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1  
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

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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

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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

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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

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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:

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

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

150  
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

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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.