

1 A bill to be entitled
2 An act relating to community development and housing;
3 amending s. 125.01055, F.S.; authorizing a board of
4 county commissioners to approve development of
5 affordable housing on any parcel zoned for
6 residential, commercial, or industrial use; amending
7 s. 163.01, F.S.; amending the Florida Interlocal
8 Cooperation Act of 1969 to revise the privileges,
9 benefits, powers, and terms that apply to newly
10 created separate legal entities; authorizing private
11 entities to enter into specified loan agreements;
12 authorizing certain bond proceeds to be loaned to
13 private entities for specified types of projects;
14 providing that such loans are deemed a paramount
15 public purpose; amending s. 163.31771, F.S.; revising
16 legislative findings; requiring local governments to
17 adopt ordinances that allow accessory dwelling units
18 in any area zoned for single-family residential use;
19 providing an exception; amending s. 163.31801, F.S.;
20 requiring counties, municipalities, and special
21 districts to include certain data relating to impact
22 fees in their annual financial reports; amending s.
23 166.04151, F.S.; authorizing governing bodies of
24 municipalities to approve the development of
25 affordable housing on any parcel zoned for

26 residential, commercial, or industrial use; amending
27 s. 320.77, F.S.; revising a certification requirement
28 for mobile home dealer applicants relating to the
29 applicant's business location; amending s. 320.771,
30 F.S.; exempting certain recreational vehicle dealer
31 applicants from a garage liability insurance
32 requirement; amending s. 320.822, F.S.; revising the
33 definition of the term "code"; amending s. 320.8232,
34 F.S.; revising applicable standards for the repair and
35 remodeling of mobile and manufactured homes; amending
36 s. 367.022, F.S.; exempting certain mobile home park
37 owners and mobile home subdivision owners from
38 regulation by the Florida Public Service Commission
39 relating to water and wastewater service; amending s.
40 420.5087, F.S.; revising the criteria used by a review
41 committee when evaluating and selecting specified
42 applications for state apartment incentive loans;
43 amending s. 420.5095, F.S.; renaming the Community
44 Workforce Housing Innovation Pilot Program as the
45 Community Workforce Housing Loan Program; requiring
46 the program to provide workforce housing; revising the
47 definition of the term "workforce housing"; deleting
48 the definition of the term "public-private
49 partnership"; authorizing the Florida Housing Finance
50 Corporation to provide loans under the program to

51 applicants for construction of workforce housing;
52 requiring the corporation to establish a certain loan
53 application process; deleting provisions requiring the
54 corporation to provide incentives for local
55 governments to use certain funds; requiring projects
56 to receive priority consideration for funding under
57 certain circumstances; deleting a provision providing
58 for the expedition of local government comprehensive
59 plan amendments to implement a program project;
60 requiring that the corporation award loans at a
61 specified interest rate and for a limited term;
62 conforming provisions to changes made by the act;
63 amending s. 420.531, F.S.; specifying that technical
64 support provided to local governments and community-
65 based organizations includes implementation of the
66 State Apartment Incentive Loan Program; requiring the
67 entity providing training and technical assistance to
68 convene and administer biannual regional workshops;
69 requiring such entity to annually compile and submit
70 certain information to the Legislature and the
71 corporation by a specified date; amending s. 420.9071,
72 F.S.; revising the definition of the term
73 "affordable"; amending s. 420.9073, F.S.; authorizing
74 the corporation to withhold a certain portion of funds
75 distributed from the Local Government Housing Trust

76 Fund to be used for certain transitional housing;
77 prohibiting such funds from being used for specified
78 purposes; requiring the corporation to consult with
79 the Department of Children and Families to create
80 minimum criteria for such housing; providing for the
81 distribution of withheld funds; amending s. 420.9075,
82 F.S.; requiring an optimization plan to be included in
83 local housing assistance plan criteria; revising
84 requirements for reports submitted by counties and
85 certain municipalities to the corporation; amending s.
86 420.9076, F.S.; revising the membership of local
87 affordable housing advisory committees beginning on a
88 specified date; requiring the committees to perform
89 specified duties annually instead of triennially;
90 requiring locally elected officials serving on
91 advisory committees, or their designees, to attend
92 biannual regional workshops; providing a penalty;
93 amending s. 553.791, F.S.; removing a provision that
94 prohibits the audit of private providers more than a
95 specified number of times annually under certain
96 conditions; prohibiting the audit of a building or
97 structure more than a specified number of times
98 annually under certain conditions; amending s.
99 723.011, F.S.; providing construction relating to
100 rental agreements and tenancies; providing that a

101 mobile home owner may be required to install permanent
102 improvements as disclosed in the mobile home park
103 prospectus; amending s. 723.012, F.S.; authorizing
104 mobile home park owners to make certain prospectus
105 amendments; providing requirements for the amendment;
106 prohibiting certain costs and expenses from being
107 passed on to existing mobile home owners; amending s.
108 723.023, F.S.; revising general obligations for mobile
109 home owners; amending s. 723.031, F.S.; specifying a
110 requirement for disclosing and agreeing to a mobile
111 home lot rental increase; revising construction
112 relating to a park owner's disclosure of certain taxes
113 and assessments; amending s. 723.037, F.S.;
114 authorizing mobile home park owners to give notice of
115 lot rental increases for multiple anniversary dates in
116 one notice; providing construction; revising a
117 requirement for a lot rental negotiation committee;
118 amending s. 723.041, F.S.; providing that a mobile
119 home park damaged or destroyed due to natural forces
120 may be rebuilt with the same density as previously
121 approved, permitted, and built; providing
122 construction; amending s. 723.042, F.S.; conforming a
123 provision to changes made by the act; amending s.
124 723.059, F.S.; authorizing certain mobile home
125 purchasers to assume the remainder of a seller's

126 prospectus; authorizing a mobile home park owner to
127 offer a purchaser any approved prospectus; amending s.
128 723.061, F.S.; specifying entities that must be
129 provided with a copy of an eviction notice when
130 received by a mobile home owner; specifying the waiver
131 and nonwaiver of certain rights of a mobile home park
132 owner under certain circumstances; requiring the
133 accounting at final hearing of rents received;
134 amending s. 723.076, F.S.; revising procedures related
135 to the election or appointment of new officers or
136 board members in a homeowner's association; amending
137 s. 723.078, F.S.; revising requirements for board
138 elections and ballots; requiring an impartial
139 committee to be responsible for overseeing the
140 election process and complying with ballot
141 requirements; defining the term "impartial committee";
142 requiring that association bylaws provide a method for
143 determining the winner of an election under certain
144 circumstances; requiring the Division of Florida
145 Condominiums, Timeshares, and Mobile Homes to adopt
146 procedural rules; revising the types of meetings that
147 are not required to be open to members; providing an
148 exception to a provision requiring an officer of an
149 association to provide an affidavit affirming certain
150 information; authorizing meeting notices to be

151 provided by electronic means; providing that the
152 minutes of certain board and committee meetings are
153 privileged and confidential; conforming provisions to
154 changes made by the act; amending s. 723.079, F.S.;
155 revising homeowners' association recordkeeping
156 requirements; revising the timeframes for which
157 certain records are required to be retained and be
158 made available for inspection or photocopying; capping
159 the amount of damages for which an association is
160 liable when a member is denied access to official
161 records; requiring that certain disputes be submitted
162 to mandatory binding arbitration with the division;
163 amending s. 723.1255, F.S.; requiring that certain
164 disputes be submitted to mandatory binding arbitration
165 with the division; providing requirements for such
166 arbitration and fees and costs; requiring the division
167 to adopt rules; reenacting s. 420.507(22)(i), F.S.,
168 relating to powers of the Florida Housing Finance
169 Corporation, to incorporate the amendment made to s.
170 420.5087, F.S., in a reference thereto; reenacting s.
171 193.018(2), F.S., relating to land owned by a
172 community land trust used to provide affordable
173 housing, to incorporate the amendment made to s.
174 420.5095, F.S., in a reference thereto; providing an
175 effective date.

176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200

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

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

125.01055 Affordable housing.—

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

Section 2. Paragraph (d) of subsection (7) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7)

(d) Notwithstanding the provisions of paragraph (c), any separate legal entity created pursuant to this section and controlled by the municipalities or counties of this state or by one or more municipality and one or more county of this state, the membership of which consists or is to consist of municipalities only, counties only, or one or more municipality and one or more county, may, for the purpose of financing or refinancing any capital projects, exercise all powers in connection with the authorization, issuance, and sale of bonds. Notwithstanding any limitations provided in this section, all of

201 the privileges, benefits, powers, and terms of part I of chapter
 202 125, part II of chapter 166, and ~~part I of~~ chapter 159 are ~~shall~~
 203 ~~be~~ fully applicable to such entity. Bonds issued by such entity
 204 are ~~shall be~~ deemed issued on behalf of the counties, ~~or~~
 205 municipalities, or private entities which enter into loan
 206 agreements with such entity as provided in this paragraph. Any
 207 loan agreement executed pursuant to a program of such entity is
 208 ~~shall be~~ governed by the provisions of part I of chapter 159 or,
 209 in the case of counties, part I of chapter 125, or in the case
 210 of municipalities and charter counties, part II of chapter 166.
 211 Proceeds of bonds issued by such entity may be loaned to
 212 counties or municipalities of this state or a combination of
 213 municipalities and counties, whether or not such counties or
 214 municipalities are also members of the entity issuing the bonds,
 215 or to private entities for projects that are "self-liquidating,"
 216 as provided in s. 159.02, whether or not such private entities
 217 are located within the jurisdictional boundaries of a county or
 218 municipality that is a member of the entity issuing the bonds.
 219 The issuance of bonds by such entity to fund a loan program to
 220 make loans to municipalities, ~~or~~ counties, or private entities
 221 or a combination of municipalities, ~~and~~ counties, and private
 222 entities with one another for capital projects to be identified
 223 subsequent to the issuance of the bonds to fund such loan
 224 programs is deemed to be a paramount public purpose. Any entity
 225 so created may also issue bond anticipation notes, as provided

226 | by s. 215.431, in connection with the authorization, issuance,
227 | and sale of such bonds. In addition, the governing body of such
228 | legal entity may also authorize bonds to be issued and sold from
229 | time to time and may delegate, to such officer, official, or
230 | agent of such legal entity as the governing body of such legal
231 | entity may select, the power to determine the time; manner of
232 | sale, public or private; maturities; rate or rates of interest,
233 | which may be fixed or may vary at such time or times and in
234 | accordance with a specified formula or method of determination;
235 | and other terms and conditions as may be deemed appropriate by
236 | the officer, official, or agent so designated by the governing
237 | body of such legal entity. However, the amounts and maturities
238 | of such bonds and the interest rate or rates of such bonds shall
239 | be within the limits prescribed by the governing body of such
240 | legal entity and its resolution delegating to such officer,
241 | official, or agent the power to authorize the issuance and sale
242 | of such bonds. A local government self-insurance fund
243 | established under this section may financially guarantee bonds
244 | or bond anticipation notes issued or loans made under this
245 | subsection. Bonds issued pursuant to this paragraph may be
246 | validated as provided in chapter 75. The complaint in any action
247 | to validate such bonds shall be filed only in the Circuit Court
248 | for Leon County. The notice required to be published by s. 75.06
249 | shall be published only in Leon County, and the complaint and
250 | order of the circuit court shall be served only on the State

251 Attorney of the Second Judicial Circuit and on the state
252 attorney of each circuit in each county where the public
253 agencies which were initially a party to the agreement are
254 located. Notice of such proceedings shall be published in the
255 manner and the time required by s. 75.06 in Leon County and in
256 each county where the public agencies which were initially a
257 party to the agreement are located. Obligations of any county or
258 municipality pursuant to a loan agreement as described in this
259 paragraph may be validated as provided in chapter 75.

260 Section 3. Subsections (1), (3), and (4) of section
261 163.31771, Florida Statutes, are amended to read:

262 163.31771 Accessory dwelling units.—

263 (1) The Legislature finds that the median price of homes
264 in this state has increased steadily over the last decade and at
265 a greater rate of increase than the median income in many urban
266 areas. The Legislature finds that the cost of rental housing has
267 also increased steadily and the cost often exceeds an amount
268 that is affordable to extremely-low-income, very-low-income,
269 low-income, or moderate-income persons and has resulted in a
270 critical shortage of affordable rentals in many urban areas in
271 the state. This shortage of affordable rentals constitutes a
272 threat to the health, safety, and welfare of the residents of
273 the state. Therefore, the Legislature finds that it serves an
274 important public purpose to require ~~encourage~~ the permitting of
275 accessory dwelling units in single-family residential areas in

276 | order to increase the availability of affordable rentals for
 277 | extremely-low-income, very-low-income, low-income, or moderate-
 278 | income persons.

279 | (3) Each ~~Upon a finding by a local government that there~~
 280 | ~~is a shortage of affordable rentals within its jurisdiction, the~~
 281 | local government shall ~~may~~ adopt an ordinance to allow accessory
 282 | dwelling units in any area zoned for single-family residential
 283 | use, except in an area of critical state concern where the state
 284 | caps the number of new housing units which may be built within a
 285 | year.

286 | (4) ~~If the local government adopts an ordinance under this~~
 287 | ~~section,~~ An application for a building permit to construct an
 288 | accessory dwelling unit must include an affidavit from the
 289 | applicant which attests that the unit will be rented at an
 290 | affordable rate to an extremely-low-income, very-low-income,
 291 | low-income, or moderate-income person or persons.

292 | Section 4. Subsection (10) is added to section 163.31801,
 293 | Florida Statutes, to read:

294 | 163.31801 Impact fees; short title; intent; minimum
 295 | requirements; audits; challenges.—

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

300 | (a) The specific purpose of the impact fee, including the

301 specific infrastructure needs to be met such as transportation,
302 parks, water, sewer, and schools.

303 (b) The impact fee schedule policy describing the method
304 of calculating impact fees, such as flat fees, tiered fees based
305 on the number of bedrooms, or tiered fees based on the square
306 footage.

307 (c) The amount assessed for each purpose and for each type
308 of dwelling.

309 (d) The total amount of impact fees charged by type of
310 dwelling.

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

313 166.04151 Affordable housing.—

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

319 Section 6. Paragraph (h) of subsection (3) of section
320 320.77, Florida Statutes, is amended to read:

321 320.77 License required of mobile home dealers.—

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

326 (h) Certification by the applicant:

327 1. That the location is a permanent one, not a tent or a

328 temporary stand or other temporary quarters.~~;~~ ~~and,~~

329 2. Except in the case of a mobile home broker, that the

330 location affords sufficient ~~unoccupied~~ space to display ~~store~~

331 ~~all mobile homes offered and displayed~~ for sale. A space to

332 display a manufactured home as a model home satisfies this

333 requirement.~~;~~ ~~and that~~ The location must be ~~is~~ a suitable place

334 in which the applicant can in good faith carry on business and

335 keep and maintain books, records, and files necessary to conduct

336 such business, which must ~~will~~ be available at all reasonable

337 hours to inspection by the department or any of its inspectors

338 or other employees.

339

340 This paragraph does ~~subsection shall~~ not preclude a licensed

341 mobile home dealer from displaying and offering for sale mobile

342 homes in a mobile home park.

343

344 The department shall, if it deems necessary, cause an

345 investigation to be made to ascertain if the facts set forth in

346 the application are true and shall not issue a license to the

347 applicant until it is satisfied that the facts set forth in the

348 application are true.

349 Section 7. Paragraph (j) of subsection (3) of section

350 320.771, Florida Statutes, is amended to read:

351 320.771 License required of recreational vehicle dealers.—

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

356 (j) A statement that the applicant is insured under a
 357 garage liability insurance policy, which shall include, at a
 358 minimum, \$25,000 combined single-limit liability coverage,
 359 including bodily injury and property damage protection, and
 360 \$10,000 personal injury protection, if the applicant is to be
 361 licensed as a dealer in, or intends to sell, recreational
 362 vehicles. However, a garage liability policy is not required for
 363 the licensure of a mobile home dealer who sells only park
 364 trailers.

365
 366 The department shall, if it deems necessary, cause an
 367 investigation to be made to ascertain if the facts set forth in
 368 the application are true and shall not issue a license to the
 369 applicant until it is satisfied that the facts set forth in the
 370 application are true.

371 Section 8. Paragraph (c) of subsection (2) of section
 372 320.822, Florida Statutes, is amended to read:

373 320.822 Definitions; ss. 320.822–320.862.—In construing
 374 ss. 320.822–320.862, unless the context otherwise requires, the
 375 following words or phrases have the following meanings:

376 (2) "Code" means the appropriate standards found in:
 377 (c) The Mobile and Manufactured Home Repair and Remodeling
 378 Code and the Used Recreational Vehicle Code.

379 Section 9. Subsection (2) of section 320.8232, Florida
 380 Statutes, is amended to read:

381 320.8232 Establishment of uniform standards for used
 382 recreational vehicles and repair and remodeling code for mobile
 383 homes.—

384 (2) The Mobile and Manufactured Home ~~provisions of the~~
 385 Repair and Remodeling Code must be a uniform code, must ~~shall~~
 386 ensure safe and livable housing, and may ~~shall~~ not be more
 387 stringent than those standards required to be met in the
 388 manufacture of mobile homes. Such code must ~~provisions shall~~
 389 include, ~~but not be limited to,~~ standards for structural
 390 adequacy, plumbing, heating, electrical systems, and fire and
 391 life safety. All repairs and remodeling of mobile and
 392 manufactured homes must be performed in accordance with
 393 department rules.

394 Section 10. Subsection (9) of section 367.022, Florida
 395 Statutes, is amended, and subsection (14) is added to that
 396 section, to read:

397 367.022 Exemptions.—The following are not subject to
 398 regulation by the commission as a utility nor are they subject
 399 to the provisions of this chapter, except as expressly provided:

400 (9) Any person who resells water service to his or her

401 tenants or to individually metered residents for a fee that does
402 not exceed the actual purchase price of the water and wastewater
403 service plus the actual cost of meter reading and billing, not
404 to exceed 9 percent of the actual cost of service.

405 (14) The owner of a mobile home park operating both as a
406 mobile home park and a mobile home subdivision, as those terms
407 are defined in s. 723.003, who provides service within the park
408 and subdivision to a combination of both tenants and lot owners,
409 provided that the service to tenants is without specific
410 compensation.

411 Section 11. Paragraph (c) of subsection (6) of section
412 420.5087, Florida Statutes, is amended to read:

413 420.5087 State Apartment Incentive Loan Program.—There is
414 hereby created the State Apartment Incentive Loan Program for
415 the purpose of providing first, second, or other subordinated
416 mortgage loans or loan guarantees to sponsors, including for-
417 profit, nonprofit, and public entities, to provide housing
418 affordable to very-low-income persons.

419 (6) On all state apartment incentive loans, except loans
420 made to housing communities for the elderly to provide for
421 lifesafety, building preservation, health, sanitation, or
422 security-related repairs or improvements, the following
423 provisions shall apply:

424 (c) The corporation shall provide by rule for the
425 establishment of a review committee for the competitive

426 evaluation and selection of applications submitted in this
427 program. The review committee must use evaluation criteria that
428 include, including, but are not limited to, the following
429 criteria:

430 1. Tenant income and demographic targeting objectives of
431 the corporation.

432 2. Targeting objectives of the corporation which will
433 ensure an equitable distribution of loans between rural and
434 urban areas.

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

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

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

443 b. Forty percent of the units in the project for persons
444 or families who have incomes that do not exceed 60 percent of
445 the state or local median income, whichever is higher, without
446 requiring a greater amount of the loans as provided in this
447 section.

448 5. Provision for tenant counseling.

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

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

456 8. Local government contributions and local government
457 comprehensive planning and activities that promote affordable
458 housing and policies that promote access to public
459 transportation, reduce the need for onsite parking, and expedite
460 permits for affordable housing projects.

461 9. Project feasibility.

462 10. Economic viability of the project.

463 11. Commitment of first mortgage financing.

464 12. Sponsor's prior experience. This criterion may not
465 require a sponsor to have prior experience with the corporation
466 to qualify for financing under the program.

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

468 14. Projects that directly implement or assist welfare-to-
469 work transitioning.

470 15. Projects that reserve units for extremely-low-income
471 persons.

472 16. Projects that include green building principles,
473 storm-resistant construction, or other elements that reduce
474 long-term costs relating to maintenance, utilities, or
475 insurance.

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

478 Section 12. Section 420.5095, Florida Statutes, is amended
 479 to read:

480 420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~
 481 Program.—

482 (1) The Legislature finds and declares that recent rapid
 483 increases in the median purchase price of a home and the cost of
 484 rental housing have far outstripped the increases in median
 485 income in the state, ~~preventing essential services personnel~~
 486 ~~from living in the communities where they serve and thereby~~
 487 creating the need for innovative solutions for the provision of
 488 housing opportunities ~~for essential services personnel.~~

489 (2) The Community Workforce Housing Loan ~~Innovation Pilot~~
 490 Program is created to provide ~~affordable rental and home~~
 491 ~~ownership community~~ workforce housing for persons ~~essential~~
 492 ~~services personnel~~ affected by the high cost of housing, ~~using~~
 493 ~~regulatory incentives and state and local funds to promote local~~
 494 ~~public-private partnerships and leverage government and private~~
 495 ~~resources.~~

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

497 ~~(a)~~ "workforce housing" means housing affordable to
 498 natural persons or families whose total annual household income
 499 does not exceed 80 ~~140~~ percent of the area median income,
 500 adjusted for household size, or 120 ~~150~~ percent of area median

501 income, adjusted for household size, in areas of critical state
502 concern designated under s. 380.05, for which the Legislature
503 has declared its intent to provide affordable housing, and areas
504 that were designated as areas of critical state concern for at
505 least 20 consecutive years before ~~prior to~~ removal of the
506 designation.

507 ~~(b) "Public-private partnership" means any form of~~
508 ~~business entity that includes substantial involvement of at~~
509 ~~least one county, one municipality, or one public sector entity,~~
510 ~~such as a school district or other unit of local government in~~
511 ~~which the project is to be located, and at least one private~~
512 ~~sector for-profit or not-for-profit business or charitable~~
513 ~~entity, and may be any form of business entity, including a~~
514 ~~joint venture or contractual agreement.~~

515 (4) The Florida Housing Finance Corporation may ~~is~~
516 ~~authorized to provide~~ loans under the ~~Community Workforce~~
517 ~~Housing Innovation Pilot program loans to~~ applicants ~~an~~
518 ~~applicant~~ for construction ~~or rehabilitation~~ of workforce
519 housing in eligible areas. This funding is intended to be used
520 with other public and private sector resources.

521 (5) The corporation shall establish a loan application
522 process under s. 420.5087 ~~by rule which includes selection~~
523 ~~criteria, an application review process, and a funding process.~~
524 ~~The corporation shall also establish an application review~~
525 ~~committee that may include up to three private citizens~~

526 ~~representing the areas of housing or real estate development,~~
527 ~~banking, community planning, or other areas related to the~~
528 ~~development or financing of workforce and affordable housing.~~

529 ~~(a) The selection criteria and application review process~~
530 ~~must include a procedure for curing errors in the loan~~
531 ~~applications which do not make a substantial change to the~~
532 ~~proposed project.~~

533 ~~(b) To achieve the goals of the pilot program, the~~
534 ~~application review committee may approve or reject loan~~
535 ~~applications or responses to questions raised during the review~~
536 ~~of an application due to the insufficiency of information~~
537 ~~provided.~~

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

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

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

547 ~~(6) The corporation shall provide incentives for local~~
548 ~~governments in eligible areas to use local affordable housing~~
549 ~~funds, such as those from the State Housing Initiatives~~
550 ~~Partnership Program, to assist in meeting the affordable housing~~

551 ~~needs of persons eligible under this program. Local governments~~
552 ~~are authorized to use State Housing Initiative Partnership~~
553 ~~Program funds for persons or families whose total annual~~
554 ~~household income does not exceed:~~

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

557 ~~(b) One hundred and fifty percent of the area median~~
558 ~~income, adjusted for household size, in areas that were~~
559 ~~designated as areas of critical state concern for at least 20~~
560 ~~consecutive years prior to the removal of the designation and in~~
561 ~~areas of critical state concern, designated under s. 380.05, for~~
562 ~~which the Legislature has declared its intent to provide~~
563 ~~affordable housing.~~

564 ~~(7) Funding shall be targeted to innovative projects in~~
565 ~~areas where the disparity between the area median income and the~~
566 ~~median sales price for a single-family home is greatest, and~~
567 ~~where population growth as a percentage rate of increase is~~
568 ~~greatest. The corporation may also fund projects in areas where~~
569 ~~innovative regulatory and financial incentives are made~~
570 ~~available. The corporation shall fund at least one eligible~~
571 ~~project in as many counties and regions of the state as is~~
572 ~~practicable, consistent with program goals.~~

573 ~~(6)(8)~~ Projects must be given ~~shall receive~~ priority
574 consideration for funding if ~~where~~:

575 (a) The local jurisdiction has adopted, or is committed to

576 adopting, appropriate regulatory incentives, ~~or the local~~
577 ~~jurisdiction or public-private partnership has adopted or is~~
578 ~~committed to adopting~~ local contributions or financial
579 strategies, or other funding sources to promote the development
580 and ongoing financial viability of such projects. Local
581 incentives include such actions as expediting review of
582 development orders and permits, supporting development near
583 transportation hubs and major employment centers, and adopting
584 land development regulations designed to allow flexibility in
585 densities, use of accessory units, mixed-use developments, and
586 flexible lot configurations. Financial strategies include such
587 actions as promoting employer-assisted housing programs,
588 providing tax increment financing, and providing land.

589 ~~(b) Projects are innovative and include new construction~~
590 ~~or rehabilitation; mixed-income housing; commercial and housing~~
591 ~~mixed-use elements; innovative design; green building~~
592 ~~principles; storm-resistant construction; or other elements that~~
593 ~~reduce long-term costs relating to maintenance, utilities, or~~
594 ~~insurance and promote homeownership. The program funding may not~~
595 ~~exceed the costs attributable to the portion of the project that~~
596 ~~is set aside to provide housing for the targeted population.~~

597 (b)(c) ~~The~~ projects that set aside at least 50 ~~at least 80~~
598 percent of the units for workforce housing and ~~at least 50~~
599 percent for essential services personnel and for projects that
600 require the least amount of program funding compared to the

601 ~~overall housing costs for the project.~~

602 ~~(9) Notwithstanding s. 163.3184(4) (b) - (d), any local~~
603 ~~government comprehensive plan amendment to implement a Community~~
604 ~~Workforce Housing Innovation Pilot Program project found~~
605 ~~consistent with this section shall be expedited as provided in~~
606 ~~this subsection. At least 30 days prior to adopting a plan~~
607 ~~amendment under this subsection, the local government shall~~
608 ~~notify the state land planning agency of its intent to adopt~~
609 ~~such an amendment, and the notice shall include its evaluation~~
610 ~~related to site suitability and availability of facilities and~~
611 ~~services. The public notice of the hearing required by s.~~
612 ~~163.3184(11) (b)2. shall include a statement that the local~~
613 ~~government intends to use the expedited adoption process~~
614 ~~authorized by this subsection. Such amendments shall require~~
615 ~~only a single public hearing before the governing board, which~~
616 ~~shall be an adoption hearing as described in s. 163.3184(4) (e).~~
617 ~~Any further proceedings shall be governed by s. 163.3184(5) -~~
618 ~~(13).~~

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

622 ~~(7) (11)~~ The corporation shall award loans with a 1
623 ~~interest rates set at 1 to 3 percent~~ interest rate for a term
624 that does not exceed 15 years, ~~which may be made forgivable when~~
625 ~~long-term affordability is provided and when at least 80 percent~~

626 ~~of the units are set aside for workforce housing and at least 50~~
627 ~~percent of the units are set aside for essential services~~
628 ~~personnel.~~

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

630 ~~(a) For home ownership, limit the sales price of a~~
631 ~~detached unit, townhome, or condominium unit to not more than 90~~
632 ~~percent of the median sales price for that type of unit in that~~
633 ~~county, or the statewide median sales price for that type of~~
634 ~~unit, whichever is higher, and require that all eligible~~
635 ~~purchasers of home ownership units occupy the homes as their~~
636 ~~primary residence.~~

637 ~~(b) For rental units, restrict rents for all workforce~~
638 ~~housing serving those with incomes at or below 120 percent of~~
639 ~~area median income at the appropriate income level using the~~
640 ~~restricted rents for the federal low income housing tax credit~~
641 ~~program and, for workforce housing units serving those with~~
642 ~~incomes above 120 percent of area median income, restrict rents~~
643 ~~to those established by the corporation, not to exceed 30~~
644 ~~percent of the maximum household income adjusted to unit size.~~

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

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

651 ~~totaling at least 10 percent of the total development cost or \$2~~
652 ~~million, whichever is less. Such grants, donations of land, or~~
653 ~~contributions must be evidenced by a letter of commitment,~~
654 ~~agreement, contract, deed, memorandum of understanding, or other~~
655 ~~written instrument at the time of application. Grants, donations~~
656 ~~of land, or contributions in excess of 10 percent of the~~
657 ~~development cost shall increase the application score.~~

658 ~~(e) Demonstrate how the applicant will use the regulatory~~
659 ~~incentives and financial strategies outlined in subsection (8)~~
660 ~~from the local jurisdiction in which the proposed project is to~~
661 ~~be located. The corporation may consult with the Department of~~
662 ~~Economic Opportunity in evaluating the use of regulatory~~
663 ~~incentives by applicants.~~

664 ~~(f) Demonstrate that the applicant possesses title to or~~
665 ~~site control of land and evidences availability of required~~
666 ~~infrastructure.~~

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

669 ~~(h) Provide any research or facts available supporting the~~
670 ~~demand and need for rental or home ownership workforce housing~~
671 ~~for eligible persons in the market in which the project is~~
672 ~~proposed.~~

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

676 ~~Motor Vehicles.~~

677 (8) ~~(14)~~ The corporation may adopt rules pursuant to ss.
678 120.536(1) and 120.54 to implement this section.

679 ~~(15) The corporation may use a maximum of 2 percent of the~~
680 ~~annual program appropriation for administration and compliance~~
681 ~~monitoring.~~

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

687 Section 13. Section 420.531, Florida Statutes, is amended
688 to read:

689 420.531 Affordable Housing Catalyst Program.—

690 (1) The corporation shall operate the Affordable Housing
691 Catalyst Program for the purpose of securing the expertise
692 necessary to provide specialized technical support to local
693 governments and community-based organizations to implement the
694 HOME Investment Partnership Program, State Apartment Incentive
695 Loan Program, State Housing Initiatives Partnership Program, and
696 other affordable housing programs. To the maximum extent
697 feasible, the entity to provide the necessary expertise must be
698 recognized by the Internal Revenue Service as a nonprofit tax-
699 exempt organization. It must have as its primary mission the
700 provision of affordable housing training and technical

701 assistance, an ability to provide training and technical
702 assistance statewide, and a proven track record of successfully
703 providing training and technical assistance under the Affordable
704 Housing Catalyst Program. The technical support shall, at a
705 minimum, include training relating to the following key elements
706 of the partnership programs:

707 (a)~~(1)~~ Formation of local and regional housing
708 partnerships as a means of bringing together resources to
709 provide affordable housing.

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

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

714 (d)~~(4)~~ Compliance with requirements of federally funded
715 housing programs.

716 (2) In consultation with the corporation, the entity
717 providing statewide training and technical assistance shall
718 convene and administer biannual regional workshops for the
719 locally elected officials serving on affordable housing advisory
720 committees as provided in s. 420.9076. The regional workshops
721 may be conducted through teleconferencing or other technological
722 means and must include processes and programming that facilitate
723 peer-to-peer identification and sharing of best affordable
724 housing practices among the locally elected officials. Annually,
725 the entity providing statewide training and technical assistance

726 must compile calendar year reports summarizing the
727 deliberations, actions, and recommendations of each region, as
728 well as the attendance records of locally elected officials, and
729 must submit such reports to the President of the Senate, the
730 Speaker of the House of Representatives, and the corporation by
731 March 31 of the following year.

732 Section 14. Subsection (2) of section 420.9071, Florida
733 Statutes, is amended to read:

734 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
735 term:

736 (2) "Affordable" means that monthly rents or monthly
737 mortgage payments including taxes and insurance do not exceed 30
738 percent of that amount which represents the percentage of the
739 median annual gross income for the households as indicated in
740 subsection (19), subsection (20), or subsection (28). However,
741 it is not the intent to limit an individual household's ability
742 to devote more than 30 percent of its income for housing, and
743 housing for which a household devotes more than 30 percent of
744 its income shall be deemed affordable if the first institutional
745 mortgage lender is satisfied that the household can afford
746 mortgage payments in excess of the 30 percent benchmark. The
747 term also includes housing provided by a not-for-profit
748 corporation that derives at least 75 percent of its annual
749 revenues from contracts or services provided to a state or
750 federal agency, for low-income persons and low-income

751 households, that provides treatment for persons who suffer from
752 mental health issues, substance abuse, or domestic violence; and
753 that provides on-premises social and community support services,
754 including job training, life skills training, alcohol and
755 substance abuse disorder treatment, child care, and client case
756 management services.

757 Section 15. Subsection (7) of section 420.9073, Florida
758 Statutes, is renumbered as subsection (8), and a new subsection
759 (7) is added to that section to read:

760 420.9073 Local housing distributions.—

761 (7) Notwithstanding subsections (1)-(4), the corporation
762 may withhold up to 5 percent of the total amount distributed
763 each fiscal year from the Local Government Housing Trust Fund to
764 provide additional funding to counties and eligible
765 municipalities for the construction of transitional housing for
766 persons aging out of foster care. Funds may not be used for the
767 design or planning of transitional housing and the housing must
768 be constructed on campuses that provide housing for persons in
769 foster care or persons aging out of foster care pursuant to s.
770 409.1451. The corporation must consult with the Department of
771 Children and Families to create minimum criteria for such
772 housing. Any portion of the withheld funds not distributed or
773 committed by the end of the fiscal year shall be distributed as
774 provided in subsections (1) and (2).

775 Section 16. Paragraph (a) of subsection (4) of section

776 420.9075, Florida Statutes, is amended, and paragraph (j) is
777 added to subsection (10) of that section, to read:

778 420.9075 Local housing assistance plans; partnerships.—

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

781 (a) Each county, eligible municipality, or entity formed
782 through interlocal agreement to participate in the State Housing
783 Initiatives Partnership Program must develop a qualification
784 system and selection criteria for applications for awards by
785 eligible sponsors, adopt criteria for the selection of eligible
786 persons, and adopt a maximum award schedule or system of amounts
787 consistent with the intent and budget of its local housing
788 assistance plan, with ss. 420.907-420.9079, and with corporation
789 rule. The selection criteria must provide priority to applicants
790 who need less assistance so as to maximize the total number of
791 applicants who may receive an award under the program.

792 (10) Each county or eligible municipality shall submit to
793 the corporation by September 15 of each year a report of its
794 affordable housing programs and accomplishments through June 30
795 immediately preceding submittal of the report. The report shall
796 be certified as accurate and complete by the local government's
797 chief elected official or his or her designee. Transmittal of
798 the annual report by a county's or eligible municipality's chief
799 elected official, or his or her designee, certifies that the
800 local housing incentive strategies, or, if applicable, the local

801 housing incentive plan, have been implemented or are in the
802 process of being implemented pursuant to the adopted schedule
803 for implementation. The report must include, but is not limited
804 to:

805 (j) The number of affordable housing applications that
806 were submitted, the number of such applications that were
807 approved, and the number of such applications that were denied.

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

811 420.9076 Adoption of affordable housing incentive
812 strategies; committees.—

813 (2) The governing board of a county or municipality shall
814 appoint the members of the affordable housing advisory
815 committee. Pursuant to the terms of any interlocal agreement, a
816 county and municipality may create and jointly appoint an
817 advisory committee. The local action adopted pursuant to s.
818 420.9072 which creates the advisory committee and appoints the
819 advisory committee members must name at least 8 but not more
820 than 11 committee members and specify their terms. Effective
821 October 1, 2020, the committee must consist of one locally
822 elected official from each county or municipality participating
823 in the State Housing Initiatives Partnership Program and one
824 representative from at least six of the categories below:

825 (a) A citizen who is actively engaged in the residential

826 | home building industry in connection with affordable housing.

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

829 | (c) A citizen who is a representative of those areas of
830 | labor actively engaged in home building in connection with
831 | affordable housing.

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

834 | (e) A citizen who is actively engaged as a for-profit
835 | provider of affordable housing.

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

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

840 | (h) A citizen who actively serves on the local planning
841 | agency pursuant to s. 163.3174. If the local planning agency is
842 | comprised of the governing board of the county or municipality,
843 | the governing board may appoint a designee who is knowledgeable
844 | in the local planning process.

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

847 | (j) A citizen who represents employers within the
848 | jurisdiction.

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

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

871 (a) The processing of approvals of development orders or
872 permits for affordable housing projects is expedited to a
873 greater degree than other projects, as provided in s.
874 163.3177(6)(f)3.

875 (b) All allowable fee waivers provided ~~The modification of~~

876 ~~impact-fee requirements, including reduction or waiver of fees~~
877 ~~and alternative methods of fee payment for the development or~~
878 ~~construction of affordable housing.~~

879 (c) The allowance of flexibility in densities for
880 affordable housing.

881 (d) The reservation of infrastructure capacity for housing
882 for very-low-income persons, low-income persons, and moderate-
883 income persons.

884 (e) ~~The allowance of~~ Affordable accessory residential
885 ~~units in residential zoning districts.~~

886 (f) The reduction of parking and setback requirements for
887 affordable housing.

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

890 (h) The modification of street requirements for affordable
891 housing.

892 (i) The establishment of a process by which a local
893 government considers, before adoption, policies, procedures,
894 ordinances, regulations, or plan provisions that increase the
895 cost of housing.

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

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

900

901 The advisory committee recommendations may also include other
 902 affordable housing incentives identified by the advisory
 903 committee. Local governments that receive the minimum allocation
 904 under the State Housing Initiatives Partnership Program shall
 905 perform an ~~the~~ initial review but may elect to not perform the
 906 annual ~~triennial~~ review.

907 (10) The locally elected official serving on an advisory
 908 committee, or a locally elected designee, must attend biannual
 909 regional workshops convened and administered under the
 910 Affordable Housing Catalyst Program as provided in s.
 911 420.531(2). If the locally elected official or locally elected
 912 designee fails to attend three consecutive regional workshops,
 913 the corporation may withhold funds pending the person's
 914 attendance at the next regularly scheduled biannual meeting.

915 Section 18. Subsection (18) of section 553.791, Florida
 916 Statutes, is amended to read:

917 553.791 Alternative plans review and inspection.—

918 (18) Each local building code enforcement agency may audit
 919 the performance of building code inspection services by private
 920 providers operating within the local jurisdiction. However, a
 921 building or structure ~~the same private provider~~ may not be
 922 audited more than four times in a calendar year unless the local
 923 building official determines a condition of the ~~a~~ building or
 924 structure constitutes an immediate threat to public safety and
 925 welfare. Work on a building or structure may proceed after

926 inspection and approval by a private provider if the provider
 927 has given notice of the inspection pursuant to subsection (9)
 928 and, subsequent to such inspection and approval, the work shall
 929 not be delayed for completion of an inspection audit by the
 930 local building code enforcement agency.

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

933 723.011 Disclosure prior to rental of a mobile home lot;
 934 prospectus, filing, approval.—

935 (4) With regard to a tenancy in existence on the effective
 936 date of this chapter, the prospectus or offering circular
 937 offered by the mobile home park owner must ~~shall~~ contain the
 938 same terms and conditions as rental agreements offered to all
 939 other mobile home owners residing in the park on the effective
 940 date of this act, excepting only rent variations based upon lot
 941 location and size, and may ~~shall~~ not require any mobile home
 942 owner to install any permanent improvements, except that the
 943 mobile home owner may be required to install permanent
 944 improvements to the mobile home as disclosed in the prospectus.

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

947 723.012 Prospectus or offering circular.—The prospectus or
 948 offering circular, which is required to be provided by s.
 949 723.011, must contain the following information:

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

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

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

956 (b) Each swimming pool, as to its general location,
957 approximate size and depths, and approximate deck size and
958 capacity and whether heated.

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

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

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

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

967

968 If a mobile home park owner intends to include additional
969 property and mobile home lots and to increase the number of lots
970 that will use the shared facilities of the park, the mobile home
971 park owner must amend the prospectus to disclose such additions.

972 If the number of mobile home lots in the park increases by more
973 than 15 percent of the total number of lots in the original
974 prospectus, the mobile home park owner must reasonably offset
975 the impact of the additional lots by increasing the shared

976 facilities. The amendment to the prospectus must include a
977 reasonable timeframe for providing the required additional
978 shared facilities. The costs and expenses necessary to increase
979 the shared facilities may not be passed on or passed through to
980 the existing mobile home owners.

981 Section 21. Section 723.023, Florida Statutes, is amended
982 to read:

983 723.023 Mobile home owner's general obligations.—A mobile
984 home owner shall ~~at all times~~:

985 (1) At all times comply with all obligations imposed on
986 mobile home owners by applicable provisions of building,
987 housing, and health codes, including compliance with all
988 building permits and construction requirements for construction
989 on the mobile home and lot. The home owner is responsible for
990 all fines imposed by the local government for noncompliance with
991 any local codes.

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

995 (3) At all times comply with properly promulgated park
996 rules and regulations and require other persons on the premises
997 with his or her consent to comply with such rules and to conduct
998 themselves, and other persons on the premises with his or her
999 consent, in a manner that does not unreasonably disturb other
1000 residents of the park or constitute a breach of the peace.

1001 (4) Receive written approval from the mobile home park
 1002 owner before making any exterior modification or addition to the
 1003 home.

1004 (5) When vacating the premises, remove any debris and
 1005 other property of any kind which is left on the mobile home lot.

1006 Section 22. Subsection (5) of section 723.031, Florida
 1007 Statutes, is amended to read:

1008 723.031 Mobile home lot rental agreements.—

1009 (5) The rental agreement must ~~shall~~ contain the lot rental
 1010 amount and services included. An increase in lot rental amount
 1011 upon expiration of the term of the lot rental agreement must
 1012 ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s.

1013 723.059(4), whichever is applicable; it provided that, pursuant to
 1014 s. 723.059(4), the amount of the lot rental increase is
 1015 disclosed and agreed to by the purchaser, in writing. An
 1016 increase in lot rental amount shall not be arbitrary or
 1017 discriminatory between similarly situated tenants in the park. A
 1018 lot rental amount may not be increased during the term of the
 1019 lot rental agreement, except:

1020 (a) When the manner of the increase is disclosed in a lot
 1021 rental agreement with a term exceeding 12 months and which
 1022 provides for such increases not more frequently than annually.

1023 (b) For pass-through charges as defined in s. 723.003.

1024 (c) That a charge may not be collected which results in
 1025 payment of money for sums previously collected as part of the

1026 lot rental amount. The provisions hereof notwithstanding, the
 1027 mobile home park owner may pass on, at any time during the term
 1028 of the lot rental agreement, ad valorem property taxes, non-ad
 1029 valorem assessments, and utility charges, or increases of
 1030 either, provided that the ad valorem property taxes, non-ad
 1031 valorem assessments, and utility charges are not otherwise being
 1032 collected in the remainder of the lot rental amount and provided
 1033 further that the passing on of such ad valorem taxes, non-ad
 1034 valorem assessments, or utility charges, or increases of either,
 1035 was disclosed prior to tenancy, was being passed on as a matter
 1036 of custom between the mobile home park owner and the mobile home
 1037 owner, or such passing on was authorized by law. A park owner is
 1038 deemed to have disclosed the passing on of ad valorem property
 1039 taxes and non-ad valorem assessments if ad valorem property
 1040 taxes or non-ad valorem assessments were disclosed as a separate
 1041 charge or a factor for increasing the lot rental amount in the
 1042 prospectus or rental agreement. Such ad valorem taxes, non-ad
 1043 valorem assessments, and utility charges shall be a part of the
 1044 lot rental amount as defined by this chapter. The term "non-ad
 1045 valorem assessments" has the same meaning as provided in s.
 1046 197.3632(1)(d). Other provisions of this chapter
 1047 notwithstanding, pass-on charges may be passed on only within 1
 1048 year of the date a mobile home park owner remits payment of the
 1049 charge. A mobile home park owner is prohibited from passing on
 1050 any fine, interest, fee, or increase in a charge resulting from

1051 a park owner's payment of the charge after the date such charges
1052 become delinquent. A mobile home park owner is prohibited from
1053 charging or collecting from the mobile home owners any sum for
1054 ad valorem taxes or non-ad valorem tax charges in an amount in
1055 excess of the sums remitted by the park owner to the tax
1056 collector. Nothing herein shall prohibit a park owner and a
1057 homeowner from mutually agreeing to an alternative manner of
1058 payment to the park owner of the charges.

1059 (d) If a notice of increase in lot rental amount is not
1060 given 90 days before the renewal date of the rental agreement,
1061 the rental agreement must remain under the same terms until a
1062 90-day notice of increase in lot rental amount is given. The
1063 notice may provide for a rental term shorter than 1 year in
1064 order to maintain the same renewal date.

1065 Section 23. Subsection (1) and paragraph (a) of subsection
1066 (4) of section 723.037, Florida Statutes, are amended to read:

1067 723.037 Lot rental increases; reduction in services or
1068 utilities; change in rules and regulations; mediation.—

1069 (1) A park owner shall give written notice to each
1070 affected mobile home owner and the board of directors of the
1071 homeowners' association, if one has been formed, at least 90
1072 days before any increase in lot rental amount or reduction in
1073 services or utilities provided by the park owner or change in
1074 rules and regulations. The park owner may give notice of all
1075 increases in lot rental amount for multiple anniversary dates in

1076 | the same 90-day notice. The notice must ~~shall~~ identify all other
 1077 | affected homeowners, which may be by lot number, name, group, or
 1078 | phase. If the affected homeowners are not identified by name,
 1079 | the park owner shall make the names and addresses available upon
 1080 | request. However, this requirement does not authorize the
 1081 | release of the names, addresses, or other private information
 1082 | about the homeowners to the association or any other person for
 1083 | any other purpose. The home owner's right to the 90-day notice
 1084 | may not be waived or precluded by a home owner, or the
 1085 | homeowners' committee, in an agreement with the park owner.
 1086 | Rules adopted as a result of restrictions imposed by
 1087 | governmental entities and required to protect the public health,
 1088 | safety, and welfare may be enforced prior to the expiration of
 1089 | the 90-day period but are not otherwise exempt from the
 1090 | requirements of this chapter. Pass-through charges must be
 1091 | separately listed as to the amount of the charge, the name of
 1092 | the governmental entity mandating the capital improvement, and
 1093 | the nature or type of the pass-through charge being levied.
 1094 | Notices of increase in the lot rental amount due to a pass-
 1095 | through charge must ~~shall~~ state the additional payment and
 1096 | starting and ending dates of each pass-through charge. The
 1097 | homeowners' association shall have no standing to challenge the
 1098 | increase in lot rental amount, reduction in services or
 1099 | utilities, or change of rules and regulations unless a majority
 1100 | of the affected homeowners agree, in writing, to such

1101 representation.

1102 (4) (a) A committee, not to exceed five in number,
1103 designated by a majority of the affected mobile home owners or
1104 by the board of directors of the homeowners' association, if
1105 applicable, and the park owner shall meet, at a mutually
1106 convenient time and place no later than 60 days before the
1107 effective date of the change to discuss the reasons for the
1108 increase in lot rental amount, reduction in services or
1109 utilities, or change in rules and regulations. The negotiating
1110 committee shall make a written request for a meeting with the
1111 park owner or subdivision developer to discuss those matters
1112 addressed in the 90-day notice, and may include in the request a
1113 listing of any other issue, with supporting documentation, that
1114 the committee intends to raise and discuss at the meeting. The
1115 committee shall address all lot rental amount increases that are
1116 specified in the notice of lot rental amount increase,
1117 regardless of the effective date of the increase.

1118
1119 This subsection is not intended to be enforced by civil or
1120 administrative action. Rather, the meetings and discussions are
1121 intended to be in the nature of settlement discussions prior to
1122 the parties proceeding to mediation of any dispute.

1123 Section 24. Subsections (5) and (6) are added to section
1124 723.041, Florida Statutes, to read:

1125 723.041 Entrance fees; refunds; exit fees prohibited;

1126 replacement homes.—

1127 (5) A mobile home park that is damaged or destroyed due to
 1128 wind, water, or other natural force may be rebuilt on the same
 1129 site with the same density as was approved, permitted, and built
 1130 before the park was damaged or destroyed.

1131 (6) This section does not limit the regulation of the
 1132 uniform firesafety standards established under s. 633.206, but
 1133 supersedes any other density, separation, setback, or lot size
 1134 regulation adopted after initial permitting and construction of
 1135 the mobile home park.

1136 Section 25. Section 723.042, Florida Statutes, is amended
 1137 to read:

1138 723.042 Provision of improvements.—A ~~No~~ person may not
 1139 ~~shall~~ be required by a mobile home park owner or developer, as a
 1140 condition of residence in the mobile home park, to provide any
 1141 improvement unless the requirement is disclosed pursuant to s.
 1142 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home
 1143 park.

1144 Section 26. Subsections (3) and (4) of section 723.059,
 1145 Florida Statutes, are amended to read:

1146 723.059 ~~Rights of Purchaser of a mobile home within a~~
 1147 mobile home park.—

1148 (3) The purchaser of a mobile home who intends to become
 1149 ~~becomes~~ a resident of the mobile home park in accordance with
 1150 this section has the right to assume the remainder of the term

1151 of any rental agreement then in effect between the mobile home
 1152 park owner and the seller and may assume the seller's
 1153 prospectus. However, nothing herein shall prohibit a mobile home
 1154 park owner from offering the purchaser of a mobile home any
 1155 approved prospectus ~~shall be entitled to rely on the terms and~~
 1156 ~~conditions of the prospectus or offering circular as delivered~~
 1157 ~~to the initial recipient.~~

1158 (4) However, nothing herein shall be construed to prohibit
 1159 a mobile home park owner from increasing the rental amount to be
 1160 paid by the purchaser upon the expiration of the assumed rental
 1161 agreement in an amount deemed appropriate by the mobile home
 1162 park owner, so long as such increase is disclosed to the
 1163 purchaser prior to his or her occupancy and is imposed in a
 1164 manner consistent with the purchaser's initial offering circular
 1165 ~~or~~ prospectus and this act.

1166 Section 27. Paragraph (d) of subsection (1) of section
 1167 723.061, Florida Statutes, is amended, and subsection (5) is
 1168 added to that section, to read:

1169 723.061 Eviction; grounds, proceedings.—

1170 (1) A mobile home park owner may evict a mobile home
 1171 owner, a mobile home tenant, a mobile home occupant, or a mobile
 1172 home only on one or more of the following grounds:

1173 (d) Change in use of the land comprising the mobile home
 1174 park, or the portion thereof from which mobile homes are to be
 1175 evicted, from mobile home lot rentals to some other use, if:

1176 1. The park owner gives written notice to the homeowners'
1177 association formed and operating under ss. 723.075-723.079 of
1178 its right to purchase the mobile home park, if the land
1179 comprising the mobile home park is changing use from mobile home
1180 lot rentals to a different use, at the price and under the terms
1181 and conditions set forth in the written notice.

1182 a. The notice shall be delivered to the officers of the
1183 homeowners' association by United States mail. Within 45 days
1184 after the date of mailing of the notice, the homeowners'
1185 association may execute and deliver a contract to the park owner
1186 to purchase the mobile home park at the price and under the
1187 terms and conditions set forth in the notice. If the contract
1188 between the park owner and the homeowners' association is not
1189 executed and delivered to the park owner within the 45-day
1190 period, the park owner is under no further obligation to the
1191 homeowners' association except as provided in sub-subparagraph
1192 b.

1193 b. If the park owner elects to offer or sell the mobile
1194 home park at a price lower than the price specified in her or
1195 his initial notice to the officers of the homeowners'
1196 association, the homeowners' association has an additional 10
1197 days to meet the revised price, terms, and conditions of the
1198 park owner by executing and delivering a revised contract to the
1199 park owner.

1200 c. The park owner is not obligated under this subparagraph

1201 or s. 723.071 to give any other notice to, or to further
1202 negotiate with, the homeowners' association for the sale of the
1203 mobile home park to the homeowners' association after 6 months
1204 after the date of the mailing of the initial notice under sub-
1205 subparagraph a.

1206 2. The park owner gives the affected mobile home owners
1207 and tenants at least 6 months' notice of the eviction due to the
1208 projected change in use and of their need to secure other
1209 accommodations. Within 20 days after giving an eviction notice
1210 to a mobile home owner, the park owner must provide the division
1211 with a copy of the notice. The division must provide the
1212 executive director of the Florida Mobile Home Relocation
1213 Corporation with a copy of the notice.

1214 a. The notice of eviction due to a change in use of the
1215 land must include in a font no smaller than the body of the
1216 notice the following statement:

1217
1218 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME
1219 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME
1220 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS
1221 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND
1222 PROFESSIONAL REGULATION.

1223
1224 b. The park owner may not give a notice of increase in lot
1225 rental amount within 90 days before giving notice of a change in

1226 use.

1227 (5) A park owner who accepts payment of any portion of the
1228 lot rental amount with actual knowledge of noncompliance after
1229 notice and termination of the rental agreement due to a
1230 violation under paragraph (1)(b), paragraph (1)(c), or paragraph
1231 (1)(e) does not waive the right to terminate the rental
1232 agreement or the right to bring a civil action for the
1233 noncompliance, but not for any subsequent or continuing
1234 noncompliance. Any rent so received must be accounted for at the
1235 final hearing.

1236 Section 28. Subsection (1) of section 723.076, Florida
1237 Statutes, is amended to read:

1238 723.076 Incorporation; notification of park owner.—

1239 (1) Upon receipt of its certificate of incorporation, the
1240 homeowners' association shall notify the park owner in writing
1241 of such incorporation and shall advise the park owner of the
1242 names and addresses of the officers of the homeowners'
1243 association by personal delivery upon the park owner's
1244 representative as designated in the prospectus or by certified
1245 mail, return receipt requested. Thereafter, the homeowners'
1246 association shall notify the park owner in writing by certified
1247 mail, return receipt requested, of any change of names and
1248 addresses of its president or registered agent. Upon election or
1249 appointment of new officers or board members, the homeowners'
1250 association shall notify the park owner in writing by certified

1251 mail, return receipt requested, of the names and addresses of
1252 the new officers or board members.

1253 Section 29. Paragraphs (b) through (e) of subsection (2)
1254 of section 723.078, Florida Statutes, are amended, and paragraph
1255 (i) of that subsection is reenacted, to read:

1256 723.078 Bylaws of homeowners' associations.—

1257 (2) The bylaws shall provide and, if they do not, shall be
1258 deemed to include, the following provisions:

1259 (b) Quorum; voting requirements; proxies.—

1260 1. Unless otherwise provided in the bylaws, 30 percent of
1261 the total membership is required to constitute a quorum.

1262 Decisions shall be made by a majority of members represented at
1263 a meeting at which a quorum is present.

1264 2.a. A member may not vote by general proxy but may vote
1265 by limited proxies substantially conforming to a limited proxy
1266 form adopted by the division. Limited proxies and general
1267 proxies may be used to establish a quorum. Limited proxies may
1268 be used for votes taken to amend the articles of incorporation
1269 or bylaws pursuant to this section, and any other matters for
1270 which this chapter requires or permits a vote of members. A
1271 ~~except that no~~ proxy, limited or general, may not be used in the
1272 election of board members in general elections or elections to
1273 fill vacancies caused by recall, resignation, or otherwise.

1274 Board members must be elected by written ballot or by voting in
1275 person. If a mobile home or subdivision lot is owned jointly,

1276 the owners of the mobile home or subdivision lot must be counted
1277 as one for the purpose of determining the number of votes
1278 required for a majority. Only one vote per mobile home or
1279 subdivision lot shall be counted. Any number greater than 50
1280 percent of the total number of votes constitutes a majority.
1281 Notwithstanding this section, members may vote in person at
1282 member meetings or by secret ballot, including absentee ballots,
1283 as defined by the division.

1284 b. Elections shall be decided by a plurality of the
1285 ballots cast. There is no quorum requirement; however, at least
1286 20 percent of the eligible voters must cast a ballot in order to
1287 have a valid election. A member may not allow any other person
1288 to cast his or her ballot, and any ballots improperly cast are
1289 invalid. An election is not required unless there are more
1290 candidates nominated than vacancies that exist on the board.

1291 c. Each member or other eligible person who desires to be
1292 a candidate for the board of directors shall appear on the
1293 ballot in alphabetical order by surname. A ballot may not
1294 indicate if any of the candidates are incumbent on the board.
1295 All ballots must be uniform in appearance. Write-in candidates
1296 and more than one vote per candidate per ballot are not allowed.
1297 A ballot may not provide a space for the signature of, or any
1298 other means of identifying, a voter. If a ballot contains more
1299 votes than vacancies or fewer votes than vacancies, the ballot
1300 is invalid unless otherwise stated in the bylaws.

1301 d. An impartial committee shall be responsible for
1302 overseeing the election process and complying with all ballot
1303 requirements. For purposes of this section, the term "impartial
1304 committee" means a committee whose members do not include any of
1305 the following people or their spouses:

1306 (I) Current board members.

1307 (II) Current association officers.

1308 (III) Candidates for the association or board.

1309 e. The association bylaws shall provide a method for
1310 determining the winner of an election in which two or more
1311 candidates for the same position receive the same number of
1312 votes.

1313 f. The division shall adopt procedural rules to govern
1314 elections, including, but not limited to, rules for providing
1315 notice by electronic transmission and rules for maintaining the
1316 secrecy of ballots.

1317 3. A proxy is effective only for the specific meeting for
1318 which originally given and any lawfully adjourned meetings
1319 thereof. In no event shall any proxy be valid for a period
1320 longer than 90 days after the date of the first meeting for
1321 which it was given. Every proxy shall be revocable at any time
1322 at the pleasure of the member executing it.

1323 4. A member of the board of directors or a committee may
1324 submit in writing his or her agreement or disagreement with any
1325 action taken at a meeting that the member did not attend. This

1326 agreement or disagreement may not be used as a vote for or
 1327 against the action taken and may not be used for the purposes of
 1328 creating a quorum.

1329 (c) Board of directors' and committee meetings.—

1330 1. Meetings of the board of directors and meetings of its
 1331 committees at which a quorum is present shall be open to all
 1332 members. Notwithstanding any other provision of law, the
 1333 requirement that board meetings and committee meetings be open
 1334 to the members does not apply to meetings between the park owner
 1335 and the board of directors or any of the board's committees,
 1336 board or committee meetings held for the purpose of discussing
 1337 personnel matters, or meetings between the board or a committee
 1338 and the association's attorney, with respect to potential or
 1339 pending litigation, ~~when~~ where the meeting is held for the
 1340 purpose of seeking or rendering legal advice, and ~~when~~ where the
 1341 contents of the discussion would otherwise be governed by the
 1342 attorney-client privilege. Notice of all meetings open to
 1343 members shall be posted in a conspicuous place upon the park
 1344 property at least 48 hours in advance, except in an emergency.
 1345 Notice of any meeting in which dues ~~assessments against members~~
 1346 are to be considered for any reason shall specifically contain a
 1347 statement that dues ~~assessments~~ will be considered and the
 1348 nature of such dues ~~assessments~~.

1349 2. A board or committee member's participation in a
 1350 meeting via telephone, real-time videoconferencing, or similar

1351 real-time telephonic, electronic, or video communication counts
1352 toward a quorum, and such member may vote as if physically
1353 present. A speaker shall be used so that the conversation of
1354 those board or committee members attending by telephone may be
1355 heard by the board or committee members attending in person, as
1356 well as by members present at a meeting.

1357 3. Members of the board of directors may use e-mail as a
1358 means of communication but may not cast a vote on an association
1359 matter via e-mail.

1360 4. The right to attend meetings of the board of directors
1361 and its committees includes the right to speak at such meetings
1362 with reference to all designated agenda items. The association
1363 may adopt reasonable written rules governing the frequency,
1364 duration, and manner of members' statements. Any item not
1365 included on the notice may be taken up on an emergency basis by
1366 at least a majority plus one of the members of the board. Such
1367 emergency action shall be noticed and ratified at the next
1368 regular meeting of the board. Any member may tape record or
1369 videotape meetings of the board of directors and its committees,
1370 except meetings between the board of directors or its appointed
1371 homeowners' committee and the park owner. The division shall
1372 adopt reasonable rules governing the tape recording and
1373 videotaping of the meeting.

1374 5. Except as provided in paragraph (i), a vacancy
1375 occurring on the board of directors may be filled by the

1376 affirmative vote of the majority of the remaining directors,
1377 even though the remaining directors constitute less than a
1378 quorum; by the sole remaining director; if the vacancy is not so
1379 filled or if no director remains, by the members; or, on the
1380 application of any person, by the circuit court of the county in
1381 which the registered office of the corporation is located.

1382 6. The term of a director elected or appointed to fill a
1383 vacancy expires at the next annual meeting at which directors
1384 are elected. A directorship to be filled by reason of an
1385 increase in the number of directors may be filled by the board
1386 of directors, but only for the term of office continuing until
1387 the next election of directors by the members.

1388 7. A vacancy that will occur at a specific later date, by
1389 reason of a resignation effective at a later date, may be filled
1390 before the vacancy occurs. However, the new director may not
1391 take office until the vacancy occurs.

1392 8.a. The officers and directors of the association have a
1393 fiduciary relationship to the members.

1394 b. A director and committee member shall discharge his or
1395 her duties in good faith, with the care an ordinarily prudent
1396 person in a like position would exercise under similar
1397 circumstances, and in a manner he or she reasonably believes to
1398 be in the best interests of the corporation.

1399 9. In discharging his or her duties, a director may rely
1400 on information, opinions, reports, or statements, including

1401 financial statements and other financial data, if prepared or
1402 presented by:

1403 a. One or more officers or employees of the corporation
1404 who the director reasonably believes to be reliable and
1405 competent in the matters presented;

1406 b. Legal counsel, public accountants, or other persons as
1407 to matters the director reasonably believes are within the
1408 persons' professional or expert competence; or

1409 c. A committee of the board of directors of which he or
1410 she is not a member if the director reasonably believes the
1411 committee merits confidence.

1412 10. A director is not acting in good faith if he or she
1413 has knowledge concerning the matter in question that makes
1414 reliance otherwise permitted by subparagraph 9. unwarranted.

1415 11. A director is not liable for any action taken as a
1416 director, or any failure to take any action, if he or she
1417 performed the duties of his or her office in compliance with
1418 this section.

1419 (d) Member meetings.—Members shall meet at least once each
1420 calendar year, and the meeting shall be the annual meeting. All
1421 members of the board of directors shall be elected at the annual
1422 meeting unless the bylaws provide for staggered election terms
1423 or for their election at another meeting. The bylaws shall not
1424 restrict any member desiring to be a candidate for board
1425 membership from being nominated from the floor. All nominations

1426 from the floor must be made at a duly noticed meeting of the
 1427 members held at least 27 ~~30~~ days before the annual meeting. The
 1428 bylaws shall provide the method for calling the meetings of the
 1429 members, including annual meetings. The method shall provide at
 1430 least 14 days' written notice to each member in advance of the
 1431 meeting and require the posting in a conspicuous place on the
 1432 park property of a notice of the meeting at least 14 days prior
 1433 to the meeting. The right to receive written notice of
 1434 membership meetings may be waived in writing by a member. Unless
 1435 waived, the notice of the annual meeting shall be mailed, hand
 1436 delivered, or electronically transmitted to each member, and
 1437 shall constitute notice. Unless otherwise stated in the bylaws,
 1438 an officer of the association shall provide an affidavit
 1439 affirming that the notices were mailed, ~~or~~ hand delivered, or
 1440 provided by electronic transmission in accordance with ~~the~~
 1441 ~~provisions of~~ this section to each member at the address last
 1442 furnished to the corporation. These meeting requirements do not
 1443 prevent members from waiving notice of meetings or from acting
 1444 by written agreement without meetings, if allowed by the bylaws.

1445 (e) Minutes of meetings.—

1446 1. Notwithstanding any other provision of law, the minutes
 1447 of board or committee meetings that are closed to members are
 1448 privileged and confidential and are not available for inspection
 1449 or photocopying.

1450 2. Minutes of all meetings of members of an association

1451 and meetings open to members of the board of directors, and a
1452 committee of the board must be maintained in written form and
1453 approved by the members, board, or committee, as applicable. A
1454 vote or abstention from voting on each matter voted upon for
1455 each director present at a board meeting must be recorded in the
1456 minutes.

1457 ~~3.2.~~ All approved minutes of open meetings of members,
1458 committees, and the board of directors shall be kept in a
1459 businesslike manner and shall be available for inspection by
1460 members, or their authorized representatives, and board members
1461 at reasonable times. The association shall retain these minutes
1462 within this state for ~~a period of~~ at least 5 7 years.

1463 (i) Recall of board members.—Any member of the board of
1464 directors may be recalled and removed from office with or
1465 without cause by the vote of or agreement in writing by a
1466 majority of all members. A special meeting of the members to
1467 recall a member or members of the board of directors may be
1468 called by 10 percent of the members giving notice of the meeting
1469 as required for a meeting of members, and the notice shall state
1470 the purpose of the meeting. Electronic transmission may not be
1471 used as a method of giving notice of a meeting called in whole
1472 or in part for this purpose.

1473 1. If the recall is approved by a majority of all members
1474 by a vote at a meeting, the recall is effective as provided in
1475 this paragraph. The board shall duly notice and hold a board

1476 meeting within 5 full business days after the adjournment of the
1477 member meeting to recall one or more board members. At the
1478 meeting, the board shall either certify the recall, in which
1479 case such member or members shall be recalled effective
1480 immediately and shall turn over to the board within 5 full
1481 business days any and all records and property of the
1482 association in their possession, or shall proceed under
1483 subparagraph 3.

1484 2. If the proposed recall is by an agreement in writing by
1485 a majority of all members, the agreement in writing or a copy
1486 thereof shall be served on the association by certified mail or
1487 by personal service in the manner authorized by chapter 48 and
1488 the Florida Rules of Civil Procedure. The board of directors
1489 shall duly notice and hold a meeting of the board within 5 full
1490 business days after receipt of the agreement in writing. At the
1491 meeting, the board shall either certify the written agreement to
1492 recall members of the board, in which case such members shall be
1493 recalled effective immediately and shall turn over to the board,
1494 within 5 full business days, any and all records and property of
1495 the association in their possession, or shall proceed as
1496 described in subparagraph 3.

1497 3. If the board determines not to certify the written
1498 agreement to recall members of the board, or does not certify
1499 the recall by a vote at a meeting, the board shall, within 5
1500 full business days after the board meeting, file with the

1501 division a petition for binding arbitration pursuant to the
1502 procedures of s. 723.1255. For purposes of this paragraph, the
1503 members who voted at the meeting or who executed the agreement
1504 in writing shall constitute one party under the petition for
1505 arbitration. If the arbitrator certifies the recall of a member
1506 of the board, the recall shall be effective upon mailing of the
1507 final order of arbitration to the association. If the
1508 association fails to comply with the order of the arbitrator,
1509 the division may take action under s. 723.006. A member so
1510 recalled shall deliver to the board any and all records and
1511 property of the association in the member's possession within 5
1512 full business days after the effective date of the recall.

1513 4. If the board fails to duly notice and hold a board
1514 meeting within 5 full business days after service of an
1515 agreement in writing or within 5 full business days after the
1516 adjournment of the members' recall meeting, the recall shall be
1517 deemed effective and the board members so recalled shall
1518 immediately turn over to the board all records and property of
1519 the association.

1520 5. If the board fails to duly notice and hold the required
1521 meeting or fails to file the required petition, the member's
1522 representative may file a petition pursuant to s. 723.1255
1523 challenging the board's failure to act. The petition must be
1524 filed within 60 days after expiration of the applicable 5-full-
1525 business-day period. The review of a petition under this

1526 subparagraph is limited to the sufficiency of service on the
1527 board and the facial validity of the written agreement or
1528 ballots filed.

1529 6. If a vacancy occurs on the board as a result of a
1530 recall and less than a majority of the board members are
1531 removed, the vacancy may be filled by the affirmative vote of a
1532 majority of the remaining directors, notwithstanding any other
1533 provision of this chapter. If vacancies occur on the board as a
1534 result of a recall and a majority or more of the board members
1535 are removed, the vacancies shall be filled in accordance with
1536 procedural rules to be adopted by the division, which rules need
1537 not be consistent with this chapter. The rules must provide
1538 procedures governing the conduct of the recall election as well
1539 as the operation of the association during the period after a
1540 recall but before the recall election.

1541 7. A board member who has been recalled may file a
1542 petition pursuant to s. 723.1255 challenging the validity of the
1543 recall. The petition must be filed within 60 days after the
1544 recall is deemed certified. The association and the member's
1545 representative shall be named as the respondents.

1546 8. The division may not accept for filing a recall
1547 petition, whether or not filed pursuant to this subsection, and
1548 regardless of whether the recall was certified, when there are
1549 60 or fewer days until the scheduled reelection of the board
1550 member sought to be recalled or when 60 or fewer days have not

1551 elapsed since the election of the board member sought to be
 1552 recalled.

1553 Section 30. Paragraphs (d) and (f) through (i) of
 1554 subsection (4) and subsection (5) of section 723.079, Florida
 1555 Statutes, are amended to read:

1556 723.079 Powers and duties of homeowners' association.—

1557 (4) The association shall maintain the following items,
 1558 when applicable, which constitute the official records of the
 1559 association:

1560 (d) The approved minutes of all meetings of the members of
 1561 an association and meetings open for members of, the board of
 1562 directors, and committees of the board, which minutes must be
 1563 retained within this ~~the~~ state for at least 5 ~~7~~ years.

1564 (f) All of the association's insurance policies or copies
 1565 thereof, which must be retained within this state for at least 5
 1566 7 years after the expiration date of the policy.

1567 (g) A copy of all contracts or agreements to which the
 1568 association is a party, including, without limitation, any
 1569 written agreements with the park owner, lease, or other
 1570 agreements or contracts under which the association or its
 1571 members has any obligation or responsibility, which must be
 1572 retained within this state for at least 5 ~~7~~ years after the
 1573 expiration date of the contract or agreement.

1574 (h) The financial and accounting records of the
 1575 association, kept according to good accounting practices. All

1576 financial and accounting records must be maintained within this
1577 state for a ~~period of~~ at least 5 7 years. The financial and
1578 accounting records must include:

1579 1. Accurate, itemized, and detailed records of all
1580 receipts and expenditures.

1581 2. A current account and a periodic statement of the
1582 account for each member, designating the name and current
1583 address of each member who is obligated to pay dues or
1584 assessments, the due date and amount of each assessment or other
1585 charge against the member, the date and amount of each payment
1586 on the account, and the balance due.

1587 3. All tax returns, financial statements, and financial
1588 reports of the association.

1589 4. Any other records that identify, measure, record, or
1590 communicate financial information.

1591 (i) All other written records of the association not
1592 specifically included in the foregoing which are related to the
1593 operation of the association must be retained within this state
1594 for at least 5 years or at least 5 years after the expiration
1595 date, as applicable.

1596 (5) The official records shall be ~~maintained within the~~
1597 ~~state for at least 7 years and shall be~~ made available to a
1598 member for inspection or photocopying within 20 ~~10~~ business days
1599 after receipt by the board or its designee of a written request
1600 submitted by certified mail, return receipt requested. The

1601 requirements of this subsection are satisfied by having a copy
1602 of the official records available for inspection or copying in
1603 the park or, at the option of the association, by making the
1604 records available to a member electronically via the Internet or
1605 by allowing the records to be viewed in electronic format on a
1606 computer screen and printed upon request. If the association has
1607 a photocopy machine available where the records are maintained,
1608 it must provide a member with copies on request during the
1609 inspection if the entire request is no more than 25 pages. An
1610 association shall allow a member or his or her authorized
1611 representative to use a portable device, including a smartphone,
1612 tablet, portable scanner, or any other technology capable of
1613 scanning or taking photographs, to make an electronic copy of
1614 the official records in lieu of the association's providing the
1615 member or his or her authorized representative with a copy of
1616 such records. The association may not charge a fee to a member
1617 or his or her authorized representative for the use of a
1618 portable device.

1619 (a) The failure of an association to provide access to the
1620 records within 20 ~~10~~ business days after receipt of a written
1621 request submitted by certified mail, return receipt requested,
1622 creates a rebuttable presumption that the association willfully
1623 failed to comply with this subsection.

1624 (b) A member who is denied access to official records is
1625 entitled to ~~the actual damages or minimum~~ damages for the

1626 association's willful failure to comply with this subsection in
1627 the amount of. ~~The minimum damages are to be~~ \$10 per calendar
1628 day up to 10 days, not to exceed \$100. The calculation for
1629 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after
1630 receipt of the written request, submitted by certified mail,
1631 return receipt requested.

1632 (c) A dispute between a member and an association
1633 regarding inspecting or photocopying official records must be
1634 submitted to mandatory binding arbitration with the division,
1635 and the arbitration must be conducted pursuant to s. 723.1255
1636 and procedural rules adopted by the division.

1637 (d) The association may adopt reasonable written rules
1638 governing the frequency, time, location, notice, records to be
1639 inspected, and manner of inspections, but may not require a
1640 member to demonstrate a proper purpose for the inspection, state
1641 a reason for the inspection, or limit a member's right to
1642 inspect records to less than 1 business day per month. The
1643 association may impose fees to cover the costs of providing
1644 copies of the official records, including the costs of copying
1645 and for personnel to retrieve and copy the records if the time
1646 spent retrieving and copying the records exceeds 30 minutes and
1647 if the personnel costs do not exceed \$20 per hour. Personnel
1648 costs may not be charged for records requests that result in the
1649 copying of 25 or fewer pages. The association may charge up to
1650 25 cents per page for copies made on the association's

1651 photocopier. If the association does not have a photocopy
1652 machine available where the records are kept, or if the records
1653 requested to be copied exceed 25 pages in length, the
1654 association may have copies made by an outside duplicating
1655 service and may charge the actual cost of copying, as supported
1656 by the vendor invoice. The association shall maintain an
1657 adequate number of copies of the recorded governing documents,
1658 to ensure their availability to members and prospective members.
1659 Notwithstanding this paragraph, the following records are not
1660 accessible to members or home owners:

1661 1. A record protected by the lawyer-client privilege as
1662 described in s. 90.502 and a record protected by the work-
1663 product privilege, including, but not limited to, a record
1664 prepared by an association attorney or prepared at the
1665 attorney's express direction which reflects a mental impression,
1666 conclusion, litigation strategy, or legal theory of the attorney
1667 or the association and which was prepared exclusively for civil
1668 or criminal litigation, for adversarial administrative
1669 proceedings, or in anticipation of such litigation or
1670 proceedings until the conclusion of the litigation or
1671 proceedings.

1672 2. E-mail addresses, telephone numbers, facsimile numbers,
1673 emergency contact information, any addresses for a home owner
1674 other than as provided for association notice requirements, and
1675 other personal identifying information of any person, excluding

1676 the person's name, lot designation, mailing address, and
1677 property address. Notwithstanding the restrictions in this
1678 subparagraph, an association may print and distribute to home
1679 owners a directory containing the name, park address, and
1680 telephone number of each home owner. However, a home owner may
1681 exclude his or her telephone number from the directory by so
1682 requesting in writing to the association. The association is not
1683 liable for the disclosure of information that is protected under
1684 this subparagraph if the information is included in an official
1685 record of the association and is voluntarily provided by a home
1686 owner and not requested by the association.

1687 3. An electronic security measure that is used by the
1688 association to safeguard data, including passwords.

1689 4. The software and operating system used by the
1690 association which allows the manipulation of data, even if the
1691 home owner owns a copy of the same software used by the
1692 association. The data is part of the official records of the
1693 association.

1694 Section 31. Section 723.1255, Florida Statutes, is amended
1695 to read:

1696 723.1255 Alternative resolution of recall, election, and
1697 inspection and photocopying of official records disputes.-

1698 (1) A dispute between a mobile home owner and a
1699 homeowners' association regarding the election and recall of
1700 officers or directors under s. 723.078(2)(b) or regarding the

1701 inspection and photocopying of official records under s.
 1702 723.079(5) must be submitted to mandatory binding arbitration
 1703 with the division. The arbitration shall be conducted in
 1704 accordance with this section and the procedural rules adopted by
 1705 the division.

1706 (2) Each party shall be responsible for paying its own
 1707 attorney fees, expert and investigator fees, and associated
 1708 costs. The cost of the arbitrators shall be divided equally
 1709 between the parties regardless of the outcome.

1710 (3) The division shall adopt procedural rules to govern
 1711 mandatory binding arbitration proceedings ~~The Division of~~
 1712 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~
 1713 ~~Department of Business and Professional Regulation shall adopt~~
 1714 ~~rules of procedure to govern binding recall arbitration~~
 1715 ~~proceedings.~~

1716 Section 32. For the purpose of incorporating the amendment
 1717 made by this act to section 420.5087, Florida Statutes, in a
 1718 reference thereto, paragraph (i) of subsection (22) of section
 1719 420.507, Florida Statutes, is reenacted to read:

1720 420.507 Powers of the corporation.—The corporation shall
 1721 have all the powers necessary or convenient to carry out and
 1722 effectuate the purposes and provisions of this part, including
 1723 the following powers which are in addition to all other powers
 1724 granted by other provisions of this part:

1725 (22) To develop and administer the State Apartment

1726 Incentive Loan Program. In developing and administering that
 1727 program, the corporation may:

1728 (i) Establish, by rule, the procedure for competitively
 1729 evaluating and selecting all applications for funding based on
 1730 the criteria set forth in s. 420.5087(6)(c), determining actual
 1731 loan amounts, making and servicing loans, and exercising the
 1732 powers authorized in this subsection.

1733 Section 33. For the purpose of incorporating the amendment
 1734 made by this act to section 420.5095, Florida Statutes, in a
 1735 reference thereto, subsection (2) of section 193.018, Florida
 1736 Statutes, is reenacted to read:

1737 193.018 Land owned by a community land trust used to
 1738 provide affordable housing; assessment; structural improvements,
 1739 condominium parcels, and cooperative parcels.—

1740 (2) A community land trust may convey structural
 1741 improvements, condominium parcels, or cooperative parcels, that
 1742 are located on specific parcels of land that are identified by a
 1743 legal description contained in and subject to a ground lease
 1744 having a term of at least 99 years, for the purpose of providing
 1745 affordable housing to natural persons or families who meet the
 1746 extremely-low-income, very-low-income, low-income, or moderate-
 1747 income limits specified in s. 420.0004, or the income limits for
 1748 workforce housing, as defined in s. 420.5095(3). A community
 1749 land trust shall retain a preemptive option to purchase any
 1750 structural improvements, condominium parcels, or cooperative

1751 parcels on the land at a price determined by a formula specified
1752 in the ground lease which is designed to ensure that the
1753 structural improvements, condominium parcels, or cooperative
1754 parcels remain affordable.

1755 Section 34. This act shall take effect July 1, 2020.