

By the Committees on Judiciary; Community Affairs; and 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 technical
5 assistance to mobile home owners in purchasing their
6 mobile home park; amending s. 420.502, F.S.; providing
7 legislative findings; amending s. 723.061, F.S.;
8 revising procedures for mobile home owners being
9 provided an eviction notice due to a change in use of
10 the land comprising the mobile home park; requiring
11 certain notice to the homeowners' association;
12 providing an effective date.

13
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 expertise to provide technical assistance to mobile home owners,
24 working through their homeowners' association formed and
25 operating pursuant to ss. 723.075-723.079, in purchasing their
26 mobile home park, including, but not limited to, the issuance of
27 bonds through a not-for-profit organization exempt under the
28 provisions of s. 501(c)(3) of the United States Internal Revenue
29 Code. Upon written request of mobile home owners working through

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30 their homeowners' association formed and operating pursuant to
31 ss. 723.075-723.079, the Florida Housing Finance Corporation is
32 directed to provide technical assistance in creating the not-
33 for-profit organization to purchase their mobile home park.

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

36 420.502 Legislative findings.—It is hereby found and
37 declared as follows:

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

40 Section 3. Section 723.061, Florida Statutes, is amended to
41 read:

42 723.061 Eviction; grounds, proceedings.—

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

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

56 (b) Conviction of a violation of a federal or state law or
57 local ordinance, which violation may be deemed detrimental to
58 the health, safety, or welfare of other residents of the mobile

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59 home park. The mobile home owner or mobile home tenant will have
60 7 days from the date that notice to vacate is delivered to
61 vacate the premises. This paragraph shall be grounds to deny an
62 initial tenancy of a purchaser of a home pursuant to paragraph
63 (e) or to evict an unapproved occupant of a home.

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

66 1. For the first violation of any properly promulgated rule
67 or regulation, rental agreement provision, or this chapter which
68 is found by any court having jurisdiction thereof to have been
69 an act which endangered the life, health, safety, or property of
70 the park residents or employees or the peaceful enjoyment of the
71 mobile home park by its residents, the mobile home park owner
72 may terminate the rental agreement, and the mobile home owner,
73 tenant, or occupant will have 7 days from the date that the
74 notice is delivered to vacate the premises.

75 2. For a second violation of the same properly promulgated
76 rule or regulation, rental agreement provision, or this chapter
77 within 12 months, the mobile home park owner may terminate the
78 tenancy if she or he has given the mobile home owner, tenant, or
79 occupant written notice within 30 days of the first violation,
80 which notice specified the actions of the mobile home owner,
81 tenant, or occupant which caused the violation and gave the
82 mobile home owner, tenant, or occupant 7 days to correct the
83 noncompliance. The mobile home owner, tenant, or occupant must
84 have received written notice of the ground upon which she or he
85 is to be evicted at least 30 days prior to the date on which she
86 or he is required to vacate. A second violation of a properly
87 promulgated rule or regulation, rental agreement provision, or

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88 this chapter within 12 months of the first violation is
89 unequivocally a ground for eviction, and it is not a defense to
90 any eviction proceeding that a violation has been cured after
91 the second violation. Violation of a rule or regulation, rental
92 agreement provision, or this chapter after the passage of 1 year
93 from the first violation of the same rule or regulation, rental
94 agreement provision, or this chapter does not constitute a
95 ground for eviction under this section.

96

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

99 (d) Change in use of the land comprising the mobile home
100 park, or the portion thereof from which mobile homes are to be
101 evicted, from mobile home lot rentals to some other use,
102 provided:

103 1. The park owner gives written notice to the homeowners'
104 association formed and operating pursuant to ss. 723.075-723.079
105 of its right to purchase the mobile home park, if the land
106 comprising the mobile home park is changing use from mobile home
107 lot rentals to a different use, at the price and terms and
108 conditions set forth in such written notice.

109 a. Notice shall be given to the officers of the homeowners'
110 association by United States mail. Within 45 days after the date
111 of mailing the notice, the homeowners' association shall have
112 the right to execute and deliver a contract to the park owner to
113 purchase the mobile home park under the same price and terms and
114 conditions as set forth in the notice. The conditions in the
115 notice may require the purchase of other real estate that is
116 contiguous or adjacent to the mobile home park. If such contract

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117 between the park owner and the homeowners' association is not
118 executed and delivered to the park owner within the 45-day
119 period, the park owner shall be under no further obligation to
120 the homeowners' association under this sub-subparagraph, and her
121 or his only obligation shall be as set forth in sub-subparagraph
122 b.

123 b. If the park owner elects to offer or sell the park at a
124 price lower than the price specified in her or his initial
125 notice to the officers of the homeowners' association, the
126 homeowners' association shall have an additional 10 days to meet
127 the revised price and terms and conditions of the park owner by
128 executing and delivering the revised contract to the park owner.

129 c. The park owner shall have no obligation under this
130 paragraph or s. 723.071 to give any further notice to or to
131 negotiate with the homeowners' association for the sale of the
132 mobile home park to the homeowners' association after 6 months
133 from the date of mailing the initial notice described in sub-
134 subparagraph a.

135 2. The park owner gives the affected mobile home owners
136 with ~~all tenants affected are given~~ at least 6 months' notice of
137 eviction due to the projected change in ~~of~~ use and of their need
138 to secure other accommodations.

139 a. The notice of eviction due to a change in use of the
140 land may be given to the affected mobile home owners at the same
141 time as or after the notice of a right to purchase the mobile
142 home park has been given to the officers of the homeowners'
143 association as set forth in subparagraph 1.a.

144 b. The notice of eviction due to a change in use of the
145 land shall include in a font no smaller than the body of the

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146 notice the following statement: YOU MAY BE ENTITLED TO
147 COMPENSATION FROM THE FLORIDA MOBILE HOME RELOCATION TRUST FUND,
148 ADMINISTERED BY THE FLORIDA MOBILE HOME RELOCATION CORPORATION
149 (FMHRC). FMHRC CONTACT INFORMATION IS AVAILABLE FROM THE FLORIDA
150 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.

151 c. The park owner may not give a notice of increase in lot
152 rental amount within 90 days before giving notice of a change in
153 use.

154 (e) Failure of the purchaser, prospective tenant, or
155 occupant of a mobile home situated in the mobile home park to be
156 qualified as, and to obtain approval to become, a tenant or
157 occupant of the home, if such approval is required by a properly
158 promulgated rule. If a purchaser or prospective tenant of a
159 mobile home situated in the mobile home park occupies the mobile
160 home before approval is granted, the mobile home owner or mobile
161 home tenant shall have 7 days from the date the notice of the
162 failure to be approved for tenancy is delivered to vacate the
163 premises.

164 (2) In the event of eviction for change in ~~of~~ use,
165 homeowners must object to the change in use by petitioning for
166 administrative or judicial remedies within 90 days of the date
167 of the notice or they will be barred from taking any subsequent
168 action to contest the change in use. This provision shall not be
169 construed to prevent any homeowner from objecting to a zoning
170 change at any time.

171 ~~(3) The provisions of s. 723.083 shall not be applicable to~~
172 ~~any park where the provisions of this subsection apply.~~

173 (3)~~(4)~~ A mobile home park owner applying for the removal of
174 a mobile home owner, tenant, occupant, or a mobile home shall

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175 file, in the county court in the county where the mobile home
176 lot is situated, a complaint describing the lot and stating the
177 facts that authorize the removal of the mobile home owner,
178 tenant, occupant, or the mobile home. The park owner is entitled
179 to the summary procedure provided in s. 51.011, and the court
180 shall advance the cause on the calendar.

181 (4)(5) Except for the notice to the officers of the
182 homeowners' association as provided in subparagraph (1)(d)1.,
183 any notice required by this section must be in writing, and must
184 be posted on the premises and sent to the mobile home owner and
185 tenant or occupant, as appropriate, by certified or registered
186 mail, return receipt requested, addressed to the mobile home
187 owner and tenant or occupant, as appropriate, at her or his last
188 known address. Delivery of the mailed notice shall be deemed
189 given 5 days after the date of postmark.

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