

By Senator Jones

13-00940-10

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1 A bill to be entitled
2 An act relating to mobile home park tenancies;
3 amending s. 420.0003, F.S.; directing the Florida
4 Housing Finance Corporation to provide opportunities
5 and develop incentives for mobile home owners to
6 purchase their mobile home park; amending s. 420.502,
7 F.S.; providing legislative findings; amending s.
8 723.061, F.S.; revising procedures for mobile home
9 owners being provided eviction notice due to a change
10 in use of the land comprising the mobile home park;
11 requiring certain notice to the homeowners'
12 association; providing an effective date.

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

16 Section 1. Paragraph (e) is added to subsection (4) of
17 section 420.0003, Florida Statutes, to read:

18 420.0003 State housing strategy.—

19 (4) IMPLEMENTATION.—The Department of Community Affairs and
20 the Florida Housing Finance Corporation in carrying out the
21 strategy articulated herein shall have the following duties:

22 (e) The Florida Housing Finance Corporation shall use its
23 programs, including the issuance of revenue bonds, to provide
24 opportunities and develop incentives for mobile home owners to
25 purchase their mobile home park.

26 Section 2. Subsection (9) is added to section 420.502,
27 Florida Statutes, to read:

28 420.502 Legislative findings.—It is hereby found and
29 declared as follows:

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30 (9) Mobile home parks are an essential element of providing
31 affordable housing in the state.

32 Section 3. Section 723.061, Florida Statutes, is amended to
33 read:

34 723.061 Eviction; grounds, proceedings.—

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

38 (a) Nonpayment of lot rental amount. If a mobile home owner
39 or tenant, whichever is responsible, fails to pay the lot rental
40 amount when due and if the default continues for 5 days after
41 delivery of a written demand by the mobile home park owner for
42 payment of the lot rental amount, the park owner may terminate
43 the tenancy. However, if the mobile home owner or tenant,
44 whichever is responsible, pays the lot rental amount due,
45 including any late charges, court costs, and attorney's fees,
46 the court may, for good cause, deny the order of eviction,
47 provided such nonpayment has not occurred more than twice.

48 (b) Conviction of a violation of a federal or state law or
49 local ordinance, which violation may be deemed detrimental to
50 the health, safety, or welfare of other residents of the mobile
51 home park. The mobile home owner or mobile home tenant will have
52 7 days from the date that notice to vacate is delivered to
53 vacate the premises. This paragraph shall be grounds to deny an
54 initial tenancy of a purchaser of a home pursuant to paragraph
55 (e) or to evict an unapproved occupant of a home.

56 (c) Violation of a park rule or regulation, the rental
57 agreement, or this chapter.

58 1. For the first violation of any properly promulgated rule

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59 or regulation, rental agreement provision, or this chapter which
60 is found by any court having jurisdiction thereof to have been
61 an act which endangered the life, health, safety, or property of
62 the park residents or employees or the peaceful enjoyment of the
63 mobile home park by its residents, the mobile home park owner
64 may terminate the rental agreement, and the mobile home owner,
65 tenant, or occupant will have 7 days from the date that the
66 notice is delivered to vacate the premises.

67 2. For a second violation of the same properly promulgated
68 rule or regulation, rental agreement provision, or this chapter
69 within 12 months, the mobile home park owner may terminate the
70 tenancy if she or he has given the mobile home owner, tenant, or
71 occupant written notice within 30 days of the first violation,
72 which notice specified the actions of the mobile home owner,
73 tenant, or occupant which caused the violation and gave the
74 mobile home owner, tenant, or occupant 7 days to correct the
75 noncompliance. The mobile home owner, tenant, or occupant must
76 have received written notice of the ground upon which she or he
77 is to be evicted at least 30 days prior to the date on which she
78 or he is required to vacate. A second violation of a properly
79 promulgated rule or regulation, rental agreement provision, or
80 this chapter within 12 months of the first violation is
81 unequivocally a ground for eviction, and it is not a defense to
82 any eviction proceeding that a violation has been cured after
83 the second violation. Violation of a rule or regulation, rental
84 agreement provision, or this chapter after the passage of 1 year
85 from the first violation of the same rule or regulation, rental
86 agreement provision, or this chapter does not constitute a
87 ground for eviction under this section.

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89 No properly promulgated rule or regulation may be arbitrarily
90 applied and used as a ground for eviction.

91 (d) Change in use of the land comprising the mobile home
92 park, or the portion thereof from which mobile homes are to be
93 evicted, from mobile home lot rentals to some other use,
94 provided:

95 1. The park owner gives written notice to the homeowners'
96 association formed and operating pursuant to ss. 723.075-723.079
97 of their right to purchase the mobile home park, if the land
98 comprising the mobile home park is changing use from mobile home
99 lot rentals to a different use, at the price and terms and
100 conditions set forth in such written notice.

101 a. Notice shall be provided to the officers of the
102 homeowners' association by United States mail. Within 45 days
103 after the date of mailing the notice, the homeowners'
104 association shall have the right to execute and deliver a
105 contract to the park owner to purchase the mobile home park
106 under the same price and terms and conditions as set forth in
107 the notice. The conditions in the notice may require the
108 purchase of other real estate that is contiguous or adjacent to
109 the mobile home park. If such contract between the park owner
110 and the homeowners' association is not executed and delivered to
111 the park owner within the 45-day period, the park owner shall be
112 under no further obligation to the homeowners' association under
113 this sub-subparagraph, and her or his only obligation shall be
114 as set forth in sub-subparagraph b.

115 b. If the park owner elects to offer or sell the park at a
116 price lower than the price specified in her or his initial

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117 notice to the officers of the homeowners' association, the
118 homeowners' association shall have an additional 10 days to meet
119 the revised price and terms and conditions of the park owner by
120 executing and delivering the revised contract to the park owner.

121 c. The park owner shall have no obligation under this
122 paragraph or s. 723.071 to provide any further notice to or to
123 negotiate with the homeowners' association for the sale of the
124 mobile home park to the homeowners' association after 6 months
125 from the date of mailing the initial notice described in sub-
126 subparagraph a.

127 2. The park owner provides the affected mobile home owners
128 with all tenants affected are given at least 6 months' notice of
129 eviction due to the projected change in ef use and of their need
130 to secure other accommodations.

131 a. The notice of eviction due to a change in use of the
132 land may be provided to the affected mobile home owners at the
133 same time as or after the notice of a right to purchase the
134 mobile home park has been provided to the officers of the
135 homeowners' association as set forth in subparagraph 1.a.

136 b. The notice of eviction due to a change in use of the
137 land shall include in a font no smaller than the body of the
138 notice the following statement: YOU MAY BE ENTITLED TO
139 COMPENSATION FROM THE FLORIDA MOBILE HOME RELOCATION TRUST FUND,
140 ADMINISTERED BY THE FLORIDA MOBILE HOME RELOCATION CORPORATION
141 (FMHRC). FMHRC CONTACT INFORMATION IS AVAILABLE FROM THE FLORIDA
142 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.

143 c. The park owner may not give a notice of increase in lot
144 rental amount within 90 days before giving notice of a change in
145 use.

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146 (e) Failure of the purchaser, prospective tenant, or
147 occupant of a mobile home situated in the mobile home park to be
148 qualified as, and to obtain approval to become, a tenant or
149 occupant of the home, if such approval is required by a properly
150 promulgated rule. If a purchaser or prospective tenant of a
151 mobile home situated in the mobile home park occupies the mobile
152 home before approval is granted, the mobile home owner or mobile
153 home tenant shall have 7 days from the date the notice of the
154 failure to be approved for tenancy is delivered to vacate the
155 premises.

156 (2) In the event of eviction for change in ~~of~~ use,
157 homeowners must object to the change in use by petitioning for
158 administrative or judicial remedies within 90 days of the date
159 of the notice or they will be barred from taking any subsequent
160 action to contest the change in use. This provision shall not be
161 construed to prevent any homeowner from objecting to a zoning
162 change at any time.

163 (3) The provisions of s. 723.083 shall not be applicable to
164 any park where the provisions of paragraph (1)(d) ~~this~~
165 ~~subsection~~ apply.

166 (4) A mobile home park owner applying for the removal of a
167 mobile home owner, tenant, occupant, or a mobile home shall
168 file, in the county court in the county where the mobile home
169 lot is situated, a complaint describing the lot and stating the
170 facts that authorize the removal of the mobile home owner,
171 tenant, occupant, or the mobile home. The park owner is entitled
172 to the summary procedure provided in s. 51.011, and the court
173 shall advance the cause on the calendar.

174 (5) Except for the notice to the officers of the

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175 homeowners' association as provided in subparagraph (1)(d)1.,
176 any notice required by this section must be in writing, and must
177 be posted on the premises and sent to the mobile home owner and
178 tenant or occupant, as appropriate, by certified or registered
179 mail, return receipt requested, addressed to the mobile home
180 owner and tenant or occupant, as appropriate, at her or his last
181 known address. Delivery of the mailed notice shall be deemed
182 given 5 days after the date of postmark.

183 Section 4. This act shall take effect July 1, 2010.