

By Senator Smith

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

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

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

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

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

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

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

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

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

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

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

74 (10) Eight and sixty-six hundredths ~~The lesser of 8.66~~
75 percent of the remaining taxes collected under this chapter ~~or~~
76 ~~\$136 million~~ in each fiscal year shall be paid into the State
77 Treasury to the credit of the State Housing Trust Fund and shall
78 be used as follows:

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

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

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88 this category may also be used to provide for state and local
89 services to assist the homeless.

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

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

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

111 Section 3. Paragraph (d) of subsection (1) of section
112 723.061, Florida Statutes, is amended to read:

113 723.061 Eviction; grounds, proceedings.—

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

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

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

132 Section 4.723.0612 Change in use; relocation expenses;
133 payments by park owner.—

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

139 (b) An amount equal to 60 percent of the lesser of three
140 written estimates of moving expenses provided by the mobile home
141 owner to the Florida Mobile Home Relocation Corporation. ~~The~~
142 ~~amount of \$3,000 for a single section mobile home or \$6,000 for~~
143 ~~a multisection mobile home, whichever is less. Moving expenses~~
144 ~~include the cost of taking down, moving, and setting up the~~
145 ~~mobile home in a new location.~~

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146 (7) In lieu of collecting payment from the Florida Mobile
147 Home Relocation Corporation as set forth in subsection (1), a
148 mobile home owner may abandon the mobile home in the mobile home
149 park and collect \$2,800 ~~\$1,375~~ for a single section and \$5,600
150 ~~\$2,750~~ for a multisection from the corporation as long as the
151 mobile home owner delivers to the park owner the current title
152 to the mobile home duly endorsed by the owner of record and
153 valid releases of all liens shown on the title. If a mobile home
154 owner chooses this option, the park owner shall make payment to
155 the corporation in an amount equal to the amount the mobile home
156 owner is entitled to under this subsection. The mobile home
157 owner's application for funds under this subsection shall
158 require the submission of a document signed by the park owner
159 stating that the home has been abandoned under this subsection
160 and that the park owner agrees to make payment to the
161 corporation in the amount provided to the home owner under this
162 subsection. However, in the event that the required documents
163 are not submitted with the application, the corporation may
164 consider the facts and circumstances surrounding the abandonment
165 of the home to determine whether the mobile home owner is
166 entitled to payment pursuant to this subsection. The mobile home
167 owner is not entitled to any compensation under this subsection
168 if there is a pending eviction action for nonpayment of lot
169 rental amount pursuant to s. 723.061(1)(a) which was filed
170 against him or her prior to the mailing date of the notice of
171 change in the use of the mobile home park given pursuant to s.
172 723.061(1)(d).

173 Section 5. Subsections (1) through (3) and paragraph (d)
174 of subsection (4) of section 723.071, Florida Statutes, are

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175 amended to read:

176 723.071 Sale of mobile home parks.—

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

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

200 (c) If the park owner thereafter elects to offer the park
201 at a price lower than the price specified in her or his notice
202 to the home owners or to change the terms and conditions of the
203 offer, the home owners, by and through the association, will

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204 have an additional 10 days to meet the price and terms and
205 conditions of the park owner by executing a contract.

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

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

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

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

242 (4) This section does not apply to:

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

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