



714452

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2010	.	
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The Committee on Regulated Industries (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

723.0381 Civil actions; arbitration.—

(2) The court may refer the action to nonbinding
arbitration pursuant to s. 44.103 or to binding arbitration
pursuant to s. 44.104 and the Florida Rules of Civil Procedure.
The court shall order the hearing to be held informally with
presentation of testimony kept to a minimum and matters



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13 presented to the arbitrators primarily through the statements
14 and arguments of counsel. The court shall assess the parties
15 equally to pay the compensation awarded to the arbitrators if
16 neither party requests a trial de novo. If a party has filed for
17 a trial de novo, the party shall be assessed the arbitration
18 costs, court costs, and other reasonable costs of the opposing
19 party, including attorney's fees, investigation expenses, and
20 expenses for expert or other testimony or evidence incurred
21 after the arbitration hearing if the judgment upon the trial de
22 novo is not more favorable than the arbitration decision. If
23 subsequent to arbitration a party files for a trial de novo, the
24 arbitration decision may be made known to the judge prior to
25 entering ~~only after he or she has entered~~ his or her order on
26 the merits.

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

29 723.061 Eviction; grounds, proceedings.—

30 (3) The provisions of s. 723.083 do shall not apply be
31 applicable to any person whose application for funding pursuant
32 to s. 723.0612(1) or (7) is approved for payment by the Florida
33 Mobile Home Relocation Corporation park where the provisions of
34 this subsection apply.

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

37 723.0612 Change in use; relocation expenses; payments by
38 park owner.—

39 (1) If a mobile home owner is required to move due to a
40 change in use of the land comprising the mobile home park as set
41 forth in s. 723.061(1)(d) and complies with the requirements of



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42 this section, the mobile home owner is entitled to payment from
43 the Florida Mobile Home Relocation Corporation of:

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

51 (7) In lieu of collecting payment from the Florida Mobile
52 Home Relocation Corporation as set forth in subsection (1), a
53 mobile home owner may abandon the mobile home in the mobile home
54 park and collect \$2,800 ~~\$1,375~~ for a single section and \$5,600
55 ~~\$2,750~~ for a multisection from the corporation as long as the
56 mobile home owner delivers to the park owner the current title
57 to the mobile home duly endorsed by the owner of record and
58 valid releases of all liens shown on the title. If a mobile home
59 owner chooses this option, the park owner shall make payment to
60 the corporation in an amount equal to the amount the mobile home
61 owner is entitled to under this subsection. The mobile home
62 owner's application for funds under this subsection shall
63 require the submission of a document signed by the park owner
64 stating that the home has been abandoned under this subsection
65 and that the park owner agrees to make payment to the
66 corporation in the amount provided to the home owner under this
67 subsection. However, in the event that the required documents
68 are not submitted with the application, the corporation may
69 consider the facts and circumstances surrounding the abandonment
70 of the home to determine whether the mobile home owner is



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71 entitled to payment pursuant to this subsection. The mobile home
72 owner is not entitled to any compensation under this subsection
73 if there is a pending eviction action for nonpayment of lot
74 rental amount pursuant to s. 723.061(1)(a) which was filed
75 against him or her prior to the mailing date of the notice of
76 change in the use of the mobile home park given pursuant to s.
77 723.061(1)(d).

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

81 723.071 Sale of mobile home parks.—

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

87 (b) The mobile home owners, by and through the association
88 defined in s. 723.075, shall have the right to purchase the
89 park, provided the home owners meet the price and terms and
90 conditions of the mobile home park owner by executing a contract
91 with the park owner within 45 days, unless agreed to otherwise,
92 from the date of mailing of the notice and provided they have
93 complied with ss. 723.075-723.079. To exercise its right to
94 purchase the park, the homeowners' association shall execute a
95 contract for only the mobile home park that the homeowners'
96 association represents. If a contract between the park owner and
97 the association is not executed within such 45-day period, ~~then,~~
98 unless the park owner thereafter elects to offer the park at a
99 price lower than the price specified in her or his notice to the



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100 officers of the homeowners' association or elects to change the
101 terms and conditions of the offer, the park owner has no further
102 obligations under this subsection, ~~and her or his only~~
103 ~~obligation shall be as set forth in subsection (2)~~.

104 (c) If the park owner thereafter elects to offer the park
105 at a price lower than the price specified in her or his notice
106 to the home owners or elects to change the terms and conditions
107 of the offer, the home owners, by and through the association,
108 ~~will~~ have an additional 10 days to meet the price and terms and
109 conditions of the park owner by executing a contract.

110 (2) If a mobile home park owner receives a bona fide offer
111 to purchase the park which ~~that~~ she or he intends to consider or
112 make a counteroffer to, the mobile home park owner must first
113 comply with subsection (1) ~~park owner's only obligation shall be~~
114 ~~to notify the officers of the homeowners' association that she~~
115 ~~or he has received an offer and disclose the price and material~~
116 ~~terms and conditions upon which she or he would consider selling~~
117 ~~the park and consider any offer made by the home owners,~~
118 ~~provided the home owners have complied with ss. 723.075-723.079.~~
119 Within 45 days after the date the mobile home park owner mails
120 notification of a bona fide offer for purchase, the homeowners'
121 association must be given the right of first refusal to meet the
122 price and terms and conditions required to execute a contract
123 with identical price and terms and conditions made in the
124 unsolicited offer for the mobile home park. The Legislature
125 encourages mobile home owners to organize as homeowners'
126 associations pursuant to s. 723.075 for the purpose of
127 negotiating a right of first refusal with a park owner. ~~The park~~
128 ~~owner shall be under no obligation to sell to the home owners or~~



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129 ~~to interrupt or delay other negotiations and shall be free at~~
130 ~~any time to execute a contract for the sale of the park to a~~
131 ~~party or parties other than the home owners or the association.~~

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

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

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

141 (4) This section does not apply to:

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

145 Section 5. Section 723.083, Florida Statutes, is amended to
146 read:

147 723.083 Governmental action affecting removal of mobile
148 home owners.—No agency of municipal, local, county, or state
149 government shall approve any application for rezoning, or take
150 any other official action, which would result in the removal or
151 relocation of mobile home owners residing in a mobile home park
152 without first determining that affordable, adequate mobile home
153 parks ~~or other suitable facilities~~ exist for the relocation of
154 the mobile home owners. An adequate mobile home park selected
155 for the relocation of the mobile home owners must be affordable
156 based on the income of very-low-income, low-income, or moderate-
157 income persons, as defined in s. 420.0004, and must be situated



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158 within the same county.

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

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161 ===== T I T L E A M E N D M E N T =====

162 And the title is amended as follows:

163 Delete everything before the enacting clause

164 and insert:

165 A bill to be entitled

166 An act relating to mobile home park lot tenancies;
167 amending s. 723.0381, F.S.; authorizing the court to
168 refer actions to binding arbitration; providing that
169 the arbitration decision may be made known to a judge
170 in a trial de novo prior to the judge entering his or
171 her order on the merits; amending s. 723.061, F.S.,
172 relating to grounds and proceedings for eviction;
173 providing for nonapplicability of certain provisions
174 to certain persons approved for payment by the Florida
175 Mobile Home Relocation Corporation; amending s.
176 723.0612, F.S., relating to relocation expenses;
177 revising payment amounts mobile home owners are
178 entitled to from the corporation under certain
179 circumstances; increasing the amounts mobile home
180 owners abandoning their mobile homes may collect from
181 the corporation; amending s. 723.071, F.S.; requiring
182 mobile home park owners receiving a bona fide offer
183 for purchase to notify the officers of the homeowners'
184 association; requiring a homeowners' association
185 purchasing a mobile home park to execute a contract
186 for only the park that it represents; authorizing a



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187 time extension for home owners when a park owner
188 changes the terms and conditions of the offer to
189 purchase the park; revising requirements with respect
190 to unsolicited offers; providing the homeowners'
191 association with the right of first refusal to
192 purchase the park in the event of an unsolicited
193 offer; encouraging mobile home owners to organize as
194 homeowners' associations to negotiate a right of first
195 refusal with a park owner; redefining the term "offer"
196 for such purposes; providing a limitation on an
197 exception relating to transfers by partnerships;
198 amending s. 723.083, F.S.; revising procedures
199 providing for the removal or relocation of mobile home
200 owners; providing an effective date.