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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 refer
4 actions to binding arbitration; amending s. 723.061, F.S.,
5 relating to grounds and proceedings for eviction;
6 providing for nonapplicability of certain provisions to
7 certain persons approved for payment by the Florida Mobile
8 Home Relocation Corporation; amending s. 723.071, F.S.;
9 requiring mobile home park owners receiving a bona fide
10 offer for purchase to notify the officers of the
11 homeowners' association; requiring a homeowners'
12 association purchasing a mobile home park to execute a
13 contract for only the park that it represents; authorizing
14 a time extension for home owners when a park owner changes
15 the terms and conditions of the offer to purchase the
16 park; revising requirements with respect to unsolicited
17 offers; providing the homeowners' association with the
18 right of first refusal to purchase the park in the event
19 of an unsolicited offer; encouraging mobile home owners to
20 organize as homeowners' associations to negotiate a right
21 of first refusal with a park owner; redefining the term
22 "offer" for such purposes; revising and providing
23 exceptions; amending s. 723.083, F.S.; revising procedures
24 providing for the removal or relocation of mobile home
25 owners; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Subsection (2) of section 723.0381, Florida
30 Statutes, is amended to read:

31 723.0381 Civil actions; arbitration.--

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

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

53 723.061 Eviction; grounds, proceedings.--

54 (3) The provisions of s. 723.083 shall not be applicable
55 to any person whose application for funding pursuant to s.
56 723.0612(1) or (7) is approved for payment by the Florida Mobile

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57 Home Relocation Corporation ~~park where the provisions of this~~
58 ~~subsection apply.~~

59 Section 3. Subsections (1) through (3) and paragraph (d)
60 of subsection (4) of section 723.071, Florida Statutes, are
61 amended, and paragraph (j) is added to subsection (4) of that
62 section, to read:

63 723.071 Sale of mobile home parks.--

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

69 (b) The mobile home owners, by and through the association
70 defined in s. 723.075, shall have the right to purchase the
71 park, provided the home owners meet the price and terms and
72 conditions of the mobile home park owner by executing a contract
73 with the park owner within 45 days, unless agreed to otherwise,
74 from the date of mailing of the notice and provided they have
75 complied with ss. 723.075-723.079. To exercise its right to
76 purchase the park, the homeowners' association shall be required
77 to execute a contract for only the mobile home park that the
78 homeowners' association represents. If a contract between the
79 park owner and the association is not executed within such 45-
80 day period, then, unless the park owner thereafter elects to
81 offer the park at a price lower than the price specified in her
82 or his notice to the officers of the homeowners' association or
83 to change the terms and conditions of the offer, the park owner

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84 has no further obligations under this subsection, ~~and her or his~~
85 ~~only obligation shall be as set forth in subsection (2).~~

86 (c) If the park owner thereafter elects to offer the park
87 at a price lower than the price specified in her or his notice
88 to the home owners or to change the terms and conditions of the
89 offer, the home owners, by and through the association, will
90 have an additional 10 days to meet the price and terms and
91 conditions of the park owner by executing a contract.

92 (2) If a mobile home park owner receives a bona fide offer
93 to purchase the park that she or he intends to consider or make
94 a counteroffer to, the mobile home park owner must first comply
95 with subsection (1) ~~park owner's only obligation shall be to~~
96 ~~notify the officers of the homeowners' association that she or~~
97 ~~he has received an offer and disclose the price and material~~
98 ~~terms and conditions upon which she or he would consider selling~~
99 ~~the park and consider any offer made by the home owners,~~
100 ~~provided the home owners have complied with ss. 723.075-723.079.~~
101 ~~The park owner shall be under no obligation to sell to the home~~
102 ~~owners or to interrupt or delay other negotiations and shall be~~
103 ~~free at any time to execute a contract for the sale of the park~~
104 ~~to a party or parties other than the home owners or the~~
105 ~~association. Within 45 days after the date the mobile home park~~
106 ~~owner mails notification of a bona fide offer for purchase, the~~
107 ~~homeowners' association must be given the right of first refusal~~
108 ~~to meet the price and terms and conditions required to execute a~~
109 ~~contract with identical price and terms and conditions made in~~
110 ~~the unsolicited offer for the mobile home park. In addition to~~
111 ~~the purchase price, the homeowners' association shall be~~

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112 responsible for payment to the third party making the bona fide
113 offer to cover all due diligence costs, not to exceed \$8,000,
114 incurred in the course of making the offer to the park owner.
115 The Legislature encourages mobile home owners to organize as
116 homeowners' associations pursuant to s. 723.075 for the purpose
117 of negotiating a right of first refusal with a park owner.

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

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

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

127 (4) This section does not apply to:

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

131 (j) Any proposed sale by a person who owns more than one
132 mobile home park in a transaction that involves the sale of more
133 than one mobile home park owned by that person.

134 Section 4. Section 723.083, Florida Statutes, is amended
135 to read:

136 723.083 Governmental action affecting removal of mobile
137 home owners.--No agency of municipal, local, county, or state
138 government shall approve any application for rezoning, or take
139 any other official action, which would result in the removal or

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140 relocation of mobile home owners residing in a mobile home park
141 without first determining that affordable, adequate mobile home
142 parks or other suitable facilities exist for the relocation of
143 the mobile home owners. An adequate mobile home park or other
144 suitable facility selected for the relocation of the mobile home
145 owners must be affordable based on the income of very-low-
146 income, low-income, or moderate-income persons, as defined in s.
147 420.0004, and must be situated within the same county.

148 Section 5. This act shall take effect July 1, 2009.