Loan Program. In developing and administering that
1722 program, the corporation may:

1723 (i) Establish, by rule, the procedure for competitively
1724 evaluating and selecting all applications for funding based on
1725 the criteria set forth in s. 420.5087(6)(c), determining actual
1726 loan amounts, making and servicing loans, and exercising the
1727 powers authorized in this subsection.

1728 Section 32. For the purpose of incorporating the amendment
1729 made by this act to section 420.5095, Florida Statutes, in a
1730 reference thereto, subsection (2) of section 193.018, Florida
1731 Statutes, is reenacted to read:

1732 193.018 Land owned by a community land trust used to
1733 provide affordable housing; assessment; structural improvements,
1734 condominium parcels, and cooperative parcels.—

1735 (2) A community land trust may convey structural
1736 improvements, condominium parcels, or cooperative parcels, that
1737 are located on specific parcels of land that are identified by a
1738 legal description contained in and subject to a ground lease
1739 having a term of at least 99 years, for the purpose of providing
1740 affordable housing to natural persons or families who meet the

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1741 extremely-low-income, very-low-income, low-income, or moderate-
1742 income limits specified in s. 420.0004, or the income limits for
1743 workforce housing, as defined in s. 420.5095(3). A community
1744 land trust shall retain a preemptive option to purchase any
1745 structural improvements, condominium parcels, or cooperative
1746 parcels on the land at a price determined by a formula specified
1747 in the ground lease which is designed to ensure that the
1748 structural improvements, condominium parcels, or cooperative
1749 parcels remain affordable.

1750 Section 33. This act shall take effect July 1, 2020.