

hbd-06

Bill No. CS/HB 3245

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) Livingston offered the following:

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13 **Amendment (with title amendment)**

14 Remove from the bill: Everything after the enacting clause

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16 and insert in lieu thereof:

17 Section 1. Subsection (10) of section 723.003, Florida
18 Statutes, is amended to read:

19 723.003 Definitions.--As used in this chapter, the
20 following words and terms have the following meanings unless
21 clearly indicated otherwise:

22 (10) The term "pass-through charge" means the mobile
23 home owner's proportionate share of the necessary and actual
24 direct costs and impact or hookup fees for a governmentally
25 mandated capital improvement, which may include the necessary
26 and actual direct costs and impact or hookup fees incurred for
27 capital improvements required for public or private regulated
28 utilities. The mobile home park owner's proportionate share
29 shall be that portion of actual direct costs and impact or
30 hookup fees attributable to governmentally mandated capital
31 improvements that serve or will serve empty lots, property of

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1 undeveloped phases, and any property used and maintained by
2 the park owner not occupied by a mobile home owned by a mobile
3 home owner.

4 Section 2. Paragraph (c) of subsection (9) of section
5 723.012, Florida Statutes, is amended to read:

6 723.012 Prospectus or offering circular.--The
7 prospectus or offering circular, which is required to be
8 provided by s. 723.011, must contain the following
9 information:

10 (9) An explanation of the manner in which the lot
11 rental amount will be raised, including, but not limited to:

12 (a) Notification of the mobile home owner at least 90
13 days in advance of the increase.

14 (b) Disclosure of any factors which may affect the lot
15 rental amount, including, but not limited to:

16 1. Water rates.

17 2. Sewer rates.

18 3. Waste disposal rates.

19 4. Maintenance costs, including costs of deferred
20 maintenance.

21 5. Management costs.

22 6. Property taxes.

23 7. Major repairs or improvements.

24 8. Any other fees, costs, entrance fees, or charges to
25 which the mobile home owner may be subjected.

26 (c) Disclosure of the manner in which the pass-through
27 charges will be assessed. Any person who rents a vacant lot or
28 a lot in an undeveloped phase may be required to pay the
29 pass-through charge that was paid by the park owner at the
30 time the pass-through charge was initially assessed. The
31 prospectus for the mobile home park which initially provides

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1 for pass-through charges may be amended to provide that the
2 homeowner pay the proportionate share of any pass-through
3 charge as defined in this act, if the initial disclosure of
4 pass-through charges in the prospectus or rental agreement
5 delivered to the homeowner did not disclose that obligation in
6 accordance with the definition in this act.

7 Section 3. Paragraph (b) of subsection (2) of section
8 723.078, Florida Statutes, is amended to read:

9 723.078 Bylaws of homeowners' associations.--In order
10 for a homeowners' association to exercise the rights provided
11 in s. 723.071, the bylaws of the association shall provide for
12 the following:

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

15 (b) A majority of the members shall constitute a
16 quorum unless the bylaws of the homeowners' association
17 provide that a lesser number of members constitutes a quorum.

18 Decisions shall be made by a majority of members represented
19 at a meeting at which a quorum is present. In addition,
20 provision shall be made in the bylaws for definition and use
21 of proxy. Any proxy given shall be effective only for the
22 specific meeting for which originally given and any lawfully
23 adjourned meetings thereof. In no event shall any proxy be
24 valid for a period longer than 120 days after the date of the
25 first meeting for which it was given. Every proxy shall be
26 revocable at any time at the pleasure of the member executing
27 it.

28 Section 4. This act shall take effect October 1, 1998.
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1,
4 remove from the title of the bill: line 1 through line 12

5
6 and insert in lieu thereof:

7 A bill to be entitled
8 An act relating to the Florida Mobile Home Act;
9 amending s. 723.003, F.S.; revising the
10 definition of "pass-through charge"; amending
11 s. 723.012, F.S.; clarifying pass-through
12 charges for vacant lots or undeveloped phases;
13 providing for amendment to the prospectus;
14 amending s. 723.078, F.S., relating to bylaws
15 of howeowners' associations; revising
16 provisions relating to the number of members
17 which constitutes a quorum; providing an
18 effective date.

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