

By the Committee on Regulated Industries; and Senator Jones

580-2337-07

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled

An act relating to the Mobile Home Relocation Corporation; amending s. 723.061, F.S.; providing notice requirements to certain mobile home lot tenants regarding entitlement to compensation from the Florida Mobile Home Relocation Trust Fund; amending s. 723.06116, F.S.; providing for late fees if a mobile home park does not make payments to the Florida Mobile Home Relocation Corporation within the required period; providing for venue for actions to collect payments; amending s. 723.0612, F.S.; providing an exception to provisions providing for payment of relocation expenses; providing certain periods within which an application for funding for relocation expenses must be submitted to the corporation; providing an effective date.

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

Section 1. Paragraph (d) of subsection (1) of section 723.061, Florida Statutes, is amended to read:

723.061 Eviction; grounds, proceedings.--

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

(d) Change in use of the land comprising the mobile home park, or the portion thereof from which mobile homes are to be evicted, from mobile home lot rentals to some other use,

1 provided all tenants affected are given at least 6 months'  
2 notice of the projected change of use and of their need to  
3 secure other accommodations. The notice shall include in a  
4 font no smaller than the font in the body of the notice: YOU  
5 MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME  
6 RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME  
7 RELOCATION CORPORATION (FMHRC); FMHRC CONTACT INFORMATION IS  
8 AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND  
9 PROFESSIONAL REGULATION. The park owner may not give a notice  
10 of increase in lot rental amount within 90 days before giving  
11 notice of a change in use.

12 Section 2. Subsection (1) of section 723.06116,  
13 Florida Statutes, is amended, and subsection (4) is added to  
14 that section, to read:

15 723.06116 Payments to the Florida Mobile Home  
16 Relocation Corporation.--

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

29 (a) Not submitted within 30 days after receipt of the  
30 invoice, the mobile home park shall also pay an additional  
31 10-percent late fee.

1           (b) Not submitted within 60 days after receipt of the  
2 invoice, the mobile home park shall also pay an additional  
3 15-percent late fee.

4           (c) Not submitted within 90 days after receipt of the  
5 invoice, the mobile home park shall also pay an additional  
6 20-percent late fee.

7           (d) Received 120 days after receipt of the invoice,  
8 the mobile home park shall also pay an additional 25-percent  
9 late fee.

10           (4) In any action brought by the corporation to  
11 collect payments assessed under this chapter the corporation  
12 may file and maintain such action in Leon County. If the  
13 corporation is a party in any other action, venue for such  
14 action shall be in Leon County.

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

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

20           (9) Any person whose application for funding pursuant  
21 to subsection (1) or subsection (7) is approved for payment by  
22 the corporation ~~is shall be~~ barred from asserting any claim or  
23 cause of action under this chapter directly relating to or  
24 arising out of the change in use of the mobile home park  
25 against the corporation, the park owner, or the park owner's  
26 successors in interest. The corporation may not approve an ~~no~~  
27 application for funding under pursuant to subsection (1) or  
28 subsection (7) ~~shall be approved by the corporation~~ if the  
29 applicant has ~~either~~ filed a claim or cause of action, is  
30 actively pursuing a claim or cause of action, has settled a  
31 claim or cause of action, or has a judgment against the

1 corporation, the park owner, or the park owner's successors in  
2 interest under this chapter directly relating to or arising  
3 out of the change in use of the mobile home park, unless such  
4 claim or cause of action is dismissed with prejudice.

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

17 Section 4. This act shall take effect upon becoming a  
18 law.

19  
20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
21 COMMITTEE SUBSTITUTE FOR  
22 Senate Bill 1036

23 The Committee Substitute (CS) amends s. 723.061(1)(d), F.S.,  
24 to specify the terms of the notice that mobile home park  
owners must provide to homeowners.

25 The CS amends s. 723.06116(1), F.S., to provide for the  
26 payment of late fees for untimely payments by mobile home park  
owners to the relocation trust fund, and to specify the proper  
27 court venue for certain actions is in Leon County.

28 The CS amends s. 723.0612, F.S., to provide certain time  
29 limits for mobile home owners making an application for  
funding to the relocation trust fund.

30 The CS provides an effective date.  
31