

By the Committee on Regulated Industries; and Senator Detert

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2010362c1

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

580-04333-10

2010362c1

30 homeowners' associations to negotiate a right of first
31 refusal with a park owner; redefining the term "offer"
32 for such purposes; providing a limitation on an
33 exception relating to transfers by partnerships;
34 amending s. 723.083, F.S.; revising procedures
35 providing for the removal or relocation of mobile home
36 owners; providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

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

42 723.0381 Civil actions; arbitration.—

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

580-04333-10

2010362c1

59 arbitration decision may be made known to the judge prior to
60 entering ~~only after he or she has entered~~ his or her order on
61 the merits.

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

64 723.061 Eviction; grounds, proceedings.—

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

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

72 723.0612 Change in use; relocation expenses; payments by
73 park owner.—

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

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

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

580-04333-10

2010362c1

88 mobile home owner may abandon the mobile home in the mobile home
89 park and collect \$2,800 ~~\$1,375~~ for a single section and \$5,600
90 ~~\$2,750~~ for a multisection from the corporation as long as the
91 mobile home owner delivers to the park owner the current title
92 to the mobile home duly endorsed by the owner of record and
93 valid releases of all liens shown on the title. If a mobile home
94 owner chooses this option, the park owner shall make payment to
95 the corporation in an amount equal to the amount the mobile home
96 owner is entitled to under this subsection. The mobile home
97 owner's application for funds under this subsection shall
98 require the submission of a document signed by the park owner
99 stating that the home has been abandoned under this subsection
100 and that the park owner agrees to make payment to the
101 corporation in the amount provided to the home owner under this
102 subsection. However, in the event that the required documents
103 are not submitted with the application, the corporation may
104 consider the facts and circumstances surrounding the abandonment
105 of the home to determine whether the mobile home owner is
106 entitled to payment pursuant to this subsection. The mobile home
107 owner is not entitled to any compensation under this subsection
108 if there is a pending eviction action for nonpayment of lot
109 rental amount pursuant to s. 723.061(1)(a) which was filed
110 against him or her prior to the mailing date of the notice of
111 change in the use of the mobile home park given pursuant to s.
112 723.061(1)(d).

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

116 723.071 Sale of mobile home parks.—

580-04333-10

2010362c1

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

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

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

145 (2) If a mobile home park owner receives a bona fide offer

580-04333-10

2010362c1

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

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

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

173 (b) ~~As used in subsection (1), the term "Offer"~~ means any
174 solicitation by the park owner to the general public or any

580-04333-10

2010362c1

175 unsolicited offer to purchase the mobile home park.

176 (4) This section does not apply to:

177 (d) Any transfer by a partnership to any of its partners.

178 However, this exception may not be used to avoid sale to the
179 homeowners' association.

180 Section 5. Section 723.083, Florida Statutes, is amended to
181 read:

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

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