

By Senator Jones

13-00366A-11

2011650__

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:

13-00366A-11

2011650__

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

13-00366A-11

2011650__

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

13-00366A-11

2011650__

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

13-00366A-11

2011650__

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

13-00366A-11

2011650__

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

13-00366A-11

2011650__

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.