

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. 129.03, F.S.; revising the information that the
8 county budget officer must submit to the Office of
9 Economic and Demographic Research regarding the final
10 budget and the county's economic status; s. 163.01,
11 F.S.; amending the Florida Interlocal Cooperation Act
12 of 1969 to authorize private entities to enter into
13 specified loan agreements; authorizing certain bond
14 proceeds to be loaned to private entities for
15 specified types of projects; providing that such loans
16 are deemed a paramount public purpose; amending s.
17 163.31771, F.S.; revising legislative findings;
18 authorizing local governments to adopt ordinances that
19 allow accessory dwelling units in any area zoned for
20 single-family residential use; providing an exception;
21 amending s. 163.31801, F.S.; requiring counties,
22 municipalities, and special districts to include
23 certain data relating to impact fees in their annual
24 financial reports; amending s. 166.04151, F.S.;
25 authorizing governing bodies of municipalities to

26 | approve the development of affordable housing on any
27 | parcel zoned for residential, commercial, or
28 | industrial use; amending s. 166.241, F.S.; revising
29 | the information that the municipal budget officer must
30 | submit to the Office of Economic and Demographic
31 | Research regarding the final budget and the
32 | municipality's economic status; amending s. 196.1978,
33 | F.S.; specifying that property owned by certain
34 | limited liability companies be exempt from ad valorem
35 | taxation; providing circumstances under which the
36 | exemption from ad valorem taxation applies; amending
37 | s. 320.77, F.S.; revising a certification requirement
38 | for mobile home dealer applicants relating to the
39 | applicant's business location; amending s. 320.771,
40 | F.S.; exempting certain recreational vehicle dealer
41 | applicants from a garage liability insurance
42 | requirement; amending s. 320.822, F.S.; revising the
43 | definition of the term "code"; amending s. 320.8232,
44 | F.S.; revising applicable standards for the repair and
45 | remodeling of mobile and manufactured homes; amending
46 | s. 367.022, F.S.; exempting certain mobile home park
47 | owners and mobile home subdivision owners from
48 | regulation by the Florida Public Service Commission
49 | relating to water and wastewater service; amending s.
50 | 420.5087, F.S.; revising the criteria used by a review

51 | committee when evaluating and selecting specified
52 | applications for state apartment incentive loans;
53 | amending s. 420.5095, F.S.; renaming the Community
54 | Workforce Housing Innovation Pilot Program as the
55 | Community Workforce Housing Loan Program; requiring
56 | the program to provide workforce housing; revising the
57 | definition of the term "workforce housing"; deleting
58 | the definition of the term "public-private
59 | partnership"; authorizing the Florida Housing Finance
60 | Corporation to provide loans under the program to
61 | applicants for construction of workforce housing;
62 | requiring the corporation to establish a certain loan
63 | application process; deleting provisions requiring the
64 | corporation to provide incentives for local
65 | governments to use certain funds; requiring projects
66 | to receive priority consideration for funding under
67 | certain circumstances; deleting a provision providing
68 | for the expedition of local government comprehensive
69 | plan amendments to implement a program project;
70 | requiring that the corporation award loans at a
71 | specified interest rate and for a limited term;
72 | conforming provisions to changes made by the act;
73 | creating s. 420.531, F.S.; authorizing certain
74 | applicants or affiliates to be precluded from the
75 | housing program under certain circumstances; providing

76 | procedural rules for use if the board of directors
77 | determines that an applicant or affiliate has been
78 | precluded from the program; specifying conditions
79 | which must be met before an order can be final;
80 | providing how funding, allocation of federal housing
81 | credits, credit underwriting procedures, or
82 | application review are to be handled under specified
83 | situations; amending s. 420.531, F.S.; specifying that
84 | technical support provided to local governments and
85 | community-based organizations includes implementation
86 | of the State Apartment Incentive Loan Program;
87 | requiring the entity providing training and technical
88 | assistance to convene and administer biannual regional
89 | workshops; requiring such entity to annually compile
90 | and submit certain information to the Legislature and
91 | the corporation by a specified date; amending s.
92 | 420.9071, F.S.; revising the definition of the term
93 | "affordable"; amending s. 420.9073, F.S.; authorizing
94 | the corporation to withhold a certain portion of funds
95 | distributed from the Local Government Housing Trust
96 | Fund to be used for certain transitional housing;
97 | prohibiting such funds from being used for specified
98 | purposes; requiring the corporation to consult with
99 | the Department of Children and Families to create
100 | minimum criteria for such housing; providing for the

101 distribution of withheld funds; amending s. 420.9075,
102 F.S.; revising information that must be included in
103 the report from each county and municipality that
104 addresses affordable housing programs and
105 accomplishments; amending s. 420.9076, F.S.; revising
106 the membership of local affordable housing advisory
107 committees beginning on a specified date; requiring
108 the committees to perform specified duties annually
109 instead of triennially; requiring locally elected
110 officials serving on advisory committees, or their
111 designees, to attend biannual regional workshops;
112 providing a penalty; amending s. s. 423.02, F.S.;
113 prohibiting cities, towns, counties, or political
114 subdivisions from changing taxes or assessments
115 related to certain housing projects under certain
116 circumstances; amending s. 723.011, F.S.; providing
117 construction relating to rental agreements and
118 tenancies; providing that a mobile home owner may be
119 required to install permanent improvements as
120 disclosed in the mobile home park prospectus; amending
121 s. 723.012, F.S.; authorizing mobile home park owners
122 to make certain prospectus amendments; providing
123 requirements for the amendment; prohibiting certain
124 costs and expenses from being passed on to existing
125 mobile home owners; amending s. 723.023, F.S.;

126 revising general obligations for mobile home owners;
127 amending s. 723.031, F.S.; specifying a requirement
128 for disclosing and agreeing to a mobile home lot
129 rental increase; revising construction relating to a
130 park owner's disclosure of certain taxes and
131 assessments; amending s. 723.037, F.S.; authorizing
132 mobile home park owners to give notice of lot rental
133 increases for multiple anniversary dates in one
134 notice; providing construction; revising a requirement
135 for a lot rental negotiation committee; amending s.
136 723.041, F.S.; providing that a mobile home park
137 damaged or destroyed due to natural forces may be
138 rebuilt with the same density as previously approved,
139 permitted, and built; providing construction; amending
140 s. 723.042, F.S.; conforming a provision to changes
141 made by the act; amending s. 723.059, F.S.;

142 authorizing certain mobile home purchasers to assume
143 the remainder of a seller's prospectus; authorizing a
144 mobile home park owner to offer a purchaser any
145 approved prospectus; amending s. 723.061, F.S.;

146 specifying entities that must be provided with a copy
147 of an eviction notice when received by a mobile home
148 owner; specifying the waiver and nonwaiver of certain
149 rights of a mobile home park owner under certain
150 circumstances; requiring the accounting at final

151 hearing of rents received; amending s. 723.076, F.S.;

152 revising procedures related to the election or

153 appointment of new officers or board members in a

154 homeowner's association; amending s. 723.078, F.S.;

155 revising requirements for board elections and ballots;

156 requiring an impartial committee to be responsible for

157 overseeing the election process and complying with

158 ballot requirements; defining the term "impartial

159 committee"; requiring that association bylaws provide

160 a method for determining the winner of an election

161 under certain circumstances; requiring the Division of

162 Florida Condominiums, Timeshares, and Mobile Homes to

163 adopt procedural rules; revising the types of meetings

164 that are not required to be open to members; providing

165 an exception to a provision requiring an officer of an

166 association to provide an affidavit affirming certain

167 information; authorizing meeting notices to be

168 provided by electronic means; providing that the

169 minutes of certain board and committee meetings are

170 privileged and confidential; conforming provisions to

171 changes made by the act; amending s. 723.079, F.S.;

172 revising homeowners' association recordkeeping

173 requirements; revising the timeframes for which

174 certain records are required to be retained and be

175 made available for inspection or photocopying; capping

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

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

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

198 125.01055 Affordable housing.—

199 (4) Notwithstanding any other law, local ordinance, or
 200 regulation to the contrary, the board of county commissioners

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

204 Section 2. Paragraph (d) of subsection (3) of section
 205 129.03, Florida Statutes, is amended to read:

206 129.03 Preparation and adoption of budget.—

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

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

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

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

225 3. Median income within the county.

- 226 4. The average county employee salary.
- 227 5. Percent of budget spent on salaries and benefits for
228 county employees.
- 229 6. Number of special taxing districts, wholly or
230 partially, within the county.
- 231 7. Annual county expenditures providing for the financing,
232 acquisition, construction, reconstruction, or rehabilitation of
233 housing that is affordable, as that term is defined in s.
234 420.0004. The reported expenditures must indicate the source of
235 such funds as "federal," "state," "local," or "other," as
236 applicable. The information required by this subparagraph must
237 be included in the submission due by October 15, 2020, and each
238 annual submission thereafter.

239 Section 3. Paragraph (d) of subsection (7) of section
240 163.01, Florida Statutes, is amended to read:

241 163.01 Florida Interlocal Cooperation Act of 1969.—

242 (7)

243 (d) Notwithstanding the provisions of paragraph (c), any
244 separate legal entity created pursuant to this section and
245 controlled by the municipalities or counties of this state or by
246 one or more municipality and one or more county of this state,
247 the membership of which consists or is to consist of
248 municipalities only, counties only, or one or more municipality
249 and one or more county, may, for the purpose of financing or
250 refinancing any capital projects, exercise all powers in

251 connection with the authorization, issuance, and sale of bonds.
252 Notwithstanding any limitations provided in this section, all of
253 the privileges, benefits, powers, and terms of part I of chapter
254 125, part II of chapter 166, and part I of chapter 159 are ~~shall~~
255 ~~be~~ fully applicable to such entity. Bonds issued by such entity
256 are ~~shall be~~ deemed issued on behalf of the counties, ~~or~~
257 municipalities, or private entities which enter into loan
258 agreements with such entity as provided in this paragraph. Any
259 loan agreement executed pursuant to a program of such entity is
260 ~~shall be~~ governed by the provisions of part I of chapter 159 or,
261 in the case of counties, part I of chapter 125, or in the case
262 of municipalities and charter counties, part II of chapter 166.
263 Proceeds of bonds issued by such entity may be loaned to
264 counties or municipalities of this state or a combination of
265 municipalities and counties, whether or not such counties or
266 municipalities are also members of the entity issuing the bonds,
267 or to private entities for projects that are "self-liquidating,"
268 as provided in s. 159.02, whether or not such private entities
269 are located within the jurisdictional boundaries of a county or
270 municipality that is a member of the entity issuing the bonds.
271 The issuance of bonds by such entity to fund a loan program to
272 make loans to municipalities, ~~or~~ counties, or private entities
273 or a combination of municipalities, ~~and~~ counties, and private
274 entities with one another for capital projects to be identified
275 subsequent to the issuance of the bonds to fund such loan

276 programs is deemed to be a paramount public purpose. Any entity
277 so created may also issue bond anticipation notes, as provided
278 by s. 215.431, in connection with the authorization, issuance,
279 and sale of such bonds. In addition, the governing body of such
280 legal entity may also authorize bonds to be issued and sold from
281 time to time and may delegate, to such officer, official, or
282 agent of such legal entity as the governing body of such legal
283 entity may select, the power to determine the time; manner of
284 sale, public or private; maturities; rate or rates of interest,
285 which may be fixed or may vary at such time or times and in
286 accordance with a specified formula or method of determination;
287 and other terms and conditions as may be deemed appropriate by
288 the officer, official, or agent so designated by the governing
289 body of such legal entity. However, the amounts and maturities
290 of such bonds and the interest rate or rates of such bonds shall
291 be within the limits prescribed by the governing body of such
292 legal entity and its resolution delegating to such officer,
293 official, or agent the power to authorize the issuance and sale
294 of such bonds. A local government self-insurance fund
295 established under this section may financially guarantee bonds
296 or bond anticipation notes issued or loans made under this
297 subsection. Bonds issued pursuant to this paragraph may be
298 validated as provided in chapter 75. The complaint in any action
299 to validate such bonds shall be filed only in the Circuit Court
300 for Leon County. The notice required to be published by s. 75.06

301 shall be published only in Leon County, and the complaint and
302 order of the circuit court shall be served only on the State
303 Attorney of the Second Judicial Circuit and on the state
304 attorney of each circuit in each county where the public
305 agencies which were initially a party to the agreement are
306 located. Notice of such proceedings shall be published in the
307 manner and the time required by s. 75.06 in Leon County and in
308 each county where the public agencies which were initially a
309 party to the agreement are located. Obligations of any county or
310 municipality pursuant to a loan agreement as described in this
311 paragraph may be validated as provided in chapter 75.

312 Section 4. Subsections (1), (3), and (4) of section
313 163.31771, Florida Statutes, are amended to read:

314 163.31771 Accessory dwelling units.—

315 (1) The Legislature finds that the median price of homes
316 in this state has increased steadily over the last decade and at
317 a greater rate of increase than the median income in many urban
318 areas. The Legislature finds that the cost of rental housing has
319 also increased steadily and the cost often exceeds an amount
320 that is affordable to extremely-low-income, very-low-income,
321 low-income, or moderate-income persons and has resulted in a
322 critical shortage of affordable rentals in many urban areas in
323 the state. This shortage of affordable rentals constitutes a
324 threat to the health, safety, and welfare of the residents of
325 the state. Therefore, the Legislature finds that it serves an

326 important public purpose to require ~~encourage~~ the permitting of
327 accessory dwelling units in single-family residential areas in
328 order to increase the availability of affordable rentals for
329 extremely-low-income, very-low-income, low-income, or moderate-
330 income persons.

331 (3) Each ~~Upon a finding by a local government that there~~
332 ~~is a shortage of affordable rentals within its jurisdiction, the~~
333 local government may adopt an ordinance to allow accessory
334 dwelling units in any area zoned for single-family residential
335 use, except in an area of critical state concern where the state
336 caps the number of new housing units which may be built within a
337 year.

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

344 Section 5. Subsection (10) is added to section 163.31801,
345 Florida Statutes, to read:

346 163.31801 Impact fees; short title; intent; minimum
347 requirements; audits; challenges.—

348 (10) In addition to the items that must be reported in the
349 annual financial reports under s. 218.32, each county,
350 municipality, and special district must report all of the

351 following data on each impact fee charged:

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

355 (b) The impact fee schedule policy describing the method
356 of calculating impact fees, such as flat fees, tiered fees based
357 on the number of bedrooms, or tiered fees based on the square
358 footage.

359 (c) The amount assessed for each purpose and for each type
360 of dwelling.

361 (d) The total amount of impact fees charged by type of
362 dwelling.

363 Section 6. Subsection (4) is added to section 166.04151,
364 Florida Statutes, to read:

365 166.04151 Affordable housing.—

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

371 Section 7. Paragraph (g) is added to subsection (4) of
372 section 166.241, Florida Statutes, to read:

373 166.241 Fiscal years, budgets, and budget amendments.—

374 (4) ~~By Beginning October 15, 2019, and~~ each October 15
375 ~~thereafter,~~ the municipal budget officer shall electronically

376 submit the following information regarding the final budget and
377 the municipality's economic status to the Office of Economic and
378 Demographic Research in the format specified by the office:

379 (g) Annual municipal expenditures providing for the
380 financing, acquisition, construction, reconstruction, or
381 rehabilitation of housing that is affordable, as that term is
382 defined in s. 420.0004. The reported expenditures must indicate
383 the source of such funds as "federal," "state," "local," or
384 "other," as applicable. This information must be included in the
385 submission due by October 15, 2020, and each annual submission
386 thereafter.

387 Section 8. Subsection (1) of section 196.1978, Florida
388 Statutes, is amended to read:

389 196.1978 Affordable housing property exemption.—

390 (1) Property used to provide affordable housing to
391 eligible persons as defined by s. 159.603 and natural persons or
392 families meeting the extremely-low-income, very-low-income, low-
393 income, or moderate-income limits specified in s. 420.0004,
394 which is owned entirely by a nonprofit entity that is a
395 corporation not for profit, qualified as charitable under s.
396 501(c)(3) of the Internal Revenue Code and in compliance with
397 Rev. Proc. 96-32, 1996-1 C.B. 717, is considered property owned
398 by an exempt entity and used for a charitable purpose, and those
399 portions of the affordable housing property that provide housing
400 to natural persons or families classified as extremely low

401 income, very low income, low income, or moderate income under s.
402 420.0004 are exempt from ad valorem taxation to the extent
403 authorized under s. 196.196. All property identified in this
404 section must comply with the criteria provided under s. 196.195
405 for determining exempt status and applied by property appraisers
406 on an annual basis. The Legislature intends that any property
407 owned by a limited liability company which is disregarded as an
408 entity for federal income tax purposes pursuant to Treasury
409 Regulation 301.7701-3(b)(1)(ii) be treated as owned by its sole
410 member. If the sole member of the limited liability company that
411 owns the property is also a limited liability company that is
412 disregarded as an entity for federal income tax purposes
413 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii), the
414 Legislature intends that the property be treated as owned by the
415 sole member of the limited liability company that owns the
416 limited liability company that owns the property. Units that are
417 vacant and units that are occupied by natural persons or
418 families whose income no longer meet the income limits of this
419 subsection but whose income met those income limits at the time
420 they became tenants shall be treated as portions of the
421 affordable housing property exempt under this subsection if a
422 recorded land use restriction agreement in favor of the Florida
423 Housing Finance Agency or any other governmental or quasi-
424 government jurisdiction requires that all residential units
425 within the property be used in a manner that qualifies for

426 exemption under this subsection.

427 Section 9. Paragraph (h) of subsection (3) of section
428 320.77, Florida Statutes, is amended to read:

429 320.77 License required of mobile home dealers.—

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

434 (h) Certification by the applicant:

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

437 2. Except in the case of a mobile home broker, that the
438 location affords sufficient ~~unoccupied~~ space to display ~~store~~
439 ~~all mobile homes offered and displayed for sale.~~ A space to
440 display a manufactured home as a model home is sufficient to
441 satisfy this requirement. ~~;~~ ~~and that~~ The location must be ~~is~~ a
442 suitable place in which the applicant can in good faith carry on
443 business and keep and maintain books, records, and files
444 necessary to conduct such business, which must ~~will~~ be available
445 at all reasonable hours to inspection by the department or any
446 of its inspectors or other employees.

447
448 This paragraph does ~~subsection shall~~ not preclude a licensed
449 mobile home dealer from displaying and offering for sale mobile
450 homes in a mobile home park.

451
452 The department shall, if it deems necessary, cause an
453 investigation to be made to ascertain if the facts set forth in
454 the application are true and shall not issue a license to the
455 applicant until it is satisfied that the facts set forth in the
456 application are true.

457 Section 10. Paragraph (j) of subsection (3) of section
458 320.771, Florida Statutes, is amended to read:

459 320.771 License required of recreational vehicle dealers.—

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

464 (j) A statement that the applicant is insured under a
465 garage liability insurance policy, which shall include, at a
466 minimum, \$25,000 combined single-limit liability coverage,
467 including bodily injury and property damage protection, and
468 \$10,000 personal injury protection, if the applicant is to be
469 licensed as a dealer in, or intends to sell, recreational
470 vehicles. However, a garage liability policy is not required for
471 the licensure of a mobile home dealer who sells only park
472 trailers.

473
474 The department shall, if it deems necessary, cause an
475 investigation to be made to ascertain if the facts set forth in

476 the application are true and shall not issue a license to the
477 applicant until it is satisfied that the facts set forth in the
478 application are true.

479 Section 11. Paragraph (c) of subsection (2) of section
480 320.822, Florida Statutes, is amended to read:

481 320.822 Definitions; ss. 320.822-320.862.—In construing
482 ss. 320.822-320.862, unless the context otherwise requires, the
483 following words or phrases have the following meanings:

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

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

487 Section 12. Subsection (2) of section 320.8232, Florida
488 Statutes, is amended to read:

489 320.8232 Establishment of uniform standards for used
490 recreational vehicles and repair and remodeling code for mobile
491 homes.—

492 (2) The Mobile and Manufactured Home ~~provisions of the~~
493 Repair and Remodeling Code ~~must be a uniform code, must shall~~
494 ~~ensure safe and livable housing,~~ and may shall not be more
495 stringent than those standards required to be met in the
496 manufacture of mobile homes. Such code must ~~provisions shall~~
497 ~~include, but not be limited to,~~ standards for structural
498 adequacy, plumbing, heating, electrical systems, and fire and
499 life safety. All repairs and remodeling of mobile and
500 manufactured homes must be performed in accordance with

501 department rules.

502 Section 13. Subsection (9) of section 367.022, Florida
503 Statutes, is amended, and subsection (14) is added to that
504 section, to read:

505 367.022 Exemptions.—The following are not subject to
506 regulation by the commission as a utility nor are they subject
507 to the provisions of this chapter, except as expressly provided:

508 (9) Any person who resells water service to his or her
509 tenants or to individually metered residents for a fee that does
510 not exceed the actual purchase price of the water and wastewater
511 service plus the actual cost of meter reading and billing, not
512 to exceed 9 percent of the actual cost of service.

513 (14) The owner of a mobile home park operating both as a
514 mobile home park and a mobile home subdivision, as those terms
515 are defined in s. 723.003, who provides service within the park
516 and subdivision to a combination of both tenants and lot owners,
517 provided that the service to tenants is without specific
518 compensation.

519 Section 14. Paragraph (c) of subsection (6) of section
520 420.5087, Florida Statutes, is amended to read:

521 420.5087 State Apartment Incentive Loan Program.—There is
522 hereby created the State Apartment Incentive Loan Program for
523 the purpose of providing first, second, or other subordinated
524 mortgage loans or loan guarantees to sponsors, including for-
525 profit, nonprofit, and public entities, to provide housing

526 affordable to very-low-income persons.

527 (6) On all state apartment incentive loans, except loans
528 made to housing communities for the elderly to provide for
529 lifesafety, building preservation, health, sanitation, or
530 security-related repairs or improvements, the following
531 provisions shall apply:

532 (c) The corporation shall provide by rule for the
533 establishment of a review committee for the competitive
534 evaluation and selection of applications submitted in this
535 program. The review committee must use evaluation criteria that
536 include, ~~including,~~ but are not limited to, the following
537 criteria:

538 1. Tenant income and demographic targeting objectives of
539 the corporation.

540 2. Targeting objectives of the corporation which will
541 ensure an equitable distribution of loans between rural and
542 urban areas.

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

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

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

551 b. Forty percent of the units in the project for persons
552 or families who have incomes that do not exceed 60 percent of
553 the state or local median income, whichever is higher, without
554 requiring a greater amount of the loans as provided in this
555 section.

556 5. Provision for tenant counseling.

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

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

564 8. Local government contributions and local government
565 comprehensive planning and activities that promote affordable
566 housing and policies that promote access to public
567 transportation, reduce the need for onsite parking, and expedite
568 permits for affordable housing projects.

569 9. Project feasibility.

570 10. Economic viability of the project.

571 11. Commitment of first mortgage financing.

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

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

576 14. Projects that directly implement or assist welfare-to-
577 work transitioning.

578 15. Projects that reserve units for extremely-low-income
579 persons.

580 16. Projects that include green building principles,
581 storm-resistant construction, or other elements that reduce
582 long-term costs relating to maintenance, utilities, or
583 insurance.

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

586 Section 15. Section 420.5095, Florida Statutes, is amended
587 to read:

588 420.5095 Community Workforce Housing Loan Innovation Pilot
589 Program.—

590 (1) The Legislature finds and declares that recent rapid
591 increases in the median purchase price of a home and the cost of
592 rental housing have far outstripped the increases in median
593 income in the state, ~~preventing essential services personnel~~
594 ~~from living in the communities where they serve and thereby~~
595 creating the need for innovative solutions for the provision of
596 housing opportunities ~~for essential services personnel~~.

597 (2) The Community Workforce Housing Loan Innovation Pilot
598 Program is created to provide ~~affordable rental and home~~
599 ~~ownership community~~ workforce housing for persons ~~essential~~
600 ~~services personnel~~ affected by the high cost of housing, ~~using~~

601 ~~regulatory incentives and state and local funds to promote local~~
602 ~~public-private partnerships and leverage government and private~~
603 ~~resources.~~

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

605 ~~(a)~~ "workforce housing" means housing affordable to
606 natural persons or families whose total annual household income
607 does not exceed 80 ~~140~~ percent of the area median income,
608 adjusted for household size, or 120 ~~150~~ percent of area median
609 income, adjusted for household size, in areas of critical state
610 concern designated under s. 380.05, for which the Legislature
611 has declared its intent to provide affordable housing, and areas
612 that were designated as areas of critical state concern for at
613 least 20 consecutive years before ~~prior to~~ removal of the
614 designation.

615 ~~(b) "Public-private partnership" means any form of~~
616 ~~business entity that includes substantial involvement of at~~
617 ~~least one county, one municipality, or one public sector entity,~~
618 ~~such as a school district or other unit of local government in~~
619 ~~which the project is to be located, and at least one private~~
620 ~~sector for-profit or not-for-profit business or charitable~~
621 ~~entity, and may be any form of business entity, including a~~
622 ~~joint venture or contractual agreement.~~

623 (4) The Florida Housing Finance Corporation may ~~is~~
624 ~~authorized to provide~~ loans under the Community Workforce
625 ~~Housing Innovation Pilot program loans to~~ applicants ~~an~~

626 ~~applicant for construction or rehabilitation of workforce~~
627 ~~housing in eligible areas. This funding is intended to be used~~
628 ~~with other public and private sector resources.~~

629 (5) The corporation shall establish a loan application
630 process under s. 420.5087 ~~by rule which includes selection~~
631 ~~criteria, an application review process, and a funding process.~~
632 The corporation shall also establish an application review
633 committee that may include up to three private citizens
634 representing the areas of housing or real estate development,
635 banking, community planning, or other areas related to the
636 development or financing of workforce and affordable housing.

637 (a) ~~The selection criteria and application review process~~
638 ~~must include a procedure for curing errors in the loan~~
639 ~~applications which do not make a substantial change to the~~
640 ~~proposed project.~~

641 (b) ~~To achieve the goals of the pilot program, the~~
642 ~~application review committee may approve or reject loan~~
643 ~~applications or responses to questions raised during the review~~
644 ~~of an application due to the insufficiency of information~~
645 ~~provided.~~

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

649 (d) ~~The board of directors shall approve or reject loan~~
650 ~~applications, determine the tentative loan amount available to~~

651 ~~each applicant, and rank all approved applications.~~

652 ~~(c) The board of directors shall decide which approved~~
653 ~~applicants will become program participants and determine the~~
654 ~~maximum loan amount for each program participant.~~

655 ~~(6) The corporation shall provide incentives for local~~
656 ~~governments in eligible areas to use local affordable housing~~
657 ~~funds, such as those from the State Housing Initiatives~~
658 ~~Partnership Program, to assist in meeting the affordable housing~~
659 ~~needs of persons eligible under this program. Local governments~~
660 ~~are authorized to use State Housing Initiative Partnership~~
661 ~~Program funds for persons or families whose total annual~~
662 ~~household income does not exceed:~~

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

665 ~~(b) One hundred and fifty percent of the area median~~
666 ~~income, adjusted for household size, in areas that were~~
667 ~~designated as areas of critical state concern for at least 20~~
668 ~~consecutive years prior to the removal of the designation and in~~
669 ~~areas of critical state concern, designated under s. 380.05, for~~
670 ~~which the Legislature has declared its intent to provide~~
671 ~~affordable housing.~~

672 ~~(7) Funding shall be targeted to innovative projects in~~
673 ~~areas where the disparity between the area median income and the~~
674 ~~median sales price for a single-family home is greatest, and~~
675 ~~where population growth as a percentage rate of increase is~~

676 ~~greatest. The corporation may also fund projects in areas where~~
677 ~~innovative regulatory and financial incentives are made~~
678 ~~available. The corporation shall fund at least one eligible~~
679 ~~project in as many counties and regions of the state as is~~
680 ~~practicable, consistent with program goals.~~

681 ~~(6)(8)~~ Projects must be given ~~shall receive~~ priority
682 consideration for funding if where:

683 (a) The local jurisdiction has adopted, or is committed to
684 adopting, appropriate regulatory incentives, ~~or the local~~
685 ~~jurisdiction or public-private partnership has adopted or is~~
686 ~~committed to adopting~~ local contributions or financial
687 strategies, or other funding sources to promote the development
688 and ongoing financial viability of such projects. Local
689 incentives include such actions as expediting review of
690 development orders and permits, supporting development near
691 transportation hubs and major employment centers, and adopting
692 land development regulations designed to allow flexibility in
693 densities, use of accessory units, mixed-use developments, and
694 flexible lot configurations. Financial strategies include such
695 actions as promoting employer-assisted housing programs,
696 providing tax increment financing, and providing land.

697 ~~(b) Projects are innovative and include new construction~~
698 ~~or rehabilitation; mixed-income housing; commercial and housing~~
699 ~~mixed-use elements; innovative design; green building~~
700 ~~principles; storm-resistant construction; or other elements that~~

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

705 (b)(e) ~~The~~ projects that set aside at least 50 ~~at least 80~~
706 percent of the units for workforce housing ~~and at least 50~~
707 percent for essential services personnel and for projects that
708 require the least amount of program funding compared to the
709 overall housing costs for the project.

710 ~~(9) Notwithstanding s. 163.3184(4) (b) (d), any local~~
711 ~~government comprehensive plan amendment to implement a Community~~
712 ~~Workforce Housing Innovation Pilot Program project found~~
713 ~~consistent with this section shall be expedited as provided in~~
714 ~~this subsection. At least 30 days prior to adopting a plan~~
715 ~~amendment under this subsection, the local government shall~~
716 ~~notify the state land planning agency of its intent to adopt~~
717 ~~such an amendment, and the notice shall include its evaluation~~
718 ~~related to site suitability and availability of facilities and~~
719 ~~services. The public notice of the hearing required by s.~~
720 ~~163.3184(11) (b) 2. shall include a statement that the local~~
721 ~~government intends to use the expedited adoption process~~
722 ~~authorized by this subsection. Such amendments shall require~~
723 ~~only a single public hearing before the governing board, which~~
724 ~~shall be an adoption hearing as described in s. 163.3184(4) (e).~~
725 ~~Any further proceedings shall be governed by s. 163.3184(5).~~

726 ~~(13).~~

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

730 ~~(7)(11) The corporation shall award loans with a 1~~
731 ~~interest rates set at 1 to 3 percent interest rate for a term~~
732 ~~that does not exceed 15 years, which may be made forgivable when~~
733 ~~long term affordability is provided and when at least 80 percent~~
734 ~~of the units are set aside for workforce housing and at least 50~~
735 ~~percent of the units are set aside for essential services~~
736 ~~personnel.~~

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

738 ~~(a) For home ownership, limit the sales price of a~~
739 ~~detached unit, townhome, or condominium unit to not more than 90~~
740 ~~percent of the median sales price for that type of unit in that~~
741 ~~county, or the statewide median sales price for that type of~~
742 ~~unit, whichever is higher, and require that all eligible~~
743 ~~purchasers of home ownership units occupy the homes as their~~
744 ~~primary residence.~~

745 ~~(b) For rental units, restrict rents for all workforce~~
746 ~~housing serving those with incomes at or below 120 percent of~~
747 ~~area median income at the appropriate income level using the~~
748 ~~restricted rents for the federal low income housing tax credit~~
749 ~~program and, for workforce housing units serving those with~~
750 ~~incomes above 120 percent of area median income, restrict rents~~

751 ~~to those established by the corporation, not to exceed 30~~
752 ~~percent of the maximum household income adjusted to unit size.~~

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

757 ~~(d) Have grants, donations of land, or contributions from~~
758 ~~the public-private partnership or other sources collectively~~
759 ~~totaling at least 10 percent of the total development cost or \$2~~
760 ~~million, whichever is less. Such grants, donations of land, or~~
761 ~~contributions must be evidenced by a letter of commitment,~~
762 ~~agreement, contract, deed, memorandum of understanding, or other~~
763 ~~written instrument at the time of application. Grants, donations~~
764 ~~of land, or contributions in excess of 10 percent of the~~
765 ~~development cost shall increase the application score.~~

766 ~~(e) Demonstrate how the applicant will use the regulatory~~
767 ~~incentives and financial strategies outlined in subsection (8)~~
768 ~~from the local jurisdiction in which the proposed project is to~~
769 ~~be located. The corporation may consult with the Department of~~
770 ~~Economic Opportunity in evaluating the use of regulatory~~
771 ~~incentives by applicants.~~

772 ~~(f) Demonstrate that the applicant possesses title to or~~
773 ~~site control of land and evidences availability of required~~
774 ~~infrastructure.~~

775 ~~(g) Demonstrate the applicant's affordable housing~~

776 ~~development and management experience.~~

777 ~~(h) Provide any research or facts available supporting the~~
778 ~~demand and need for rental or home ownership workforce housing~~
779 ~~for eligible persons in the market in which the project is~~
780 ~~proposed.~~

781 ~~(13) Projects may include manufactured housing constructed~~
782 ~~after June 1994 and installed in accordance with mobile home~~
783 ~~installation standards of the Department of Highway Safety and~~
784 ~~Motor Vehicles.~~

785 (8)~~(14)~~ The corporation may adopt rules pursuant to ss.
786 120.536(1) and 120.54 to implement this section.

787 ~~(15) The corporation may use a maximum of 2 percent of the~~
788 ~~annual program appropriation for administration and compliance~~
789 ~~monitoring.~~

790 ~~(16) The corporation shall review the success of the~~
791 ~~Community Workforce Housing Innovation Pilot Program to~~
792 ~~ascertain whether the projects financed by the program are~~
793 ~~useful in meeting the housing needs of eligible areas and shall~~
794 ~~include its findings in the annual report required under s.~~
795 ~~420.511(3).~~

796 Section 16. Section 420.518, Florida Statutes, is created
797 to read:

798 420.518 Fraudulent or material misrepresentation.—

799 (1) An applicant or affiliate of an applicant may be
800 precluded from participation in any corporation program if the

801 applicant or affiliate of the applicant has:

802 1. Made a material misrepresentation or engaged in
803 fraudulent actions in connection with any corporation program.

804 2. Been convicted or found guilty of, or entered a plea of
805 guilty or nolo contendere to, regardless of adjudication, a
806 crime in any jurisdiction which directly relates to the
807 financing, construction, or management of affordable housing or
808 the fraudulent procurement of state or federal funds. The record
809 of a conviction certified or authenticated in such form as to be
810 admissible in evidence under the laws of the state shall be
811 admissible as prima facie evidence of such guilt.

812 3. Been excluded from any federal funding program related
813 to the provision of housing.

814 4. Been excluded from any Florida procurement programs.

815 5. Offered or given consideration, other than the
816 consideration to provide affordable housing, with respect to a
817 local contribution.

818 6. Demonstrated a pattern of noncompliance and a failure
819 to correct any such noncompliance after notice from the
820 corporation in the construction, operation, or management of one
821 or more developments funded through a corporation program.

822 (2) Upon a determination by the board of directors of the
823 corporation that an applicant or affiliate of the applicant be
824 precluded from participation in any corporation program, the
825 board may issue an order taking any or all of the following

826 actions:

827 (a) Preclude such applicant or affiliate from applying for
828 funding from any corporation program for a specified period. The
829 period may be a specified period of time or permanent in nature.
830 With regard to establishing the duration, the board shall
831 consider the facts and circumstances, inclusive of the
832 compliance history of the applicant or affiliate of the
833 applicant, the type of action under subsection (1), and the
834 degree of harm to the corporation's programs that has been or
835 may be done.

836 (b) Revoke any funding previously awarded by the
837 corporation for any development for which construction or
838 rehabilitation has not commenced.

839 (3) Before any order issued under this section can be
840 final, an administrative complaint must be served on the
841 applicant, affiliate of the applicant, or its registered agent
842 that provides notification of findings of the board, the
843 intended action, and the opportunity to request a proceeding
844 pursuant to ss. 120.569 and 120.57.

845 (4) Any funding, allocation of federal housing credits,
846 credit underwriting procedures, or application review for any
847 development for which construction or rehabilitation has not
848 commenced may be suspended by the corporation upon the service
849 of an administrative complaint on the applicant, affiliate of
850 the applicant, or its registered agent. The suspension shall be

851 effective from the date the administrative complaint is served
852 until an order issued by the corporation in regard to that
853 complaint becomes final.

854 Section 17. Section 420.531, Florida Statutes, is amended
855 to read:

856 420.531 Affordable Housing Catalyst Program.—

857 (1) The corporation shall operate the Affordable Housing
858 Catalyst Program for the purpose of securing the expertise
859 necessary to provide specialized technical support to local
860 governments and community-based organizations to implement the
861 HOME Investment Partnership Program, State Apartment Incentive
862 Loan Program, State Housing Initiatives Partnership Program, and
863 other affordable housing programs. To the maximum extent
864 feasible, the entity to provide the necessary expertise must be
865 recognized by the Internal Revenue Service as a nonprofit tax-
866 exempt organization. It must have as its primary mission the
867 provision of affordable housing training and technical
868 assistance, an ability to provide training and technical
869 assistance statewide, and a proven track record of successfully
870 providing training and technical assistance under the Affordable
871 Housing Catalyst Program. The technical support shall, at a
872 minimum, include training relating to the following key elements
873 of the partnership programs:

874 (a)~~(1)~~ Formation of local and regional housing
875 partnerships as a means of bringing together resources to

876 provide affordable housing.

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

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

881 (d)~~(4)~~ Compliance with requirements of federally funded
882 housing programs.

883 (2) In consultation with the corporation, the entity
884 providing statewide training and technical assistance shall
885 convene and administer biannual regional workshops for the
886 locally elected officials serving on affordable housing advisory
887 committees as provided in s. 420.9076. The regional workshops
888 may be conducted through teleconferencing or other technological
889 means and must include processes and programming that facilitate
890 peer-to-peer identification and sharing of best affordable
891 housing practices among the locally elected officials. Annually,
892 the entity providing statewide training and technical assistance
893 must compile calendar year reports summarizing the
894 deliberations, actions, and recommendations of each region, as
895 well as the attendance records of locally elected officials, and
896 must submit such reports to the President of the Senate, the
897 Speaker of the House of Representatives, and the corporation by
898 March 31 of the following year.

899 Section 18. Subsection (2) of section 420.9071, Florida
900 Statutes, is amended to read:

901 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
902 term:

903 (2) "Affordable" means that monthly rents or monthly
904 mortgage payments including taxes and insurance do not exceed 30
905 percent of that amount which represents the percentage of the
906 median annual gross income for the households as indicated in
907 subsection (19), subsection (20), or subsection (28). However,
908 it is not the intent to limit an individual household's ability
909 to devote more than 30 percent of its income for housing, and
910 housing for which a household devotes more than 30 percent of
911 its income shall be deemed affordable if the first institutional
912 mortgage lender is satisfied that the household can afford
913 mortgage payments in excess of the 30 percent benchmark. The
914 term also includes housing provided by a not-for-profit
915 corporation that derives at least 75 percent of its annual
916 revenues from contracts or services provided to a state or
917 federal agency, for low-income persons and low-income
918 households, that provides treatment for persons who suffer from
919 mental health issues, substance abuse, or domestic violence; and
920 that provides on-premises social and community support services,
921 including job training, life skills training, alcohol and
922 substance abuse disorder treatment, child care, and client case
923 management services.

924 Section 19. Subsection (7) of section 420.9073, Florida
925 Statutes, is renumbered as subsection (8), and a new subsection

926 (7) is added to that section to read:

927 420.9073 Local housing distributions.—

928 (7) Notwithstanding subsections (1)-(4), the corporation
929 may withhold up to 5 percent of the total amount distributed
930 each fiscal year from the Local Government Housing Trust Fund to
931 provide additional funding to counties and eligible
932 municipalities for the construction of transitional housing for
933 persons aging out of foster care. Funds may not be used for the
934 design or planning of transitional housing and the housing must
935 be constructed on campuses that provide housing for persons in
936 foster care or persons aging out of foster care pursuant to s.
937 409.1451. The corporation must consult with the Department of
938 Children and Families to create minimum criteria for such
939 housing. Any portion of the withheld funds not distributed or
940 committed by the end of the fiscal year shall be distributed as
941 provided in subsections (1) and (2).

942 Section 20. Paragraph (j) is added to subsection (10) of
943 section 420.9075, Florida Statutes, to read:

944 420.9075 Local housing assistance plans; partnerships.—

945 (10) Each county or eligible municipality shall submit to
946 the corporation by September 15 of each year a report of its
947 affordable housing programs and accomplishments through June 30
948 immediately preceding submittal of the report. The report shall
949 be certified as accurate and complete by the local government's
950 chief elected official or his or her designee. Transmittal of

951 the annual report by a county's or eligible municipality's chief
952 elected official, or his or her designee, certifies that the
953 local housing incentive strategies, or, if applicable, the local
954 housing incentive plan, have been implemented or are in the
955 process of being implemented pursuant to the adopted schedule
956 for implementation. The report must include, but is not limited
957 to:

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

960 Section 21. Subsections (2) and (4) of section 420.9076,
961 Florida Statutes, are amended, and subsection (10) is added to
962 that section, to read:

963 420.9076 Adoption of affordable housing incentive
964 strategies; committees.—

965 (2) The governing board of a county or municipality shall
966 appoint the members of the affordable housing advisory
967 committee. Pursuant to the terms of any interlocal agreement, a
968 county and municipality may create and jointly appoint an
969 advisory committee. The local action adopted pursuant to s.
970 420.9072 which creates the advisory committee and appoints the
971 advisory committee members must name at least 8 but not more
972 than 11 committee members and specify their terms. Effective
973 October 1, 2020, the committee must consist of one locally
974 elected official from each county or municipality participating
975 in the State Housing Initiatives Partnership Program and one

976 representative from at least six of the categories below:

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

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

981 (c) A citizen who is a representative of those areas of
982 labor actively engaged in home building in connection with
983 affordable housing.

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

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

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

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

992 (h) A citizen who actively serves on the local planning
993 agency pursuant to s. 163.3174. If the local planning agency is
994 comprised of the governing board of the county or municipality,
995 the governing board may appoint a designee who is knowledgeable
996 in the local planning process.

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

999 (j) A citizen who represents employers within the
1000 jurisdiction.

1001 (k) A citizen who represents essential services personnel,
 1002 as defined in the local housing assistance plan.

1003 (4) Annually ~~Triennially~~, the advisory committee shall
 1004 review the established policies and procedures, ordinances, land
 1005 development regulations, and adopted local government
 1006 comprehensive plan of the appointing local government and shall
 1007 recommend specific actions or initiatives to encourage or
 1008 facilitate affordable housing while protecting the ability of
 1009 the property to appreciate in value. The recommendations may
 1010 include the modification or repeal of existing policies,
 1011 procedures, ordinances, regulations, or plan provisions; the
 1012 creation of exceptions applicable to affordable housing; or the
 1013 adoption of new policies, procedures, regulations, ordinances,
 1014 or plan provisions, including recommendations to amend the local
 1015 government comprehensive plan and corresponding regulations,
 1016 ordinances, and other policies. At a minimum, each advisory
 1017 committee shall submit an annual ~~a~~ report to the local governing
 1018 body and to the entity providing statewide training and
 1019 technical assistance for the Affordable Housing Catalyst Program
 1020 which ~~that~~ includes recommendations on, ~~and triennially~~
 1021 ~~thereafter evaluates~~ the implementation of, affordable housing
 1022 incentives in the following areas:

1023 (a) The processing of approvals of development orders or
 1024 permits for affordable housing projects is expedited to a
 1025 greater degree than other projects, as provided in s.

1026 | 163.3177(6)(f)3.

1027 | (b) All allowable fee waivers provided ~~The modification of~~
 1028 | ~~impact-fee requirements, including reduction or waiver of fees~~
 1029 | ~~and alternative methods of fee payment for the development or~~
 1030 | construction of affordable housing.

1031 | (c) The allowance of flexibility in densities for
 1032 | affordable housing.

1033 | (d) The reservation of infrastructure capacity for housing
 1034 | for very-low-income persons, low-income persons, and moderate-
 1035 | income persons.

1036 | (e) ~~The allowance of~~ Affordable accessory residential
 1037 | ~~units in residential zoning districts.~~

1038 | (f) The reduction of parking and setback requirements for
 1039 | affordable housing.

1040 | (g) The allowance of flexible lot configurations,
 1041 | including zero-lot-line configurations for affordable housing.

1042 | (h) The modification of street requirements for affordable
 1043 | housing.

1044 | (i) The establishment of a process by which a local
 1045 | government considers, before adoption, policies, procedures,
 1046 | ordinances, regulations, or plan provisions that increase the
 1047 | cost of housing.

1048 | (j) The preparation of a printed inventory of locally
 1049 | owned public lands suitable for affordable housing.

1050 | (k) The support of development near transportation hubs

1051 and major employment centers and mixed-use developments.

1052
1053 The advisory committee recommendations may also include other
1054 affordable housing incentives identified by the advisory
1055 committee. Local governments that receive the minimum allocation
1056 under the State Housing Initiatives Partnership Program shall
1057 perform an ~~the~~ initial review but may elect to not perform the
1058 annual ~~triennial~~ review.

1059 (10) The locally elected official serving on an advisory
1060 committee, or a locally elected designee, must attend biannual
1061 regional workshops convened and administered under the
1062 Affordable Housing Catalyst Program as provided in s.
1063 420.531(2). If the locally elected official or locally elected
1064 designee fails to attend three consecutive regional workshops,
1065 the corporation may withhold funds pending the person's
1066 attendance at the next regularly scheduled biannual meeting.

1067 Section 22. Section 423.02, Florida Statutes, is amended
1068 to read:

1069 423.02 Housing projects exempted from taxes and
1070 assessments; payments in lieu thereof.—The housing projects,
1071 including all property of housing authorities used for or in
1072 connection therewith or appurtenant thereto, of housing
1073 authorities shall be exempt from all taxes and special
1074 assessments of the state or any city, town, county, or political
1075 subdivision of the state, provided, however, that in lieu of

1076 such taxes or special assessments a housing authority may agree
 1077 to make payments to any city, town, county or political
 1078 subdivision of the state for services, improvements or
 1079 facilities furnished by such city, town, county or political
 1080 subdivision for the benefit of a housing project owned by the
 1081 housing authority, but in no event shall such payments exceed
 1082 the estimated cost to such city, town, county or political
 1083 subdivision of the services, improvements or facilities to be so
 1084 furnished. A city, town, county, or political subdivision of the
 1085 state may not rename, modify terminology, or otherwise change a
 1086 tax or assessment with the intent to circumvent the exemption
 1087 provided under this section, which must be interpreted broadly
 1088 to protect housing authorities from taxation or assessment.

1089 Section 23. Subsection (4) of section 723.011, Florida
 1090 Statutes, is amended to read:

1091 723.011 Disclosure prior to rental of a mobile home lot;
 1092 prospectus, filing, approval.—

1093 (4) With regard to a tenancy in existence on the effective
 1094 date of this chapter, the prospectus or offering circular
 1095 offered by the mobile home park owner must ~~shall~~ contain the
 1096 same terms and conditions as rental agreements offered to all
 1097 other mobile home owners residing in the park on the effective
 1098 date of this act, excepting only rent variations based upon lot
 1099 location and size, and may ~~shall~~ not require any mobile home
 1100 owner to install any permanent improvements, except that the

1101 mobile home owner may be required to install permanent
1102 improvements to the mobile home as disclosed in the prospectus.

1103 Section 24. Subsection (5) of section 723.012, Florida
1104 Statutes, is amended to read:

1105 723.012 Prospectus or offering circular.—The prospectus or
1106 offering circular, which is required to be provided by s.
1107 723.011, must contain the following information:

1108 (5) A description of the recreational and other common
1109 facilities, if any, that will be used by the mobile home owners,
1110 including, but not limited to:

1111 (a) The number of buildings and each room thereof and its
1112 intended purposes, location, approximate floor area, and
1113 capacity in numbers of people.

1114 (b) Each swimming pool, as to its general location,
1115 approximate size and depths, and approximate deck size and
1116 capacity and whether heated.

1117 (c) All other facilities and permanent improvements that
1118 ~~which~~ will serve the mobile home owners.

1119 (d) A general description of the items of personal
1120 property available for use by the mobile home owners.

1121 (e) A general description of the days and hours that
1122 facilities will be available for use.

1123 (f) A statement as to whether all improvements are
1124 complete and, if not, their estimated completion dates.

1125

1126 If a mobile home park owner intends to include additional
1127 property and mobile home lots and to increase the number of lots
1128 that will use the shared facilities of the park, the mobile home
1129 park owner must amend the prospectus to disclose such additions.
1130 If the number of mobile home lots in the park increases by more
1131 than 15 percent of the total number of lots in the original
1132 prospectus, the mobile home park owner must reasonably offset
1133 the impact of the additional lots by increasing the shared
1134 facilities. The amendment to the prospectus must include a
1135 reasonable timeframe for providing the required additional
1136 shared facilities. The costs and expenses necessary to increase
1137 the shared facilities may not be passed on or passed through to
1138 the existing mobile home owners.

1139 Section 25. Section 723.023, Florida Statutes, is amended
1140 to read:

1141 723.023 Mobile home owner's general obligations.—A mobile
1142 home owner shall ~~at all times~~:

1143 (1) At all times comply with all obligations imposed on
1144 mobile home owners by applicable provisions of building,
1145 housing, and health codes, including compliance with all
1146 building permits and construction requirements for construction
1147 on the mobile home and lot. The home owner is responsible for
1148 all fines imposed by the local government for noncompliance with
1149 any local codes.

1150 (2) At all times keep the mobile home lot that ~~which~~ he or

1151 she occupies clean, neat, and sanitary, and maintained in
1152 compliance with all local codes.

1153 (3) At all times comply with properly promulgated park
1154 rules and regulations and require other persons on the premises
1155 with his or her consent to comply with such rules and to conduct
1156 themselves, and other persons on the premises with his or her
1157 consent, in a manner that does not unreasonably disturb other
1158 residents of the park or constitute a breach of the peace.

1159 (4) Receive written approval from the mobile home park
1160 owner before making any exterior modification or addition to the
1161 home.

1162 (5) When vacating the premises, remove any debris and
1163 other property of any kind which is left on the mobile home lot.

1164 Section 26. Subsection (5) of section 723.031, Florida
1165 Statutes, is amended to read:

1166 723.031 Mobile home lot rental agreements.—

1167 (5) The rental agreement must ~~shall~~ contain the lot rental
1168 amount and services included. An increase in lot rental amount
1169 upon expiration of the term of the lot rental agreement must
1170 ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s.
1171 723.059(4), whichever is applicable; ~~it~~ provided that, pursuant to
1172 s. 723.059(4), the amount of the lot rental increase is
1173 disclosed and agreed to by the purchaser, in writing. An
1174 increase in lot rental amount shall not be arbitrary or
1175 discriminatory between similarly situated tenants in the park. A

1176 lot rental amount may not be increased during the term of the
1177 lot rental agreement, except:

1178 (a) When the manner of the increase is disclosed in a lot
1179 rental agreement with a term exceeding 12 months and which
1180 provides for such increases not more frequently than annually.

1181 (b) For pass-through charges as defined in s. 723.003.

1182 (c) That a charge may not be collected which results in
1183 payment of money for sums previously collected as part of the
1184 lot rental amount. The provisions hereof notwithstanding, the
1185 mobile home park owner may pass on, at any time during the term
1186 of the lot rental agreement, ad valorem property taxes, non-ad
1187 valorem assessments, and utility charges, or increases of
1188 either, provided that the ad valorem property taxes, non-ad
1189 valorem assessments, and utility charges are not otherwise being
1190 collected in the remainder of the lot rental amount and provided
1191 further that the passing on of such ad valorem taxes, non-ad
1192 valorem assessments, or utility charges, or increases of either,
1193 was disclosed prior to tenancy, was being passed on as a matter
1194 of custom between the mobile home park owner and the mobile home
1195 owner, or such passing on was authorized by law. A park owner is
1196 deemed to have disclosed the passing on of ad valorem property
1197 taxes and non-ad valorem assessments if ad valorem property
1198 taxes or non-ad valorem assessments were disclosed as a separate
1199 charge or a factor for increasing the lot rental amount in the
1200 prospectus or rental agreement. Such ad valorem taxes, non-ad

1201 valorem assessments, and utility charges shall be a part of the
1202 lot rental amount as defined by this chapter. The term "non-ad
1203 valorem assessments" has the same meaning as provided in s.
1204 197.3632(1)(d). Other provisions of this chapter
1205 notwithstanding, pass-on charges may be passed on only within 1
1206 year of the date a mobile home park owner remits payment of the
1207 charge. A mobile home park owner is prohibited from passing on
1208 any fine, interest, fee, or increase in a charge resulting from
1209 a park owner's payment of the charge after the date such charges
1210 become delinquent. A mobile home park owner is prohibited from
1211 charging or collecting from the mobile home owners any sum for
1212 ad valorem taxes or non-ad valorem tax charges in an amount in
1213 excess of the sums remitted by the park owner to the tax
1214 collector. Nothing herein shall prohibit a park owner and a
1215 homeowner from mutually agreeing to an alternative manner of
1216 payment to the park owner of the charges.

1217 (d) If a notice of increase in lot rental amount is not
1218 given 90 days before the renewal date of the rental agreement,
1219 the rental agreement must remain under the same terms until a
1220 90-day notice of increase in lot rental amount is given. The
1221 notice may provide for a rental term shorter than 1 year in
1222 order to maintain the same renewal date.

1223 Section 27. Subsection (1) and paragraph (a) of subsection
1224 (4) of section 723.037, Florida Statutes, are amended to read:
1225 723.037 Lot rental increases; reduction in services or

1226 | utilities; change in rules and regulations; mediation.—
 1227 | (1) A park owner shall give written notice to each
 1228 | affected mobile home owner and the board of directors of the
 1229 | homeowners' association, if one has been formed, at least 90
 1230 | days before any increase in lot rental amount or reduction in
 1231 | services or utilities provided by the park owner or change in
 1232 | rules and regulations. The park owner may give notice of all
 1233 | increases in lot rental amount for multiple anniversary dates in
 1234 | the same 90-day notice. The notice must ~~shall~~ identify all other
 1235 | affected homeowners, which may be by lot number, name, group, or
 1236 | phase. If the affected homeowners are not identified by name,
 1237 | the park owner shall make the names and addresses available upon
 1238 | request. However, this requirement does not authorize the
 1239 | release of the names, addresses, or other private information
 1240 | about the homeowners to the association or any other person for
 1241 | any other purpose. The home owner's right to the 90-day notice
 1242 | may not be waived or precluded by a home owner, or the
 1243 | homeowners' committee, in an agreement with the park owner.
 1244 | Rules adopted as a result of restrictions imposed by
 1245 | governmental entities and required to protect the public health,
 1246 | safety, and welfare may be enforced prior to the expiration of
 1247 | the 90-day period but are not otherwise exempt from the
 1248 | requirements of this chapter. Pass-through charges must be
 1249 | separately listed as to the amount of the charge, the name of
 1250 | the governmental entity mandating the capital improvement, and

1251 the nature or type of the pass-through charge being levied.
1252 Notices of increase in the lot rental amount due to a pass-
1253 through charge must ~~shall~~ state the additional payment and
1254 starting and ending dates of each pass-through charge. The
1255 homeowners' association shall have no standing to challenge the
1256 increase in lot rental amount, reduction in services or
1257 utilities, or change of rules and regulations unless a majority
1258 of the affected homeowners agree, in writing, to such
1259 representation.

1260 (4) (a) A committee, not to exceed five in number,
1261 designated by a majority of the affected mobile home owners or
1262 by the board of directors of the homeowners' association, if
1263 applicable, and the park owner shall meet, at a mutually
1264 convenient time and place no later than 60 days before the
1265 effective date of the change to discuss the reasons for the
1266 increase in lot rental amount, reduction in services or
1267 utilities, or change in rules and regulations. The negotiating
1268 committee shall make a written request for a meeting with the
1269 park owner or subdivision developer to discuss those matters
1270 addressed in the 90-day notice, and may include in the request a
1271 listing of any other issue, with supporting documentation, that
1272 the committee intends to raise and discuss at the meeting. The
1273 committee shall address all lot rental amount increases that are
1274 specified in the notice of lot rental amount increase,
1275 regardless of the effective date of the increase.

1276
 1277 This subsection is not intended to be enforced by civil or
 1278 administrative action. Rather, the meetings and discussions are
 1279 intended to be in the nature of settlement discussions prior to
 1280 the parties proceeding to mediation of any dispute.

1281 Section 28. Subsections (5) and (6) are added to section
 1282 723.041, Florida Statutes, to read:

1283 723.041 Entrance fees; refunds; exit fees prohibited;
 1284 replacement homes.—

1285 (5) A mobile home park that is damaged or destroyed due to
 1286 wind, water, or other natural force may be rebuilt on the same
 1287 site with the same density as was approved, permitted, and built
 1288 before the park was damaged or destroyed.

1289 (6) This section does not limit the regulation of the
 1290 uniform firesafety standards established under s. 633.206, but
 1291 supersedes any other density, separation, setback, or lot size
 1292 regulation adopted after initial permitting and construction of
 1293 the mobile home park.

1294 Section 29. Section 723.042, Florida Statutes, is amended
 1295 to read:

1296 723.042 Provision of improvements.—~~A~~ No person may not
 1297 ~~shall~~ be required by a mobile home park owner or developer, as a
 1298 condition of residence in the mobile home park, to provide any
 1299 improvement unless the requirement is disclosed pursuant to s.
 1300 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home

1301 park.

1302 Section 30. Subsections (3) and (4) of section 723.059,
 1303 Florida Statutes, are amended to read:

1304 723.059 ~~Rights of Purchaser~~ of a mobile home within a
 1305 mobile home park.-

1306 (3) The purchaser of a mobile home who intends to become
 1307 ~~becomes~~ a resident of the mobile home park in accordance with
 1308 this section has the right to assume the remainder of the term
 1309 of any rental agreement then in effect between the mobile home
 1310 park owner and the seller and may assume the seller's
 1311 prospectus. However, nothing herein shall prohibit a mobile home
 1312 park owner from offering the purchaser of a mobile home any
 1313 approved prospectus shall be entitled to rely on the terms and
 1314 conditions of the prospectus or offering circular as delivered
 1315 to the initial recipient.

1316 (4) However, nothing herein shall be construed to prohibit
 1317 a mobile home park owner from increasing the rental amount to be
 1318 paid by the purchaser upon the expiration of the assumed rental
 1319 agreement in an amount deemed appropriate by the mobile home
 1320 park owner, so long as such increase is disclosed to the
 1321 purchaser prior to his or her occupancy and is imposed in a
 1322 manner consistent with the purchaser's initial offering circular
 1323 ~~or~~ prospectus and this act.

1324 Section 31. Paragraph (d) of subsection (1) of section
 1325 723.061, Florida Statutes, is amended, and subsection (5) is

1326 added to that section, to read:

1327 723.061 Eviction; grounds, proceedings.—

1328 (1) A mobile home park owner may evict a mobile home
1329 owner, a mobile home tenant, a mobile home occupant, or a mobile
1330 home only on one or more of the following grounds:

1331 (d) Change in use of the land comprising the mobile home
1332 park, or the portion thereof from which mobile homes are to be
1333 evicted, from mobile home lot rentals to some other use, if:

1334 1. The park owner gives written notice to the homeowners'
1335 association formed and operating under ss. 723.075-723.079 of
1336 its right to purchase the mobile home park, if the land
1337 comprising the mobile home park is changing use from mobile home
1338 lot rentals to a different use, at the price and under the terms
1339 and conditions set forth in the written notice.

1340 a. The notice shall be delivered to the officers of the
1341 homeowners' association by United States mail. Within 45 days
1342 after the date of mailing of the notice, the homeowners'
1343 association may execute and deliver a contract to the park owner
1344 to purchase the mobile home park at the price and under the
1345 terms and conditions set forth in the notice. If the contract
1346 between the park owner and the homeowners' association is not
1347 executed and delivered to the park owner within the 45-day
1348 period, the park owner is under no further obligation to the
1349 homeowners' association except as provided in sub-subparagraph
1350 b.

1351 b. If the park owner elects to offer or sell the mobile
1352 home park at a price lower than the price specified in her or
1353 his initial notice to the officers of the homeowners'
1354 association, the homeowners' association has an additional 10
1355 days to meet the revised price, terms, and conditions of the
1356 park owner by executing and delivering a revised contract to the
1357 park owner.

1358 c. The park owner is not obligated under this subparagraph
1359 or s. 723.071 to give any other notice to, or to further
1360 negotiate with, the homeowners' association for the sale of the
1361 mobile home park to the homeowners' association after 6 months
1362 after the date of the mailing of the initial notice under sub-
1363 subparagraph a.

1364 2. The park owner gives the affected mobile home owners
1365 and tenants at least 6 months' notice of the eviction due to the
1366 projected change in use and of their need to secure other
1367 accommodations. Within 20 days after giving an eviction notice
1368 to a mobile home owner, the park owner must provide the division
1369 with a copy of the notice. The division must provide the
1370 executive director of the Florida Mobile Home Relocation
1371 Corporation with a copy of the notice.

1372 a. The notice of eviction due to a change in use of the
1373 land must include in a font no smaller than the body of the
1374 notice the following statement:
1375

1376 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME
1377 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME
1378 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS
1379 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND
1380 PROFESSIONAL REGULATION.
1381

1382 b. The park owner may not give a notice of increase in lot
1383 rental amount within 90 days before giving notice of a change in
1384 use.

1385 (5) A park owner who accepts payment of any portion of the
1386 lot rental amount with actual knowledge of noncompliance after
1387 notice and termination of the rental agreement due to a
1388 violation under paragraph (1)(b), paragraph (1)(c), or paragraph
1389 (1)(e) does not waive the right to terminate the rental
1390 agreement or the right to bring a civil action for the
1391 noncompliance, but not for any subsequent or continuing
1392 noncompliance. Any rent so received must be accounted for at the
1393 final hearing.

1394 Section 32. Subsection (1) of section 723.076, Florida
1395 Statutes, is amended to read:

1396 723.076 Incorporation; notification of park owner.—

1397 (1) Upon receipt of its certificate of incorporation, the
1398 homeowners' association shall notify the park owner in writing
1399 of such incorporation and shall advise the park owner of the
1400 names and addresses of the officers of the homeowners'

1401 association by personal delivery upon the park owner's
1402 representative as designated in the prospectus or by certified
1403 mail, return receipt requested. Thereafter, the homeowners'
1404 association shall notify the park owner in writing by certified
1405 mail, return receipt requested, of any change of names and
1406 addresses of its president or registered agent. Upon election or
1407 appointment of new officers or board members, the homeowners'
1408 association shall notify the park owner in writing by certified
1409 mail, return receipt requested, of the names and addresses of
1410 the new officers or board members.

1411 Section 33. Paragraphs (b) through (e) of subsection (2)
1412 of section 723.078, Florida Statutes, are amended, and paragraph
1413 (i) of that subsection is reenacted, to read:

1414 723.078 Bylaws of homeowners' associations.—

1415 (2) The bylaws shall provide and, if they do not, shall be
1416 deemed to include, the following provisions:

1417 (b) Quorum; voting requirements; proxies.—

1418 1. Unless otherwise provided in the bylaws, 30 percent of
1419 the total membership is required to constitute a quorum.

1420 Decisions shall be made by a majority of members represented at
1421 a meeting at which a quorum is present.

1422 2.a. A member may not vote by general proxy but may vote
1423 by limited proxies substantially conforming to a limited proxy
1424 form adopted by the division. Limited proxies and general
1425 proxies may be used to establish a quorum. Limited proxies may

1426 be used for votes taken to amend the articles of incorporation
1427 or bylaws pursuant to this section, and any other matters for
1428 which this chapter requires or permits a vote of members. A
1429 ~~except that no~~ proxy, limited or general, may not be used in the
1430 election of board members in general elections or elections to
1431 fill vacancies caused by recall, resignation, or otherwise.
1432 Board members must be elected by written ballot or by voting in
1433 person. If a mobile home or subdivision lot is owned jointly,
1434 the owners of the mobile home or subdivision lot must be counted
1435 as one for the purpose of determining the number of votes
1436 required for a majority. Only one vote per mobile home or
1437 subdivision lot shall be counted. Any number greater than 50
1438 percent of the total number of votes constitutes a majority.
1439 Notwithstanding this section, members may vote in person at
1440 member meetings or by secret ballot, including absentee ballots,
1441 as defined by the division.

1442 b. Elections shall be decided by a plurality of the
1443 ballots cast. There is no quorum requirement; however, at least
1444 20 percent of the eligible voters must cast a ballot in order to
1445 have a valid election. A member may not allow any other person
1446 to cast his or her ballot, and any ballots improperly cast are
1447 invalid. An election is not required unless there are more
1448 candidates nominated than vacancies that exist on the board.

1449 c. Each member or other eligible person who desires to be
1450 a candidate for the board of directors shall appear on the

1451 ballot in alphabetical order by surname. A ballot may not
1452 indicate if any of the candidates are incumbent on the board.
1453 All ballots must be uniform in appearance. Write-in candidates
1454 and more than one vote per candidate per ballot are not allowed.
1455 A ballot may not provide a space for the signature of, or any
1456 other means of identifying, a voter. If a ballot contains more
1457 votes than vacancies or fewer votes than vacancies, the ballot
1458 is invalid unless otherwise stated in the bylaws.

1459 d. An impartial committee shall be responsible for
1460 overseeing the election process and complying with all ballot
1461 requirements. For purposes of this section, the term "impartial
1462 committee" means a committee whose members do not include any of
1463 the following people or their spouses:

1464 (I) Current board members.

1465 (II) Current association officers.

1466 (III) Candidates for the association or board.

1467 e. The association bylaws shall provide a method for
1468 determining the winner of an election in which two or more
1469 candidates for the same position receive the same number of
1470 votes.

1471 f. The division shall adopt procedural rules to govern
1472 elections, including, but not limited to, rules for providing
1473 notice by electronic transmission and rules for maintaining the
1474 secrecy of ballots.

1475 3. A proxy is effective only for the specific meeting for

1476 | which originally given and any lawfully adjourned meetings
1477 | thereof. In no event shall any proxy be valid for a period
1478 | longer than 90 days after the date of the first meeting for
1479 | which it was given. Every proxy shall be revocable at any time
1480 | at the pleasure of the member executing it.

1481 | 4. A member of the board of directors or a committee may
1482 | submit in writing his or her agreement or disagreement with any
1483 | action taken at a meeting that the member did not attend. This
1484 | agreement or disagreement may not be used as a vote for or
1485 | against the action taken and may not be used for the purposes of
1486 | creating a quorum.

1487 | (c) Board of directors' and committee meetings.—

1488 | 1. Meetings of the board of directors and meetings of its
1489 | committees at which a quorum is present shall be open to all
1490 | members. Notwithstanding any other provision of law, the
1491 | requirement that board meetings and committee meetings be open
1492 | to the members does not apply to meetings between the park owner
1493 | and the board of directors or any of the board's committees,
1494 | board or committee meetings held for the purpose of discussing
1495 | personnel matters, or meetings between the board or a committee
1496 | and the association's attorney, with respect to potential or
1497 | pending litigation, when ~~where~~ the meeting is held for the
1498 | purpose of seeking or rendering legal advice, and when ~~where~~ the
1499 | contents of the discussion would otherwise be governed by the
1500 | attorney-client privilege. Notice of all meetings open to

1501 members shall be posted in a conspicuous place upon the park
1502 property at least 48 hours in advance, except in an emergency.
1503 Notice of any meeting in which dues ~~assessments against members~~
1504 are to be considered for any reason shall specifically contain a
1505 statement that dues ~~assessments~~ will be considered and the
1506 nature of such dues ~~assessments~~.

1507 2. A board or committee member's participation in a
1508 meeting via telephone, real-time videoconferencing, or similar
1509 real-time telephonic, electronic, or video communication counts
1510 toward a quorum, and such member may vote as if physically
1511 present. A speaker shall be used so that the conversation of
1512 those board or committee members attending by telephone may be
1513 heard by the board or committee members attending in person, as
1514 well as by members present at a meeting.

1515 3. Members of the board of directors may use e-mail as a
1516 means of communication but may not cast a vote on an association
1517 matter via e-mail.

1518 4. The right to attend meetings of the board of directors
1519 and its committees includes the right to speak at such meetings
1520 with reference to all designated agenda items. The association
1521 may adopt reasonable written rules governing the frequency,
1522 duration, and manner of members' statements. Any item not
1523 included on the notice may be taken up on an emergency basis by
1524 at least a majority plus one of the members of the board. Such
1525 emergency action shall be noticed and ratified at the next

1526 regular meeting of the board. Any member may tape record or
1527 videotape meetings of the board of directors and its committees,
1528 except meetings between the board of directors or its appointed
1529 homeowners' committee and the park owner. The division shall
1530 adopt reasonable rules governing the tape recording and
1531 videotaping of the meeting.

1532 5. Except as provided in paragraph (i), a vacancy
1533 occurring on the board of directors may be filled by the
1534 affirmative vote of the majority of the remaining directors,
1535 even though the remaining directors constitute less than a
1536 quorum; by the sole remaining director; if the vacancy is not so
1537 filled or if no director remains, by the members; or, on the
1538 application of any person, by the circuit court of the county in
1539 which the registered office of the corporation is located.

1540 6. The term of a director elected or appointed to fill a
1541 vacancy expires at the next annual meeting at which directors
1542 are elected. A directorship to be filled by reason of an
1543 increase in the number of directors may be filled by the board
1544 of directors, but only for the term of office continuing until
1545 the next election of directors by the members.

1546 7. A vacancy that will occur at a specific later date, by
1547 reason of a resignation effective at a later date, may be filled
1548 before the vacancy occurs. However, the new director may not
1549 take office until the vacancy occurs.

1550 8.a. The officers and directors of the association have a

1551 fiduciary relationship to the members.

1552 b. A director and committee member shall discharge his or
1553 her duties in good faith, with the care an ordinarily prudent
1554 person in a like position would exercise under similar
1555 circumstances, and in a manner he or she reasonably believes to
1556 be in the best interests of the corporation.

1557 9. In discharging his or her duties, a director may rely
1558 on information, opinions, reports, or statements, including
1559 financial statements and other financial data, if prepared or
1560 presented by:

1561 a. One or more officers or employees of the corporation
1562 who the director reasonably believes to be reliable and
1563 competent in the matters presented;

1564 b. Legal counsel, public accountants, or other persons as
1565 to matters the director reasonably believes are within the
1566 persons' professional or expert competence; or

1567 c. A committee of the board of directors of which he or
1568 she is not a member if the director reasonably believes the
1569 committee merits confidence.

1570 10. A director is not acting in good faith if he or she
1571 has knowledge concerning the matter in question that makes
1572 reliance otherwise permitted by subparagraph 9. unwarranted.

1573 11. A director is not liable for any action taken as a
1574 director, or any failure to take any action, if he or she
1575 performed the duties of his or her office in compliance with

1576 | this section.

1577 | (d) Member meetings.—Members shall meet at least once each
1578 | calendar year, and the meeting shall be the annual meeting. All
1579 | members of the board of directors shall be elected at the annual
1580 | meeting unless the bylaws provide for staggered election terms
1581 | or for their election at another meeting. The bylaws shall not
1582 | restrict any member desiring to be a candidate for board
1583 | membership from being nominated from the floor. All nominations
1584 | from the floor must be made at a duly noticed meeting of the
1585 | members held at least 27 ~~30~~ days before the annual meeting. The
1586 | bylaws shall provide the method for calling the meetings of the
1587 | members, including annual meetings. The method shall provide at
1588 | least 14 days' written notice to each member in advance of the
1589 | meeting and require the posting in a conspicuous place on the
1590 | park property of a notice of the meeting at least 14 days prior
1591 | to the meeting. The right to receive written notice of
1592 | membership meetings may be waived in writing by a member. Unless
1593 | waived, the notice of the annual meeting shall be mailed, hand
1594 | delivered, or electronically transmitted to each member, and
1595 | shall constitute notice. Unless otherwise stated in the bylaws,
1596 | an officer of the association shall provide an affidavit
1597 | affirming that the notices were mailed, or hand delivered, or
1598 | provided by electronic transmission in accordance with ~~the~~
1599 | ~~provisions of~~ this section to each member at the address last
1600 | furnished to the corporation. These meeting requirements do not

1601 prevent members from waiving notice of meetings or from acting
 1602 by written agreement without meetings, if allowed by the bylaws.

1603 (e) Minutes of meetings.—

1604 1. Notwithstanding any other provision of law, the minutes
 1605 of board or committee meetings that are closed to members are
 1606 privileged and confidential and are not available for inspection
 1607 or photocopying.

1608 2. Minutes of all meetings of members of an association
 1609 and meetings open to members of the board of directors, and a
 1610 committee of the board must be maintained in written form and
 1611 approved by the members, board, or committee, as applicable. A
 1612 vote or abstention from voting on each matter voted upon for
 1613 each director present at a board meeting must be recorded in the
 1614 minutes.

1615 ~~3.2.~~ All approved minutes of open meetings of members,
 1616 committees, and the board of directors shall be kept in a
 1617 businesslike manner and shall be available for inspection by
 1618 members, or their authorized representatives, and board members
 1619 at reasonable times. The association shall retain these minutes
 1620 within this state for ~~a period of~~ at least 5 7 years.

1621 (i) Recall of board members.—Any member of the board of
 1622 directors may be recalled and removed from office with or
 1623 without cause by the vote of or agreement in writing by a
 1624 majority of all members. A special meeting of the members to
 1625 recall a member or members of the board of directors may be

1626 called by 10 percent of the members giving notice of the meeting
1627 as required for a meeting of members, and the notice shall state
1628 the purpose of the meeting. Electronic transmission may not be
1629 used as a method of giving notice of a meeting called in whole
1630 or in part for this purpose.

1631 1. If the recall is approved by a majority of all members
1632 by a vote at a meeting, the recall is effective as provided in
1633 this paragraph. The board shall duly notice and hold a board
1634 meeting within 5 full business days after the adjournment of the
1635 member meeting to recall one or more board members. At the
1636 meeting, the board shall either certify the recall, in which
1637 case such member or members shall be recalled effective
1638 immediately and shall turn over to the board within 5 full
1639 business days any and all records and property of the
1640 association in their possession, or shall proceed under
1641 subparagraph 3.

1642 2. If the proposed recall is by an agreement in writing by
1643 a majority of all members, the agreement in writing or a copy
1644 thereof shall be served on the association by certified mail or
1645 by personal service in the manner authorized by chapter 48 and
1646 the Florida Rules of Civil Procedure. The board of directors
1647 shall duly notice and hold a meeting of the board within 5 full
1648 business days after receipt of the agreement in writing. At the
1649 meeting, the board shall either certify the written agreement to
1650 recall members of the board, in which case such members shall be

1651 recalled effective immediately and shall turn over to the board,
1652 within 5 full business days, any and all records and property of
1653 the association in their possession, or shall proceed as
1654 described in subparagraph 3.

1655 3. If the board determines not to certify the written
1656 agreement to recall members of the board, or does not certify
1657 the recall by a vote at a meeting, the board shall, within 5
1658 full business days after the board meeting, file with the
1659 division a petition for binding arbitration pursuant to the
1660 procedures of s. 723.1255. For purposes of this paragraph, the
1661 members who voted at the meeting or who executed the agreement
1662 in writing shall constitute one party under the petition for
1663 arbitration. If the arbitrator certifies the recall of a member
1664 of the board, the recall shall be effective upon mailing of the
1665 final order of arbitration to the association. If the
1666 association fails to comply with the order of the arbitrator,
1667 the division may take action under s. 723.006. A member so
1668 recalled shall deliver to the board any and all records and
1669 property of the association in the member's possession within 5
1670 full business days after the effective date of the recall.

1671 4. If the board fails to duly notice and hold a board
1672 meeting within 5 full business days after service of an
1673 agreement in writing or within 5 full business days after the
1674 adjournment of the members' recall meeting, the recall shall be
1675 deemed effective and the board members so recalled shall

1676 immediately turn over to the board all records and property of
1677 the association.

1678 5. If the board fails to duly notice and hold the required
1679 meeting or fails to file the required petition, the member's
1680 representative may file a petition pursuant to s. 723.1255
1681 challenging the board's failure to act. The petition must be
1682 filed within 60 days after expiration of the applicable 5-full-
1683 business-day period. The review of a petition under this
1684 subparagraph is limited to the sufficiency of service on the
1685 board and the facial validity of the written agreement or
1686 ballots filed.

1687 6. If a vacancy occurs on the board as a result of a
1688 recall and less than a majority of the board members are
1689 removed, the vacancy may be filled by the affirmative vote of a
1690 majority of the remaining directors, notwithstanding any other
1691 provision of this chapter. If vacancies occur on the board as a
1692 result of a recall and a majority or more of the board members
1693 are removed, the vacancies shall be filled in accordance with
1694 procedural rules to be adopted by the division, which rules need
1695 not be consistent with this chapter. The rules must provide
1696 procedures governing the conduct of the recall election as well
1697 as the operation of the association during the period after a
1698 recall but before the recall election.

1699 7. A board member who has been recalled may file a
1700 petition pursuant to s. 723.1255 challenging the validity of the

1701 recall. The petition must be filed within 60 days after the
1702 recall is deemed certified. The association and the member's
1703 representative shall be named as the respondents.

1704 8. The division may not accept for filing a recall
1705 petition, whether or not filed pursuant to this subsection, and
1706 regardless of whether the recall was certified, when there are
1707 60 or fewer days until the scheduled reelection of the board
1708 member sought to be recalled or when 60 or fewer days have not
1709 elapsed since the election of the board member sought to be
1710 recalled.

1711 Section 34. Paragraphs (d) and (f) through (i) of
1712 subsection (4) and subsection (5) of section 723.079, Florida
1713 Statutes, are amended to read:

1714 723.079 Powers and duties of homeowners' association.—

1715 (4) The association shall maintain the following items,
1716 when applicable, which constitute the official records of the
1717 association:

1718 (d) The approved minutes of all meetings of the members of
1719 an association and meetings open for members of, the board of
1720 directors, and committees of the board, which minutes must be
1721 retained within this ~~the~~ state for at least 5 7 years.

1722 (f) All of the association's insurance policies or copies
1723 thereof, which must be retained within this state for at least 5
1724 7 years after the expiration date of the policy.

1725 (g) A copy of all contracts or agreements to which the

1726 association is a party, including, without limitation, any
1727 written agreements with the park owner, lease, or other
1728 agreements or contracts under which the association or its
1729 members has any obligation or responsibility, which must be
1730 retained within this state for at least 5 7 years after the
1731 expiration date of the contract or agreement.

1732 (h) The financial and accounting records of the
1733 association, kept according to good accounting practices. All
1734 financial and accounting records must be maintained within this
1735 state for a ~~period of~~ at least 5 7 years. The financial and
1736 accounting records must include:

1737 1. Accurate, itemized, and detailed records of all
1738 receipts and expenditures.

1739 2. A current account and a periodic statement of the
1740 account for each member, designating the name and current
1741 address of each member who is obligated to pay dues or
1742 assessments, the due date and amount of each assessment or other
1743 charge against the member, the date and amount of each payment
1744 on the account, and the balance due.

1745 3. All tax returns, financial statements, and financial
1746 reports of the association.

1747 4. Any other records that identify, measure, record, or
1748 communicate financial information.

1749 (i) All other written records of the association not
1750 specifically included in the foregoing which are related to the

1751 operation of the association must be retained within this state
1752 for at least 5 years or at least 5 years after the expiration
1753 date, as applicable.

1754 (5) The official records shall be ~~maintained within the~~
1755 ~~state for at least 7 years and shall be~~ made available to a
1756 member for inspection or photocopying within 20 ~~40~~ business days
1757 after receipt by the board or its designee of a written request
1758 submitted by certified mail, return receipt requested. The
1759 requirements of this subsection are satisfied by having a copy
1760 of the official records available for inspection or copying in
1761 the park or, at the option of the association, by making the
1762 records available to a member electronically via the Internet or
1763 by allowing the records to be viewed in electronic format on a
1764 computer screen and printed upon request. If the association has
1765 a photocopy machine available where the records are maintained,
1766 it must provide a member with copies on request during the
1767 inspection if the entire request is no more than 25 pages. An
1768 association shall allow a member or his or her authorized
1769 representative to use a portable device, including a smartphone,
1770 tablet, portable scanner, or any other technology capable of
1771 scanning or taking photographs, to make an electronic copy of
1772 the official records in lieu of the association's providing the
1773 member or his or her authorized representative with a copy of
1774 such records. The association may not charge a fee to a member
1775 or his or her authorized representative for the use of a

1776 | portable device.

1777 | (a) The failure of an association to provide access to the
 1778 | records within 20 ~~40~~ business days after receipt of a written
 1779 | request submitted by certified mail, return receipt requested,
 1780 | creates a rebuttable presumption that the association willfully
 1781 | failed to comply with this subsection.

1782 | (b) A member who is denied access to official records is
 1783 | entitled to ~~the actual damages or minimum~~ damages for the
 1784 | association's willful failure to comply with this subsection in
 1785 | the amount of. ~~The minimum damages are to be~~ \$10 per calendar
 1786 | day up to 10 days, not to exceed \$100. The calculation for
 1787 | damages begins ~~to begin~~ on the 21st ~~11th~~ business day after
 1788 | receipt of the written request, submitted by certified mail,
 1789 | return receipt requested.

1790 | (c) A dispute between a member and an association
 1791 | regarding inspecting or photocopying official records must be
 1792 | submitted to mandatory binding arbitration with the division,
 1793 | and the arbitration must be conducted pursuant to s. 723.1255
 1794 | and procedural rules adopted by the division.

1795 | (d) The association may adopt reasonable written rules
 1796 | governing the frequency, time, location, notice, records to be
 1797 | inspected, and manner of inspections, but may not require a
 1798 | member to demonstrate a proper purpose for the inspection, state
 1799 | a reason for the inspection, or limit a member's right to
 1800 | inspect records to less than 1 business day per month. The

1801 association may impose fees to cover the costs of providing
1802 copies of the official records, including the costs of copying
1803 and for personnel to retrieve and copy the records if the time
1804 spent retrieving and copying the records exceeds 30 minutes and
1805 if the personnel costs do not exceed \$20 per hour. Personnel
1806 costs may not be charged for records requests that result in the
1807 copying of 25 or fewer pages. The association may charge up to
1808 25 cents per page for copies made on the association's
1809 photocopier. If the association does not have a photocopy
1810 machine available where the records are kept, or if the records
1811 requested to be copied exceed 25 pages in length, the
1812 association may have copies made by an outside duplicating
1813 service and may charge the actual cost of copying, as supported
1814 by the vendor invoice. The association shall maintain an
1815 adequate number of copies of the recorded governing documents,
1816 to ensure their availability to members and prospective members.
1817 Notwithstanding this paragraph, the following records are not
1818 accessible to members or home owners:

1819 1. A record protected by the lawyer-client privilege as
1820 described in s. 90.502 and a record protected by the work-
1821 product privilege, including, but not limited to, a record
1822 prepared by an association attorney or prepared at the
1823 attorney's express direction which reflects a mental impression,
1824 conclusion, litigation strategy, or legal theory of the attorney
1825 or the association and which was prepared exclusively for civil

1826 or criminal litigation, for adversarial administrative
1827 proceedings, or in anticipation of such litigation or
1828 proceedings until the conclusion of the litigation or
1829 proceedings.

1830 2. E-mail addresses, telephone numbers, facsimile numbers,
1831 emergency contact information, any addresses for a home owner
1832 other than as provided for association notice requirements, and
1833 other personal identifying information of any person, excluding
1834 the person's name, lot designation, mailing address, and
1835 property address. Notwithstanding the restrictions in this
1836 subparagraph, an association may print and distribute to home
1837 owners a directory containing the name, park address, and
1838 telephone number of each home owner. However, a home owner may
1839 exclude his or her telephone number from the directory by so
1840 requesting in writing to the association. The association is not
1841 liable for the disclosure of information that is protected under
1842 this subparagraph if the information is included in an official
1843 record of the association and is voluntarily provided by a home
1844 owner and not requested by the association.

1845 3. An electronic security measure that is used by the
1846 association to safeguard data, including passwords.

1847 4. The software and operating system used by the
1848 association which allows the manipulation of data, even if the
1849 home owner owns a copy of the same software used by the
1850 association. The data is part of the official records of the

1851 association.

1852 Section 35. Section 723.1255, Florida Statutes, is amended
 1853 to read:

1854 723.1255 Alternative resolution of recall, election, and
 1855 inspection and photocopying of official records disputes.-

1856 (1) A dispute between a mobile home owner and a
 1857 homeowners' association regarding the election and recall of
 1858 officers or directors under s. 723.078(2)(b) or regarding the
 1859 inspection and photocopying of official records under s.
 1860 723.079(5) must be submitted to mandatory binding arbitration
 1861 with the division. The arbitration shall be conducted in
 1862 accordance with this section and the procedural rules adopted by
 1863 the division.

1864 (2) Each party shall be responsible for paying its own
 1865 attorney fees, expert and investigator fees, and associated
 1866 costs. The cost of the arbitrators shall be divided equally
 1867 between the parties regardless of the outcome.

1868 (3) The division shall adopt procedural rules to govern
 1869 mandatory binding arbitration proceedings ~~The Division of~~
 1870 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~
 1871 ~~Department of Business and Professional Regulation shall adopt~~
 1872 ~~rules of procedure to govern binding recall arbitration~~
 1873 ~~proceedings.~~

1874 Section 36. For the purpose of incorporating the amendment
 1875 made by this act to section 420.5087, Florida Statutes, in a

1876 reference thereto, paragraph (i) of subsection (22) of section
 1877 420.507, Florida Statutes, is reenacted to read:

1878 420.507 Powers of the corporation.—The corporation shall
 1879 have all the powers necessary or convenient to carry out and
 1880 effectuate the purposes and provisions of this part, including
 1881 the following powers which are in addition to all other powers
 1882 granted by other provisions of this part:

1883 (22) To develop and administer the State Apartment
 1884 Incentive Loan Program. In developing and administering that
 1885 program, the corporation may:

1886 (i) Establish, by rule, the procedure for competitively
 1887 evaluating and selecting all applications for funding based on
 1888 the criteria set forth in s. 420.5087(6)(c), determining actual
 1889 loan amounts, making and servicing loans, and exercising the
 1890 powers authorized in this subsection.

1891 Section 37. For the purpose of incorporating the amendment
 1892 made by this act to section 420.5095, Florida Statutes, in a
 1893 reference thereto, subsection (2) of section 193.018, Florida
 1894 Statutes, is reenacted to read:

1895 193.018 Land owned by a community land trust used to
 1896 provide affordable housing; assessment; structural improvements,
 1897 condominium parcels, and cooperative parcels.—

1898 (2) A community land trust may convey structural
 1899 improvements, condominium parcels, or cooperative parcels, that
 1900 are located on specific parcels of land that are identified by a

1901 | legal description contained in and subject to a ground lease
1902 | having a term of at least 99 years, for the purpose of providing
1903 | affordable housing to natural persons or families who meet the
1904 | extremely-low-income, very-low-income, low-income, or moderate-
1905 | income limits specified in s. 420.0004, or the income limits for
1906 | workforce housing, as defined in s. 420.5095(3). A community
1907 | land trust shall retain a preemptive option to purchase any
1908 | structural improvements, condominium parcels, or cooperative
1909 | parcels on the land at a price determined by a formula specified
1910 | in the ground lease which is designed to ensure that the
1911 | structural improvements, condominium parcels, or cooperative
1912 | parcels remain affordable.

1913 | Section 38. This act shall take effect July 1, 2020.