

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; providing that the
5 arbitration decision may be made known to a judge in a
6 trial de novo prior to the judge entering his or her order
7 on the merits; amending s. 723.061, F.S., relating to
8 grounds and proceedings for eviction; providing for
9 nonapplicability of certain provisions to certain persons
10 approved for payment by the Florida Mobile Home Relocation
11 Corporation; amending s. 723.0612, F.S., relating to
12 relocation expenses; revising payment amounts mobile home
13 owners are entitled to from the corporation under certain
14 circumstances; increasing the amounts mobile home owners
15 abandoning their mobile homes may collect from the
16 corporation; amending s. 723.071, F.S.; requiring mobile
17 home park owners receiving a bona fide offer for purchase
18 to notify the officers of the homeowners' association;
19 requiring a homeowners' association purchasing a mobile
20 home park to execute a contract for only the park that it
21 represents; authorizing a time extension for home owners
22 when a park owner changes the terms and conditions of the
23 offer to purchase the park; revising requirements with
24 respect to unsolicited offers; providing the homeowners'
25 association with the right of first refusal to purchase
26 the park in the event of an unsolicited offer; encouraging
27 mobile home owners to organize as homeowners' associations
28 to negotiate a right of first refusal with a park owner;

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29 redefining the term "offer" for such purposes; providing a
30 limitation on an exception relating to transfers by
31 partnerships; amending s. 723.083, F.S.; revising
32 procedures providing for the removal or relocation of
33 mobile home owners; providing an effective date.

34
35 Be It Enacted by the Legislature of the State of Florida:

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37 Section 1. Subsection (2) of section 723.0381, Florida
38 Statutes, is amended to read:

39 723.0381 Civil actions; arbitration.-

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

57 ~~entering only after he or she has entered~~ his or her order on
 58 the merits.

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

61 723.061 Eviction; grounds, proceedings.—

62 (3) The provisions of s. 723.083 ~~do shall~~ not apply be
 63 applicable to any person whose application for funding pursuant
 64 to s. 723.0612(1) or (7) is approved for payment by the Florida
 65 Mobile Home Relocation Corporation ~~park where the provisions of~~
 66 ~~this subsection apply.~~

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

69 723.0612 Change in use; relocation expenses; payments by
 70 park owner.—

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

76 (b) An amount equal to 60 percent of the lesser of three
 77 written estimates of moving expenses provided by the mobile home
 78 owner to the Florida Mobile Home Relocation Corporation. ~~The~~
 79 ~~amount of \$3,000 for a single-section mobile home or \$6,000 for~~
 80 ~~a multisection mobile home, whichever is less. Moving expenses~~
 81 ~~include the cost of taking down, moving, and setting up the~~
 82 ~~mobile home in a new location.~~

83 (7) In lieu of collecting payment from the Florida Mobile
 84 Home Relocation Corporation as set forth in subsection (1), a

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85 mobile home owner may abandon the mobile home in the mobile home
86 park and collect \$2,800 ~~\$1,375~~ for a single section and \$5,600
87 ~~\$2,750~~ for a multisection from the corporation as long as the
88 mobile home owner delivers to the park owner the current title
89 to the mobile home duly endorsed by the owner of record and
90 valid releases of all liens shown on the title. If a mobile home
91 owner chooses this option, the park owner shall make payment to
92 the corporation in an amount equal to the amount the mobile home
93 owner is entitled to under this subsection. The mobile home
94 owner's application for funds under this subsection shall
95 require the submission of a document signed by the park owner
96 stating that the home has been abandoned under this subsection
97 and that the park owner agrees to make payment to the
98 corporation in the amount provided to the home owner under this
99 subsection. However, in the event that the required documents
100 are not submitted with the application, the corporation may
101 consider the facts and circumstances surrounding the abandonment
102 of the home to determine whether the mobile home owner is
103 entitled to payment pursuant to this subsection. The mobile home
104 owner is not entitled to any compensation under this subsection
105 if there is a pending eviction action for nonpayment of lot
106 rental amount pursuant to s. 723.061(1)(a) which was filed
107 against him or her prior to the mailing date of the notice of
108 change in the use of the mobile home park given pursuant to s.
109 723.061(1)(d).

110 Section 4. Subsections (1) through (3) and paragraph (d)
111 of subsection (4) of section 723.071, Florida Statutes, are
112 amended to read:

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113 723.071 Sale of mobile home parks.—

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

119 (b) The mobile home owners, by and through the association
120 defined in s. 723.075, shall have the right to purchase the
121 park, provided the home owners meet the price and terms and
122 conditions of the mobile home park owner by executing a contract
123 with the park owner within 45 days, unless agreed to otherwise,
124 from the date of mailing of the notice and provided they have
125 complied with ss. 723.075-723.079. To exercise its right to
126 purchase the park, the homeowners' association shall execute a
127 contract for only the mobile home park that the homeowners'
128 association represents. If a contract between the park owner and
129 the association is not executed within such 45-day period, ~~then,~~
130 unless the park owner thereafter elects to offer the park at a
131 price lower than the price specified in her or his notice to the
132 officers of the homeowners' association or elects to change the
133 terms and conditions of the offer, the park owner has no further
134 obligations under this subsection, ~~and her or his only~~
135 ~~obligation shall be as set forth in subsection (2).~~

136 (c) If the park owner thereafter elects to offer the park
137 at a price lower than the price specified in her or his notice
138 to the home owners or elects to change the terms and conditions
139 of the offer, the home owners, by and through the association,
140 ~~will~~ have an additional 10 days to meet the price and terms and

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141 conditions of the park owner by executing a contract.

142 (2) If a mobile home park owner receives a bona fide offer
 143 to purchase the park which ~~that~~ she or he intends to consider or
 144 make a counteroffer to, the mobile home park owner must first
 145 comply with subsection (1) ~~park owner's only obligation shall be~~
 146 ~~to notify the officers of the homeowners' association that she~~
 147 ~~or he has received an offer and disclose the price and material~~
 148 ~~terms and conditions upon which she or he would consider selling~~
 149 ~~the park and consider any offer made by the home owners,~~
 150 ~~provided the home owners have complied with ss. 723.075-723.079.~~
 151 Within 45 days after the date the mobile home park owner mails
 152 notification of a bona fide offer for purchase, the homeowners'
 153 association must be given the right of first refusal to meet the
 154 price and terms and conditions required to execute a contract
 155 with identical price and terms and conditions made in the
 156 unsolicited offer for the mobile home park. The Legislature
 157 encourages mobile home owners to organize as homeowners'
 158 associations pursuant to s. 723.075 for the purpose of
 159 negotiating a right of first refusal with a park owner. ~~The park~~
 160 ~~owner shall be under no obligation to sell to the home owners or~~
 161 ~~to interrupt or delay other negotiations and shall be free at~~
 162 ~~any time to execute a contract for the sale of the park to a~~
 163 ~~party or parties other than the home owners or the association.~~

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

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

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169 of the notice in the United States mail.

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

173 (4) This section does not apply to:

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

177 Section 5. Section 723.083, Florida Statutes, is amended
 178 to read:

179 723.083 Governmental action affecting removal of mobile
 180 home owners.—No agency of municipal, local, county, or state
 181 government shall approve any application for rezoning, or take
 182 any other official action, which would result in the removal or
 183 relocation of mobile home owners residing in a mobile home park
 184 without first determining that affordable, adequate mobile home
 185 parks ~~or other suitable facilities~~ exist for the relocation of
 186 the mobile home owners. An adequate mobile home park selected
 187 for the relocation of the mobile home owners must be affordable
 188 based on the income of very-low-income, low-income, or moderate-
 189 income persons, as defined in s. 420.0004, and must be situated
 190 within the same county.

191 Section 6. This act shall take effect July 1, 2010.