

CS/HB 423

2011

1                   A bill to be entitled  
2           An act relating to mobile home park lot tenancies;  
3           creating s. 723.024, F.S.; providing for citation of the  
4           responsible party for a violation of a local code or  
5           ordinance; prohibiting liens, penalties, fines, or other  
6           administrative or civil proceedings against one party or  
7           that party's property for a duty or responsibility of the  
8           other party; amending s. 723.061, F.S.; revising  
9           provisions relating to grounds and proceedings for  
10          eviction; revising procedures for mobile home owners being  
11          provided eviction notice due to a change in use of the  
12          land comprising the mobile home park or the portion  
13          thereof from which mobile homes are to be evicted;  
14          providing requirements of the park owner and requirements  
15          and rights of an applicable homeowners' association with  
16          respect to the sale of the mobile home park under a change  
17          in use eviction; deleting a provision relating to  
18          governmental action affecting the removal of mobile home  
19          owners; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Section 723.024, Florida Statutes, is created  
24 to read:

25           723.024 Compliance by mobile home park owners and mobile  
26 home owners.—Notwithstanding any other provision of this chapter  
27 or of any local law, ordinance, or code:

28        (1) If a unit of local government finds that a violation  
 29 of a local code or ordinance has occurred, the unit of local  
 30 government shall cite the responsible party for the violation  
 31 and enforce the citation under its local code and ordinance  
 32 enforcement authority.

33        (2) A lien, penalty, fine, or other administrative or  
 34 civil proceeding may not be brought against a mobile home owner  
 35 or mobile home for any duty or responsibility of the mobile home  
 36 park owner under s. 723.022 or against a mobile home park owner  
 37 or mobile home park property for any duty or responsibility of  
 38 the mobile home owner under s. 723.023.

39        Section 2. 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 following grounds: ~~provided in~~  
 45 ~~this section.~~

46        (a) Nonpayment of the 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 if 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, if the ~~which~~ violation is ~~may be deemed~~  
 58 detrimental to the health, safety, or welfare of other residents  
 59 of the mobile home park. The mobile home owner or mobile home  
 60 tenant must vacate the premises within ~~will have~~ 7 days after  
 61 ~~from~~ the date the ~~that~~ notice to vacate is delivered ~~to vacate~~  
 62 ~~the premises~~. This paragraph constitutes ~~shall be~~ grounds to  
 63 deny an initial tenancy of a purchaser of a home under ~~pursuant~~  
 64 ~~to~~ paragraph (e) or to evict an unapproved occupant of a home.

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

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

77 2. For a second violation of the same properly promulgated  
 78 rule or regulation, rental agreement provision, or this chapter  
 79 within 12 months, the mobile home park owner may terminate the  
 80 tenancy if she or he has given the mobile home owner, tenant, or  
 81 occupant written notice, within 30 days after ~~of~~ the first  
 82 violation, which ~~notice~~ specified the actions of the mobile home  
 83 owner, tenant, or occupant that ~~which~~ caused the violation and

84 gave the mobile home owner, tenant, or occupant 7 days to  
 85 correct the noncompliance. The mobile home owner, tenant, or  
 86 occupant must have received written notice of the ground upon  
 87 which she or he is to be evicted at least 30 days prior to the  
 88 date on which she or he is required to vacate. A second  
 89 violation of a properly promulgated rule or regulation, rental  
 90 agreement provision, or this chapter within 12 months of the  
 91 first violation is unequivocally a ground for eviction, and it  
 92 is not a defense to any eviction proceeding that a violation has  
 93 been cured after the second violation. Violation of a rule or  
 94 regulation, rental agreement provision, or this chapter more  
 95 than ~~after the passage of 1 year~~ after ~~from~~ the first violation  
 96 of the same rule or regulation, rental agreement provision, or  
 97 this chapter does not constitute a ground for eviction under  
 98 this section.

99  
 100 A ~~No~~ properly promulgated rule or regulation may not be  
 101 arbitrarily applied and used as a ground for eviction.

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

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

111 a. The notice shall be delivered to the officers of the

112 homeowners' association by United States mail. Within 45 days  
 113 after the date of mailing of the notice, the homeowners'  
 114 association may execute and deliver a contract to the park owner  
 115 to purchase the mobile home park at the price and under the  
 116 terms and conditions set forth in the notice. If the contract  
 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 is under no further obligation to the  
 120 homeowners' association except as provided in sub-subparagraph  
 121 b.

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

129 c. The park owner is not obligated under this subparagraph  
 130 or s. 723.071 to give any other notice to, or to further  
 131 negotiate with, the homeowners' association for the sale of the  
 132 mobile home park to the homeowners' association after 6 months  
 133 after the date of the mailing of the initial notice under sub-  
 134 subparagraph a.

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

139 a. The notice of eviction due to a change in use of the

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140 land must ~~shall~~ include in a font no smaller than the body of  
141 the notice the following statement:

142

143 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA  
144 MOBILE HOME RELOCATION TRUST FUND, ADMINISTERED BY THE  
145 FLORIDA MOBILE HOME RELOCATION CORPORATION (FMHRC).  
146 FMHRC CONTACT INFORMATION IS AVAILABLE FROM THE  
147 FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL  
148 REGULATION.

149

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

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

163 (2) In the event of eviction for a change in ~~of~~ use,  
164 homeowners must object to the change in use by petitioning for  
165 administrative or judicial remedies within 90 days after ~~of~~ the  
166 date of the notice or they will be barred from taking any  
167 subsequent action to contest the change in use. This subsection

168 ~~does~~ ~~provision shall not be construed to~~ prevent any homeowner  
 169 from objecting to a zoning change at any time.

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

172 (3)~~(4)~~ A mobile home park owner applying for the removal  
 173 of a mobile home owner, tenant, or occupant~~,~~ or a mobile home  
 174 shall file, in the county court in the county where the mobile  
 175 home lot is situated, a complaint describing the lot and stating  
 176 the facts that authorize the removal of the mobile home owner,  
 177 tenant, or occupant~~,~~ or the mobile home. The park owner is  
 178 entitled to the summary procedure provided in s. 51.011, and the  
 179 court shall advance the cause on the calendar.

180 (4)~~(5)~~ Except for the notice to the officers of the  
 181 homeowners' association under subparagraph (1)(d)1., any notice  
 182 required by this section must be in writing, and must be posted  
 183 on the premises and sent to the mobile home owner and tenant or  
 184 occupant, as appropriate, by certified or registered mail,  
 185 return receipt requested, addressed to the mobile home owner and  
 186 tenant or occupant, as appropriate, at her or his last known  
 187 address. Delivery of the mailed notice shall be deemed given 5  
 188 days after the date of postmark.

189 Section 3. This act shall take effect upon becoming a law.