

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.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
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 of the park owner not

1 available for use as recreational or common facilities by the
2 mobile 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.
28
29
30
31