

1 A bill to be entitled
2 An act relating to the Florida Mobile Home Act;
3 amending s. 723.003, F.S.; defining the term
4 "proportionate share"; amending s. 723.011,
5 F.S.; requiring the Division of Florida Land
6 Sales, Condominiums, and Mobile Homes to
7 maintain specified records; requiring that
8 copies be provided within a specified time
9 after written request; amending s. 723.012,
10 F.S.; revising provisions relating to
11 statements in a prospectus; amending s.
12 723.037, F.S.; revising procedures for meetings
13 that determine the status of changes in lot
14 rentals; amending s. 723.061, F.S.; revising
15 timeframes for giving notice of changes in lot
16 rental amounts and use of mobile home parks;
17 creating s. 723.0611, F.S.; creating the
18 Florida Mobile Home Relocation Corporation;
19 providing for a board of directors to be
20 appointed by the Secretary of Business and
21 Professional Regulation; providing for terms of
22 office; specifying powers and duties of the
23 board; authorizing the corporation to borrow
24 from private finance sources; creating s.
25 723.0612, F.S.; providing for the payment of
26 relocation expenses if a mobile home owner is
27 required to move due to a change in use of the
28 mobile home park; providing exceptions;
29 specifying procedures for payments upon
30 approval of the corporation; authorizing a
31 mobile home owner to abandon the mobile home

1 and collect one-fourth the amount of relocation
2 expenses; providing a penalty; providing for
3 recognition of existing contracts; providing an
4 effective date.

5

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

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8 Section 1. Subsections (11) through (14) of section
9 723.003, Florida Statutes, are renumbered as subsections (12)
10 through (15), respectively, and a new subsection (11) is added
11 to said section to read:

12 723.003 Definitions.--As used in this chapter, the
13 following words and terms have the following meanings unless
14 clearly indicated otherwise:

15 (11) The term "proportionate share" as used in
16 subsection (10) means an amount calculated by dividing equally
17 among the affected developed lots in the park the total costs
18 for the necessary and actual direct costs and impact or hookup
19 fees incurred for governmentally mandated capital improvements
20 serving the recreational and common areas and all affected
21 developed lots in the park.

22 Section 2. Subsection (1) of section 723.011, Florida
23 Statutes, is amended to read:

24 723.011 Disclosure prior to rental of a mobile home
25 lot; prospectus, filing, approval.--

26 (1)(a) In a mobile home park containing 26 or more
27 lots, the park owner shall file a prospectus with the
28 division. Prior to entering into an enforceable rental
29 agreement for a mobile home lot, the park owner shall deliver
30 to the homeowner a prospectus approved by the division. This
31 subsection does ~~shall not be construed to~~ invalidate those lot

1 rental agreements for which an approved prospectus was
2 required to be delivered and which was delivered on or before
3 July 1, 1986, if the mobile home park owner had:

4 1. Filed a prospectus with the division prior to
5 entering into the lot rental agreement;

6 2. Made a good faith effort to correct deficiencies
7 cited by the division by responding within the time limit set
8 by the division, if one was set; and

9 3. Delivered the approved prospectus to the mobile
10 home owner within 45 days of approval by the division.

11
12 This paragraph does ~~shall~~ not preclude the finding that a lot
13 rental agreement is invalid on other grounds and does ~~shall~~
14 not ~~be construed to~~ limit any rights of a mobile home owner or
15 ~~to~~ preclude a mobile home owner from seeking any remedies
16 allowed by this chapter, including a determination that the
17 lot rental agreement or any part thereof is unreasonable.

18 (b) The division shall determine whether the proposed
19 prospectus or offering circular is adequate to meet the
20 requirements of this chapter and shall notify the park owner
21 by mail, within 45 days after ~~of~~ receipt of the document, that
22 the division has found that ~~either approved~~ the prospectus or
23 offering circular is adequate or has found specified
24 deficiencies. If ~~In the event~~ the division does not make
25 either finding approve the prospectus or advise the park owner
26 of deficiencies within 45 days, the prospectus shall be deemed
27 to have been found adequate ~~be approved~~.

28 (c)1. Filings for mobile home parks in which lots have
29 not been offered for lease prior to June 4, 1984, shall be
30 accompanied by a filing fee of \$10 per lot offered for lease
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1 by the park owner; however, the fee shall not be less than
2 \$100.

3 2. Filings for mobile home parks in which lots have
4 been offered for lease prior to the effective date of this
5 chapter shall be accompanied by a filing fee as follows:

- 6 a. For a park in which there are 26-50 lots: \$100.
- 7 b. For a park in which there are 51-100 lots: \$150.
- 8 c. For a park in which there are 101-150 lots: \$200.
- 9 d. For a park in which there are 151-200 lots: \$250.
- 10 e. For a park in which there are 201 or more lots:
11 \$300.

12 (d) The division shall maintain copies of each
13 prospectus and all amendments to each prospectus which are
14 considered adequate by the division. The division shall
15 provide copies of documents requested in writing under this
16 subsection within 10 days after the written request is
17 received.

18 Section 3. Subsection (1) of section 723.012, Florida
19 Statutes, is amended to read:

20 723.012 Prospectus or offering circular.--The
21 prospectus or offering circular, which is required to be
22 provided by s. 723.011, must contain the following
23 information:

24 (1) The front cover or the first page must contain
25 only:

26 (a) The name of the mobile home park.

27 (b) The following statements in conspicuous type:

28 1. THIS PROSPECTUS~~(OFFERING CIRCULAR)~~CONTAINS VERY
29 IMPORTANT INFORMATION REGARDING YOUR LEGAL RIGHTS AND YOUR
30 FINANCIAL OBLIGATIONS MATTERS TO BE CONSIDERED IN LEASING A
31 MOBILE HOME LOT. MAKE SURE THAT YOU READ THE ENTIRE DOCUMENT

1 AND SEEK LEGAL ADVICE IF YOU HAVE ANY QUESTIONS REGARDING THE
2 INFORMATION SET FORTH IN THIS DOCUMENT.

3 2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN
4 NATURE. A PROSPECTIVE LESSEE SHOULD REFER TO ALL REFERENCES,
5 ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES
6 MATERIALS.

7 3. ORAL REPRESENTATIONS SHOULD NOT BE RELIED UPON AS
8 CORRECTLY STATING THE REPRESENTATIONS OF THE PARK OWNER OR
9 OPERATOR. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND
10 ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

11 4. UPON DELIVERY OF THE PROSPECTUS TO A PROSPECTIVE
12 LESSEE, THE RENTAL AGREEMENT IS VOIDABLE BY THE LESSEE FOR A
13 PERIOD OF 15 DAYS.

14 Section 4. Subsection (4) and paragraph (a) of
15 subsection (5) of section 723.037, Florida Statutes, are
16 amended to read:

17 723.037 Lot rental increases; reduction in services or
18 utilities; change in rules and regulations; mediation.--

19 (4)(a) A committee, not to exceed five in number,
20 designated by a majority of the affected mobile home owners or
21 by the board of directors of the homeowners' association, if
22 applicable, and the park owner shall meet, at a mutually
23 convenient time and place within 30 days after receipt by the
24 homeowners of the notice of change, to discuss the reasons for
25 the increase in lot rental amount, reduction in services or
26 utilities, or change in rules and regulations.

27 (b) At the meeting, the park owner or subdivision
28 developer shall in good faith disclose and explain all
29 material factors resulting in the decision to increase the lot
30 rental amount, reduce services or utilities, or change rules
31 and regulations, including how those factors justify the

1 specific change proposed. The park owner or subdivision
2 developer may not limit the discussion of the reasons for the
3 change to generalities only, such as, but not limited to,
4 increases in operational costs, changes in economic
5 conditions, or rents charged by comparable mobile home parks.
6 For example, if the reason for an increase in lot rental
7 amount is an increase in operational costs, the park owner
8 must disclose the item or items which have increased, the
9 amount of the increase, any similar item or items which have
10 decreased, and the amount of the decrease. If an increase is
11 based upon the lot rental amount charged by comparable mobile
12 home parks, the park owner shall disclose, and provide in
13 writing to the committee at or before the meeting, the name,
14 address, lot rental amount, and any other relevant factors
15 relied upon by the park owner, such as facilities, services,
16 and amenities, concerning the comparable mobile home parks
17 ~~relied upon by the park owner~~. The park owner shall prepare a
18 written summary of the material factors and retain a copy for
19 3 years. The park owner shall provide the committee a copy of
20 the summary at or before the meeting.

21 (c) If the committee disagrees with a park owner's lot
22 rental amount increase based upon comparable mobile home
23 parks, the committee shall disclose to the park owner the
24 name, address, lot rental amount, and any other relevant
25 factors relied upon by the committee, such as facilities,
26 services, and amenities, concerning the comparable mobile home
27 parks. The committee shall provide to the park owner the
28 disclosure, in writing, within 15 days after the meeting with
29 the park owner, together with a request for a second meeting.
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1 (d) The committee and the park owner may mutually
2 agree, in writing, to extend or continue any meetings required
3 by this section.

4 (e) Either party may prepare and use additional
5 information to support its position during or subsequent to
6 the meetings required by this section.

7 (5)(a) Within 30 days after the date of the last
8 scheduled meeting described in subsection (4), the homeowners
9 may petition the division to initiate mediation of the dispute
10 pursuant to s. 723.038 if a majority of the affected
11 homeowners have designated, in writing, that:

12 1. The rental increase is unreasonable;

13 2. The rental increase has made the lot rental amount
14 unreasonable;

15 3. The decrease in services or utilities is not
16 accompanied by a corresponding decrease in rent or is
17 otherwise unreasonable; or

18 4. The change in the rules and regulations is
19 unreasonable.

20 Section 5. Section 723.061, Florida Statutes, is
21 amended to read:

22 723.061 Eviction; grounds, proceedings.--

23 (1) A mobile home park owner may evict a mobile home
24 owner or a mobile home only on one or more of the grounds
25 provided in this section.

26 (a) Nonpayment of lot rental amount. If a mobile home
27 owner fails to pay the lot rental amount when due and if the
28 default continues for 5 days after delivery of a written
29 demand by the mobile home park owner for payment of the lot
30 rental amount, the park owner may terminate the tenancy.
31 However, if the mobile home owner pays the lot rental amount

1 due, including any late charges, court costs, and attorney's
2 fees, the court may, for good cause, deny the order of
3 eviction, provided such nonpayment has not occurred more than
4 twice.

5 (b) Conviction of a violation of a federal or state
6 law or local ordinance, which violation may be deemed
7 detrimental to the health, safety, or welfare of other
8 residents of the mobile home park.

9 (c) Violation of a park rule or regulation, the rental
10 agreement, or this chapter.

11 1. For the first violation of any properly promulgated
12 rule or regulation, rental agreement provision, or this
13 chapter which is found by any court having jurisdiction
14 thereof to have been an act which endangered the life, health,
15 safety, or property of the park residents or the peaceful
16 enjoyment of the mobile home park by its residents, the mobile
17 home park owner may terminate the rental agreement, and the
18 mobile home owner will have 7 days from the date that the
19 notice is delivered to vacate the premises.

20 2. For a second violation of the same properly
21 promulgated rule or regulation, rental agreement provision, or
22 this chapter within 12 months, the mobile home park owner may
23 terminate the tenancy if she or he has given the mobile home
24 owner written notice within 30 days of the first violation,
25 which notice specified the actions of the mobile home owner
26 which caused the violation and gave the mobile home owner 7
27 days to correct the noncompliance. The mobile home owner must
28 have received written notice of the ground upon which she or
29 he is to be evicted at least 30 days prior to the date on
30 which she or he is required to vacate. A second violation of
31 a properly promulgated rule or regulation, rental agreement

1 provision, or this chapter within 12 months of the first
2 violation is unequivocally a ground for eviction, and it is
3 not a defense to any eviction proceeding that a violation has
4 been cured after the second violation. Violation of a rule or
5 regulation, rental agreement provision, or this chapter after
6 the passage of 1 year from the first violation of the same
7 rule or regulation, rental agreement provision, or this
8 chapter does not constitute a ground for eviction under this
9 section.

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11 No properly promulgated rule or regulation may be arbitrarily
12 applied and used as a ground for eviction.

13 (d) Change in use of the land comprising the mobile
14 home park, or the portion thereof from which mobile homes are
15 to be evicted, from mobile home lot rentals to some other use,
16 provided all tenants affected are given at least 6 months' ±
17 ~~year's~~ notice of the projected change of use and of their need
18 to secure other accommodations. The park owner may not give a
19 notice of increase in lot rental amount within 90 days before
20 giving notice of a change in use.

21 (e) Failure of the purchaser of a mobile home situated
22 in the mobile home park to be qualified as, and to obtain
23 approval to become, a tenant, if such approval is required by
24 a properly promulgated rule.

25 (2) In the event of eviction for change of ~~land~~ use,
26 homeowners must object to the change in ~~land~~ use by
27 petitioning for administrative or judicial remedies within 90
28 days of the date of the notice or they will be barred from
29 taking any subsequent action to contest the change in ~~land~~
30 use. This provision shall not be construed to prevent any
31 homeowner from objecting to a zoning change at any time.

1 ~~(a) Within 90 days from the time the park owner gives~~
2 ~~the 1-year notice, she or he shall notify the homeowner of her~~
3 ~~or his election to either buy the mobile home, relocate the~~
4 ~~mobile home to another park owned by the park owner, or pay to~~
5 ~~relocate the mobile home to another mobile home park, as~~
6 ~~follows:~~

7 ~~1. Pay as damages the actual cost, including setup~~
8 ~~fees, to move an evicted mobile home, with comparable and any~~
9 ~~required appurtenances, to a comparable mobile home park~~
10 ~~within a 50-mile radius of the mobile home park or other~~
11 ~~distance agreed upon by the park owner and mobile home owner.~~
12 ~~Since the amount of damages that a homeowner will suffer due~~
13 ~~to the change in land use by the park owner cannot be easily~~
14 ~~estimated and would be difficult and expensive to determine,~~
15 ~~it is the intent of the Legislature that the payment contained~~
16 ~~herein be considered in the nature of liquidated damages and~~
17 ~~not a penalty. It is the intent of the Legislature that the~~
18 ~~liquidated damages to which the mobile home owner is entitled~~
19 ~~be limited to the damages defined in this subparagraph only~~
20 ~~for so long as this subsection remains in effect. The~~
21 ~~liquidated damages apply only to the harm incurred by the~~
22 ~~homeowner for having to relocate, and this provision shall not~~
23 ~~preclude incidental damages that might occur in relocating the~~
24 ~~mobile home;~~

25 ~~2. Purchase the mobile home and all appurtenances~~
26 ~~thereto at a value to be determined as follows:~~

27 ~~a. A mutually agreed upon appraiser will assess the~~
28 ~~book value of the mobile home and cash value of all~~
29 ~~appurtenances thereto and the market value of the mobile home~~
30 ~~as situated immediately prior to the notice of change in land~~
31 ~~use. Any nationally recognized publication for valuation of~~

1 ~~mobile and manufactured homes shall be used as a guide for~~
2 ~~determining such value.~~

3 ~~b. The homeowner will be entitled to the book value of~~
4 ~~the mobile home and cash value of the appurtenances.~~

5 ~~c. The homeowner will also be entitled to the~~
6 ~~following portion of the difference between the book value and~~
7 ~~cash value of the appurtenances and the market value of the~~
8 ~~mobile home. If the homeowner has resided in the mobile home~~
9 ~~at the time of notice of land use change by the park owner:~~

- 10 ~~0 years up to 5 years.....40 percent~~
- 11 ~~5 years up to 15 years.....60 percent~~
- 12 ~~15 years up to 20 years.....80 percent~~
- 13 ~~20 years or more.....100 percent~~

14 ~~d. The homeowner who has become a resident of the park~~
15 ~~within 0-5 years of the notice of change in land use shall be~~
16 ~~entitled, in addition to the compensation set forth above, to~~
17 ~~60 percent of the difference between the book value and the~~
18 ~~market value of the mobile home.~~

19 ~~e. Between the date of the appraisals referred to in~~
20 ~~this subsection and the delivery of title and possession of~~
21 ~~the mobile home and all appurtenances thereto to the park~~
22 ~~owner, the mobile home and the appurtenances shall be~~
23 ~~maintained by the homeowner in the condition existing on the~~
24 ~~date of the appraisals, ordinary wear and tear excepted; or~~

25 ~~3. Reach a mutually agreed to settlement between the~~
26 ~~park owner and the homeowner.~~

27 ~~(b) Either the mobile home owner or the park owner may~~
28 ~~apply to the circuit court in the county where the mobile home~~
29 ~~lot is located for purposes of selecting an appraiser to~~
30 ~~determine the value of the mobile home and appurtenances or~~

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1 ~~for resolution of any other dispute arising under this~~
2 ~~subsection.~~

3 ~~(c) In any dispute in a circuit court regarding the~~
4 ~~value of the mobile home as appraised pursuant to this~~
5 ~~subsection, the court shall determine the amount to be~~
6 ~~deposited into the registry of the court as will fully secure~~
7 ~~and fully compensate the homeowner as ultimately determined by~~
8 ~~the final judgment. The court shall fix the time within which~~
9 ~~and the terms upon which the homeowner shall be required to~~
10 ~~surrender possession and title to the park owner. The order of~~
11 ~~the court shall not become effective unless the deposit of the~~
12 ~~required sum is made in the registry of the court.~~

13 ~~(3)(d)~~ The provisions of s. 723.083 shall not be
14 applicable to any park where the provisions of this subsection
15 apply.

16 ~~(4)(3)~~ A mobile home park owner applying for the
17 removal of a mobile home owner or a mobile home, or both,
18 shall file, in the county court in the county where the mobile
19 home lot is situated, a complaint describing the lot and
20 stating the facts that authorize the removal of the mobile
21 home owner and the mobile home. The park owner is entitled to
22 the summary procedure provided in s. 51.011, and the court
23 shall advance the cause on the calendar.

24 ~~(5)(4)~~ Any notice required by this section must be in
25 writing, and must be posted on the premises and sent to the
26 mobile home owner by certified or registered mail, return
27 receipt requested, addressed to the mobile home owner at her
28 or his last known address. Delivery of the mailed notice
29 shall be deemed given 5 days after the date of postmark.

30 Section 6. Section 723.0611, Florida Statutes, is
31 created to read:

1 723.0611 Florida Mobile Home Relocation Corporation.--

2 (1) There is created the Florida Mobile Home
3 Relocation Corporation. The corporation shall be administered
4 by a board of directors made up of six members, three of whom
5 shall be appointed by the Secretary of Business and
6 Professional Regulation from a list of nominees submitted by
7 the largest nonprofit association representing mobile home
8 owners in this state, and three of whom shall be appointed by
9 the Secretary of Business and Professional Regulation from a
10 list of nominees submitted by the largest nonprofit
11 association representing the manufactured housing industry in
12 this state. All members of the board of directors, including
13 the chair, shall be appointed to serve for staggered 3-year
14 terms.

15 (2)(a) The board of directors may employ or retain
16 such persons as are necessary to perform the administrative
17 and financial transactions and responsibilities of the
18 corporation and to perform other necessary and proper
19 functions not prohibited by law.

20 (b) Members of the board of directors may be
21 reimbursed from moneys of the corporation for actual and
22 necessary expenses incurred by them as members but may not
23 otherwise be compensated for their services.

24 (c) There shall be no liability on the part of, and no
25 cause of action of any nature shall arise against, agents or
26 employees of the corporation, members of the board of
27 directors of the corporation, or representatives of the
28 Division of Florida Land Sales, Condominiums, and Mobile Homes
29 for any act or omission of the board of directors in the
30 performance of their powers and duties under this section,

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1 unless such act or omission by such person is in intentional
2 disregard of the rights of the claimant.

3 (d) Meetings of the board of directors are subject to
4 the provisions of s. 286.011.

5 (3) The board of directors shall:

6 (a) Adopt a plan of operation and articles, bylaws,
7 and operating rules.

8 (b) Establish procedures under which applicants for
9 payments from the corporation may have grievances reviewed by
10 an impartial body and reported to the board of directors.

11 (4) The corporation may:

12 (a) Sue or be sued.

13 (b) Borrow from private finance sources in order to
14 meet the demands of the relocation program established in s.
15 723.0612.

16 Section 7. Section 723.0612, Florida Statutes, is
17 created to read:

18 723.0612 Change in use; relocation expenses; payments
19 by park owner.--

20 (1) If a mobile home owner is required to move due to
21 a change in use of the land comprising the mobile home park as
22 set forth in s. 723.061(1)(d) and complies with the
23 requirements of this section, the mobile home owner is
24 entitled to payment from the Florida Mobile Home Relocation
25 Corporation of:

26 (a) The amount of actual moving expenses of relocating
27 the mobile home to a new location within a 50-mile radius of
28 the vacated park, or

29 (b) The amount of \$5,000 for a single-section mobile
30 home or \$10,000 for a multisection mobile home,

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1 whichever is less. Moving expenses include the cost of taking
2 down, moving, and setting up the mobile home in a new
3 location.

4 (2) A mobile home owner shall not be entitled to
5 compensation under subsection (1) when:

6 (a) The park owner moves a mobile home owner to
7 another space in the mobile home park or to another mobile
8 home park at the park owner's expense;

9 (b) A mobile home owner is vacating the premises and
10 has informed the park owner or manager before notice of the
11 change in use has been given; or

12 (c) A mobile home owner abandons the mobile home as
13 set forth in subsection (7).

14 (3) Except as provided in subsection (7), in order to
15 obtain payment from the Florida Mobile Home Relocation
16 Corporation, the mobile home owner shall submit to the
17 corporation, with a copy to the park owner, an application for
18 payment which includes:

19 (a) A copy of the notice of eviction due to change in
20 use; and

21 (b) A contract with a moving or towing contractor for
22 the moving expenses for the mobile home.

23 (4) The Florida Mobile Home Relocation Corporation
24 must approve payment within 15 days after receipt of the
25 information set forth in subsection (3), or payment is deemed
26 approved. A copy of the approval must be forwarded to the park
27 owner with an invoice for payment. Upon approval, the
28 corporation shall issue a voucher in the amount of the
29 contract price for relocating the mobile home. The moving
30 contractor may redeem the voucher from the corporation

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1 following completion of the relocation and upon approval of
2 the relocation by the mobile home owner.

3 (5) Actions of the Florida Mobile Home Relocation
4 Corporation under this section are not subject to the
5 provisions of chapter 120 but are reviewable only by writ of
6 certiorari in the circuit court in the county in which the
7 claimant resides in the manner and within the time provided by
8 the Florida Rules of Appellate Procedure.

9 (6) This section does not apply to any proceeding in
10 eminent domain under chapter 73 or chapter 74.

11 (7) In lieu of collecting payment from the Florida
12 Mobile Home Relocation Corporation as set forth in subsection
13 (1), a mobile home owner may abandon the mobile home in the
14 mobile home park and collect an amount equal to one-fourth of
15 the maximum allowable moving expenses from the corporation as
16 long as the mobile home owner delivers to the park owner the
17 current title to the mobile home duly endorsed by the owner of
18 record and valid releases of all liens shown on the title. If
19 a mobile home owner chooses this option, the park owner shall
20 make payment to the corporation in an amount equal to
21 one-fourth of the maximum allowable moving expenses.

22 (8) The Florida Mobile Home Relocation Corporation
23 shall not be liable to any person for recovery if funds are
24 insufficient to pay the amounts claimed. In any such event,
25 the corporation shall keep a record of the time and date of
26 its approval of payment to a claimant. If sufficient funds
27 become available, the corporation shall pay the claimant whose
28 unpaid claim is the earliest by time and date of approval.

29 (9) It is unlawful for any person or his or her agent
30 to file any notice, statement, or other document required
31 under this section which is false or contains any material

1 misstatement of fact. Any person who violates this subsection
2 commits a misdemeanor of the second degree, punishable as
3 provided in s. 775.082 or s. 775.083.

4 Section 8. Sections 6 and 7 of this act shall not
5 impair the contract providing for the method of purchase of
6 the mobile homes where the contracts for purchase were entered
7 into between the mobile home park owner and the mobile home
8 owners prior to the effective date of this act and the notices
9 of eviction are appropriately provided as required by chapter
10 723, Florida Statutes.

11 Section 9. This act shall take effect July 1, 2001.
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