

1 mobile home park; conforming cross-references;
2 amending s. 723.083, F.S.; requiring an agency
3 of municipal, local, county, or state
4 government to provide a written document
5 substantiating the existence of adequate mobile
6 home parks or other suitable facilities before
7 approving the rezoning of a park; requiring a
8 written good-faith estimate of fiscal benefits;
9 requiring certain reports be made available to
10 the public; providing an effective date.

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

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14 Section 1. Section 163.31772, Florida Statutes, is
15 created to read:

16 163.31772 Mobile home parks; change in use of land;
17 legislative findings and intent.--

18 (1) The Legislature finds that:

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

21 (b) The rising price of real estate in Florida is
22 causing significant loss of affordable housing, including
23 mobile home parks;

24 (c) Some mobile home park residents are being evicted
25 and forced to relocate from their communities due to the
26 change in the use of land from mobile home park rentals to
27 some other use;

28 (d) The loss of this type of affordable housing is of
29 statewide concern; and

30 (e) Local governments benefit significantly from the
31 redevelopment of these mobile home parks through increased

1 local and state tax revenues, but may not have authority to
2 use all available funding and revenue sources to assist these
3 displaced residents.

4 (2) It is the intent of the Legislature that local
5 governments and redevelopment agencies assist in the
6 relocation of and assistance to mobile home owners and are
7 authorized to use all available funding sources so that the
8 state's most needy residents are protected.

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

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

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

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

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

17 (4) Any local government or community redevelopment
18 agency having jurisdiction over a mobile home park that is
19 being closed due to a change in the use of land is authorized
20 to use all available funding and revenue sources to:

21 (a) Assist home owners with the cost of relocating
22 their homes;

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

26 (c) Assist home owners in relocating to any other
27 adequate and suitable facilities.

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29 The local government shall, to the greatest extent possible,
30 relocate the homes of the mobile home owners to a mobile home
31 park in the same neighborhood or community.

1 (5) Notwithstanding any other provision of law, a
2 local government or community redevelopment agency is
3 authorized to and shall use revenues for the purposes of
4 subsection (4) which are derived from sources, including, but
5 not limited to, tax increment financing pursuant to s.
6 163.387, urban infill and redevelopment funds pursuant to s.
7 163.2523, general revenue funding, housing loan assistance
8 programs, documentary stamp tax revenues derived from the
9 redevelopment of the property which are available to the local
10 government, and impact and permit fees derived from the
11 redevelopment of the property.

12 (6) A local government is encouraged to permit and
13 approve the rezoning of property for development of new mobile
14 home parks for the purpose of providing new homes, affordable
15 housing, or for the relocation of mobile home owners who are
16 displaced by a change in the use of land.

17 (7) Any local government or community redevelopment
18 agency having jurisdiction over a mobile home park providing
19 affordable housing may enter into a development agreement or
20 other similar binding agreement with the owner of the mobile
21 home park to ensure the continued use of the mobile home park
22 for affordable housing for a specified time period through the
23 use of incentives, including, but not limited to:

24 (a) Awarding transferrable development credits to the
25 property owner. The Department of Community Affairs shall
26 provide technical assistance to local governments in order to
27 promote the transfer of development rights for mobile home
28 park owners who provide affordable housing.

29 (b) Providing fee waivers, such as waiving impact and
30 permit fees, for providing affordable housing.

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1 (c) Providing housing assistance to the mobile home
2 park owner for the difference between the lot rental amount
3 paid by the home owners and lot rental amount charged in
4 comparable mobile home parks that have similar facilities,
5 services, amenities, and management, or for the difference
6 between the rental value of the property being dedicated to
7 affordable housing and its fair market value. The Department
8 of Community Affairs shall provide technical assistance to
9 local governments in order to promote housing assistance to
10 mobile home park owners who provide affordable housing.

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12 Any such development agreement or other similar binding
13 agreement shall have a term that does not exceed 10 years.

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

16 723.06116 Payments to the Florida Mobile Home
17 Relocation Corporation.--

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

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

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

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

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

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

15 723.0612 Change in use; relocation expenses; payments
16 by park owner.--

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

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

15 Section 4. Section 723.071, Florida Statutes, is
16 amended to read:

17 723.071 Sale of mobile home parks; legislative
18 findings.--

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

29 (2)(1)(a) If a mobile home park owner offers a mobile
30 home park for sale, she or he shall notify the officers of the
31 homeowners' association created pursuant to ss.

1 723.075-723.079 of the offer, stating the price and the terms
2 and conditions of sale.

3 (b) The mobile home owners, by and through the
4 association defined in s. 723.075, shall have the right to
5 purchase the park, provided the home owners meet the price and
6 terms and conditions of the mobile home park owner by
7 executing a contract with the park owner within 45 days,
8 unless agreed to otherwise, from the date of mailing of the
9 notice and provided they have complied with ss.

10 723.075-723.079. If a contract between the park owner and the
11 association is not executed within such 45-day period, then,
12 unless the park owner thereafter elects to offer the park at a
13 price lower than the price specified in her or his notice to
14 the officers of the homeowners' association, the park owner
15 has no further obligations under this subsection, and her or
16 his only obligation shall be as set forth in subsection (3)
17 ~~(2)~~.

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

24 (3)~~(2)~~ If a mobile home park owner receives a bona
25 fide offer to purchase the park that she or he intends to
26 consider or make a counteroffer to, the park owner's only
27 obligation shall be to notify the officers of the homeowners'
28 association that she or he has received an offer and disclose
29 the price and material terms and conditions upon which she or
30 he would consider selling the park and consider any offer made
31 by the home owners, provided the home owners have complied

1 with ss. 723.075-723.079. The park owner shall be under no
2 obligation to sell to the home owners or to interrupt or delay
3 other negotiations and shall be free at any time to execute a
4 contract for the sale of the park to a party or parties other
5 than the home owners or the association.

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

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

15 ~~(5)(4)~~ This section does not apply to:

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

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

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

27 (d) Any transfer by a partnership to any of its
28 partners.

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

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1 (f) Any conveyance resulting from the foreclosure of a
2 mortgage, deed of trust, or other instrument encumbering a
3 mobile home park or any deed given in lieu of such
4 foreclosure.

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

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

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

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

14 723.072 Affidavit of compliance with statutory
15 requirements.--

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

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

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

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

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

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

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

16 Section 6. Section 723.083, Florida Statutes, is
17 amended to read:

18 723.083 Governmental action affecting removal of
19 mobile home owners.--

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

29 ~~(2)~~ The agency of municipal, local, county, or state
30 government considering an application for rezoning or other
31 official action shall make a written good faith estimate of

1 the fiscal benefits. The good faith estimate must include,
2 but need not be limited to, annual increases in property taxes
3 or other revenue sources and any nonrecurring revenues or
4 fees, including, but not limited to, impact fees, permit fees,
5 connection fees, utility charges, or other revenues.

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

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

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 Senate Bill 934

16 The committee substitute (CS) for SB 934 clarifies that local
17 governments are authorized to use all available funding and
18 revenue sources to assist displaced mobile home owners. The CS
19 does not require a local government to use all of its
20 available funding and revenue sources, but a local government
21 must use some of these monies to assist mobile home owners who
22 are displaced as the result of a change in the use of land for
23 the park.

24 This CS encourages, rather than requires, a local government
25 to permit and approve the rezoning of property for new mobile
26 home parks to accommodate displaced mobile home owners. It
27 deletes language relating to property tax abatement as an
28 incentive for mobile home park owners. Fee waivers are added
29 to the list of possible incentives that a local government may
30 offer park owners. Also, it makes technical changes.
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