

By Representative Livingston

1                                   A bill to be entitled  
 2           An act relating to the Florida Mobile Home Act;  
 3           amending s. 723.003, F.S.; revising the  
 4           definition of "pass-through charge"; amending  
 5           s. 723.071, F.S., relating to the sale of a  
 6           mobile home park; revising provisions with  
 7           respect to a bona fide offer of purchase made  
 8           to a mobile home park owner; providing for  
 9           rights of mobile home owners when such an offer  
 10          of purchase includes other property or more  
 11          than one mobile home park; revising the  
 12          definition of the term "affiliate"; amending s.  
 13          723.072, F.S.; correcting cross references;  
 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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 20 Be It Enacted by the Legislature of the State of Florida:

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

24           723.003 Definitions.--As used in this chapter, the  
 25 following words and terms have the following meanings unless  
 26 clearly indicated otherwise:

27           (10) The term "pass-through charge" means the mobile  
 28 home owner's proportionate share of the necessary and actual  
 29 direct costs and impact or hookup fees for a governmentally  
 30 mandated capital improvement, which may include the necessary  
 31 and actual direct costs and impact or hookup fees incurred for

1 capital improvements required for public or private regulated  
2 utilities. The mobile home park owner's proportionate share  
3 shall be that portion of actual direct costs and impact or  
4 hookup fees attributable to governmentally mandated capital  
5 improvements that serve or will serve empty lots, property of  
6 undeveloped phases, and any property used and maintained by  
7 the park owner not occupied by a mobile home owned by a mobile  
8 home owner.

9 Section 2. Section 723.071, Florida Statutes, is  
10 amended to read:

11 723.071 Sale of mobile home parks.--

12 (1)(a) If a mobile home park owner offers a mobile  
13 home park for sale or receives a bona fide offer to purchase  
14 the park that she or he intends to consider or make a counter  
15 offer to, she or he shall notify the officers of the  
16 homeowners' association created pursuant to ss.  
17 723.075-723.079 of the offer or the bona fide offer of  
18 purchase, stating the price and the terms and conditions of  
19 sale.

20 (b) The mobile home owners, by and through the  
21 association defined in s. 723.075, shall have the right to  
22 purchase the park, provided the home owners meet the price  
23 and terms and conditions of the bona fide offer of purchase or  
24 the offer by the mobile home park owner by executing a  
25 contract with the park owner within 45 days, unless agreed to  
26 otherwise, from the date of mailing of the notice and provided  
27 they have complied with ss. 723.075-723.079. If a contract  
28 between the park owner and the association is not executed  
29 within such 45-day period, then, unless the park owner  
30 thereafter elects to offer the park at a price lower than the  
31 price specified in her or his notice to the officers of the

1 homeowners' association, the park owner has no further  
2 obligations under this subsection, and her or his only  
3 obligation shall be as set forth in subsection (2).

4 (c) If the bona fide offer of purchase includes other  
5 property or more than one mobile home park, the mobile home  
6 owners shall have the right to purchase the park in which they  
7 reside for the price and terms and conditions as they relate  
8 to said park separate and apart from the other properties. The  
9 park owner shall notify the homeowners' association as  
10 required in paragraph (a), and shall separately state the  
11 price, terms, and conditions of each park which is a part of  
12 an offer consisting of more than one park.

13 ~~(2)(c)~~ If the park owner thereafter elects to offer  
14 the park at a price lower than the price specified in her or  
15 his notice to the home owners, the home owners, by and through  
16 the association, will have an additional 10 days to meet the  
17 price and terms and conditions of the park owner by executing  
18 a contract.

19 ~~(2) If a mobile home park owner receives a bona fide~~  
20 ~~offer to purchase the park that she or he intends to consider~~  
21 ~~or make a counteroffer to, the park owner's only obligation~~  
22 ~~shall be to notify the officers of the homeowners' association~~  
23 ~~that she or he has received an offer and disclose the price~~  
24 ~~and material terms and conditions upon which she or he would~~  
25 ~~consider selling the park and consider any offer made by the~~  
26 ~~home owners, provided the home owners have complied with ss.~~  
27 ~~723.075-723.079. The park owner shall be under no obligation~~  
28 ~~to sell to the home owners or to interrupt or delay other~~  
29 ~~negotiations and shall be free at any time to execute a~~  
30 ~~contract for the sale of the park to a party or parties other~~  
31 ~~than the home owners or the association.~~

1           (3)(a) As used in subsections (1) and (2), the term  
2 "notify" means the placing of a notice in the United States  
3 mail addressed to the officers of the homeowners' association.  
4 Each such notice shall be deemed to have been given upon the  
5 deposit of the notice in the United States mail.

6           (b) As used in subsections ~~subsection~~ (1) and (2), the  
7 term "offer" means any solicitation by the park owner to the  
8 general public.

9           (4) This section does not apply to:

10           (a) Any sale or transfer to a person who would be  
11 included within the table of descent and distribution if the  
12 park owner were to die intestate.

13           (b) Any transfer by gift, devise, or operation of law.

14           (c) Any transfer by a corporation to an affiliate. As  
15 used herein, the term "affiliate" means ~~any shareholder of the~~  
16 ~~transferring corporation;~~any corporation or entity owned or  
17 controlled, directly or indirectly, by the transferring  
18 corporation; ~~or any other corporation or entity owned or~~  
19 ~~controlled, directly or indirectly, by any shareholder of the~~  
20 ~~transferring corporation.~~

21           (d) Any transfer by a partnership to any of its  
22 partners.

23           (e) Any conveyance of an interest in a mobile home  
24 park incidental to the financing of such mobile home park.

25           (f) Any conveyance resulting from the foreclosure of a  
26 mortgage, deed of trust, or other instrument encumbering a  
27 mobile home park or any deed given in lieu of such  
28 foreclosure.

29           (g) Any sale or transfer between or among joint  
30 tenants or tenants in common owning a mobile home park.

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1 (h) Any exchange of a mobile home park for other real  
2 property, whether or not such exchange also involves the  
3 payment of cash or other boot.

4 (i) The purchase of a mobile home park by a  
5 governmental entity under its powers of eminent domain.

6 Section 3. Paragraphs (a) and (b) of subsection (1) of  
7 section 723.072, Florida Statutes, are amended to read:

8 723.072 Affidavit of compliance with statutory  
9 requirements.--

10 (1) A park owner may at any time record, in the  
11 official records of the county where a mobile home park is  
12 situated, an affidavit in which the park owner certifies that:

13 (a) With reference to an offer by him or her for the  
14 sale of such park, he or she has complied with the provisions  
15 of s. 723.071(1) and (2);

16 (b) With reference to an offer received by him or her  
17 for the purchase of such park, or with reference to a  
18 counteroffer which he or she intends to make, or has made, for  
19 the sale of such park, he or she has complied with the  
20 provisions of s. 723.071(1) and (2);

21 Section 4. Paragraph (b) of subsection (2) of section  
22 723.078, Florida Statutes, is amended to read:

23 723.078 Bylaws of homeowners' associations.--In order  
24 for a homeowners' association to exercise the rights provided  
25 in s. 723.071, the bylaws of the association shall provide for  
26 the following:

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

29 (b) A majority of the members shall constitute a  
30 quorum unless the bylaws of the homeowners' association  
31 provide that a lesser number of members constitutes a quorum.

1 Decisions shall be made by a majority of members represented  
2 at a meeting at which a quorum is present. In addition,  
3 provision shall be made in the bylaws for definition and use  
4 of proxy. Any proxy given shall be effective only for the  
5 specific meeting for which originally given and any lawfully  
6 adjourned meetings thereof. In no event shall any proxy be  
7 valid for a period longer than 120 days after the date of the  
8 first meeting for which it was given. Every proxy shall be  
9 revocable at any time at the pleasure of the member executing  
10 it.

11 Section 5. This act shall take effect October 1 of the  
12 year in which enacted.

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14 HOUSE SUMMARY

15 Revises the provisions of the Florida Mobile Home Act to:

16 1. Revise the definition of the term "pass-through  
17 charge" for the purpose of specifying a mobile home park  
18 owner's proportionate share of described costs.

19 2. Revise provisions relating to the sale of a  
20 mobile home park with respect to a bona fide offer of  
21 purchase made to a mobile home park owner; provide for  
22 rights of mobile home owners when such an offer of  
23 purchase includes other property or more than one mobile  
24 home park; revise the definition of the term "affiliate."

25 3. Revise provisions with respect to bylaws of  
26 homeowners' associations relating to the number of  
27 members which constitutes a quorum.  
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