

By the Committee on Commerce and Economic Opportunities; and
Senator Posey

310-2095-02

1 A bill to be entitled

2 An act relating to mobile home parks; amending

3 s. 723.037, F.S.; requiring a meeting regarding

4 lot rent increases; amending s. 723.06116,

5 F.S.; providing for certain payments by mobile

6 home park owners to be made to the Florida

7 Mobile Home Relocation Corporation instead of

8 to the Florida Mobile Home Relocation Trust

9 Fund; establishing a deadline for certain

10 payments by mobile home park owners; conforming

11 cross-references; providing that certain

12 provisions relating to payments to or by the

13 Florida Mobile Home Relocation Corporation are

14 enforceable in court; amending s. 723.0612,

15 F.S.; lengthening the time period during which

16 the Florida Mobile Home Relocation Corporation

17 must approve certain payments; providing an

18 effective date.

19

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

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22 Section 1. Subsection (4) of section 723.037, Florida

23 Statutes, is amended to read:

24 723.037 Lot rental increases; reduction in services or

25 utilities; change in rules and regulations; mediation.--

26 (4)(a) A committee, not to exceed five in number,

27 designated by a majority of the affected mobile home owners or

28 by the board of directors of the homeowners' association, if

29 applicable, and the park owner shall meet, at a mutually

30 convenient time and place within 30 days after receipt by the

31 homeowners of the notice of change, to discuss the reasons for

1 the increase in lot rental amount, reduction in services or
2 utilities, or change in rules and regulations.

3 (b) At the meeting, the park owner or subdivision
4 developer shall in good faith disclose and explain all
5 material factors resulting in the decision to increase the lot
6 rental amount, reduce services or utilities, or change rules
7 and regulations, including how those factors justify the
8 specific change proposed. The park owner or subdivision
9 developer may not limit the discussion of the reasons for the
10 change to generalities only, such as, but not limited to,
11 increases in operational costs, changes in economic
12 conditions, or rents charged by comparable mobile home parks.
13 For example, if the reason for an increase in lot rental
14 amount is an increase in operational costs, the park owner
15 must disclose the item or items which have increased, the
16 amount of the increase, any similar item or items which have
17 decreased, and the amount of the decrease. If an increase is
18 based upon the lot rental amount charged by comparable mobile
19 home parks, the park owner shall disclose, and provide in
20 writing to the committee at or before the meeting, the name,
21 address, lot rental amount, and any other relevant factors
22 relied upon by the park owner, such as facilities, services,
23 and amenities, concerning the comparable mobile home parks.
24 The park owner shall prepare a written summary of the material
25 factors and retain a copy for 3 years. The park owner shall
26 provide the committee a copy of the summary at or before the
27 meeting.

28 (c) If the committee disagrees with a park owner's lot
29 rental amount increase based upon comparable mobile home
30 parks, the committee shall disclose to the park owner the
31 name, address, lot rental amount, and any other relevant

1 factors relied upon by the committee, such as facilities,
2 services, and amenities, concerning the comparable mobile home
3 parks. The committee shall provide to the park owner the
4 disclosure, in writing, within 15 days after the meeting with
5 the park owner, together with a request for a second meeting.
6 The park owner and the committee shall meet to discuss the
7 disclosure within 30 days after the owner receives the
8 committee's request.

9 (d) The committee and the park owner may mutually
10 agree, in writing, to extend or continue any meetings required
11 by this section.

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

15 Section 2. Section 723.06116, Florida Statutes, is
16 amended to read:

17 723.06116 Payments to the Florida Mobile Home
18 Relocation Corporation ~~Trust Fund~~.--

19 (1) If a mobile home owner is required to move due to
20 a change in use of the land comprising a mobile home park as
21 set forth in s. 723.061(1)(d), the mobile home park owner
22 shall, upon such change in use, pay to the corporation
23 ~~department for deposit in the Florida Mobile Home Relocation~~
24 ~~Trust Fund~~ \$2,000 for each single-section mobile home and
25 \$2,500 for each multisection mobile home for which a mobile
26 home owner has made application for payment of moving
27 expenses. The mobile home park owner shall make the payments
28 required by this section and by s. 723.0612(7) to the
29 corporation within 30 days after receipt of the invoice for
30 payment from the corporation.

31

1 (2) A mobile home park owner is not required to make
2 the payment prescribed in subsection (1), nor is the mobile
3 home owner entitled to compensation under s. 723.0612(1)~~s.~~
4 ~~723.0612~~, when:

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

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

11 (c) A mobile home owner abandons the mobile home as
12 set forth in s. 723.0612(7)~~s. 723.0612(8)~~.

13 (3) This section and s. 723.0612(7) are enforceable by
14 the corporation by action in a court of appropriate
15 jurisdiction.

16 Section 3. Subsection (4) of section 723.0612, Florida
17 Statutes, is amended to read:

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

20 (4) The Florida Mobile Home Relocation Corporation
21 must approve payment within 45 ~~15~~ days after receipt of the
22 information set forth in subsection (3), or payment is deemed
23 approved. A copy of the approval must be forwarded to the park
24 owner with an invoice for payment. Upon approval, the
25 corporation shall issue a voucher in the amount of the
26 contract price for relocating the mobile home. The moving
27 contractor may redeem the voucher from the corporation
28 following completion of the relocation and upon approval of
29 the relocation by the mobile home owner.

30 Section 4. This act shall take effect July 1, 2002.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1626

4 The committee substitute differs from SB 1626 in the following
5 ways:

6 Amends s. 723.06116(1), F.S., to provide that, if a mobile
7 home owner is required to move due to a change in use of the
8 land comprising a mobile home park, the mobile home park owner
9 must pay certain fees to the Florida Mobile Home Relocation
10 Corporation instead of to the Department of Business and
11 Professional Regulation for deposit in the Florida Mobile Home
12 Relocation Trust Fund, as provided for in current law. This
13 subsection is also amended to require mobile home park owners
14 to make such payments and payments under s. 723.0612(7), F.S.,
15 (relating to mobile-home abandonment) to the corporation
16 within 30 days after receipt of an invoice for payment from
17 the corporation.

18 Amends s. 723.06116(2), F.S., to correct a cross-reference in
19 order to clarify that, although a mobile home owner who
20 abandons his or her mobile home is prohibited from collecting
21 the "non-abandonment" compensation under s. 723.0612(1), F.S.,
22 the mobile home owner is still allowed to collect the
23 compensation under s. 723.0612(7), F.S.

24 Deletes a provision in s. 723.06116(2)(c), F.S., (as amended
25 by SB 1626) which made explicit that payment under s.
26 723.0612(7), F.S., by a mobile home park owner to the Florida
27 Mobile Home Relocation Corporation is required before the park
28 owner is exempt from paying certain relocation fees into the
29 Florida Mobile Home Relocation Trust Fund under s.
30 723.06116(1), F.S.

31 Creates s. 723.06116(3), F.S., which provides that s.
723.06116, F.S., (relating to payments to the Florida Mobile
Home Relocation Corporation) and s. 723.0612(7), F.S.,
(relating to mobile-home abandonment) are enforceable by the
corporation by action in a court of appropriate jurisdiction.

Amends s. 723.0612(4), F.S., to provide that the Florida
Mobile Home Relocation Corporation must approve payment to an
eligible mobile home owner, who has been required to move due
to a change in use of the land comprising his or her mobile
home park, within 45 days (instead of 15 days as under current
law) after receipt by the corporation of specified information
from the mobile home owner, or payment to the mobile home
owner is deemed approved.