

1 A bill to be entitled
2 An act relating to mobile home park tenancies; requiring
3 park owners to give tenants a right of first refusal to
4 purchase individual parcels within a park under certain
5 conditions; amending s. 201.15, F.S.; removing a
6 limitation on the amount of proceeds from excise taxes on
7 documents which may be deposited into the State Housing
8 Trust Fund on or after a specified date; amending s.
9 723.061, F.S.; extending the minimum length of advance
10 notice that must be given by a park owner to a tenant
11 before evicting the tenant due to a change in land use of
12 the underlying park property; amending s. 723.0612, F.S.;
13 revising payment amounts mobile home owners are entitled
14 to from the Florida Mobile Home Relocation Corporation
15 under certain circumstances; increasing the amounts mobile
16 home owners abandoning their mobile homes may collect from
17 the corporation; amending s. 723.071, F.S.; requiring
18 mobile home park owners receiving a bona fide offer for
19 purchase to notify the officers of the homeowners'
20 association; requiring a homeowners' association
21 purchasing a mobile home park to execute a contract for
22 only the park that it represents; authorizing a time
23 extension for home owners when a park owner changes the
24 terms and conditions of the offer to purchase the park;
25 revising requirements with respect to unsolicited offers;
26 providing the homeowners' association with the right of
27 first refusal to purchase the park in the event of an
28 unsolicited offer; encouraging mobile home owners to

29 | organize as homeowners' associations to negotiate a right
 30 | of first refusal with a park owner; redefining the term
 31 | "offer" for such purposes; providing a limitation on an
 32 | exception relating to transfers by partnerships; providing
 33 | an effective date.

34 |

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

36 |

37 | Section 1. (1) The owner of a mobile home park regulated
 38 | under chapter 723, Florida Statutes, must give any tenant who has
 39 | resided in the park for 180 days or longer a right of first
 40 | refusal to purchase the individual parcel upon which the tenant
 41 | resides if the park is subdivided or a change in the use of the
 42 | park land is proposed.

43 | (2) The notice requirements and right of first refusal
 44 | under ss. 723.061 and 723.071, Florida Statutes, relating to
 45 | homeowner's associations, also apply to the rights of individual
 46 | tenants pursuant to this section.

47 | Section 2. Subsections (9), (10), (13), (15), and (16) of
 48 | section 201.15, Florida Statutes, are amended to read:

49 | 201.15 Distribution of taxes collected.--All taxes
 50 | collected under this chapter are subject to the service charge
 51 | imposed in s. 215.20(1). Prior to distribution under this
 52 | section, the Department of Revenue shall deduct amounts necessary
 53 | to pay the costs of the collection and enforcement of the tax
 54 | levied by this chapter. Such costs and the service charge may not
 55 | be levied against any portion of taxes pledged to debt service on
 56 | bonds to the extent that the costs and service charge are

57 | required to pay any amounts relating to the bonds. All taxes
 58 | remaining after deduction of costs and the service charge shall
 59 | be distributed as follows:

60 | (9) Seven and fifty-three hundredths ~~The lesser of 7.53~~
 61 | percent of the remaining taxes collected under this chapter ~~or~~
 62 | ~~\$107 million~~ in each fiscal year shall be paid into the State
 63 | Treasury to the credit of the State Housing Trust Fund and shall
 64 | be used as follows:

65 | (a) Half of that amount shall be used for the purposes for
 66 | which the State Housing Trust Fund was created and exists by law.

67 | (b) Half of that amount shall be paid into the State
 68 | Treasury to the credit of the Local Government Housing Trust Fund
 69 | and shall be used for the purposes for which the Local Government
 70 | Housing Trust Fund was created and exists by law.

71 | (10) Eight and sixty-six hundredths ~~The lesser of 8.66~~
 72 | percent of the remaining taxes collected under this chapter ~~or~~
 73 | ~~\$136 million~~ in each fiscal year shall be paid into the State
 74 | Treasury to the credit of the State Housing Trust Fund and shall
 75 | be used as follows:

76 | (a) Twelve and one-half percent of that amount shall be
 77 | deposited into the State Housing Trust Fund and be expended by
 78 | the Department of Community Affairs and by the Florida Housing
 79 | Finance Corporation for the purposes for which the State Housing
 80 | Trust Fund was created and exists by law.

81 | (b) Eighty-seven and one-half percent of that amount shall
 82 | be distributed to the Local Government Housing Trust Fund and
 83 | shall be used for the purposes for which the Local Government
 84 | Housing Trust Fund was created and exists by law. Funds from this

85 category may also be used to provide for state and local services
 86 to assist the homeless.

87 (13) Beginning July 1, 2009 ~~2008~~, in each fiscal year that
 88 the remaining taxes collected under this chapter exceed
 89 collections in the prior fiscal year, the stated maximum dollar
 90 amounts provided in subsections (2), (4), (6), and (7), ~~(9)~~, and
 91 ~~(10)~~ shall each be increased by an amount equal to 10 percent of
 92 the increase in the remaining taxes collected under this chapter
 93 multiplied by the applicable percentage provided in those
 94 subsections.

95 ~~(15) Distributions to the State Housing Trust Fund pursuant~~
 96 ~~to subsections (9) and (10) shall be sufficient to cover amounts~~
 97 ~~required to be transferred to the Florida Affordable Housing~~
 98 ~~Guarantee Program's annual debt service reserve and guarantee~~
 99 ~~fund pursuant to s. 420.5092(6)(a) and (b) up to but not~~
 100 ~~exceeding the amount required to be transferred to such reserve~~
 101 ~~and fund based on the percentage distribution of documentary~~
 102 ~~stamp tax revenues to the State Housing Trust Fund which is in~~
 103 ~~effect in the 2004-2005 fiscal year.~~

104 (15) ~~(16)~~ The remaining taxes collected under this chapter,
 105 after the distributions provided in the preceding subsections,
 106 shall be paid into the State Treasury to the credit of the
 107 General Revenue Fund.

108 Section 3. Paragraph (d) of subsection (1) of section
 109 723.061, Florida Statutes, is amended to read:

110 723.061 Eviction; grounds, proceedings.--

111 (1) A mobile home park owner may evict a mobile home owner,
 112 a mobile home tenant, a mobile home occupant, or a mobile home

HB 1321

2009

113 only on one or more of the grounds provided in this section.

114 (d) Change in use of the land comprising the mobile home
115 park, or the portion thereof from which mobile homes are to be
116 evicted, from mobile home lot rentals to some other use, provided
117 all tenants affected are given at least 12 ~~6~~ months' notice of
118 the projected change of use and of their need to secure other
119 accommodations. The notice shall include in a font no smaller
120 than the body of the notice: YOU MAY BE ENTITLED TO COMPENSATION
121 FROM THE FLORIDA MOBILE HOME RELOCATION TRUST FUND, ADMINISTERED
122 BY THE FLORIDA MOBILE HOME RELOCATION CORPORATION (FMHRC). FMHRC
123 CONTACT INFORMATION IS AVAILABLE FROM THE FLORIDA DEPARTMENT OF
124 BUSINESS AND PROFESSIONAL REGULATION. The park owner may not give
125 a notice of increase in lot rental amount within 90 days before
126 giving notice of a change in use.

127 Section 4. Paragraph (b) of subsection (1) and subsection
128 (7) of section 723.0612, Florida Statutes, are amended to read:

129 723.0612 Change in use; relocation expenses; payments by
130 park owner.--

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

136 (b) An amount equal to 60 percent of the lesser of three
137 written estimates of moving expenses provided by the mobile home
138 owner to the Florida Mobile Home Relocation Corporation. The
139 ~~amount of \$3,000 for a single section mobile home or \$6,000 for a~~
140 ~~multisection mobile home, whichever is less. Moving expenses~~

HB 1321

2009

141 ~~include the cost of taking down, moving, and setting up the~~
142 ~~mobile home in a new location.~~

143 (7) In lieu of collecting payment from the Florida Mobile
144 Home Relocation Corporation as set forth in subsection (1), a
145 mobile home owner may abandon the mobile home in the mobile home
146 park and collect \$2,800 ~~\$1,375~~ for a single section and \$5,600
147 ~~\$2,750~~ for a multisection from the corporation as long as the
148 mobile home owner delivers to the park owner the current title to
149 the mobile home duly endorsed by the owner of record and valid
150 releases of all liens shown on the title. If a mobile home owner
151 chooses this option, the park owner shall make payment to the
152 corporation in an amount equal to the amount the mobile home
153 owner is entitled to under this subsection. The mobile home
154 owner's application for funds under this subsection shall require
155 the submission of a document signed by the park owner stating
156 that the home has been abandoned under this subsection and that
157 the park owner agrees to make payment to the corporation in the
158 amount provided to the home owner under this subsection. However,
159 in the event that the required documents are not submitted with
160 the application, the corporation may consider the facts and
161 circumstances surrounding the abandonment of the home to
162 determine whether the mobile home owner is entitled to payment
163 pursuant to this subsection. The mobile home owner is not
164 entitled to any compensation under this subsection if there is a
165 pending eviction action for nonpayment of lot rental amount
166 pursuant to s. 723.061(1)(a) which was filed against him or her
167 prior to the mailing date of the notice of change in the use of
168 the mobile home park given pursuant to s. 723.061(1)(d).

HB 1321

2009

169 Section 5. Subsections (1) through (3) and paragraph (d) of
170 subsection (4) of section 723.071, Florida Statutes, are amended
171 to read:

172 723.071 Sale of mobile home parks.--

173 (1) (a) If a mobile home park owner offers a mobile home
174 park for sale or receives a bona fide offer for purchase, she or
175 he shall notify the officers of the homeowners' association
176 created pursuant to ss. 723.075-723.079 of the offer, stating the
177 price and the terms and conditions of sale.

178 (b) The mobile home owners, by and through the association
179 defined in s. 723.075, shall have the right to purchase the park,
180 provided the home owners meet the price and terms and conditions
181 of the mobile home park owner by executing a contract with the
182 park owner within 120 ~~45~~ days, unless agreed to otherwise, from
183 the date of mailing of the notice and provided they have complied
184 with ss. 723.075-723.079. To exercise its right to purchase the
185 park, the homeowners' association shall be required to execute a
186 contract for only the mobile home park that the homeowners'
187 association represents. If a contract between the park owner and
188 the association is not executed within such 120-day ~~45-day~~
189 period, ~~then,~~ unless the park owner thereafter elects to offer
190 the park at a price lower than the price specified in her or his
191 notice to the officers of the homeowners' association or to
192 change the terms and conditions of the offer, the park owner has
193 no further obligations under this subsection, ~~and her or his only~~
194 ~~obligation shall be as set forth in subsection (2).~~

195 (c) If the park owner thereafter elects to offer the park
196 at a price lower than the price specified in her or his notice to

HB 1321

2009

197 | the home owners or to change the terms and conditions of the
 198 | offer, the home owners, by and through the association, will have
 199 | an additional 10 days to meet the price and terms and conditions
 200 | of the park owner by executing a contract.

201 | (2) If a mobile home park owner receives a bona fide offer
 202 | to purchase the park that she or he intends to consider or make a
 203 | counteroffer to, the mobile home park owner must first comply
 204 | with subsection (1) ~~park owner's only obligation shall be to~~
 205 | ~~notify the officers of the homeowners' association that she or he~~
 206 | ~~has received an offer and disclose the price and material terms~~
 207 | ~~and conditions upon which she or he would consider selling the~~
 208 | ~~park and consider any offer made by the home owners, provided the~~
 209 | ~~home owners have complied with ss. 723.075-723.079. The park~~
 210 | ~~owner shall be under no obligation to sell to the home owners or~~
 211 | ~~to interrupt or delay other negotiations and shall be free at any~~
 212 | ~~time to execute a contract for the sale of the park to a party or~~
 213 | ~~parties other than the home owners or the association. Within 120~~
 214 | days after the date the mobile home park owner mails notification
 215 | of a bona fide offer for purchase, the homeowners' association
 216 | must be given the right of first refusal to meet the price and
 217 | terms and conditions required to execute a contract that has the
 218 | identical price and terms and conditions made in the unsolicited
 219 | offer for the mobile home park. In addition to the purchase
 220 | price, the homeowners' association is responsible for payment to
 221 | the third party making the bona fide offer of an amount to cover
 222 | all due diligence costs, not to exceed \$8,000, incurred in the
 223 | course of making the offer to the park owner. The Legislature
 224 | encourages mobile home owners to organize as homeowners'

HB 1321

2009

225 associations pursuant to s. 723.075 for the purpose of
 226 negotiating a right of first refusal with a park owner.

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

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

233 (b) ~~As used in subsection (1), the term "Offer"~~ means any
 234 solicitation by the park owner to the general public or any
 235 unsolicited offer to purchase the mobile home park.

236 (4) This section does not apply to:

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

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