

1                                   A bill to be entitled  
 2           An act relating to mobile home park tenancies; amending s.  
 3           420.0003, F.S.; directing the Florida Housing Finance  
 4           Corporation to provide technical assistance to mobile home  
 5           owners in purchasing their mobile home park; amending s.  
 6           420.502, F.S.; providing legislative findings; amending s.  
 7           723.061, F.S.; revising procedures for mobile home owners  
 8           being provided eviction notice due to a change in use of  
 9           the land comprising the mobile home park; revising  
 10          application; requiring certain notice to the homeowners'  
 11          association; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

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 15           Section 1. Paragraph (e) is added to subsection (4) of  
 16           section 420.0003, Florida Statutes, to read:

17           420.0003 State housing strategy.—

18           (4) IMPLEMENTATION.—The Department of Community Affairs  
 19           and the Florida Housing Finance Corporation in carrying out the  
 20           strategy articulated herein shall have the following duties:

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

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

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

35 420.502 Legislative findings.—It is hereby found and  
 36 declared as follows:

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

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

41 723.061 Eviction; grounds, proceedings.—

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

46 (a) Nonpayment of lot rental amount. If a mobile home  
 47 owner or tenant, whichever is responsible, fails to pay the lot  
 48 rental amount when due and if the default continues for 5 days  
 49 after delivery of a written demand by the mobile home park owner  
 50 for payment of the lot rental amount, the park owner may  
 51 terminate the tenancy. However, if the mobile home owner or  
 52 tenant, whichever is responsible, pays the lot rental amount  
 53 due, including any late charges, court costs, and attorney's  
 54 fees, 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  
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  
67 rule or regulation, rental agreement provision, or this chapter  
68 which is found by any court having jurisdiction thereof to have  
69 been an act which endangered the life, health, safety, or  
70 property of the park residents or employees or the peaceful  
71 enjoyment of the mobile home park by its residents, the mobile  
72 home park owner may terminate the rental agreement, and the  
73 mobile home owner, tenant, or occupant will have 7 days from the  
74 date that the 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  
 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  
 110 homeowners' association by United States mail. Within 45 days  
 111 after the date of mailing the notice, the homeowners'

112 association shall have the right to execute and deliver a  
113 contract to the park owner to purchase the mobile home park  
114 under the same price and terms and conditions as set forth in  
115 the notice. The conditions in the notice may require the  
116 purchase of other real estate that is contiguous or adjacent to  
117 the mobile home park. If such contract between the park owner  
118 and the homeowners' association is not executed and delivered to  
119 the park owner within the 45-day period, the park owner shall be  
120 under no further obligation to the homeowners' association under  
121 this sub-subparagraph, and her or his only obligation shall be  
122 as set forth in sub-subparagraph 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 and mobile home tenants with ~~all tenants affected are given at~~  
137 least 6 months' notice of eviction due to the projected change  
138 in ~~of~~ use and of their need 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  
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

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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~~  
172 ~~to any park where the provisions of this subsection apply.~~

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