

By Senator Bennett

21-681A-06

1 A bill to be entitled
2 An act relating to mobile homes and affordable
3 housing; creating s. 163.31772, F.S.; providing
4 legislative findings that mobile home parks
5 provide safe and affordable housing; providing
6 intent that local governments and redevelopment
7 agencies use available funding sources to
8 assist mobile home owners; providing
9 definitions; requiring local governments to
10 permit and approve rezoning of property for the
11 development of new mobile home parks; providing
12 that a local government or redevelopment agency
13 may enter into a development agreement with the
14 owner of a mobile home park to encourage its
15 continued use for affordable housing; amending
16 s. 723.06116, F.S.; providing for late fees if
17 a mobile home park does not make payments to
18 the Florida Mobile Home Relocation Corporation
19 within the required time period; amending s.
20 723.0612, F.S.; providing certain time periods
21 within which an application for funding for
22 relocation expenses must be submitted to the
23 corporation; amending s. 723.071, F.S.;
24 providing legislative findings that a right of
25 first refusal is a property right that should
26 be negotiated between two parties; amending s.
27 723.072, F.S., relating to an affidavit of
28 compliance by an owner of a mobile home park;
29 conforming cross-references; amending s.
30 723.083, F.S.; requiring an agency of
31 municipal, local, county, or state government

1 to write a report that substantiates the
2 existence of adequate mobile home parks before
3 approving the removal or relocation of a park;
4 requiring a written estimate of fiscal
5 benefits; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Section 163.31772, Florida Statutes, is
10 created to read:

11 163.31772 Mobile home parks; change in use of land;
12 legislative findings and intent.--

13 (1) The Legislature finds that:

14 (a) Mobile home parks provide safe and affordable
15 housing to many residents of this state;

16 (b) The rising price of real estate in Florida is
17 causing significant loss of affordable housing, including
18 mobile home parks;

19 (c) Some mobile home park residents are being evicted
20 and forced to relocate from their communities due to the
21 change in the use of land from mobile home park rentals to
22 some other use;

23 (d) The loss of this type of affordable housing is of
24 statewide concern; and

25 (e) Local governments benefit significantly from the
26 redevelopment of these mobile home parks through increased
27 local and state tax revenues, but may not have authority to
28 use all available funding and revenue sources to assist these
29 displaced residents.

30 (2) It is the intent of the Legislature that local
31 governments and redevelopment agencies assist in the

1 relocation of and assistance to mobile home owners and are
2 authorized to use all available funding sources so that the
3 state's most needy residents are protected.

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

5 (a) "Affordable housing" has the same meaning as
6 provided in chapter 420.

7 (b) "Community redevelopment agency" has the same
8 meaning as provided in s. 163.340.

9 (c) "Local government" means a county or municipality.

10 (d) "Mobile home park" has the same meaning as
11 provided in s. 723.003.

12 (4) Any local government or community redevelopment
13 agency having jurisdiction over a mobile home park that is
14 being closed due to a change in the use of land shall use all
15 available funding sources to:

16 (a) Assist home owners with the cost of relocating
17 their homes;

18 (b) Assist home owners in purchasing new manufactured
19 or mobile homes if the home they are occupying is not capable
20 of being moved to another location;

21 (c) Assist home owners in relocating to any other
22 adequate and suitable facilities; and

23 (d) Maintain, to the greatest extent possible, the
24 relocation of the homes of the mobile home owners to a mobile
25 home park in the same neighborhood or community.

26 (5) Notwithstanding any other provision of law, a
27 local government or community redevelopment agency is
28 authorized to and shall use revenues derived from sources that
29 include, but need not be limited to, tax increment financing
30 pursuant to s. 163.387, urban infill and redevelopment funds
31 pursuant to s. 163.2523, general revenue funding, housing loan

1 assistance programs, documentary stamp tax revenues derived
2 from the redevelopment of the property which are available to
3 the local government, and impact and permit fees derived from
4 the redevelopment of the property.

5 (6) A local government shall take action to permit and
6 approve the rezoning of property for development of new mobile
7 home parks for the purpose of providing new homes, affordable
8 housing, or for the relocation of mobile home owners who are
9 displaced by a change in the use of land.

10 (7) Any local government or community redevelopment
11 agency having jurisdiction over a mobile home park providing
12 affordable housing as defined in this section may enter into a
13 development agreement with the owner of the mobile home park
14 to encourage the continued use of the mobile home park for
15 affordable housing by incentives, including, but not limited
16 to:

17 (a) Awarding transferrable development credits to the
18 community. The Department of Community Affairs shall provide
19 technical assistance to local governments in order to promote
20 the transfer of development rights for mobile home park owners
21 who provide affordable housing. The department may adopt
22 rules to administer this paragraph.

23 (b) Providing tax incentives, such as property tax
24 abatement, for providing affordable housing.

25 (c) Providing housing assistance to the mobile home
26 park owner for the difference between the lot rental amount
27 paid by the home owners and lot rental amount charged in
28 comparable mobile home parks that have similar facilities,
29 services, amenities, and management, or based upon the rental
30 value of the property being dedicated to affordable housing
31 based upon its fair market value. The Department of Community

1 Affairs shall provide technical assistance to local
2 governments in order to promote housing assistance to mobile
3 home park owners who provide affordable housing in urban
4 areas. The department shall adopt rules to administer this
5 paragraph.

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7 Any such development agreement shall have a term that does not
8 exceed 10 years.

9 Section 2. Subsection (1) of section 723.06116,
10 Florida Statutes, is amended to read:

11 723.06116 Payments to the Florida Mobile Home
12 Relocation Corporation.--

13 (1) If a mobile home owner is required to move due to
14 a change in use of the land comprising a mobile home park as
15 set forth in s. 723.061(1)(d), the mobile home park owner
16 shall, upon such change in use, pay to the Florida Mobile Home
17 Relocation Corporation for deposit in the Florida Mobile Home
18 Relocation Trust Fund \$2,750 for each single-section mobile
19 home and \$3,750 for each multisection mobile home for which a
20 mobile home owner has made application for payment of moving
21 expenses. The mobile home park shall make the payments
22 required by this section and by s. 723.0612(7) to the
23 corporation within 30 days after receipt from the corporation
24 of the invoice for payment. Failure to make such payment
25 within the required time period shall result in a late fee
26 being imposed.

27 (a) If payment is not submitted within 30 days after
28 receipt of the invoice, a 10-percent late fee shall be
29 assessed.

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1 (b) If payment is not submitted within 60 days after
2 receipt of the invoice, a 15-percent late fee shall be
3 assessed.

4 (c) If payment is not submitted within 90 days after
5 receipt of the invoice, a 20-percent late fee shall be
6 assessed.

7 (d) Any payment received 120 days after receipt of the
8 invoice must include a 25-percent late fee.

9 Section 3. Subsection (9) of section 723.0612, Florida
10 Statutes, is amended, and subsection (12) is added to that
11 section to read:

12 723.0612 Change in use; relocation expenses; payments
13 by park owner.--

14 (9) Any person whose application for funding pursuant
15 to subsection (1) or subsection (7) is approved for payment by
16 the corporation shall be barred from asserting any claim or
17 cause of action under this chapter directly relating to or
18 arising out of the change in use of the mobile home park
19 against the corporation, the park owner, or the park owner's
20 successors in interest. No application for funding pursuant to
21 subsection (1) or subsection (7) shall be approved by the
22 corporation if the applicant has ~~either~~ filed a claim or cause
23 of action, is actively pursuing a claim or cause of action,
24 has settled a claim or cause of action, or has a judgment
25 against the corporation, the park owner, or the park owner's
26 successors in interest under this chapter directly relating to
27 or arising out of the change in use of the mobile home park,
28 unless such claim or cause of action is dismissed with
29 prejudice.

30 (12) An application to the corporation for
31 compensation under subsection (1) or subsection (7) must be

1 received by the corporation within 1 year after the expiration
2 of the eviction period as established in the notice required
3 under s. 723.061(1)(d). If the applicant files a claim or
4 cause of action that disqualifies the applicant under
5 subsection (9) and the claim is subsequently dismissed,
6 application must be received within 6 months following filing
7 of the dismissal with prejudice as required under subsection
8 (9). However, such an applicant must apply within 2 years
9 after the expiration of the eviction period as established in
10 the notice required under s. 723.061(1)(d).

11 Section 4. Section 723.071, Florida Statutes, is
12 amended to read:

13 723.071 Sale of mobile home parks; legislative
14 findings.--

15 (1) The Legislature finds that a right of first
16 refusal to purchase a mobile home park is a property right
17 that should be negotiated between two parties at arms length
18 and for due consideration. The Legislature further finds that
19 this chapter does not preclude mobile home owners from
20 purchasing a right of first refusal from a willing park owner.
21 The Legislature therefore encourages mobile home owners to
22 organize as a homeowners' association in accordance with this
23 chapter for the purpose of negotiating a right of first
24 refusal with a park owner.

25 (2)(1)(a) If a mobile home park owner offers a mobile
26 home park for sale, she or he shall notify the officers of the
27 homeowners' association created pursuant to ss.
28 723.075-723.079 of the offer, stating the price and the terms
29 and conditions of sale.

30 (b) The mobile home owners, by and through the
31 association defined in s. 723.075, shall have the right to

1 purchase the park, provided the home owners meet the price and
2 terms and conditions of the mobile home park owner by
3 executing a contract with the park owner within 45 days,
4 unless agreed to otherwise, from the date of mailing of the
5 notice and provided they have complied with ss.
6 723.075-723.079. If a contract between the park owner and the
7 association is not executed within such 45-day period, then,
8 unless the park owner thereafter elects to offer the park at a
9 price lower than the price specified in her or his notice to
10 the officers of the homeowners' association, the park owner
11 has no further obligations under this subsection, and her or
12 his only obligation shall be as set forth in subsection(3)
13 ~~(2)~~.

14 (c) If the park owner thereafter elects to offer the
15 park at a price lower than the price specified in her or his
16 notice to the home owners, the home owners, by and through the
17 association, will have an additional 10 days to meet the price
18 and terms and conditions of the park owner by executing a
19 contract.

20 (3)~~(2)~~ If a mobile home park owner receives a bona
21 fide offer to purchase the park that she or he intends to
22 consider or make a counteroffer to, the park owner's only
23 obligation shall be to notify the officers of the homeowners'
24 association that she or he has received an offer and disclose
25 the price and material terms and conditions upon which she or
26 he would consider selling the park and consider any offer made
27 by the home owners, provided the home owners have complied
28 with ss. 723.075-723.079. The park owner shall be under no
29 obligation to sell to the home owners or to interrupt or delay
30 other negotiations and shall be free at any time to execute a
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1 contract for the sale of the park to a party or parties other
2 than the home owners or the association.

3 ~~(4)(3)~~(a) As used in subsections~~(2)(1)~~ and ~~(3)(2)~~,
4 the term "notify" means the placing of a notice in the United
5 States mail addressed to the officers of the homeowners'
6 association. Each such notice shall be deemed to have been
7 given upon the deposit of the notice in the United States
8 mail.

9 (b) As used in subsection~~(2)(1)~~, the term "offer"
10 means any solicitation by the park owner to the general
11 public.

12 ~~(5)(4)~~ This section does not apply to:

13 (a) Any sale or transfer to a person who would be
14 included within the table of descent and distribution if the
15 park owner were to die intestate.

16 (b) Any transfer by gift, devise, or operation of law.

17 (c) Any transfer by a corporation to an affiliate. As
18 used herein, the term "affiliate" means any shareholder of the
19 transferring corporation; any corporation or entity owned or
20 controlled, directly or indirectly, by the transferring
21 corporation; or any other corporation or entity owned or
22 controlled, directly or indirectly, by any shareholder of the
23 transferring corporation.

24 (d) Any transfer by a partnership to any of its
25 partners.

26 (e) Any conveyance of an interest in a mobile home
27 park incidental to the financing of such mobile home park.

28 (f) Any conveyance resulting from the foreclosure of a
29 mortgage, deed of trust, or other instrument encumbering a
30 mobile home park or any deed given in lieu of such
31 foreclosure.

1 (g) Any sale or transfer between or among joint
2 tenants or tenants in common owning a mobile home park.

3 (h) Any exchange of a mobile home park for other real
4 property, whether or not such exchange also involves the
5 payment of cash or other boot.

6 (i) The purchase of a mobile home park by a
7 governmental entity under its powers of eminent domain.

8 Section 5. Subsection (1) of section 723.072, Florida
9 Statutes, is amended to read:

10 723.072 Affidavit of compliance with statutory
11 requirements.--

12 (1) A park owner may at any time record, in the
13 official records of the county where a mobile home park is
14 situated, an affidavit in which the park owner certifies that:

15 (a) With reference to an offer by him or her for the
16 sale of such park, he or she has complied with the provisions
17 of s. 723.071(2) ~~s. 723.071(1)~~;

18 (b) With reference to an offer received by him or her
19 for the purchase of such park, or with reference to a
20 counteroffer which he or she intends to make, or has made, for
21 the sale of such park, he or she has complied with the
22 provisions of s. 723.071(3) ~~s. 723.071(2)~~;

23 (c) Notwithstanding his or her compliance with the
24 provisions of either subsection ~~(2)(1)~~ or subsection ~~(3)(2)~~
25 of s. 723.071, no contract has been executed for the sale of
26 such park between himself or herself and the park homeowners'
27 association;

28 (d) The provisions of subsections ~~(2)(1)~~ and ~~(3)(2)~~
29 of s. 723.071 are inapplicable to a particular sale or
30 transfer of such park by him or her, and compliance with such
31 subsections is not required; or

1 (e) A particular sale or transfer of such park is
2 exempted from the provisions of this section and s. 723.071.

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4 Any party acquiring an interest in a mobile home park, and any
5 and all title insurance companies and attorneys preparing,
6 furnishing, or examining any evidence of title, have the
7 absolute right to rely on the truth and accuracy of all
8 statements appearing in such affidavit and are under no
9 obligation to inquire further as to any matter or fact
10 relating to the park owner's compliance with the provisions of
11 s. 723.071.

12 Section 6. Section 723.083, Florida Statutes, is
13 amended to read:

14 723.083 Governmental action affecting removal of
15 mobile home owners.--

16 (1) No agency of municipal, local, county, or state
17 government shall approve any application for rezoning, or take
18 any other official action, which would result in the removal
19 or relocation of mobile home owners residing in a mobile home
20 park without first determining that adequate mobile home parks
21 or other suitable facilities exist for the relocation of the
22 mobile home owners. The existence of adequate mobile home
23 parks or other suitable facilities shall be substantiated in a
24 written document.

25 (2) The agency of municipal, local, county, or state
26 government considering an application for rezoning or other
27 official action shall make a written good faith estimate of
28 the fiscal benefits. The good faith estimate must include,
29 but need not be limited to, annual increases in property taxes
30 or other revenue sources and any nonrecurring revenues or
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1 fees, including, but not limited to, impact fees, permit fees,
2 connection fees, utility charges, or other revenues.

3 (3) The written reports required in this section shall
4 be made available to the public for inspection and copying at
5 least 10 days prior to the scheduled meeting for consideration
6 of any such rezoning or other official act.

7 Section 7. This act shall take effect upon becoming a
8 law.

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11 SENATE SUMMARY

12 Provides legislative findings that mobile home parks
13 provide safe and affordable housing. Provides that local
14 governments and redevelopment agencies use funding
15 sources to assist mobile home owners. Provides
16 definitions. Requires local governments to permit and
17 approve rezoning of property for development of new
18 mobile home parks. Provides that a local government or
19 redevelopment agency may enter into a development
20 agreement with the owner of a mobile home park to
21 encourage its continued use for affordable housing.
22 Provides for late fees if a mobile home park does not pay
23 the Florida Mobile Home Relocation Corporation within the
24 required time period. Provides certain time periods
25 within which applications for funding must be submitted
26 to the corporation. Provides legislative findings that a
27 right of first refusal is a property right that should be
28 negotiated between two parties. Requires an agency of
29 municipal, local, county, or state government to write a
30 report that substantiates the existence of adequate
31 mobile home parks.