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2020 Legislature

1
2 An act relating to community affairs; amending s.
3 125.01055, F.S.; adding linkage fee ordinances as land
4 use mechanisms that counties are authorized to adopt
5 and maintain; providing that affordable housing
6 linkage fee ordinances may require the payment of
7 certain fees; authorizing a board of county
8 commissioners to approve development of affordable
9 housing on any parcel zoned for residential,
10 commercial, or industrial use; amending s. 129.03,
11 F.S.; revising the information required to be annually
12 submitted by county budget officers to the Office of
13 Economic and Demographic Research; requiring certain
14 information to be included beginning in a specified
15 submission; amending s. 163.01, F.S.; amending the
16 Florida Interlocal Cooperation Act of 1969 to
17 authorize private entities to enter into specified
18 loan agreements; authorizing certain bond proceeds to
19 be loaned to private entities for specified types of
20 projects; providing that such loans are deemed a
21 paramount public purpose; amending s. 163.31771, F.S.;
22 revising conditions under which local governments are
23 authorized to adopt ordinances that allow accessory
24 dwelling units in any area zoned for single-family
25 residential use; amending s. 163.31801, F.S.;

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26 requiring counties, municipalities, and special
27 districts to include certain data relating to impact
28 fees in their annual financial reports; amending s.
29 166.04151, F.S.; adding linkage fee ordinances as land
30 use mechanisms that municipalities are authorized to
31 adopt and maintain; providing that affordable housing
32 linkage fee ordinances may require the payment of
33 certain fees; authorizing governing bodies of
34 municipalities to approve the development of
35 affordable housing on any parcel zoned for
36 residential, commercial, or industrial use; amending
37 s. 166.241, F.S.; revising the information required to
38 be annually submitted by municipal budget officers to
39 the Office of Economic and Demographic Research;
40 requiring certain information to be included beginning
41 in a specified submission; amending s. 320.77, F.S.;
42 revising a certification requirement for mobile home
43 dealer applicants relating to the applicant's business
44 location; amending s. 320.771, F.S.; exempting certain
45 recreational vehicle dealer applicants from a garage
46 liability insurance requirement; amending s. 320.822,
47 F.S.; revising the definition of the term "code";
48 amending s. 320.8232, F.S.; revising applicable
49 standards for the repair and remodeling of mobile and
50 manufactured homes; amending s. 367.022, F.S.;

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51 | revising an exemption from regulation for certain
52 | water service resellers; exempting certain mobile home
53 | park and mobile home subdivision owners from
54 | regulation by the Florida Public Service Commission
55 | relating to water and wastewater systems; creating s.
56 | 420.518, F.S.; authorizing the preclusion of an
57 | applicant or affiliate of an applicant from
58 | participation in Florida Housing Finance Corporation
59 | programs under certain conditions; authorizing the
60 | board of directors of the corporation to preclude the
61 | applicant for a period of time or revoke the
62 | applicant's funding; requiring that an administrative
63 | complaint be served before an order is issued;
64 | authorizing the corporation to suspend certain
65 | funding, allocations of federal housing credits,
66 | credit underwriting procedures, or application
67 | reviews; providing requirements for such suspensions;
68 | amending s. 420.5087, F.S.; revising the criteria used
69 | by a review committee when evaluating and selecting
70 | specified applications for state apartment incentive
71 | loans; authorizing the corporation to prioritize a
72 | portion of the State Apartment Incentive Loan funding
73 | set aside for certain purposes; requiring that such
74 | funding be used for housing for certain persons in
75 | foster care or persons aging out of foster care;

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76 providing requirements for such housing; requiring the
77 corporation to consult with the Department of Children
78 and Families to create minimum criteria for such
79 housing; amending s. 420.5095, F.S.; revising
80 legislative findings; renaming the Community Workforce
81 Housing Innovation Pilot Program as the Community
82 Workforce Housing Loan Program to provide workforce
83 housing for persons affected by the high cost of
84 housing; revising the definition of the term
85 "workforce housing"; deleting the definition of the
86 term "public-private partnership"; authorizing the
87 corporation to provide loans under the program to
88 applicants for construction of workforce housing;
89 requiring the corporation to establish a certain loan
90 application process; deleting provisions requiring the
91 corporation to provide incentives for local
92 governments to use certain funds; requiring projects
93 to receive priority consideration for funding under
94 certain circumstances; deleting provisions providing
95 for the expedition of local government comprehensive
96 plan amendments to implement a program project;
97 requiring that the corporation award loans at a
98 specified interest rate and for a limited term;
99 conforming provisions to changes made by the act;
100 deleting a provision authorizing the corporation to

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101 use a maximum percentage of a specified appropriation
102 for administration and compliance; amending s.
103 420.531, F.S.; specifying that technical support
104 provided to local governments and community-based
105 organizations includes implementation of the State
106 Apartment Incentive Loan Program; requiring the entity
107 providing training and technical assistance to convene
108 and administer biannual workshops; providing
109 requirements for such workshops; requiring such entity
110 to annually compile and submit certain information to
111 the Legislature and the corporation by a specified
112 date; amending s. 420.9071, F.S.; revising the
113 definition of the term "affordable"; amending s.
114 420.9075, F.S.; revising requirements for reports
115 submitted to the corporation by counties and certain
116 municipalities; amending s. 420.9076, F.S.; beginning
117 on a specified date, revising the membership of local
118 affordable housing advisory committees; requiring the
119 committees to perform specified duties annually
120 instead of triennially; revising duties of the
121 committees; requiring locally elected officials
122 serving on advisory committees, or their designees, to
123 attend biannual regional workshops; providing a
124 penalty; amending s. 553.791, F.S.; revising a
125 prohibition against auditing certain private providers

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126 more than a specified number of times per month under
 127 certain conditions; amending s. 723.011, F.S.;

128 providing that a mobile home owner may be required to
 129 install permanent improvements as disclosed in the
 130 mobile home park prospectus; amending s. 723.012,
 131 F.S.; requiring a mobile home park owner to amend its
 132 prospectus under certain circumstances; requiring a
 133 mobile home park owner to increase shared facilities
 134 under certain circumstances; providing a requirement
 135 for the prospectus amendment; prohibiting certain
 136 costs and expenses from being passed on or passed
 137 through to existing mobile home owners; amending s.
 138 723.023, F.S.; revising general obligations for mobile
 139 home owners; amending s. 723.031, F.S.; revising
 140 construction relating to a mobile home park owner's
 141 disclosure of certain taxes and assessments;

142 prohibiting a mobile home park owner from charging or
 143 collecting certain taxes or charges in excess of a
 144 certain amount; amending s. 723.037, F.S.; authorizing
 145 mobile home park owners to give notice of lot rental
 146 increases for multiple anniversary dates in one
 147 notice; providing construction; revising a requirement
 148 for a lot rental negotiation committee; amending s.
 149 723.041, F.S.; providing that a mobile home park
 150 damaged or destroyed due to natural force may be

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151 rebuilt with the same density as previously approved,
152 permitted, and built; providing construction; amending
153 s. 723.042, F.S.; revising conditions under which a
154 person is required by a mobile home park owner or
155 developer to provide improvements as a condition of
156 residence in a mobile home park; amending s. 723.059,
157 F.S.; authorizing certain mobile home purchasers to
158 assume the seller's prospectus; authorizing a mobile
159 home park owner to offer a purchaser any approved
160 prospectus; amending s. 723.061, F.S.; revising
161 requirements related to the provision of eviction
162 notices by mobile home park owners to specified
163 entities; specifying the waiver and nonwaiver of
164 certain rights of mobile home park owners under
165 certain circumstances; requiring the accounting at
166 final hearing of rents received; amending s. 723.076,
167 F.S.; providing a notice requirement for homeowners'
168 associations to mobile home park owners after the
169 election or appointment of new officers or board
170 members; amending s. 723.078, F.S.; revising
171 requirements for homeowners' association board
172 elections and ballots; requiring an impartial
173 committee to be responsible for overseeing the
174 election process and complying with ballot
175 requirements; defining the term "impartial committee";

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176 requiring that association bylaws provide a method for
177 determining the winner of an election under certain
178 circumstances; requiring the division to adopt
179 procedural rules; revising the types of meetings that
180 are not required to be open to members; providing an
181 exception to a requirement for an officer of an
182 association to provide an affidavit affirming certain
183 information; authorizing meeting notices to be
184 provided by electronic means; providing that the
185 minutes of certain board and committee meetings are
186 privileged and confidential; conforming provisions to
187 changes made by the act; amending s. 723.079, F.S.;
188 revising homeowners' association recordkeeping
189 requirements; revising the timeframes during which
190 certain records are required to be retained and be
191 made available for inspection or photocopying;
192 limiting the amount of damages for which an
193 association is liable when a member is denied access
194 to official records; requiring that certain disputes
195 be submitted to mandatory binding arbitration with the
196 division; providing requirements for such arbitration;
197 amending s. 723.1255, F.S.; requiring that certain
198 disputes be submitted to mandatory binding arbitration
199 with the division; providing requirements for such
200 arbitration and responsibility for fees and costs;

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201 requiring the division to adopt procedural rules;
 202 reenacting s. 420.507(22)(i), F.S., relating to powers
 203 of the Florida Housing Finance Corporation, to
 204 incorporate the amendment made to s. 420.5087, F.S.,
 205 in a reference thereto; reenacting s. 193.018(2),
 206 F.S., relating to land owned by a community land trust
 207 used to provide affordable housing, to incorporate the
 208 amendment made to s. 420.5095, F.S., in a reference
 209 thereto; providing an effective date.

210

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

212

213 Section 1. Section 125.01055, Florida Statutes, is amended
 214 to read:

215 125.01055 Affordable housing.—

216 (1) Notwithstanding any other provision of law, a county
 217 may adopt and maintain in effect any law, ordinance, rule, or
 218 other measure that is adopted for the purpose of increasing the
 219 supply of affordable housing using land use mechanisms such as
 220 inclusionary housing or linkage fee ordinances.

221 (2) An inclusionary housing ordinance may require a
 222 developer to provide a specified number or percentage of
 223 affordable housing units to be included in a development or
 224 allow a developer to contribute to a housing fund or other
 225 alternatives in lieu of building the affordable housing units.

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226 (3) An affordable housing linkage fee ordinance may
 227 require the payment of a flat or percentage-based fee, whether
 228 calculated on the basis of the number of approved dwelling
 229 units, the amount of approved square footage, or otherwise.

230 (4) ~~However,~~ In exchange for a developer fulfilling the
 231 requirements of subsection (2) or, for residential or mixed-use
 232 residential development, the requirements of subsection (3), a
 233 county must provide incentives to fully offset all costs to the
 234 developer of its affordable housing contribution or linkage fee.

235 Such incentives may include, but are not limited to:

236 (a) Allowing the developer density or intensity bonus
 237 incentives or more floor space than allowed under the current or
 238 proposed future land use designation or zoning;

239 (b) Reducing or waiving fees, such as impact fees or water
 240 and sewer charges; or

241 (c) Granting other incentives.

242 (5)~~(3)~~ Subsection (2) does not apply in an area of
 243 critical state concern, as designated in s. 380.0552.

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

249 Section 2. Paragraph (d) of subsection (3) of section
 250 129.03, Florida Statutes, is amended to read:

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251 129.03 Preparation and adoption of budget.—

252 (3) The county budget officer, after tentatively
 253 ascertaining the proposed fiscal policies of the board for the
 254 next fiscal year, shall prepare and present to the board a
 255 tentative budget for the next fiscal year for each of the funds
 256 provided in this chapter, including all estimated receipts,
 257 taxes to be levied, and balances expected to be brought forward
 258 and all estimated expenditures, reserves, and balances to be
 259 carried over at the end of the year.

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

265 1. Government spending per resident, including, at a
 266 minimum, the spending per resident for the previous 5 fiscal
 267 years.

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

270 3. Median income within the county.

271 4. The average county employee salary.

272 5. Percent of budget spent on salaries and benefits for
 273 county employees.

274 6. Number of special taxing districts, wholly or
 275 partially, within the county.

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276 7. Annual county expenditures providing for the financing,
 277 acquisition, construction, reconstruction, or rehabilitation of
 278 housing that is affordable, as that term is defined in s.
 279 420.0004. The reported expenditures must indicate the source of
 280 such funds as "federal," "state," "local," or "other," as
 281 applicable. The information required by this subparagraph must
 282 be included in the submission due by October 15, 2020, and each
 283 annual submission thereafter.

284 Section 3. Paragraph (d) of subsection (7) of section
 285 163.01, Florida Statutes, is amended to read:

286 163.01 Florida Interlocal Cooperation Act of 1969.—

287 (7)

288 (d) Notwithstanding the provisions of paragraph (c), any
 289 separate legal entity created pursuant to this section and
 290 controlled by the municipalities or counties of this state or by
 291 one or more municipality and one or more county of this state,
 292 the membership of which consists or is to consist of
 293 municipalities only, counties only, or one or more municipality
 294 and one or more county, may, for the purpose of financing or
 295 refinancing any capital projects, exercise all powers in
 296 connection with the authorization, issuance, and sale of bonds.
 297 Notwithstanding any limitations provided in this section, all of
 298 the privileges, benefits, powers, and terms of part I of chapter
 299 125, part II of chapter 166, and part I of chapter 159 are shall
 300 ~~be~~ fully applicable to such entity. Bonds issued by such entity

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301 are ~~shall be~~ deemed issued on behalf of the counties, ~~or~~
 302 municipalities, or private entities which enter into loan
 303 agreements with such entity as provided in this paragraph. Any
 304 loan agreement executed pursuant to a program of such entity is
 305 ~~shall be~~ governed by the provisions of part I of chapter 159 or,
 306 in the case of counties, part I of chapter 125, or in the case
 307 of municipalities and charter counties, part II of chapter 166.
 308 Proceeds of bonds issued by such entity may be loaned to
 309 counties or municipalities of this state or a combination of
 310 municipalities and counties, whether or not such counties or
 311 municipalities are also members of the entity issuing the bonds,
 312 or to private entities for projects that are "self-liquidating,"
 313 as provided in s. 159.02, whether or not such private entities
 314 are located within the jurisdictional boundaries of a county or
 315 municipality that is a member of the entity issuing the bonds.
 316 The issuance of bonds by such entity to fund a loan program to
 317 make loans to municipalities, ~~or~~ counties, or private entities
 318 or a combination of municipalities, and counties, and private
 319 entities with one another for capital projects to be identified
 320 subsequent to the issuance of the bonds to fund such loan
 321 programs is deemed to be a paramount public purpose. Any entity
 322 so created may also issue bond anticipation notes, as provided
 323 by s. 215.431, in connection with the authorization, issuance,
 324 and sale of such bonds. In addition, the governing body of such
 325 legal entity may also authorize bonds to be issued and sold from

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326 | time to time and may delegate, to such officer, official, or
327 | agent of such legal entity as the governing body of such legal
328 | entity may select, the power to determine the time; manner of
329 | sale, public or private; maturities; rate or rates of interest,
330 | which may be fixed or may vary at such time or times and in
331 | accordance with a specified formula or method of determination;
332 | and other terms and conditions as may be deemed appropriate by
333 | the officer, official, or agent so designated by the governing
334 | body of such legal entity. However, the amounts and maturities
335 | of such bonds and the interest rate or rates of such bonds shall
336 | be within the limits prescribed by the governing body of such
337 | legal entity and its resolution delegating to such officer,
338 | official, or agent the power to authorize the issuance and sale
339 | of such bonds. A local government self-insurance fund
340 | established under this section may financially guarantee bonds
341 | or bond anticipation notes issued or loans made under this
342 | subsection. Bonds issued pursuant to this paragraph may be
343 | validated as provided in chapter 75. The complaint in any action
344 | to validate such bonds shall be filed only in the Circuit Court
345 | for Leon County. The notice required to be published by s. 75.06
346 | shall be published only in Leon County, and the complaint and
347 | order of the circuit court shall be served only on the State
348 | Attorney of the Second Judicial Circuit and on the state
349 | attorney of each circuit in each county where the public
350 | agencies which were initially a party to the agreement are

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351 | located. Notice of such proceedings shall be published in the
 352 | manner and the time required by s. 75.06 in Leon County and in
 353 | each county where the public agencies which were initially a
 354 | party to the agreement are located. Obligations of any county or
 355 | municipality pursuant to a loan agreement as described in this
 356 | paragraph may be validated as provided in chapter 75.

357 | Section 4. Subsections (3) and (4) of section 163.31771,
 358 | Florida Statutes, are amended to read:

359 | 163.31771 Accessory dwelling units.—

360 | (3) ~~A Upon a finding by a local government that there is a~~
 361 | ~~shortage of affordable rentals within its jurisdiction, the~~
 362 | local government may adopt an ordinance to allow accessory
 363 | dwelling units in any area zoned for single-family residential
 364 | use.

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

371 | Section 5. Subsection (10) is added to section 163.31801,
 372 | Florida Statutes, to read:

373 | 163.31801 Impact fees; short title; intent; minimum
 374 | requirements; audits; challenges.—

375 | (10) In addition to the items that must be reported in the

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376 annual financial reports under s. 218.32, a county,
 377 municipality, or special district must report all of the
 378 following data on all impact fees charged:

379 (a) The specific purpose of the impact fee, including the
 380 specific infrastructure needs to be met, including, but not
 381 limited to, transportation, parks, water, sewer, and schools.

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

386 (c) The amount assessed for each purpose and for each type
 387 of dwelling.

388 (d) The total amount of impact fees charged by type of
 389 dwelling.

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

392 Section 6. Section 166.04151, Florida Statutes, is amended
 393 to read:

394 166.04151 Affordable housing.—

395 (1) Notwithstanding any other provision of law, a
 396 municipality may adopt and maintain in effect any law,
 397 ordinance, rule, or other measure that is adopted for the
 398 purpose of increasing the supply of affordable housing using
 399 land use mechanisms such as inclusionary housing or linkage fee
 400 ordinances.

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401 (2) An inclusionary housing ordinance may require a
 402 developer to provide a specified number or percentage of
 403 affordable housing units to be included in a development or
 404 allow a developer to contribute to a housing fund or other
 405 alternatives in lieu of building the affordable housing units.

406 (3) An affordable housing linkage fee ordinance may
 407 require the payment of a flat or percentage-based fee, whether
 408 calculated on the basis of the number of approved dwelling
 409 units, the amount of approved square footage, or otherwise.

410 (4) However, In exchange for a developer fulfilling the
 411 requirements of subsection (2) or, for residential or mixed-use
 412 residential development, the requirements of subsection (3), a
 413 municipality must provide incentives to fully offset all costs
 414 to the developer of its affordable housing contribution or
 415 linkage fee. Such incentives may include, but are not limited
 416 to:

417 (a) Allowing the developer density or intensity bonus
 418 incentives or more floor space than allowed under the current or
 419 proposed future land use designation or zoning;

420 (b) Reducing or waiving fees, such as impact fees or water
 421 and sewer charges; or

422 (c) Granting other incentives.

423 (5)~~(3)~~ Subsection (2) does not apply in an area of
 424 critical state concern, as designated by s. 380.0552 or chapter
 425 28-36, Florida Administrative Code.

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426 (6) Notwithstanding any other law or local ordinance or
 427 regulation to the contrary, the governing body of a municipality
 428 may approve the development of housing that is affordable, as
 429 defined in s. 420.0004, on any parcel zoned for residential,
 430 commercial, or industrial use.

431 Section 7. Subsection (4) of section 166.241, Florida
 432 Statutes, is amended to read:

433 166.241 Fiscal years, budgets, and budget amendments.—

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

439 (a) Government spending per resident, including, at a
 440 minimum, the spending per resident for the previous 5 fiscal
 441 years.

442 (b) Government debt per resident, including, at a minimum,
 443 the debt per resident for the previous 5 fiscal years.

444 (c) Average municipal employee salary.

445 (d) Median income within the municipality.

446 (e) Number of special taxing districts wholly or partially
 447 within the municipality.

448 (f) Percent of budget spent on salaries and benefits for
 449 municipal employees.

450 (g) Annual municipal expenditures providing for the

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451 financing, acquisition, construction, reconstruction, or
 452 rehabilitation of housing that is affordable, as that term is
 453 defined in s. 420.0004. The reported expenditures must indicate
 454 the source of such funds as "federal," "state," "local," or
 455 "other," as applicable. This information must be included in the
 456 submission due by October 15, 2020, and each annual submission
 457 thereafter.

458 Section 8. Paragraph (h) of subsection (3) of section
 459 320.77, Florida Statutes, is amended to read:

460 320.77 License required of mobile home dealers.—

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

465 (h) Certification by the applicant:

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

468 2. Except in the case of a mobile home broker, that the
 469 location affords sufficient ~~unoccupied~~ space to display ~~store~~
 470 ~~all mobile homes offered and displayed~~ for sale. A space to
 471 display a manufactured home as a model home is sufficient to
 472 satisfy this requirement. ~~;~~ ~~and that~~ The location must be ~~is~~ a
 473 suitable place in which the applicant can in good faith carry on
 474 business and keep and maintain books, records, and files
 475 necessary to conduct such business, which must ~~will~~ be available

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476 | at all reasonable hours to inspection by the department or any
 477 | of its inspectors or other employees.

478 |
 479 | This paragraph does ~~subsection shall~~ not preclude a licensed
 480 | mobile home dealer from displaying and offering for sale mobile
 481 | homes in a mobile home park.

482 |
 483 | The department shall, if it deems necessary, cause an
 484 | investigation to be made to ascertain if the facts set forth in
 485 | the application are true and shall not issue a license to the
 486 | applicant until it is satisfied that the facts set forth in the
 487 | application are true.

488 | Section 9. Paragraph (j) of subsection (3) of section
 489 | 320.771, Florida Statutes, is amended to read:

490 | 320.771 License required of recreational vehicle dealers.—

491 | (3) APPLICATION.—The application for such license shall be
 492 | in the form prescribed by the department and subject to such
 493 | rules as may be prescribed by it. The application shall be
 494 | verified by oath or affirmation and shall contain:

495 | (j) A statement that the applicant is insured under a
 496 | garage liability insurance policy, which shall include, at a
 497 | minimum, \$25,000 combined single-limit liability coverage,
 498 | including bodily injury and property damage protection, and
 499 | \$10,000 personal injury protection, if the applicant is to be
 500 | licensed as a dealer in, or intends to sell, recreational

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501 | vehicles. However, a garage liability policy is not required for
 502 | the licensure of a mobile home dealer who sells only park
 503 | trailers.

504 |
 505 | The department shall, if it deems necessary, cause an
 506 | investigation to be made to ascertain if the facts set forth in
 507 | the application are true and shall not issue a license to the
 508 | applicant until it is satisfied that the facts set forth in the
 509 | application are true.

510 | Section 10. Subsection (2) of section 320.822, Florida
 511 | Statutes, is amended to read:

512 | 320.822 Definitions; ss. 320.822-320.862.—In construing
 513 | ss. 320.822-320.862, unless the context otherwise requires, the
 514 | following words or phrases have the following meanings:

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

516 | (a) The Federal Manufactured Housing Construction and
 517 | Safety Standards for single-family mobile homes, promulgated by
 518 | the Department of Housing and Urban Development;

519 | (b) The Uniform Standards Code approved by the American
 520 | National Standards Institute, ANSI A-119.2 for recreational
 521 | vehicles and ANSI A-119.5 for park trailers or the United States
 522 | Department of Housing and Urban Development standard for park
 523 | trailers certified as meeting that standard; or

524 | (c) The Mobile and Manufactured Home Repair and Remodeling
 525 | Code and the Used Recreational Vehicle Code.

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526 Section 11. Subsection (2) of section 320.8232, Florida
 527 Statutes, is amended to read:

528 320.8232 Establishment of uniform standards for used
 529 recreational vehicles and repair and remodeling code for mobile
 530 homes.—

531 (2) The Mobile and Manufactured Home ~~provisions of the~~
 532 Repair and Remodeling Code must be a uniform code, ~~must shall~~
 533 ensure safe and livable housing, and may shall not be more
 534 stringent than those standards required to be met in the
 535 manufacture of mobile homes. Such code must ~~provisions shall~~
 536 ~~include, but not be limited to,~~ standards for structural
 537 adequacy, plumbing, heating, electrical systems, and fire and
 538 life safety. All repairs and remodeling of mobile and
 539 manufactured homes must be performed in accordance with
 540 department rules.

541 Section 12. Subsection (9) of section 367.022, Florida
 542 Statutes, is amended, and subsection (14) is added to that
 543 section, to read:

544 367.022 Exemptions.—The following are not subject to
 545 regulation by the commission as a utility nor are they subject
 546 to the provisions of this chapter, except as expressly provided:

547 (9) Any person who resells water service to his or her
 548 tenants or to individually metered residents for a fee that does
 549 not exceed the actual purchase price of the water and wastewater
 550 service plus the actual cost of meter reading and billing, not

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551 to exceed 9 percent of the actual cost of service.

552 (14) The owner of a mobile home park operating both as a
 553 mobile home park and a mobile home subdivision, as those terms
 554 are defined in s. 723.003, who provides service within the park
 555 and subdivision to a combination of both tenants and lot owners,
 556 provided that the service to tenants is without specific
 557 compensation.

558 Section 13. Section 420.518, Florida Statutes, is created
 559 to read:

560 420.518 Fraudulent or material misrepresentation.—

561 (1) An applicant or affiliate of an applicant may be
 562 precluded from participation in any corporation program if the
 563 applicant or affiliate of the applicant has:

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

566 (b) Been convicted or found guilty of, or entered a plea
 567 of guilty or nolo contendere to, regardless of adjudication, a
 568 crime in any jurisdiction which directly relates to the
 569 financing, construction, or management of affordable housing or
 570 the fraudulent procurement of state or federal funds. The record
 571 of a conviction certified or authenticated in such form as to be
 572 admissible in evidence under the laws of the state shall be
 573 admissible as prima facie evidence of such guilt.

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

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

577 (e) Offered or given consideration, other than the
 578 consideration to provide affordable housing, with respect to a
 579 local contribution.

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

584 (2) Upon a determination by the board of directors of the
 585 corporation that an applicant or affiliate of the applicant be
 586 precluded from participation in any corporation program, the
 587 board may issue an order taking any or all of the following
 588 actions:

589 (a) Preclude such applicant or affiliate from applying for
 590 funding from any corporation program for a specified period. The
 591 period may be a specified period of time or permanent in nature.
 592 With regard to establishing the duration, the board shall
 593 consider the facts and circumstances, inclusive of the
 594 compliance history of the applicant or affiliate of the
 595 applicant, the type of action under subsection (1), and the
 596 degree of harm to the corporation's programs that has been or
 597 may be done.

598 (b) Revoke any funding previously awarded by the
 599 corporation for any development for which construction or
 600 rehabilitation has not commenced.

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601 (3) Before any order issued under this section can be
 602 final, an administrative complaint must be served on the
 603 applicant, affiliate of the applicant, or its registered agent
 604 that provides notification of findings of the board, the
 605 intended action, and the opportunity to request a proceeding
 606 pursuant to ss. 120.569 and 120.57.

607 (4) Any funding, allocation of federal housing credits,
 608 credit underwriting procedures, or application review for any
 609 development for which construction or rehabilitation has not
 610 commenced may be suspended by the corporation upon the service
 611 of an administrative complaint on the applicant, affiliate of
 612 the applicant, or its registered agent. The suspension shall be
 613 effective from the date the administrative complaint is served
 614 until an order issued by the corporation in regard to that
 615 complaint becomes final.

616 Section 14. Paragraph (c) of subsection (6) of section
 617 420.5087, Florida Statutes, is amended, and subsection (10) is
 618 added to that section, to read:

619 420.5087 State Apartment Incentive Loan Program.—There is
 620 hereby created the State Apartment Incentive Loan Program for
 621 the purpose of providing first, second, or other subordinated
 622 mortgage loans or loan guarantees to sponsors, including for-
 623 profit, nonprofit, and public entities, to provide housing
 624 affordable to very-low-income persons.

625 (6) On all state apartment incentive loans, except loans

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626 made to housing communities for the elderly to provide for
627 lifesafety, building preservation, health, sanitation, or
628 security-related repairs or improvements, the following
629 provisions shall apply:

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

634 1. Tenant income and demographic targeting objectives of
635 the corporation.

636 2. Targeting objectives of the corporation which will
637 ensure an equitable distribution of loans between rural and
638 urban areas.

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

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

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

647 b. Forty percent of the units in the project for persons
648 or families who have incomes that do not exceed 60 percent of
649 the state or local median income, whichever is higher, without
650 requiring a greater amount of the loans as provided in this

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- 651 section.
- 652 5. Provision for tenant counseling.
- 653 6. Sponsor's agreement to accept rental assistance
654 certificates or vouchers as payment for rent.
- 655 7. Projects requiring the least amount of a state
656 apartment incentive loan compared to overall project cost,
657 except that the share of the loan attributable to units serving
658 extremely-low-income persons must be excluded from this
659 requirement.
- 660 8. Local government contributions and local government
661 comprehensive planning and activities that promote affordable
662 housing and policies that promote access to public
663 transportation, reduce the need for onsite parking, and expedite
664 permits for affordable housing projects.
- 665 9. Project feasibility.
- 666 10. Economic viability of the project.
- 667 11. Commitment of first mortgage financing.
- 668 12. Sponsor's prior experience. This criterion may not
669 require a sponsor to have prior experience with the corporation
670 to qualify for financing under the program.
- 671 13. Sponsor's ability to proceed with construction.
- 672 14. Projects that directly implement or assist welfare-to-
673 work transitioning.
- 674 15. Projects that reserve units for extremely-low-income
675 persons.

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676 16. Projects that include green building principles,
677 storm-resistant construction, or other elements that reduce
678 long-term costs relating to maintenance, utilities, or
679 insurance.

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

682 (10) The corporation may prioritize a portion of the
683 program funds set aside under paragraph (3)(d) for persons with
684 special needs as defined in s. 420.0004(13) to provide funding
685 for the development of newly constructed permanent rental
686 housing on a campus that provides housing for persons in foster
687 care or persons aging out of foster care pursuant to s.
688 409.1451. Such housing shall promote and facilitate access to
689 community-based supportive, educational, and employment services
690 and resources that assist persons aging out of foster care to
691 successfully transition to independent living and adulthood. The
692 corporation must consult with the Department of Children and
693 Families to create minimum criteria for such housing.

694 Section 15. Section 420.5095, Florida Statutes, is amended
695 to read:

696 420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~
697 Program.—

698 (1) The Legislature finds and declares that recent rapid
699 increases in the median purchase price of a home and the cost of
700 rental housing have far outstripped the increases in median

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701 income in the state, ~~preventing essential services personnel~~
702 ~~from living in the communities where they serve and thereby~~
703 creating the need for innovative solutions for the provision of
704 housing opportunities ~~for essential services personnel.~~

705 (2) The Community Workforce Housing Loan ~~Innovation Pilot~~
706 Program is created to provide ~~affordable rental and home~~
707 ~~ownership community~~ workforce housing for persons ~~essential~~
708 ~~services personnel~~ affected by the high cost of housing, ~~using~~
709 ~~regulatory incentives and state and local funds to promote local~~
710 ~~public-private partnerships and leverage government and private~~
711 ~~resources.~~

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

713 ~~(a)~~ "workforce housing" means housing affordable to
714 natural persons or families whose total annual household income
715 does not exceed 80 ~~140~~ percent of the area median income,
716 adjusted for household size, or 120 ~~150~~ percent of area median
717 income, adjusted for household size, in areas of critical state
718 concern designated under s. 380.05, for which the Legislature
719 has declared its intent to provide affordable housing, and areas
720 that were designated as areas of critical state concern for at
721 least 20 consecutive years before ~~prior to~~ removal of the
722 designation.

723 ~~(b)~~ ~~"Public-private partnership"~~ means ~~any form of~~
724 ~~business entity that includes substantial involvement of at~~
725 ~~least one county, one municipality, or one public sector entity,~~

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726 ~~such as a school district or other unit of local government in~~
727 ~~which the project is to be located, and at least one private~~
728 ~~sector for-profit or not-for-profit business or charitable~~
729 ~~entity, and may be any form of business entity, including a~~
730 ~~joint venture or contractual agreement.~~

731 (4) The Florida Housing Finance Corporation is authorized
732 to provide loans under the ~~Community Workforce Housing~~
733 ~~Innovation Pilot~~ program loans to applicants ~~an applicant~~ for
734 construction ~~or rehabilitation~~ of workforce housing ~~in eligible~~
735 areas. ~~This funding is intended to be used with other public and~~
736 ~~private sector resources.~~

737 (5) The corporation shall establish a loan application
738 process under s. 420.5087 ~~by rule which includes selection~~
739 ~~criteria, an application review process, and a funding process.~~
740 ~~The corporation shall also establish an application review~~
741 ~~committee that may include up to three private citizens~~
742 ~~representing the areas of housing or real estate development,~~
743 ~~banking, community planning, or other areas related to the~~
744 ~~development or financing of workforce and affordable housing.~~

745 ~~(a) The selection criteria and application review process~~
746 ~~must include a procedure for curing errors in the loan~~
747 ~~applications which do not make a substantial change to the~~
748 ~~proposed project.~~

749 ~~(b) To achieve the goals of the pilot program, the~~
750 ~~application review committee may approve or reject loan~~

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751 ~~applications or responses to questions raised during the review~~
752 ~~of an application due to the insufficiency of information~~
753 ~~provided.~~

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

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

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

763 ~~(6) The corporation shall provide incentives for local~~
764 ~~governments in eligible areas to use local affordable housing~~
765 ~~funds, such as those from the State Housing Initiatives~~
766 ~~Partnership Program, to assist in meeting the affordable housing~~
767 ~~needs of persons eligible under this program. Local governments~~
768 ~~are authorized to use State Housing Initiative Partnership~~
769 ~~Program funds for persons or families whose total annual~~
770 ~~household income does not exceed:~~

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

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

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776 ~~consecutive years prior to the removal of the designation and in~~
 777 ~~areas of critical state concern, designated under s. 380.05, for~~
 778 ~~which the Legislature has declared its intent to provide~~
 779 ~~affordable housing.~~

780 ~~(7) Funding shall be targeted to innovative projects in~~
 781 ~~areas where the disparity between the area median income and the~~
 782 ~~median sales price for a single family home is greatest, and~~
 783 ~~where population growth as a percentage rate of increase is~~
 784 ~~greatest. The corporation may also fund projects in areas where~~
 785 ~~innovative regulatory and financial incentives are made~~
 786 ~~available. The corporation shall fund at least one eligible~~
 787 ~~project in as many counties and regions of the state as is~~
 788 ~~practicable, consistent with program goals.~~

789 ~~(6)-(8)~~ Projects must be given ~~shall receive~~ priority
 790 consideration for funding if ~~where:~~

791 ~~(a)~~ the local jurisdiction has adopted, or is committed to
 792 adopting, appropriate regulatory incentives, ~~or the local~~
 793 ~~jurisdiction or public-private partnership has adopted or is~~
 794 ~~committed to adopting~~ local contributions or financial
 795 strategies, or other funding sources to promote the development
 796 and ongoing financial viability of such projects. Local
 797 incentives include such actions as expediting review of
 798 development orders and permits, supporting development near
 799 transportation hubs and major employment centers, and adopting
 800 land development regulations designed to allow flexibility in

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801 densities, use of accessory units, mixed-use developments, and
802 flexible lot configurations. Financial strategies include such
803 actions as promoting employer-assisted housing programs,
804 providing tax increment financing, and providing land.

805 ~~(b) Projects are innovative and include new construction~~
806 ~~or rehabilitation; mixed-income housing; commercial and housing~~
807 ~~mixed-use elements; innovative design; green building~~
808 ~~principles; storm-resistant construction; or other elements that~~
809 ~~reduce long-term costs relating to maintenance, utilities, or~~
810 ~~insurance and promote homeownership. The program funding may not~~
811 ~~exceed the costs attributable to the portion of the project that~~
812 ~~is set aside to provide housing for the targeted population.~~

813 ~~(c) Projects that set aside at least 80 percent of units~~
814 ~~for workforce housing and at least 50 percent for essential~~
815 ~~services personnel and for projects that require the least~~
816 ~~amount of program funding compared to the overall housing costs~~
817 ~~for the project.~~

818 ~~(9) Notwithstanding s. 163.3184(4) (b) - (d), any local~~
819 ~~government comprehensive plan amendment to implement a Community~~
820 ~~Workforce Housing Innovation Pilot Program project found~~
821 ~~consistent with this section shall be expedited as provided in~~
822 ~~this subsection. At least 30 days prior to adopting a plan~~
823 ~~amendment under this subsection, the local government shall~~
824 ~~notify the state land planning agency of its intent to adopt~~
825 ~~such an amendment, and the notice shall include its evaluation~~

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826 ~~related to site suitability and availability of facilities and~~
827 ~~services. The public notice of the hearing required by s.~~
828 ~~163.3184(11)(b)2. shall include a statement that the local~~
829 ~~government intends to use the expedited adoption process~~
830 ~~authorized by this subsection. Such amendments shall require~~
831 ~~only a single public hearing before the governing board, which~~
832 ~~shall be an adoption hearing as described in s. 163.3184(4)(c).~~
833 ~~Any further proceedings shall be governed by s. 163.3184(5)-~~
834 ~~(13).~~

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

838 ~~(7)(11)~~ (7) The corporation shall award loans with a 1
839 ~~interest rates set at 1 to 3 percent~~ interest rate for a term
840 that does not exceed 15 years, ~~which may be made forgivable when~~
841 ~~long-term affordability is provided and when at least 80 percent~~
842 ~~of the units are set aside for workforce housing and at least 50~~
843 ~~percent of the units are set aside for essential services~~
844 ~~personnel.~~

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

846 ~~(a) For home ownership, limit the sales price of a~~
847 ~~detached unit, townhome, or condominium unit to not more than 90~~
848 ~~percent of the median sales price for that type of unit in that~~
849 ~~county, or the statewide median sales price for that type of~~
850 ~~unit, whichever is higher, and require that all eligible~~

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851 ~~purchasers of home ownership units occupy the homes as their~~
852 ~~primary residence.~~

853 ~~(b) For rental units, restrict rents for all workforce~~
854 ~~housing serving those with incomes at or below 120 percent of~~
855 ~~area median income at the appropriate income level using the~~
856 ~~restricted rents for the federal low-income housing tax credit~~
857 ~~program and, for workforce housing units serving those with~~
858 ~~incomes above 120 percent of area median income, restrict rents~~
859 ~~to those established by the corporation, not to exceed 30~~
860 ~~percent of the maximum household income adjusted to unit size.~~

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

865 ~~(d) Have grants, donations of land, or contributions from~~
866 ~~the public-private partnership or other sources collectively~~
867 ~~totaling at least 10 percent of the total development cost or \$2~~
868 ~~million, whichever is less. Such grants, donations of land, or~~
869 ~~contributions must be evidenced by a letter of commitment,~~
870 ~~agreement, contract, deed, memorandum of understanding, or other~~
871 ~~written instrument at the time of application. Grants, donations~~
872 ~~of land, or contributions in excess of 10 percent of the~~
873 ~~development cost shall increase the application score.~~

874 ~~(e) Demonstrate how the applicant will use the regulatory~~
875 ~~incentives and financial strategies outlined in subsection (8)~~

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876 ~~from the local jurisdiction in which the proposed project is to~~
877 ~~be located. The corporation may consult with the Department of~~
878 ~~Economic Opportunity in evaluating the use of regulatory~~
879 ~~incentives by applicants.~~

880 ~~(f) Demonstrate that the applicant possesses title to or~~
881 ~~site control of land and evidences availability of required~~
882 ~~infrastructure.~~

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

885 ~~(h) Provide any research or facts available supporting the~~
886 ~~demand and need for rental or home ownership workforce housing~~
887 ~~for eligible persons in the market in which the project is~~
888 ~~proposed.~~

889 ~~(13) Projects may include manufactured housing constructed~~
890 ~~after June 1994 and installed in accordance with mobile home~~
891 ~~installation standards of the Department of Highway Safety and~~
892 ~~Motor Vehicles.~~

893 (8) ~~(14)~~ The corporation may adopt rules pursuant to ss.
894 120.536(1) and 120.54 to implement this section.

895 ~~(15) The corporation may use a maximum of 2 percent of the~~
896 ~~annual program appropriation for administration and compliance~~
897 ~~monitoring.~~

898 ~~(16) The corporation shall review the success of the~~
899 ~~Community Workforce Housing Innovation Pilot Program to~~
900 ~~ascertain whether the projects financed by the program are~~

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901 ~~useful in meeting the housing needs of eligible areas and shall~~
 902 ~~include its findings in the annual report required under s.~~
 903 ~~420.511(3).~~

904 Section 16. Section 420.531, Florida Statutes, is amended
 905 to read:

906 420.531 Affordable Housing Catalyst Program.—

907 (1) The corporation shall operate the Affordable Housing
 908 Catalyst Program for the purpose of securing the expertise
 909 necessary to provide specialized technical support to local
 910 governments and community-based organizations to implement the
 911 HOME Investment Partnership Program, State Apartment Incentive
 912 Loan Program, State Housing Initiatives Partnership Program, and
 913 other affordable housing programs. To the maximum extent
 914 feasible, the entity to provide the necessary expertise must be
 915 recognized by the Internal Revenue Service as a nonprofit tax-
 916 exempt organization. It must have as its primary mission the
 917 provision of affordable housing training and technical
 918 assistance, an ability to provide training and technical
 919 assistance statewide, and a proven track record of successfully
 920 providing training and technical assistance under the Affordable
 921 Housing Catalyst Program. The technical support shall, at a
 922 minimum, include training relating to the following key elements
 923 of the partnership programs:

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

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926 | provide affordable housing.

927 | ~~(b) (2)~~ Implementation of regulatory reforms to reduce the
928 | risk and cost of developing affordable housing.

929 | ~~(c) (3)~~ Implementation of affordable housing programs
930 | included in local government comprehensive plans.

931 | ~~(d) (4)~~ Compliance with requirements of federally funded
932 | housing programs.

933 | (2) In consultation with the corporation, the entity
934 | providing statewide training and technical assistance shall
935 | convene and administer biannual regional workshops for the
936 | locally elected officials serving on affordable housing advisory
937 | committees as provided in s. 420.9076. The regional workshops
938 | may be conducted through teleconferencing or other technological
939 | means and must include processes and programming that facilitate
940 | peer-to-peer identification and sharing of best affordable
941 | housing practices among the locally elected officials. Annually,
942 | calendar year reports summarizing the deliberations, actions,
943 | and recommendations of each region, as well as the attendance
944 | records of locally elected officials, must be compiled by the
945 | entity providing statewide training and technical assistance for
946 | the Affordable Housing Catalyst Program and must be submitted to
947 | the President of the Senate, the Speaker of the House of
948 | Representatives, and the corporation by March 31 of the
949 | following year.

950 | Section 17. Subsection (2) of section 420.9071, Florida

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951 Statutes, is amended to read:

952 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
953 term:

954 (2) "Affordable" means that monthly rents or monthly
955 mortgage payments including taxes and insurance do not exceed 30
956 percent of that amount which represents the percentage of the
957 median annual gross income for the households as indicated in
958 subsection (19), subsection (20), or subsection (28). However,
959 it is not the intent to limit an individual household's ability
960 to devote more than 30 percent of its income for housing, and
961 housing for which a household devotes more than 30 percent of
962 its income shall be deemed affordable if the first institutional
963 mortgage lender is satisfied that the household can afford
964 mortgage payments in excess of the 30 percent benchmark. The
965 term also includes housing provided by a not-for-profit
966 corporation that derives at least 75 percent of its annual
967 revenues from contracts or services provided to a state or
968 federal agency for low-income persons and low-income households;
969 that provides supportive housing for persons who suffer from
970 mental health issues, substance abuse, or domestic violence; and
971 that provides on-premises social and community support services
972 relating to job training, life skills training, alcohol and
973 substance abuse disorder, child care, and client case
974 management.

975 Section 18. Paragraph (j) is added to subsection (10) of

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976 | section 420.9075, Florida Statutes, to read:

977 | 420.9075 Local housing assistance plans; partnerships.—

978 | (10) Each county or eligible municipality shall submit to
 979 | the corporation by September 15 of each year a report of its
 980 | affordable housing programs and accomplishments through June 30
 981 | immediately preceding submittal of the report. The report shall
 982 | be certified as accurate and complete by the local government's
 983 | chief elected official or his or her designee. Transmittal of
 984 | the annual report by a county's or eligible municipality's chief
 985 | elected official, or his or her designee, certifies that the
 986 | local housing incentive strategies, or, if applicable, the local
 987 | housing incentive plan, have been implemented or are in the
 988 | process of being implemented pursuant to the adopted schedule
 989 | for implementation. The report must include, but is not limited
 990 | to:

991 | (j) The number of affordable housing applications
 992 | submitted, the number approved, and the number denied.

993 | Section 19. Subsections (2) and (4) of section 420.9076,
 994 | Florida Statutes, are amended, and subsection (10) is added to
 995 | that section, to read:

996 | 420.9076 Adoption of affordable housing incentive
 997 | strategies; committees.—

998 | (2) The governing board of a county or municipality shall
 999 | appoint the members of the affordable housing advisory
 1000 | committee. Pursuant to the terms of any interlocal agreement, a

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1001 county and municipality may create and jointly appoint an
 1002 advisory committee. The local action adopted pursuant to s.
 1003 420.9072 which creates the advisory committee and appoints the
 1004 advisory committee members must name at least 8 but not more
 1005 than 11 committee members and specify their terms. Effective
 1006 October 1, 2020, the committee must consist of one locally
 1007 elected official from each county or municipality participating
 1008 in the State Housing Initiatives Partnership Program and one
 1009 representative from at least six of the categories below:
 1010 (a) A citizen who is actively engaged in the residential
 1011 home building industry in connection with affordable housing.
 1012 (b) A citizen who is actively engaged in the banking or
 1013 mortgage banking industry in connection with affordable housing.
 1014 (c) A citizen who is a representative of those areas of
 1015 labor actively engaged in home building in connection with
 1016 affordable housing.
 1017 (d) A citizen who is actively engaged as an advocate for
 1018 low-income persons in connection with affordable housing.
 1019 (e) A citizen who is actively engaged as a for-profit
 1020 provider of affordable housing.
 1021 (f) A citizen who is actively engaged as a not-for-profit
 1022 provider of affordable housing.
 1023 (g) A citizen who is actively engaged as a real estate
 1024 professional in connection with affordable housing.
 1025 (h) A citizen who actively serves on the local planning

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1026 agency pursuant to s. 163.3174. If the local planning agency is
 1027 comprised of the governing board of the county or municipality,
 1028 the governing board may appoint a designee who is knowledgeable
 1029 in the local planning process.

1030 (i) A citizen who resides within the jurisdiction of the
 1031 local governing body making the appointments.

1032 (j) A citizen who represents employers within the
 1033 jurisdiction.

1034 (k) A citizen who represents essential services personnel,
 1035 as defined in the local housing assistance plan.

1036 (4) Annually ~~Triennially~~, the advisory committee shall
 1037 review the established policies and procedures, ordinances, land
 1038 development regulations, and adopted local government
 1039 comprehensive plan of the appointing local government and shall
 1040 recommend specific actions or initiatives to encourage or
 1041 facilitate affordable housing while protecting the ability of
 1042 the property to appreciate in value. The recommendations may
 1043 include the modification or repeal of existing policies,
 1044 procedures, ordinances, regulations, or plan provisions; the
 1045 creation of exceptions applicable to affordable housing; or the
 1046 adoption of new policies, procedures, regulations, ordinances,
 1047 or plan provisions, including recommendations to amend the local
 1048 government comprehensive plan and corresponding regulations,
 1049 ordinances, and other policies. At a minimum, each advisory
 1050 committee shall submit an annual ~~a~~ report to the local governing

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1051 | body and to the entity providing statewide training and
 1052 | technical assistance for the Affordable Housing Catalyst Program
 1053 | which ~~that~~ includes recommendations on, ~~and triennially~~
 1054 | ~~thereafter evaluates~~ the implementation of, affordable housing
 1055 | incentives in the following areas:

1056 | (a) The processing of approvals of development orders or
 1057 | permits for affordable housing projects is expedited to a
 1058 | greater degree than other projects, as provided in s.
 1059 | 163.3177(6) (f) 3.

1060 | (b) All allowable fee waivers provided ~~The modification of~~
 1061 | ~~impact fee requirements, including reduction or waiver of fees~~
 1062 | ~~and alternative methods of fee payment for~~ the development or
 1063 | construction of affordable housing.

1064 | (c) The allowance of flexibility in densities for
 1065 | affordable housing.

1066 | (d) The reservation of infrastructure capacity for housing
 1067 | for very-low-income persons, low-income persons, and moderate-
 1068 | income persons.

1069 | (e) ~~The allowance of~~ Affordable accessory residential
 1070 | ~~units in residential zoning districts.~~

1071 | (f) The reduction of parking and setback requirements for
 1072 | affordable housing.

1073 | (g) The allowance of flexible lot configurations,
 1074 | including zero-lot-line configurations for affordable housing.

1075 | (h) The modification of street requirements for affordable

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1076 housing.

1077 (i) The establishment of a process by which a local
 1078 government considers, before adoption, policies, procedures,
 1079 ordinances, regulations, or plan provisions that increase the
 1080 cost of housing.

1081 (j) The preparation of a printed inventory of locally
 1082 owned public lands suitable for affordable housing.

1083 (k) The support of development near transportation hubs
 1084 and major employment centers and mixed-use developments.

1085
 1086 The advisory committee recommendations may also include other
 1087 affordable housing incentives identified by the advisory
 1088 committee. Local governments that receive the minimum allocation
 1089 under the State Housing Initiatives Partnership Program shall
 1090 perform an ~~the~~ initial review but may elect to not perform the
 1091 annual ~~triennial~~ review.

1092 (10) The locally elected official serving on an advisory
 1093 committee, or a locally elected designee, must attend biannual
 1094 regional workshops convened and administered under the
 1095 Affordable Housing Catalyst Program as provided in s.
 1096 420.531(2). If the locally elected official or a locally elected
 1097 designee fails to attend three consecutive regional workshops,
 1098 the corporation may withhold funds pending the person's
 1099 attendance at the next regularly scheduled biannual meeting.

1100 Section 20. Subsection (18) of section 553.791, Florida

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1101 Statutes, is amended to read:

1102 553.791 Alternative plans review and inspection.—

1103 (18) Each local building code enforcement agency may audit
 1104 the performance of building code inspection services by private
 1105 providers operating within the local jurisdiction. However, the
 1106 same private provider may not be audited more than four times in
 1107 a month ~~calendar year~~ unless the local building official
 1108 determines a condition of a building constitutes an immediate
 1109 threat to public safety and welfare. Work on a building or
 1110 structure may proceed after inspection and approval by a private
 1111 provider if the provider has given notice of the inspection
 1112 pursuant to subsection (9) and, subsequent to such inspection
 1113 and approval, the work shall not be delayed for completion of an
 1114 inspection audit by the local building code enforcement agency.

1115 Section 21. Subsection (4) of section 723.011, Florida
 1116 Statutes, is amended to read:

1117 723.011 Disclosure prior to rental of a mobile home lot;
 1118 prospectus, filing, approval.—

1119 (4) With regard to a tenancy in existence on the effective
 1120 date of this chapter, the prospectus or offering circular
 1121 offered by the mobile home park owner must ~~shall~~ contain the
 1122 same terms and conditions as rental agreements offered to all
 1123 other mobile home owners residing in the park on the effective
 1124 date of this act, excepting only rent variations based upon lot
 1125 location and size, and may ~~shall~~ not require any mobile home

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1126 | owner to install any permanent improvements, except that the
 1127 | mobile home owner may be required to install permanent
 1128 | improvements to the mobile home as disclosed in the prospectus.

1129 | Section 22. Subsection (5) of section 723.012, Florida
 1130 | Statutes, is amended to read:

1131 | 723.012 Prospectus or offering circular.—The prospectus or
 1132 | offering circular, which is required to be provided by s.
 1133 | 723.011, must contain the following information:

1134 | (5) A description of the recreational and other common
 1135 | facilities, if any, that will be used by the mobile home owners,
 1136 | including, but not limited to:

1137 | (a) The number of buildings and each room thereof and its
 1138 | intended purposes, location, approximate floor area, and
 1139 | capacity in numbers of people.

1140 | (b) Each swimming pool, as to its general location,
 1141 | approximate size and depths, and approximate deck size and
 1142 | capacity and whether heated.

1143 | (c) All other facilities and permanent improvements that
 1144 | ~~which~~ will serve the mobile home owners.

1145 | (d) A general description of the items of personal
 1146 | property available for use by the mobile home owners.

1147 | (e) A general description of the days and hours that
 1148 | facilities will be available for use.

1149 | (f) A statement as to whether all improvements are
 1150 | complete and, if not, their estimated completion dates.

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1151
 1152 If a mobile home park owner intends to include additional
 1153 property and mobile home lots and to increase the number of lots
 1154 that will use the shared facilities of the park, the mobile home
 1155 park owner must amend the prospectus to disclose such additions.
 1156 If the number of mobile home lots in the park increases by more
 1157 than 15 percent of the total number of lots in the original
 1158 prospectus, the mobile home park owner must reasonably offset
 1159 the impact of the additional lots by increasing the shared
 1160 facilities. The amendment to the prospectus must include a
 1161 reasonable timeframe for providing the required additional
 1162 shared facilities. The costs and expenses necessary to increase
 1163 the shared facilities may not be passed on or passed through to
 1164 the existing mobile home owners.

1165 Section 23. Section 723.023, Florida Statutes, is amended
 1166 to read:

1167 723.023 Mobile home owner's general obligations.—A mobile
 1168 home owner shall ~~at all times~~:

1169 (1) At all times comply with all obligations imposed on
 1170 mobile home owners by applicable provisions of building,
 1171 housing, and health codes, including compliance with all
 1172 building permits and construction requirements for construction
 1173 on the mobile home and lot. The home owner is responsible for
 1174 all fines imposed by the local government for noncompliance with
 1175 any local codes.

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1176 (2) At all times keep the mobile home lot ~~that which~~ he or
 1177 she occupies clean, neat, and sanitary, and maintained in
 1178 compliance with all local codes.

1179 (3) At all times comply with properly promulgated park
 1180 rules and regulations and require other persons on the premises
 1181 with his or her consent to comply with such rules and to conduct
 1182 themselves, and other persons on the premises with his or her
 1183 consent, in a manner that does not unreasonably disturb other
 1184 residents of the park or constitute a breach of the peace.

1185 (4) Receive written approval from the mobile home park
 1186 owner before making any exterior modification or addition to the
 1187 home.

1188 (5) When vacating the premises, remove any debris and
 1189 other property of any kind which is left on the mobile home lot.

1190 Section 24. Subsection (5) of section 723.031, Florida
 1191 Statutes, is amended to read:

1192 723.031 Mobile home lot rental agreements.—

1193 (5) The rental agreement must ~~shall~~ contain the lot rental
 1194 amount and services included. An increase in lot rental amount
 1195 upon expiration of the term of the lot rental agreement must
 1196 ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s.
 1197 723.059(4), whichever is applicable; ~~7~~ provided that, pursuant to
 1198 s. 723.059(4), the amount of the lot rental increase is
 1199 disclosed and agreed to by the purchaser, in writing. An
 1200 increase in lot rental amount shall not be arbitrary or

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1201 discriminatory between similarly situated tenants in the park. A
1202 lot rental amount may not be increased during the term of the
1203 lot rental agreement, except:

1204 (a) When the manner of the increase is disclosed in a lot
1205 rental agreement with a term exceeding 12 months and which
1206 provides for such increases not more frequently than annually.

1207 (b) For pass-through charges as defined in s. 723.003.

1208 (c) That a charge may not be collected which results in
1209 payment of money for sums previously collected as part of the
1210 lot rental amount. The provisions hereof notwithstanding, the
1211 mobile home park owner may pass on, at any time during the term
1212 of the lot rental agreement, ad valorem property taxes, non-ad
1213 valorem assessments, and utility charges, or increases of
1214 either, provided that the ad valorem property taxes, non-ad
1215 valorem assessments, and utility charges are not otherwise being
1216 collected in the remainder of the lot rental amount and provided
1217 further that the passing on of such ad valorem taxes, non-ad
1218 valorem assessments, or utility charges, or increases of either,
1219 was disclosed prior to tenancy, was being passed on as a matter
1220 of custom between the mobile home park owner and the mobile home
1221 owner, or such passing on was authorized by law. A park owner is
1222 deemed to have disclosed the passing on of ad valorem property
1223 taxes and non-ad valorem assessments if ad valorem property
1224 taxes or non-ad valorem assessments were disclosed as a separate
1225 charge or a factor for increasing the lot rental amount in the

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1226 prospectus or rental agreement. Such ad valorem taxes, non-ad
1227 valorem assessments, and utility charges shall be a part of the
1228 lot rental amount as defined by this chapter. The term "non-ad
1229 valorem assessments" has the same meaning as provided in s.
1230 197.3632(1)(d). Other provisions of this chapter
1231 notwithstanding, pass-on charges may be passed on only within 1
1232 year of the date a mobile home park owner remits payment of the
1233 charge. A mobile home park owner is prohibited from passing on
1234 any fine, interest, fee, or increase in a charge resulting from
1235 a park owner's payment of the charge after the date such charges
1236 become delinquent. A mobile home park owner is prohibited from
1237 charging or collecting from the mobile home owners any sum for
1238 ad valorem taxes or non-ad valorem tax charges in an amount in
1239 excess of the sums remitted by the park owner to the tax
1240 collector. Nothing herein shall prohibit a park owner and a
1241 homeowner from mutually agreeing to an alternative manner of
1242 payment to the park owner of the charges.

1243 (d) If a notice of increase in lot rental amount is not
1244 given 90 days before the renewal date of the rental agreement,
1245 the rental agreement must remain under the same terms until a
1246 90-day notice of increase in lot rental amount is given. The
1247 notice may provide for a rental term shorter than 1 year in
1248 order to maintain the same renewal date.

1249 Section 25. Subsection (1) and paragraph (a) of subsection
1250 (4) of section 723.037, Florida Statutes, are amended to read:

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1251 723.037 Lot rental increases; reduction in services or
 1252 utilities; change in rules and regulations; mediation.—
 1253 (1) A park owner shall give written notice to each
 1254 affected mobile home owner and the board of directors of the
 1255 homeowners' association, if one has been formed, at least 90
 1256 days before any increase in lot rental amount or reduction in
 1257 services or utilities provided by the park owner or change in
 1258 rules and regulations. The park owner may give notice of all
 1259 increases in lot rental amount for multiple anniversary dates in
 1260 the same 90-day notice. The notice must ~~shall~~ identify all other
 1261 affected homeowners, which may be by lot number, name, group, or
 1262 phase. If the affected homeowners are not identified by name,
 1263 the park owner shall make the names and addresses available upon
 1264 request. However, this requirement does not authorize the
 1265 release of the names, addresses, or other private information
 1266 about the homeowners to the association or any other person for
 1267 any other purpose. The home owner's right to the 90-day notice
 1268 may not be waived or precluded by a home owner, or the
 1269 homeowners' committee, in an agreement with the park owner.
 1270 Rules adopted as a result of restrictions imposed by
 1271 governmental entities and required to protect the public health,
 1272 safety, and welfare may be enforced prior to the expiration of
 1273 the 90-day period but are not otherwise exempt from the
 1274 requirements of this chapter. Pass-through charges must be
 1275 separately listed as to the amount of the charge, the name of

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1276 | the governmental entity mandating the capital improvement, and
 1277 | the nature or type of the pass-through charge being levied.
 1278 | Notices of increase in the lot rental amount due to a pass-
 1279 | through charge must ~~shall~~ state the additional payment and
 1280 | starting and ending dates of each pass-through charge. The
 1281 | homeowners' association shall have no standing to challenge the
 1282 | increase in lot rental amount, reduction in services or
 1283 | utilities, or change of rules and regulations unless a majority
 1284 | of the affected homeowners agree, in writing, to such
 1285 | representation.

1286 | (4) (a) A committee, not to exceed five in number,
 1287 | designated by a majority of the affected mobile home owners or
 1288 | by the board of directors of the homeowners' association, if
 1289 | applicable, and the park owner shall meet, at a mutually
 1290 | convenient time and place no later than 60 days before the
 1291 | effective date of the change to discuss the reasons for the
 1292 | increase in lot rental amount, reduction in services or
 1293 | utilities, or change in rules and regulations. The negotiating
 1294 | committee shall make a written request for a meeting with the
 1295 | park owner or subdivision developer to discuss those matters
 1296 | addressed in the 90-day notice, and may include in the request a
 1297 | listing of any other issue, with supporting documentation, that
 1298 | the committee intends to raise and discuss at the meeting. The
 1299 | committee shall address all lot rental amount increases that are
 1300 | specified in the notice of lot rental amount increase,

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1301 regardless of the effective date of the increase.

1302

1303 This subsection is not intended to be enforced by civil or
 1304 administrative action. Rather, the meetings and discussions are
 1305 intended to be in the nature of settlement discussions prior to
 1306 the parties proceeding to mediation of any dispute.

1307 Section 26. Subsections (5) and (6) are added to section
 1308 723.041, Florida Statutes, to read:

1309 723.041 Entrance fees; refunds; exit fees prohibited;
 1310 replacement homes.—

1311 (5) A mobile home park that is damaged or destroyed due to
 1312 wind, water, or other natural force may be rebuilt on the same
 1313 site with the same density as was approved, permitted, and built
 1314 before the park was damaged or destroyed.

1315 (6) This section does not limit the regulation of the
 1316 uniform firesafety standards established under s. 633.206, but
 1317 supersedes any other density, separation, setback, or lot size
 1318 regulation adopted after initial permitting and construction of
 1319 the mobile home park.

1320 Section 27. Section 723.042, Florida Statutes, is amended
 1321 to read:

1322 723.042 Provision of improvements.—A ~~No~~ person may not
 1323 ~~shall~~ be required by a mobile home park owner or developer, as a
 1324 condition of residence in the mobile home park, to provide any
 1325 improvement unless the requirement is disclosed pursuant to s.

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1326 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home
 1327 park.

1328 Section 28. Section 723.059, Florida Statutes, is amended
 1329 to read:

1330 723.059 ~~Rights of Purchaser~~ of a mobile home within a
 1331 mobile home park.—

1332 (1) The purchaser of a mobile home within a mobile home
 1333 park may become a tenant of the park if such purchaser would
 1334 otherwise qualify with the requirements of entry into the park
 1335 under the park rules and regulations, subject to the approval of
 1336 the park owner, but such approval may not be unreasonably
 1337 withheld. The purchaser of the mobile home may cancel or rescind
 1338 the contract for purchase of the mobile home if the purchaser's
 1339 tenancy has not been approved by the park owner 5 days before
 1340 the closing of the purchase.

1341 (2) Properly promulgated rules may provide for the
 1342 screening of any prospective purchaser to determine whether or
 1343 not such purchaser is qualified to become a tenant of the park.

1344 (3) The purchaser of a mobile home who intends to become
 1345 ~~becomes~~ a resident of the mobile home park in accordance with
 1346 this section has the right to assume the remainder of the term
 1347 of any rental agreement then in effect between the mobile home
 1348 park owner and the seller and may assume the seller's
 1349 prospectus. However, nothing herein shall prohibit a mobile home
 1350 park owner from offering the purchaser of a mobile home any

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1351 approved prospectus ~~shall be entitled to rely on the terms and~~
 1352 ~~conditions of the prospectus or offering circular as delivered~~
 1353 ~~to the initial recipient.~~

1354 (4) However, nothing herein shall be construed to prohibit
 1355 a mobile home park owner from increasing the rental amount to be
 1356 paid by the purchaser upon the expiration of the assumed rental
 1357 agreement in an amount deemed appropriate by the mobile home
 1358 park owner, so long as such increase is disclosed to the
 1359 purchaser prior to his or her occupancy and is imposed in a
 1360 manner consistent with the purchaser's ~~initial offering circular~~
 1361 ~~or~~ prospectus and this act.

1362 (5) Lifetime leases and the renewal provisions in
 1363 automatically renewable leases, both those existing and those
 1364 entered into after July 1, 1986, are not assumable unless
 1365 otherwise provided in the mobile home lot rental agreement or
 1366 unless the transferee is the home owner's spouse. The right to
 1367 an assumption of the lease by a spouse may be exercised only one
 1368 time during the term of that lease.

1369 Section 29. Paragraph (d) of subsection (1) of section
 1370 723.061, Florida Statutes, is amended, and subsection (5) is
 1371 added to that section, to read:

1372 723.061 Eviction; grounds, proceedings.—

1373 (1) A mobile home park owner may evict a mobile home
 1374 owner, a mobile home tenant, a mobile home occupant, or a mobile
 1375 home only on one or more of the following grounds:

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1376 (d) Change in use of the land comprising the mobile home
 1377 park, or the portion thereof from which mobile homes are to be
 1378 evicted, from mobile home lot rentals to some other use, if:

1379 1. The park owner gives written notice to the homeowners'
 1380 association formed and operating under ss. 723.075-723.079 of
 1381 its right to purchase the mobile home park, if the land
 1382 comprising the mobile home park is changing use from mobile home
 1383 lot rentals to a different use, at the price and under the terms
 1384 and conditions set forth in the written notice.

1385 a. The notice shall be delivered to the officers of the
 1386 homeowners' association by United States mail. Within 45 days
 1387 after the date of mailing of the notice, the homeowners'
 1388 association may execute and deliver a contract to the park owner
 1389 to purchase the mobile home park at the price and under the
 1390 terms and conditions set forth in the notice. If the contract
 1391 between the park owner and the homeowners' association is not
 1392 executed and delivered to the park owner within the 45-day
 1393 period, the park owner is under no further obligation to the
 1394 homeowners' association except as provided in sub-subparagraph
 1395 b.

1396 b. If the park owner elects to offer or sell the mobile
 1397 home park at a price lower than the price specified in her or
 1398 his initial notice to the officers of the homeowners'
 1399 association, the homeowners' association has an additional 10
 1400 days to meet the revised price, terms, and conditions of the

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1401 park owner by executing and delivering a revised contract to the
 1402 park owner.

1403 c. The park owner is not obligated under this subparagraph
 1404 or s. 723.071 to give any other notice to, or to further
 1405 negotiate with, the homeowners' association for the sale of the
 1406 mobile home park to the homeowners' association after 6 months
 1407 after the date of the mailing of the initial notice under sub-
 1408 subparagraph a.

1409 2. The park owner gives the affected mobile home owners
 1410 and tenants at least 6 months' notice of the eviction due to the
 1411 projected change in use and of their need to secure other
 1412 accommodations. Within 20 days after giving an eviction notice
 1413 to a mobile home owner, the park owner must provide the division
 1414 with a copy of the notice. The division must provide the
 1415 executive director of the Florida Mobile Home Relocation
 1416 Corporation with a copy of the notice.

1417 a. The notice of eviction due to a change in use of the
 1418 land must include in a font no smaller than the body of the
 1419 notice the following statement:

1420
 1421 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME
 1422 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME
 1423 RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS
 1424 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND
 1425 PROFESSIONAL REGULATION.

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

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

Section 30. Subsection (1) of section 723.076, Florida Statutes, is amended to read:

723.076 Incorporation; notification of park owner.—

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

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1451 addresses of its president or registered agent. Upon election or
 1452 appointment of new officers or board members, the homeowners'
 1453 association shall notify the park owner in writing by certified
 1454 mail, return receipt requested, of the names and addresses of
 1455 the new officers or board members.

1456 Section 31. Paragraphs (b) through (e) of subsection (2)
 1457 of section 723.078, Florida Statutes, are amended, and paragraph
 1458 (i) of that subsection is reenacted, to read:

1459 723.078 Bylaws of homeowners' associations.—

1460 (2) The bylaws shall provide and, if they do not, shall be
 1461 deemed to include, the following provisions:

1462 (b) *Quorum; voting requirements; proxies.*—

1463 1. Unless otherwise provided in the bylaws, 30 percent of
 1464 the total membership is required to constitute a quorum.

1465 Decisions shall be made by a majority of members represented at
 1466 a meeting at which a quorum is present.

1467 2.a. A member may not vote by general proxy but may vote
 1468 by limited proxies substantially conforming to a limited proxy
 1469 form adopted by the division. Limited proxies and general
 1470 proxies may be used to establish a quorum. Limited proxies may
 1471 be used for votes taken to amend the articles of incorporation
 1472 or bylaws pursuant to this section, and any other matters for
 1473 which this chapter requires or permits a vote of members. A
 1474 ~~except that no~~ proxy, limited or general, may not be used in the
 1475 election of board members in general elections or elections to

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1476 fill vacancies caused by recall, resignation, or otherwise.
1477 Board members must be elected by written ballot or by voting in
1478 person. If a mobile home or subdivision lot is owned jointly,
1479 the owners of the mobile home or subdivision lot must be counted
1480 as one for the purpose of determining the number of votes
1481 required for a majority. Only one vote per mobile home or
1482 subdivision lot shall be counted. Any number greater than 50
1483 percent of the total number of votes constitutes a majority.
1484 Notwithstanding this section, members may vote in person at
1485 member meetings or by secret ballot, including absentee ballots,
1486 as defined by the division.

1487 b. Elections shall be decided by a plurality of the
1488 ballots cast. There is no quorum requirement; however, at least
1489 20 percent of the eligible voters must cast a ballot in order to
1490 have a valid election. A member may not allow any other person
1491 to cast his or her ballot, and any ballots improperly cast are
1492 invalid. An election is not required unless there are more
1493 candidates nominated than vacancies that exist on the board.

1494 c. Each member or other eligible person who desires to be
1495 a candidate for the board of directors shall appear on the
1496 ballot in alphabetical order by surname. A ballot may not
1497 indicate if any of the candidates are incumbent on the board.
1498 All ballots must be uniform in appearance. Write-in candidates
1499 and more than one vote per candidate per ballot are not allowed.
1500 A ballot may not provide a space for the signature of, or any

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1501 other means of identifying, a voter. If a ballot contains more
 1502 votes than vacancies or fewer votes than vacancies, the ballot
 1503 is invalid unless otherwise stated in the bylaws.

1504 d. An impartial committee shall be responsible for
 1505 overseeing the election process and complying with all ballot
 1506 requirements. For purposes of this section, the term "impartial
 1507 committee" means a committee whose members do not include any of
 1508 the following people or their spouses:

- 1509 (I) Current board members.
- 1510 (II) Current association officers.
- 1511 (III) Candidates for the association or board.

1512 e. The association bylaws shall provide a method for
 1513 determining the winner of an election in which two or more
 1514 candidates for the same position receive the same number of
 1515 votes.

1516 f. The division shall adopt procedural rules to govern
 1517 elections, including, but not limited to, rules for providing
 1518 notice by electronic transmission and rules for maintaining the
 1519 secrecy of ballots.

1520 3. A proxy is effective only for the specific meeting for
 1521 which originally given and any lawfully adjourned meetings
 1522 thereof. In no event shall any proxy be valid for a period
 1523 longer than 90 days after the date of the first meeting for
 1524 which it was given. Every proxy shall be revocable at any time
 1525 at the pleasure of the member executing it.

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1526 4. A member of the board of directors or a committee may
 1527 submit in writing his or her agreement or disagreement with any
 1528 action taken at a meeting that the member did not attend. This
 1529 agreement or disagreement may not be used as a vote for or
 1530 against the action taken and may not be used for the purposes of
 1531 creating a quorum.

1532 (c) *Board of directors' and committee meetings.*—

1533 1. Meetings of the board of directors and meetings of its
 1534 committees at which a quorum is present shall be open to all
 1535 members. Notwithstanding any other provision of law, the
 1536 requirement that board meetings and committee meetings be open
 1537 to the members does not apply to meetings between the park owner
 1538 and the board of directors or any of the board's committees,
 1539 board or committee meetings held for the purpose of discussing
 1540 personnel matters, or meetings between the board or a committee
 1541 and the association's attorney, with respect to potential or
 1542 pending litigation, ~~when~~ where the meeting is held for the
 1543 purpose of seeking or rendering legal advice, and ~~when~~ where the
 1544 contents of the discussion would otherwise be governed by the
 1545 attorney-client privilege. Notice of all meetings open to
 1546 members shall be posted in a conspicuous place upon the park
 1547 property at least 48 hours in advance, except in an emergency.
 1548 Notice of any meeting in which dues ~~assessments against members~~
 1549 are to be considered for any reason shall specifically contain a
 1550 statement that dues ~~assessments~~ will be considered and the

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1551 nature of such dues ~~assessments~~.

1552 2. A board or committee member's participation in a
 1553 meeting via telephone, real-time videoconferencing, or similar
 1554 real-time telephonic, electronic, or video communication counts
 1555 toward a quorum, and such member may vote as if physically
 1556 present. A speaker shall be used so that the conversation of
 1557 those board or committee members attending by telephone may be
 1558 heard by the board or committee members attending in person, as
 1559 well as by members present at a meeting.

1560 3. Members of the board of directors may use e-mail as a
 1561 means of communication but may not cast a vote on an association
 1562 matter via e-mail.

1563 4. The right to attend meetings of the board of directors
 1564 and its committees includes the right to speak at such meetings
 1565 with reference to all designated agenda items. The association
 1566 may adopt reasonable written rules governing the frequency,
 1567 duration, and manner of members' statements. Any item not
 1568 included on the notice may be taken up on an emergency basis by
 1569 at least a majority plus one of the members of the board. Such
 1570 emergency action shall be noticed and ratified at the next
 1571 regular meeting of the board. Any member may tape record or
 1572 videotape meetings of the board of directors and its committees,
 1573 except meetings between the board of directors or its appointed
 1574 homeowners' committee and the park owner. The division shall
 1575 adopt reasonable rules governing the tape recording and

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1576 videotaping of the meeting.

1577 5. Except as provided in paragraph (i), a vacancy
1578 occurring on the board of directors may be filled by the
1579 affirmative vote of the majority of the remaining directors,
1580 even though the remaining directors constitute less than a
1581 quorum; by the sole remaining director; if the vacancy is not so
1582 filled or if no director remains, by the members; or, on the
1583 application of any person, by the circuit court of the county in
1584 which the registered office of the corporation is located.

1585 6. The term of a director elected or appointed to fill a
1586 vacancy expires at the next annual meeting at which directors
1587 are elected. A directorship to be filled by reason of an
1588 increase in the number of directors may be filled by the board
1589 of directors, but only for the term of office continuing until
1590 the next election of directors by the members.

1591 7. A vacancy that will occur at a specific later date, by
1592 reason of a resignation effective at a later date, may be filled
1593 before the vacancy occurs. However, the new director may not
1594 take office until the vacancy occurs.

1595 8.a. The officers and directors of the association have a
1596 fiduciary relationship to the members.

1597 b. A director and committee member shall discharge his or
1598 her duties in good faith, with the care an ordinarily prudent
1599 person in a like position would exercise under similar
1600 circumstances, and in a manner he or she reasonably believes to

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1601 | be in the best interests of the corporation.

1602 | 9. In discharging his or her duties, a director may rely
1603 | on information, opinions, reports, or statements, including
1604 | financial statements and other financial data, if prepared or
1605 | presented by:

1606 | a. One or more officers or employees of the corporation
1607 | who the director reasonably believes to be reliable and
1608 | competent in the matters presented;

1609 | b. Legal counsel, public accountants, or other persons as
1610 | to matters the director reasonably believes are within the
1611 | persons' professional or expert competence; or

1612 | c. A committee of the board of directors of which he or
1613 | she is not a member if the director reasonably believes the
1614 | committee merits confidence.

1615 | 10. A director is not acting in good faith if he or she
1616 | has knowledge concerning the matter in question that makes
1617 | reliance otherwise permitted by subparagraph 9. unwarranted.

1618 | 11. A director is not liable for any action taken as a
1619 | director, or any failure to take any action, if he or she
1620 | performed the duties of his or her office in compliance with
1621 | this section.

1622 | (d) *Member meetings.*—Members shall meet at least once each
1623 | calendar year, and the meeting shall be the annual meeting. All
1624 | members of the board of directors shall be elected at the annual
1625 | meeting unless the bylaws provide for staggered election terms

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1626 or for their election at another meeting. The bylaws shall not
 1627 restrict any member desiring to be a candidate for board
 1628 membership from being nominated from the floor. All nominations
 1629 from the floor must be made at a duly noticed meeting of the
 1630 members held at least 27 ~~30~~ days before the annual meeting. The
 1631 bylaws shall provide the method for calling the meetings of the
 1632 members, including annual meetings. The method shall provide at
 1633 least 14 days' written notice to each member in advance of the
 1634 meeting and require the posting in a conspicuous place on the
 1635 park property of a notice of the meeting at least 14 days prior
 1636 to the meeting. The right to receive written notice of
 1637 membership meetings may be waived in writing by a member. Unless
 1638 waived, the notice of the annual meeting shall be mailed, hand
 1639 delivered, or electronically transmitted to each member, and
 1640 shall constitute notice. Unless otherwise stated in the bylaws,
 1641 an officer of the association shall provide an affidavit
 1642 affirming that the notices were mailed, ~~or~~ hand delivered, or
 1643 provided by electronic transmission in accordance with ~~the~~
 1644 ~~provisions of~~ this section to each member at the address last
 1645 furnished to the corporation. These meeting requirements do not
 1646 prevent members from waiving notice of meetings or from acting
 1647 by written agreement without meetings, if allowed by the bylaws.

1648 (e) *Minutes of meetings.*—

1649 1. Notwithstanding any other provision of law, the minutes
 1650 of board or committee meetings that are closed to members are

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1651 privileged and confidential and are not available for inspection
1652 or photocopying.

1653 2. Minutes of all meetings of members of an association
1654 and meetings open to members of the board of directors, and a
1655 committee of the board must be maintained in written form and
1656 approved by the members, board, or committee, as applicable. A
1657 vote or abstention from voting on each matter voted upon for
1658 each director present at a board meeting must be recorded in the
1659 minutes.

1660 3.2. All approved minutes of open meetings of members,
1661 committees, and the board of directors shall be kept in a
1662 businesslike manner and shall be available for inspection by
1663 members, or their authorized representatives, and board members
1664 at reasonable times. The association shall retain these minutes
1665 within this state for ~~a period of~~ at least 5 7 years.

1666 (i) *Recall of board members.*—Any member of the board of
1667 directors may be recalled and removed from office with or
1668 without cause by the vote of or agreement in writing by a
1669 majority of all members. A special meeting of the members to
1670 recall a member or members of the board of directors may be
1671 called by 10 percent of the members giving notice of the meeting
1672 as required for a meeting of members, and the notice shall state
1673 the purpose of the meeting. Electronic transmission may not be
1674 used as a method of giving notice of a meeting called in whole
1675 or in part for this purpose.

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1676 1. If the recall is approved by a majority of all members
1677 by a vote at a meeting, the recall is effective as provided in
1678 this paragraph. The board shall duly notice and hold a board
1679 meeting within 5 full business days after the adjournment of the
1680 member meeting to recall one or more board members. At the
1681 meeting, the board shall either certify the recall, in which
1682 case such member or members shall be recalled effective
1683 immediately and shall turn over to the board within 5 full
1684 business days any and all records and property of the
1685 association in their possession, or shall proceed under
1686 subparagraph 3.

1687 2. If the proposed recall is by an agreement in writing by
1688 a majority of all members, the agreement in writing or a copy
1689 thereof shall be served on the association by certified mail or
1690 by personal service in the manner authorized by chapter 48 and
1691 the Florida Rules of Civil Procedure. The board of directors
1692 shall duly notice and hold a meeting of the board within 5 full
1693 business days after receipt of the agreement in writing. At the
1694 meeting, the board shall either certify the written agreement to
1695 recall members of the board, in which case such members shall be
1696 recalled effective immediately and shall turn over to the board,
1697 within 5 full business days, any and all records and property of
1698 the association in their possession, or shall proceed as
1699 described in subparagraph 3.

1700 3. If the board determines not to certify the written

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1701 agreement to recall members of the board, or does not certify
1702 the recall by a vote at a meeting, the board shall, within 5
1703 full business days after the board meeting, file with the
1704 division a petition for binding arbitration pursuant to the
1705 procedures of s. 723.1255. For purposes of this paragraph, the
1706 members who voted at the meeting or who executed the agreement
1707 in writing shall constitute one party under the petition for
1708 arbitration. If the arbitrator certifies the recall of a member
1709 of the board, the recall shall be effective upon mailing of the
1710 final order of arbitration to the association. If the
1711 association fails to comply with the order of the arbitrator,
1712 the division may take action under s. 723.006. A member so
1713 recalled shall deliver to the board any and all records and
1714 property of the association in the member's possession within 5
1715 full business days after the effective date of the recall.

1716 4. If the board fails to duly notice and hold a board
1717 meeting within 5 full business days after service of an
1718 agreement in writing or within 5 full business days after the
1719 adjournment of the members' recall meeting, the recall shall be
1720 deemed effective and the board members so recalled shall
1721 immediately turn over to the board all records and property of
1722 the association.

1723 5. If the board fails to duly notice and hold the required
1724 meeting or fails to file the required petition, the member's
1725 representative may file a petition pursuant to s. 723.1255

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1726 | challenging the board's failure to act. The petition must be
1727 | filed within 60 days after expiration of the applicable 5-full-
1728 | business-day period. The review of a petition under this
1729 | subparagraph is limited to the sufficiency of service on the
1730 | board and the facial validity of the written agreement or
1731 | ballots filed.

1732 | 6. If a vacancy occurs on the board as a result of a
1733 | recall and less than a majority of the board members are
1734 | removed, the vacancy may be filled by the affirmative vote of a
1735 | majority of the remaining directors, notwithstanding any other
1736 | provision of this chapter. If vacancies occur on the board as a
1737 | result of a recall and a majority or more of the board members
1738 | are removed, the vacancies shall be filled in accordance with
1739 | procedural rules to be adopted by the division, which rules need
1740 | not be consistent with this chapter. The rules must provide
1741 | procedures governing the conduct of the recall election as well
1742 | as the operation of the association during the period after a
1743 | recall but before the recall election.

1744 | 7. A board member who has been recalled may file a
1745 | petition pursuant to s. 723.1255 challenging the validity of the
1746 | recall. The petition must be filed within 60 days after the
1747 | recall is deemed certified. The association and the member's
1748 | representative shall be named as the respondents.

1749 | 8. The division may not accept for filing a recall
1750 | petition, whether or not filed pursuant to this subsection, and

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1751 regardless of whether the recall was certified, when there are
 1752 60 or fewer days until the scheduled reelection of the board
 1753 member sought to be recalled or when 60 or fewer days have not
 1754 elapsed since the election of the board member sought to be
 1755 recalled.

1756 Section 32. Paragraphs (d) and (f) through (i) of
 1757 subsection (4) and subsection (5) of section 723.079, Florida
 1758 Statutes, are amended to read:

1759 723.079 Powers and duties of homeowners' association.—

1760 (4) The association shall maintain the following items,
 1761 when applicable, which constitute the official records of the
 1762 association:

1763 (d) The approved minutes of all meetings of the members of
 1764 an association and meetings open for members of, the board of
 1765 directors, and committees of the board, which minutes must be
 1766 retained within this ~~the~~ state for at least 5 ~~7~~ years.

1767 (f) All of the association's insurance policies or copies
 1768 thereof, which must be retained within this state for at least 5
 1769 ~~7~~ years after the expiration date of the policy.

1770 (g) A copy of all contracts or agreements to which the
 1771 association is a party, including, without limitation, any
 1772 written agreements with the park owner, lease, or other
 1773 agreements or contracts under which the association or its
 1774 members has any obligation or responsibility, which must be
 1775 retained within this state for at least 5 ~~7~~ years after the

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1776 | expiration date of the contract or agreement.

1777 | (h) The financial and accounting records of the
 1778 | association, kept according to good accounting practices. All
 1779 | financial and accounting records must be maintained within this
 1780 | state for a ~~period of~~ at least 5 7 years. The financial and
 1781 | accounting records must include:

1782 | 1. Accurate, itemized, and detailed records of all
 1783 | receipts and expenditures.

1784 | 2. A current account and a periodic statement of the
 1785 | account for each member, designating the name and current
 1786 | address of each member who is obligated to pay dues or
 1787 | assessments, the due date and amount of each assessment or other
 1788 | charge against the member, the date and amount of each payment
 1789 | on the account, and the balance due.

1790 | 3. All tax returns, financial statements, and financial
 1791 | reports of the association.

1792 | 4. Any other records that identify, measure, record, or
 1793 | communicate financial information.

1794 | (i) All other written records of the association not
 1795 | specifically included in the foregoing which are related to the
 1796 | operation of the association must be retained within this state
 1797 | for at least 5 years or at least 5 years after the expiration
 1798 | date, as applicable.

1799 | (5) The official records shall be ~~maintained within the~~
 1800 | ~~state for at least 7 years and shall be made available to a~~

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1801 member for inspection or photocopying within 20 ~~10~~ business days
1802 after receipt by the board or its designee of a written request
1803 submitted by certified mail, return receipt requested. The
1804 requirements of this subsection are satisfied by having a copy
1805 of the official records available for inspection or copying in
1806 the park or, at the option of the association, by making the
1807 records available to a member electronically via the Internet or
1808 by allowing the records to be viewed in electronic format on a
1809 computer screen and printed upon request. If the association has
1810 a photocopy machine available where the records are maintained,
1811 it must provide a member with copies on request during the
1812 inspection if the entire request is no more than 25 pages. An
1813 association shall allow a member or his or her authorized
1814 representative to use a portable device, including a smartphone,
1815 tablet, portable scanner, or any other technology capable of
1816 scanning or taking photographs, to make an electronic copy of
1817 the official records in lieu of the association's providing the
1818 member or his or her authorized representative with a copy of
1819 such records. The association may not charge a fee to a member
1820 or his or her authorized representative for the use of a
1821 portable device.

1822 (a) The failure of an association to provide access to the
1823 records within 20 ~~10~~ business days after receipt of a written
1824 request submitted by certified mail, return receipt requested,
1825 creates a rebuttable presumption that the association willfully

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1826 failed to comply with this subsection.

1827 (b) A member who is denied access to official records is
 1828 entitled to ~~the actual damages or minimum~~ damages for the
 1829 association's willful failure to comply with this subsection in
 1830 the amount of. ~~The minimum damages are to be~~ \$10 per calendar
 1831 day up to 10 days, not to exceed \$100. The calculation for
 1832 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after
 1833 receipt of the written request, submitted by certified mail,
 1834 return receipt requested.

1835 (c) A dispute between a member and an association
 1836 regarding inspecting or photocopying official records must be
 1837 submitted to mandatory binding arbitration with the division,
 1838 and the arbitration must be conducted pursuant to s. 723.1255
 1839 and procedural rules adopted by the division.

1840 (d) The association may adopt reasonable written rules
 1841 governing the frequency, time, location, notice, records to be
 1842 inspected, and manner of inspections, but may not require a
 1843 member to demonstrate a proper purpose for the inspection, state
 1844 a reason for the inspection, or limit a member's right to
 1845 inspect records to less than 1 business day per month. The
 1846 association may impose fees to cover the costs of providing
 1847 copies of the official records, including the costs of copying
 1848 and for personnel to retrieve and copy the records if the time
 1849 spent retrieving and copying the records exceeds 30 minutes and
 1850 if the personnel costs do not exceed \$20 per hour. Personnel

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1851 costs may not be charged for records requests that result in the
1852 copying of 25 or fewer pages. The association may charge up to
1853 25 cents per page for copies made on the association's
1854 photocopier. If the association does not have a photocopy
1855 machine available where the records are kept, or if the records
1856 requested to be copied exceed 25 pages in length, the
1857 association may have copies made by an outside duplicating
1858 service and may charge the actual cost of copying, as supported
1859 by the vendor invoice. The association shall maintain an
1860 adequate number of copies of the recorded governing documents,
1861 to ensure their availability to members and prospective members.
1862 Notwithstanding this paragraph, the following records are not
1863 accessible to members or home owners:

1864 1. A record protected by the lawyer-client privilege as
1865 described in s. 90.502 and a record protected by the work-
1866 product privilege, including, but not limited to, a record
1867 prepared by an association attorney or prepared at the
1868 attorney's express direction which reflects a mental impression,
1869 conclusion, litigation strategy, or legal theory of the attorney
1870 or the association and which was prepared exclusively for civil
1871 or criminal litigation, for adversarial administrative
1872 proceedings, or in anticipation of such litigation or
1873 proceedings until the conclusion of the litigation or
1874 proceedings.

1875 2. E-mail addresses, telephone numbers, facsimile numbers,

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1876 emergency contact information, any addresses for a home owner
 1877 other than as provided for association notice requirements, and
 1878 other personal identifying information of any person, excluding
 1879 the person's name, lot designation, mailing address, and
 1880 property address. Notwithstanding the restrictions in this
 1881 subparagraph, an association may print and distribute to home
 1882 owners a directory containing the name, park address, and
 1883 telephone number of each home owner. However, a home owner may
 1884 exclude his or her telephone number from the directory by so
 1885 requesting in writing to the association. The association is not
 1886 liable for the disclosure of information that is protected under
 1887 this subparagraph if the information is included in an official
 1888 record of the association and is voluntarily provided by a home
 1889 owner and not requested by the association.

1890 3. An electronic security measure that is used by the
 1891 association to safeguard data, including passwords.

1892 4. The software and operating system used by the
 1893 association which allows the manipulation of data, even if the
 1894 home owner owns a copy of the same software used by the
 1895 association. The data is part of the official records of the
 1896 association.

1897 Section 33. Section 723.1255, Florida Statutes, is amended
 1898 to read:

1899 723.1255 Alternative resolution of recall, election, and
 1900 inspection and photocopying of official records disputes.-

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1901 (1) A dispute between a mobile home owner and a
 1902 homeowners' association regarding the election and recall of
 1903 officers or directors under s. 723.078(2) (b) or regarding the
 1904 inspection and photocopying of official records under s.
 1905 723.079(5) must be submitted to mandatory binding arbitration
 1906 with the division. The arbitration shall be conducted in
 1907 accordance with this section and the procedural rules adopted by
 1908 the division.

1909 (2) Each party shall be responsible for paying its own
 1910 attorney fees, expert and investigator fees, and associated
 1911 costs. The cost of the arbitrators shall be divided equally
 1912 between the parties regardless of the outcome.

1913 (3) The division shall adopt procedural rules to govern
 1914 mandatory binding arbitration proceedings ~~The Division of~~
 1915 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~
 1916 ~~Department of Business and Professional Regulation shall adopt~~
 1917 ~~rules of procedure to govern binding recall arbitration~~
 1918 ~~proceedings.~~

1919 Section 34. For the purpose of incorporating the amendment
 1920 made by this act to section 420.5087, Florida Statutes, in a
 1921 reference thereto, paragraph (i) of subsection (22) of section
 1922 420.507, Florida Statutes, is reenacted to read:

1923 420.507 Powers of the corporation.—The corporation shall
 1924 have all the powers necessary or convenient to carry out and
 1925 effectuate the purposes and provisions of this part, including

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1926 | the following powers which are in addition to all other powers
 1927 | granted by other provisions of this part:

1928 | (22) To develop and administer the State Apartment
 1929 | Incentive Loan Program. In developing and administering that
 1930 | program, the corporation may:

1931 | (i) Establish, by rule, the procedure for competitively
 1932 | evaluating and selecting all applications for funding based on
 1933 | the criteria set forth in s. 420.5087(6)(c), determining actual
 1934 | loan amounts, making and servicing loans, and exercising the
 1935 | powers authorized in this subsection.

1936 | Section 35. For the purpose of incorporating the amendment
 1937 | made by this act to section 420.5095, Florida Statutes, in a
 1938 | reference thereto, subsection (2) of section 193.018, Florida
 1939 | Statutes, is reenacted to read:

1940 | 193.018 Land owned by a community land trust used to
 1941 | provide affordable housing; assessment; structural improvements,
 1942 | condominium parcels, and cooperative parcels.—

1943 | (2) A community land trust may convey structural
 1944 | improvements, condominium parcels, or cooperative parcels, that
 1945 | are located on specific parcels of land that are identified by a
 1946 | legal description contained in and subject to a ground lease
 1947 | having a term of at least 99 years, for the purpose of providing
 1948 | affordable housing to natural persons or families who meet the
 1949 | extremely-low-income, very-low-income, low-income, or moderate-
 1950 | income limits specified in s. 420.0004, or the income limits for

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1951 workforce housing, as defined in s. 420.5095(3). A community
1952 land trust shall retain a preemptive option to purchase any
1953 structural improvements, condominium parcels, or cooperative
1954 parcels on the land at a price determined by a formula specified
1955 in the ground lease which is designed to ensure that the
1956 structural improvements, condominium parcels, or cooperative
1957 parcels remain affordable.

1958 Section 36. This act shall take effect July 1, 2020.