

By Senator Jones

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

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25           Section 1. Section 723.024, Florida Statutes, is created to  
26           read:

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

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30       (1) If a unit of local government finds that a violation of  
31 s. 723.022 or s. 723.023 has occurred, the unit of local  
32 government shall cite the responsible party for the violation  
33 and enforce the citation under its local code and ordinance  
34 enforcement authority.

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

41       Section 2. Section 723.061, Florida Statutes, is amended to  
42 read:

43       723.061 Eviction; grounds, proceedings.—

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

48       (a) Nonpayment of the lot rental amount. If a mobile home  
49 owner or tenant, whichever is responsible, fails to pay the lot  
50 rental amount when due and if the default continues for 5 days  
51 after delivery of a written demand by the mobile home park owner  
52 for payment of the lot rental amount, the park owner may  
53 terminate the tenancy. However, if the mobile home owner or  
54 tenant, whichever is responsible, pays the lot rental amount  
55 due, including any late charges, court costs, and attorney's  
56 fees, the court may, for good cause, deny the order of eviction,  
57 if provided such nonpayment has not occurred more than twice.

58       (b) Conviction of a violation of a federal or state law or

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

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

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

79 2. For a second violation of the same properly promulgated  
80 rule or regulation, rental agreement provision, or this chapter  
81 within 12 months, the mobile home park owner may terminate the  
82 tenancy if she or he has given the mobile home owner, tenant, or  
83 occupant written notice, within 30 days after ~~of~~ the first  
84 violation, which ~~notice~~ specified the actions of the mobile home  
85 owner, tenant, or occupant that ~~which~~ caused the violation and  
86 gave the mobile home owner, tenant, or occupant 7 days to  
87 correct the noncompliance. The mobile home owner, tenant, or

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

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

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

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

113 a. The notice shall be delivered to the officers of the  
114 homeowners' association by United States mail. Within 45 days  
115 after the date of mailing of the notice, the homeowners'  
116 association may execute and deliver a contract to the park owner

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117 to purchase the mobile home park at the price and under the  
118 terms and conditions set forth in the notice. If the contract  
119 between the park owner and the homeowners' association is not  
120 executed and delivered to the park owner within the 45-day  
121 period, the park owner is under no further obligation to the  
122 homeowners' association except as provided in sub-subparagraph  
123 b.

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

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

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

141 a. The notice of eviction due to a change in use of the  
142 land must ~~shall~~ include in a font no smaller than the body of  
143 the notice the following statement:

144  
145 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA

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146 MOBILE HOME RELOCATION TRUST FUND, ADMINISTERED BY THE  
147 FLORIDA MOBILE HOME RELOCATION CORPORATION (FMHRC).  
148 FMHRC CONTACT INFORMATION IS AVAILABLE FROM THE  
149 FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL  
150 REGULATION.

151

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

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

165 (2) In the event of eviction for a change in ~~of~~ use,  
166 homeowners must object to the change in use by petitioning for  
167 administrative or judicial remedies within 90 days after ~~of~~ the  
168 date of the notice or they will be barred from taking any  
169 subsequent action to contest the change in use. This subsection  
170 does ~~provision shall~~ not be construed to prevent any homeowner  
171 from objecting to a zoning change at any time.

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

174 (3) ~~(4)~~ A mobile home park owner applying for the removal of

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175 a mobile home owner, tenant, or occupant~~,~~ or a mobile home shall  
176 file, in the county court in the county where the mobile home  
177 lot is situated, a complaint describing the lot and stating the  
178 facts that authorize the removal of the mobile home owner,  
179 tenant, or occupant~~,~~ or the mobile home. The park owner is  
180 entitled to the summary procedure provided in s. 51.011, and the  
181 court shall advance the cause on the calendar.

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

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