

By the Committee on Community Affairs and Senators  
Brown-Waite, Latvala and Dudley

316-2105-98

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. 723.012, F.S.; clarifying pass-through  
6           charges for vacant lots or undeveloped phases;  
7           providing for amendment to the prospectus;  
8           amending s. 723.078, F.S., relating to bylaws  
9           of homeowners' associations; revising  
10          provisions relating to the number of members  
11          which constitutes a quorum; providing an  
12          effective date.

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

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

18           723.003 Definitions.--As used in this chapter, the  
19 following words and terms have the following meanings unless  
20 clearly indicated otherwise:

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

1 the park owner not occupied by a mobile home owned by a mobile  
2 home owner.

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

5 723.012 Prospectus or offering circular.--The  
6 prospectus or offering circular, which is required to be  
7 provided by s. 723.011, must contain the following  
8 information:

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

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

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

15 1. Water rates.

16 2. Sewer rates.

17 3. Waste disposal rates.

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

20 5. Management costs.

21 6. Property taxes.

22 7. Major repairs or improvements.

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

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

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

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

8 723.078 Bylaws of homeowners' associations.--In order  
9 for a homeowners' association to exercise the rights provided  
10 in s. 723.071, the bylaws of the association shall provide for  
11 the following:

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

14 (b) A majority of the members shall constitute a  
15 quorum unless the bylaws of the homeowners' association  
16 provide that a lesser number of members constitutes a quorum.  
17 Decisions shall be made by a majority of members represented  
18 at a meeting at which a quorum is present. In addition,  
19 provision shall be made in the bylaws for definition and use  
20 of proxy. Any proxy given shall be effective only for the  
21 specific meeting for which originally given and any lawfully  
22 adjourned meetings thereof. In no event shall any proxy be  
23 valid for a period longer than 120 days after the date of the  
24 first meeting for which it was given. Every proxy shall be  
25 revocable at any time at the pleasure of the member executing  
26 it.

27 Section 4. This act shall take effect October 1, 1998.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 452

Deletes all provisions relating to the mobile home owners' right of first refusal for bona fide offers to purchase the park.

Provides that a new tenant may be required to pay the pass-through charge which was paid by the park owner when the charge was initially assessed.

Authorizes a park to amend its prospectus to require a homeowner to pay his or her proportionate share of any pass-through charge, as defined in the act.