

By the Committee on Regulated Industries; and Senator Jones

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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.

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

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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 its 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 this subsection apply.

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

173 (5) Except for the notice to the officers of the  
174 homeowners' association as provided in subparagraph (1)(d)1.,

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

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