

By the Committee on Regulated Industries; and Senator Jones

580-02259-11

2011650c1

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

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

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

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

29 (1) If a unit of local government finds that a violation of

580-02259-11

2011650c1

30 a local code or ordinance has occurred, the unit of local
31 government shall cite the responsible party for the violation
32 and enforce the citation under its local code and ordinance
33 enforcement authority.

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

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

42 723.061 Eviction; grounds, proceedings.—

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

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

57 (b) Conviction of a violation of a federal or state law or
58 local ordinance, if the ~~which~~ violation is ~~may be deemed~~

580-02259-11

2011650c1

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

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

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

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

580-02259-11

2011650c1

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

100

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

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

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

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

580-02259-11

2011650c1

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

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

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

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

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

143

144 YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA
145 MOBILE HOME RELOCATION TRUST FUND, ADMINISTERED BY THE

580-02259-11

2011650c1

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

151 b. 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 such approval is granted, the mobile home owner or
161 mobile home tenant must vacate the premises within ~~shall have~~ 7
162 days after ~~from~~ the date the notice of the failure to be
163 approved for tenancy is delivered ~~to vacate the premises~~.

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

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

173 (3) ~~(4)~~ A mobile home park owner applying for the removal of
174 a mobile home owner, tenant, or occupant, or a mobile home shall

580-02259-11

2011650c1

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, or occupant, ~~or~~ the mobile home. The park owner is
179 entitled to the summary procedure provided in s. 51.011, and the
180 court shall advance the cause on the calendar.

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

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