

By Senator Detert

23-01031-09

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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
4 refer actions to binding arbitration; amending s.
5 723.061, F.S., relating to grounds and proceedings for
6 eviction; providing for nonapplicability of certain
7 provisions to certain persons approved for payment by
8 the Florida Mobile Home Relocation Corporation;
9 amending s. 723.0612, F.S., relating to relocation
10 expenses; revising payment amounts mobile home owners
11 are entitled to from the corporation under certain
12 circumstances; increasing the amounts mobile home
13 owners abandoning their mobile homes may collect from
14 the corporation; amending s. 723.071, F.S.; requiring
15 mobile home park owners receiving a bona fide offer
16 for purchase to notify the officers of the homeowners'
17 association; requiring a homeowners' association
18 purchasing a mobile home park to execute a contract
19 for only the park that it represents; authorizing a
20 time extension for home owners when a park owner
21 changes the terms and conditions of the offer to
22 purchase the park; revising requirements with respect
23 to unsolicited offers; providing the homeowners'
24 association with the right of first refusal to
25 purchase the park in the event of an unsolicited
26 offer; encouraging mobile home owners to organize as
27 homeowners' associations to negotiate a right of first
28 refusal with a park owner; redefining the term "offer"
29 for such purposes; providing a limitation on an

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30 exception relating to transfers by partnerships;
31 amending s. 723.083, F.S.; revising procedures
32 providing for the removal or relocation of mobile home
33 owners; providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

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

39 723.0381 Civil actions; arbitration.—

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

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

61 723.061 Eviction; grounds, proceedings.—

62 (3) The provisions of s. 723.083 shall not be applicable to
63 any person whose application for funding pursuant to s.
64 723.0612(1) or (7) is approved for payment by the Florida Mobile
65 Home Relocation Corporation ~~park where the provisions of this~~
66 ~~subsection apply.~~

67 Section 3. Paragraph (b) of subsection (1) and subsection
68 (7) of section 723.0612, Florida Statutes, are amended to read:

69 723.0612 Change in use; relocation expenses; payments by
70 park owner.—

71 (1) If a mobile home owner is required to move due to a
72 change in use of the land comprising the mobile home park as set
73 forth in s. 723.061(1)(d) and complies with the requirements of
74 this section, the mobile home owner is entitled to payment from
75 the Florida Mobile Home Relocation Corporation of:

76 (b) An amount equal to 60 percent of the lesser of three
77 written estimates of moving expenses provided by the mobile home
78 owner to the Florida Mobile Home Relocation Corporation. ~~The~~
79 ~~amount of \$3,000 for a single-section mobile home or \$6,000 for~~
80 ~~a multisection mobile home, whichever is less. Moving expenses~~
81 ~~include the cost of taking down, moving, and setting up the~~
82 ~~mobile home in a new location.~~

83 (7) In lieu of collecting payment from the Florida Mobile
84 Home Relocation Corporation as set forth in subsection (1), a
85 mobile home owner may abandon the mobile home in the mobile home
86 park and collect \$2,800 ~~\$1,375~~ for a single section and \$5,600
87 ~~\$2,750~~ for a multisection from the corporation as long as the

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88 mobile home owner delivers to the park owner the current title
89 to the mobile home duly endorsed by the owner of record and
90 valid releases of all liens shown on the title. If a mobile home
91 owner chooses this option, the park owner shall make payment to
92 the corporation in an amount equal to the amount the mobile home
93 owner is entitled to under this subsection. The mobile home
94 owner's application for funds under this subsection shall
95 require the submission of a document signed by the park owner
96 stating that the home has been abandoned under this subsection
97 and that the park owner agrees to make payment to the
98 corporation in the amount provided to the home owner under this
99 subsection. However, in the event that the required documents
100 are not submitted with the application, the corporation may
101 consider the facts and circumstances surrounding the abandonment
102 of the home to determine whether the mobile home owner is
103 entitled to payment pursuant to this subsection. The mobile home
104 owner is not entitled to any compensation under this subsection
105 if there is a pending eviction action for nonpayment of lot
106 rental amount pursuant to s. 723.061(1)(a) which was filed
107 against him or her prior to the mailing date of the notice of
108 change in the use of the mobile home park given pursuant to s.
109 723.061(1)(d).

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

113 723.071 Sale of mobile home parks.—

114 (1) (a) If a mobile home park owner offers a mobile home
115 park for sale or receives a bona fide offer for purchase, she or
116 he shall notify the officers of the homeowners' association

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117 created pursuant to ss. 723.075-723.079 of the offer, stating
118 the price and the terms and conditions of sale.

119 (b) The mobile home owners, by and through the association
120 defined in s. 723.075, shall have the right to purchase the
121 park, provided the home owners meet the price and terms and
122 conditions of the mobile home park owner by executing a contract
123 with the park owner within 45 days, unless agreed to otherwise,
124 from the date of mailing of the notice and provided they have
125 complied with ss. 723.075-723.079. To exercise its right to
126 purchase the park, the homeowners' association shall be required
127 to execute a contract for only the mobile home park that the
128 homeowners' association represents. If a contract between the
129 park owner and the association is not executed within such 45-
130 day period, then, unless the park owner thereafter elects to
131 offer the park at a price lower than the price specified in her
132 or his notice to the officers of the homeowners' association or
133 to change the terms and conditions of the offer, the park owner
134 has no further obligations under this subsection, ~~and her or his~~
135 ~~only obligation shall be as set forth in subsection (2).~~

136 (c) If the park owner thereafter elects to offer the park
137 at a price lower than the price specified in her or his notice
138 to the home owners or to change the terms and conditions of the
139 offer, the home owners, by and through the association, will
140 have an additional 10 days to meet the price and terms and
141 conditions of the park owner by executing a contract.

142 (2) If a mobile home park owner receives a bona fide offer
143 to purchase the park that she or he intends to consider or make
144 a counteroffer to, the mobile home park owner must first comply
145 with subsection (1) ~~park owner's only obligation shall be to~~

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146 ~~notify the officers of the homeowners' association that she or~~
147 ~~he has received an offer and disclose the price and material~~
148 ~~terms and conditions upon which she or he would consider selling~~
149 ~~the park and consider any offer made by the home owners,~~
150 ~~provided the home owners have complied with ss. 723.075-723.079.~~
151 ~~The park owner shall be under no obligation to sell to the home~~
152 ~~owners or to interrupt or delay other negotiations and shall be~~
153 ~~free at any time to execute a contract for the sale of the park~~
154 ~~to a party or parties other than the home owners or the~~
155 ~~association. Within 45 days after the date the mobile home park~~
156 ~~owner mails notification of a bona fide offer for purchase, the~~
157 ~~homeowners' association must be given the right of first refusal~~
158 ~~to meet the price and terms and conditions required to execute a~~
159 ~~contract with identical price and terms and conditions made in~~
160 ~~the unsolicited offer for the mobile home park. In addition to~~
161 ~~the purchase price, the homeowners' association shall be~~
162 ~~responsible for payment to the third party making the bona fide~~
163 ~~offer to cover all due diligence costs, not to exceed \$8,000,~~
164 ~~incurred in the course of making the offer to the park owner.~~
165 ~~The Legislature encourages mobile home owners to organize as~~
166 ~~homeowners' associations pursuant to s. 723.075 for the purpose~~
167 ~~of negotiating a right of first refusal with a park owner.~~

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

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

174 (b) ~~As used in subsection (1), the term "Offer" means any~~

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175 solicitation by the park owner to the general public or any
176 unsolicited offer to purchase the mobile home park.

177 (4) This section does not apply to:

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

181 Section 5. Section 723.083, Florida Statutes, is amended to
182 read:

183 723.083 Governmental action affecting removal of mobile
184 home owners.—No agency of municipal, local, county, or state
185 government shall approve any application for rezoning, or take
186 any other official action, which would result in the removal or
187 relocation of mobile home owners residing in a mobile home park
188 without first determining that affordable, adequate mobile home
189 parks or other suitable facilities exist for the relocation of
190 the mobile home owners. An adequate mobile home park or other
191 suitable facility selected for the relocation of the mobile home
192 owners must be affordable based on the income of very-low-
193 income, low-income, or moderate-income persons, as defined in s.
194 420.0004, and must be situated within the same county.

195 Section 6. This act shall take effect July 1, 2009.