

1 A bill to be entitled

2 An act relating to mobile home park lot tenancies;
3 amending s. 723.0381, F.S.; authorizing the court to refer
4 actions to binding arbitration; amending s. 723.061, F.S.,
5 relating to grounds and proceedings for eviction;
6 providing for nonapplicability of certain provisions to
7 certain persons approved for payment by the Florida Mobile
8 Home Relocation Corporation; amending s. 723.071, F.S.;
9 requiring mobile home park owners receiving a bona fide
10 offer for purchase to notify the officers of the
11 homeowners' association; providing that a homeowners'
12 association purchasing a mobile home park may execute a
13 contract for only the park that it represents; authorizing
14 a time extension for home owners when a park owner changes
15 the terms and conditions of the offer to purchase the
16 park; revising requirements with respect to unsolicited
17 offers; providing the homeowners' association with the
18 right of first refusal to purchase the park in the event
19 of an unsolicited offer; encouraging mobile home owners to
20 organize as homeowners' associations to negotiate a right
21 of first refusal with a park owner; redefining the term
22 "offer" for such purposes; providing a limitation on an
23 exception relating to transfers by partnerships; amending
24 s. 723.083, F.S.; revising procedures providing for the
25 removal or relocation of mobile home owners; providing an
26 effective date.

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

HB 549

2006

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Section 1. Subsection (2) of section 723.0381, Florida Statutes, is amended to read:

723.0381 Civil actions; arbitration.--

(2) The court may refer the action to nonbinding arbitration pursuant to s. 44.103 or, with the consent of both parties, to binding arbitration pursuant to s. 44.104 and the Florida Rules of Civil Procedure. The court shall order the hearing to be held informally with presentation of testimony kept to a minimum and matters presented to the arbitrators primarily through the statements and arguments of counsel. The court shall assess the parties equally to pay the compensation awarded to the arbitrators if neither party requests a trial de novo. If a party has filed for a trial de novo, the party shall be assessed the arbitration costs, court costs, and other reasonable costs of the opposing party, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If subsequent to arbitration a party files for a trial de novo, the arbitration decision may be made known to the judge only after he or she has entered his or her order on the merits.

Section 2. Subsection (3) of section 723.061, Florida Statutes, is amended to read:

723.061 Eviction; grounds, proceedings.--

(3) The provisions of s. 723.083 shall not be applicable to any person whose application for funding pursuant to s.

57 723.0612(1) or (7) is approved for payment by the Florida Mobile
 58 Home Relocation Corporation park where the provisions of this
 59 subsection apply.

60 Section 3. Subsections (1) through (3) and paragraph (d)
 61 of subsection (4) of section 723.071, Florida Statutes, are
 62 amended to read:

63 723.071 Sale of mobile home parks.--

64 (1) (a) If a mobile home park owner offers a mobile home
 65 park for sale or receives a bona fide offer for purchase, she or
 66 he shall notify the officers of the homeowners' association
 67 created pursuant to ss. 723.075-723.079 of the offer, stating
 68 the price and the terms and conditions of sale.

69 (b) The mobile home owners, by and through the association
 70 defined in s. 723.075, shall have the right to purchase the
 71 park, provided the home owners meet the price and terms and
 72 conditions of the mobile home park owner by executing a contract
 73 with the park owner within 45 days, unless agreed to otherwise,
 74 from the date of mailing of the notice and provided they have
 75 complied with ss. 723.075-723.079. To exercise its right to
 76 purchase the park, the homeowners' association shall be required
 77 to execute a contract for only the mobile home park that the
 78 homeowners' association represents. If a contract between the
 79 park owner and the association is not executed within such 45-
 80 day period, then, unless the park owner thereafter elects to
 81 offer the park at a price lower than the price specified in her
 82 or his notice to the officers of the homeowners' association or
 83 to change the terms and conditions of the offer, the park owner

HB 549

2006

84 has no further obligations under this subsection, ~~and her or his~~
 85 ~~only obligation shall be as set forth in subsection (2).~~

86 (c) If the park owner thereafter elects to offer the park
 87 at a price lower than the price specified in her or his notice
 88 to the home owners or to change the terms and conditions of the
 89 offer, the home owners, by and through the association, will
 90 have an additional 10 days to meet the price and terms and
 91 conditions of the park owner by executing a contract.

92 (2) If a mobile home park owner receives a bona fide offer
 93 to purchase the park that she or he intends to consider or make
 94 a counteroffer to, the mobile home park owner must first comply
 95 with subsection (1) ~~park owner's only obligation shall be to~~
 96 ~~notify the officers of the homeowners' association that she or~~
 97 ~~he has received an offer and disclose the price and material~~
 98 ~~terms and conditions upon which she or he would consider selling~~
 99 ~~the park and consider any offer made by the home owners,~~
 100 ~~provided the home owners have complied with ss. 723.075 723.079.~~
 101 ~~The park owner shall be under no obligation to sell to the home~~
 102 ~~owners or to interrupt or delay other negotiations and shall be~~
 103 ~~free at any time to execute a contract for the sale of the park~~
 104 ~~to a party or parties other than the home owners or the~~
 105 ~~association.~~ Within 45 days after the date the mobile home park
 106 owner mails notification of a bona fide offer for purchase, the
 107 homeowners' association must be given the right of first refusal
 108 to meet the price and terms and conditions required to execute a
 109 contract with identical price and terms and conditions made in
 110 the unsolicited offer for the mobile home park. The Legislature
 111 encourages mobile home owners to organize as homeowners'

112 associations pursuant to s. 723.075 for the purpose of
 113 negotiating a right of first refusal with a park owner.

114 (3) As used in this section, the term:

115 (a) ~~As used in subsections (1) and (2), the term "Notify"~~
 116 means the placing of a notice in the United States mail
 117 addressed to the officers of the homeowners' association. Each
 118 such notice shall be deemed to have been given upon the deposit
 119 of the notice in the United States mail.

120 (b) ~~As used in subsection (1), the term "Offer" means any~~
 121 solicitation by the park owner to the general public or any
 122 unsolicited offer to purchase the mobile home park.

123 (4) This section does not apply to:

124 (d) Any transfer by a partnership to any of its partners.
 125 However, this exception may not be used to avoid sale to the
 126 homeowners' association.

127 Section 4. Section 723.083, Florida Statutes, is amended
 128 to read:

129 723.083 Governmental action affecting removal of mobile
 130 home owners.--No agency of municipal, local, county, or state
 131 government shall approve any application for rezoning, or take
 132 any other official action, which would result in the removal or
 133 relocation of mobile home owners residing in a mobile home park
 134 without first determining that affordable, adequate mobile home
 135 parks or other suitable facilities exist for the relocation of
 136 the mobile home owners. An adequate mobile home park or other
 137 suitable facility selected for the relocation of the mobile home
 138 owners must be affordable based on the income of very-low-

HB 549

2006

139 | income, low-income, or moderate-income persons, as defined in s.
140 | 420.0004, and must be situated within the same county.

141 | Section 5. This act shall take effect July 1, 2006.