

By Senator Haridopolos

26-787-07

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; authorizing a local government to
10 use its revenue sources to assist certain
11 mobile home owners in relocating; encouraging
12 local governments to permit and approve
13 rezoning of property for the development of new
14 mobile home parks; authorizing a local
15 government or redevelopment agency to enter
16 into a development agreement with the owner of
17 a mobile home park to ensure its continued use
18 for affordable housing; amending s. 723.06116,
19 F.S.; providing for late fees if a mobile home
20 park does not make payments to the Florida
21 Mobile Home Relocation Corporation within the
22 required period; amending s. 723.0612, F.S.;
23 providing an exception; providing certain
24 periods within which an application for funding
25 for relocation expenses must be submitted to
26 the corporation; amending s. 723.071, F.S.;
27 providing legislative findings that a right of
28 first refusal to purchase a mobile home park is
29 a property right that should be negotiated
30 between two parties; amending s. 723.072, F.S.,
31 relating to an affidavit of compliance by an

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

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

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

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

19 (1) The Legislature finds that:

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

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

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

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

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1 (e) Local governments benefit significantly from the
2 redevelopment of these mobile home parks through increased
3 local and state tax revenues, but may not have authority to
4 use all available funding and revenue sources to assist these
5 displaced residents.

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

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

12 (a) "Affordable" has the same meaning as in s.
13 420.0004.

14 (b) "Community redevelopment agency" has the same
15 meaning as in s. 163.340.

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

17 (d) "Mobile home park" has the same meaning as in s.
18 723.003.

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

23 (a) With the cost of relocating their homes;

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

27 (c) In relocating to any other adequate and suitable
28 facilities.

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

4 (5) Notwithstanding any other law, a local government
5 or community redevelopment agency may use revenues for the
6 purposes of subsection (4) which are derived from sources that
7 include, but are not limited to, tax increment funds under s.
8 163.387, urban infill and redevelopment funds under s.
9 163.2523, general revenue funds, funds from housing
10 loan-assistance programs, documentary stamp tax revenues
11 derived from the redevelopment of the property which are
12 available to the local government, or impact and permit fees
13 derived from redevelopment of the mobile home park.

14 (6) Local governments are encouraged to permit and
15 approve the rezoning of property for developing new mobile
16 home parks for the purpose of providing new homes and
17 affordable housing or for relocating mobile home owners who
18 are displaced by a change in the use of land.

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

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

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

3 (c) Providing housing assistance to the mobile home
4 park owner for the difference between the lot rental amount
5 paid by the home owners and lot rental amount charged in
6 comparable mobile home parks that have similar facilities,
7 services, amenities, and management, or for the difference
8 between the rental value of the property being dedicated to
9 affordable housing and the fair market value of the property.

10 The Department of Community Affairs shall provide technical
11 assistance to local governments in order to promote housing
12 assistance to mobile home park owners who provide affordable
13 housing.

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15 The term of any such development agreement or other similar
16 binding agreement may not exceed 10 years.

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

19 723.06116 Payments to the Florida Mobile Home
20 Relocation Corporation.--

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

3 (a) Not submitted within 30 days after receipt of the
4 invoice, the mobile home park shall also pay an additional
5 10-percent late fee.

6 (b) Not submitted within 60 days after receipt of the
7 invoice, the mobile home park shall also pay an additional
8 15-percent late fee.

9 (c) Not submitted within 90 days after receipt of the
10 invoice, the mobile home park shall also pay an additional
11 20-percent late fee.

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

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. Section 723.071, Florida Statutes, is
18 amended to read:

19 723.071 Sale of mobile home parks; legislative
20 findings.--

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

1 ~~(2)~~(1)(a) If a mobile home park owner offers a mobile
2 home park for sale, she or he shall notify the officers of the
3 homeowners' association created pursuant to ss.
4 723.075-723.079 of the offer, stating the price and the terms
5 and conditions of sale.

6 (b) The mobile home owners, by and through the
7 association defined in s. 723.075, shall have the right to
8 purchase the park, provided the home owners meet the price and
9 terms and conditions of the mobile home park owner by
10 executing a contract with the park owner within 45 days,
11 unless agreed to otherwise, from the date of mailing of the
12 notice and provided they have complied with ss.
13 723.075-723.079. If a contract between the park owner and the
14 association is not executed within such 45-day period, then,
15 unless the park owner thereafter elects to offer the park at a
16 price lower than the price specified in her or his notice to
17 the officers of the homeowners' association, the park owner
18 has no further obligations under this subsection, and her or
19 his only obligation shall be as set forth in subsection(3)
20 ~~(2)~~.

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

27 ~~(3)~~(2) If a mobile home park owner receives a bona
28 fide offer to purchase the park that she or he intends to
29 consider or make a counteroffer to, the park owner's only
30 obligation shall be to notify the officers of the homeowners'
31 association that she or he has received an offer and disclose

1 | the price and material terms and conditions upon which she or
2 | he would consider selling the park and consider any offer made
3 | by the home owners, provided the home owners have complied
4 | with ss. 723.075-723.079. The park owner shall be under no
5 | obligation to sell to the home owners or to interrupt or delay
6 | other negotiations and shall be free at any time to execute a
7 | contract for the sale of the park to a party or parties other
8 | than the home owners or the association.

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

15 | (b) As used in subsection~~(2)(1)~~, the term "offer"
16 | means any solicitation by the park owner to the general
17 | public.

18 | ~~(5)(4)~~ This section does not apply to:

19 | (a) Any sale or transfer to a person who would be
20 | included within the table of descent and distribution if the
21 | park owner were to die intestate.

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

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

30 | (d) Any transfer by a partnership to any of its
31 | partners.

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

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

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

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

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

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

16 723.072 Affidavit of compliance with statutory
17 requirements.--

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

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

24 (b) With reference to an offer received by him or her
25 for the purchase of such park, or with reference to a
26 counteroffer which he or she intends to make, or has made, for
27 the sale of such park, he or she has complied with s.
28 723.071(3) ~~the provisions of s. 723.071(2);~~

29 (c) Notwithstanding his or her compliance with ~~the~~
30 ~~provisions of either subsection(2)(1) or subsection (3)(2)~~
31 of s. 723.071, no contract has been executed for the sale of

1 such park between himself or herself and the park homeowners'
2 association;

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

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

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

18 Section 6. Section 723.083, Florida Statutes, is
19 amended to read:

20 723.083 Governmental action affecting removal of
21 mobile home owners.--

22 (1) An ~~no~~ agency of municipal, local, county, or state
23 government may not ~~shall~~ approve any application for rezoning,
24 or take any other official action, which would result in the
25 removal or relocation of mobile home owners residing in a
26 mobile home park without first determining that adequate
27 mobile home parks or other suitable facilities exist for the
28 relocation of the mobile home owners. The existence of
29 adequate mobile home parks or other suitable facilities shall
30 be substantiated in a written document.

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

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

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

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17 SENATE SUMMARY

18 Provides for assistance to mobile home owners who are
19 forced to relocate, particularly when the use of land is
20 changed from mobile home park rentals to another use.
21 Encourages local governments and community redevelopment
22 agencies to use available funds to assist mobile home
23 owners with certain costs related to relocation and
24 authorizes use of specified sources for the funding.
25 Encourages local governments to approve rezoning of
26 property for developing new mobile home parks. Authorizes
27 a local government or community redevelopment agencies to
28 enter into a development agreement with the owner of a
29 mobile home park to ensure its continued use for
30 affordable housing. Provides for late fees if a mobile
31 home park does not make timely payments to the Florida
 Mobile Home Relocation Corporation. Provides for certain
 periods within which an application for funding for
 relocation expenses must be submitted to the corporation.
 Provides a legislative finding that a right of first
 refusal to purchase a mobile home park should be
 negotiated between two parties. Requires a state or local
 agency to provide, and make available to the public
 before approving the rezoning of a mobile home park, a
 written substantiation of an adequate park or other
 suitable facilities and a good faith estimate of the
 fiscal benefits of the rezoning.