

1984

Session Law 84-080

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 84-080" (1984). *Staff Analysis*. 477.
<https://ir.law.fsu.edu/staff-analysis/477>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # <i>84-80</i>	Sec. #	LOF cite
Prime Bill # <i>HB 1126</i>	Comp./Sim. Bills <i>SB 754</i>	
JLHC Hist. Cites	Senate <i>258</i> House <i>370-1</i>	Comms. of Ref. Senate House

COMMITTEE RECORDS					
H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
<i>H</i>	<i>Judic</i>	<i>1984</i>	<i>Bill files: HB 1126 (B16")</i>	<i>19/1244</i>	
			<input type="checkbox"/> continued on reverse		

Senate/House Journals					
Page #	?	Date	Page #	?	Date

Committee/Floor Tapes					
H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

Other Documentation	
Record Series Title, folder title, etc.	Location Cite
<i>Mobile Home Study Comm. 1983-84</i>	<i>20/23</i>

MINUTES
ORGANIZATIONAL MEETING
MOBILE HOME STUDY COMMISSION

COPY
reproduced by
FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
R A GRAY BUILDING
Tallahassee, Florida 32399-0250
Series 2 Carton 2
File Folder _____
Aug 30, 1983

The organizational meeting of the Mobile Home Study Commission was called to order in the Hernando Room, Host Airport Hotel, Tampa, Florida at the hour of two o'clock p.m. by Representative Ron Silver acting as temporary Chairman. Representative Silver designated Representative Dunbar to keep the minutes of the organizational meeting and directed that role be called. The following members of the Commission were present:

Senator Richard H. Langley	Mr. Warren L. Bounds, Jr.
Representative Ronald A. Silver	Mr. Neal C. Kullman
Representative Peter M. Dunbar	Mr. Tom A. Ballenger
Mr. J. Tracy Rooks	Mr. Harry Jennings

Senator Patrick K. Neal was excused from the meeting and was represented by his Administrative Assistant Mr. Timothy Ireland. Representative Silver stated that the next order of business was the selection of a Chairman of the Commission. Upon a motion made by Representative Dunbar and seconded by Mr. Jennings, Representative Silver was nominated. There being no further nominations and upon a motion duly made, seconded and unanimously carried, Representative Silver was elected to serve as Chairman of the Mobile Home Study Commission.

The Chairman then stated that the next order of business would be the adoption of rules to govern the proceedings of the Commission. Representative Dunbar moved that the rules of the Florida House of Representatives be adopted as the rules to govern the Mobile Home Study Commission and the motion was seconded by Mr. Jennings. After discussion the motion was unanimously adopted and the Chairman declared that the rules of the Florida House of Representatives would govern the meetings and business of the Mobile Home Study Commission.

Representative Silver then called on each member of the Study Commission present to afford them an opportunity to introduce themselves, give a brief background and make such general remarks as they felt appropriate. At the conclusion of the members remarks Representative Silver introduced Representative Dorothy Sample, who was in attendance as an observer.

The next order of business was general remarks from the public relating to the organizational activities of the Commission. Mr. Fred Yontek, Executive Director of the Florida Mobile Home Owners Association, was recognized to make remarks and recommendations on behalf of their organization. Mr. Jack Skelding, General Counsel for the Florida Manufactured Housing Association, next appeared. Mr. Skelding introduced Mr. Frank Williams, Executive Director of FMHA, Mr. Vick Treno, Presi-

Organizational Meeting Minutes Cont.

dent of FMHA, Mr. Dick Bennett, Past President and Mr. Ken Cashin, Legislative Chairman of FMHA. At the conclusion of Mr. Skelding's remarks and recommendations, Mr. Frank Williams, the Executive Director of FMHA, was recognized for his remarks.

Discussion of the Commission then ensued on the organization of the Commission's activities. After discussion and upon a motion duly made, seconded and unanimously carried the Commission directed the Chairman to develop a schedule of Public Hearings to be held on Florida's West coast, Southwest coast and Southeast coast in Dade and Broward Counties and in the Central Florida area for the Commission. The Commission further agreed that said Public Hearings should be held on successive days to provide the Commission Members with the background and problems being experienced with mobile home housing and mobile home housing construction.

Discussion then ensued on the selection of staff and support assistance for the Commission. Upon a motion made by Representative Dunbar and seconded by Senator Langley, the Chairman was directed to select a staff after consulting with the President of the Senate and Speaker of the House to provide necessary support for the Commission's work. Senator Langley suggested that in addition to the staff an economic analysis should be made with regard to rentals charged to mobile home owners occupying parks in various areas of Florida and the increases occurring in such rental.

As the next order of business the Chairman reviewed the jurisdiction of the Commission and the charge which had been given to it by the Florida Legislature. After further discussion upon a motion duly made, seconded and unanimously carried the Commission directed the Chairman to prepare a briefing for the Commission on the current status of mobile home housing laws in Florida and on the various legislative proposals which had been presented in recent years. The Commission further directed that such meeting should be scheduled prior to the Commission's Public Hearings and that such meeting would be held at the call of the Chairman.

With the organizational activities of the Commission complete the Chairman then asked if there were any general remarks from the audience. Mr. David Alkir of Leesburg, Mr. Herb Hofmann of Venice and Mr. Russell Heiney of Lincolnshire Mobile Home Park of Largo, Florida, each made brief remarks.

At the conclusion of the public remarks and there being no further business to come before the Commission, the Organizational Meeting of the Commission, upon a motion duly made, seconded and unanimously carried, the Chairman declared the same adjourned.

MOBILE HOME STUDY COMMISSION
ORIENTATION MEETING
AGENDA
OCTOBER 10, 1983
212 HOUSE OFFICE BUILDING - TALLAHASSEE
10:00 A.M. - 12:00 NOON

1. Opening Comments
2. Introduction of Staff
3. Approval of Public Hearing Schedule
4. Presentation on Current Mobile Home Law by
Debby Kaveney, Staff Attorney, House Judiciary Committee
5. Presentation on Mobile Home Litigation by
Joanna Martin, Assistant Attorney General, Department of
Legal Affairs, Division of Economic Crimes
6. Presentation on Mobile Home Consumer Complaints by
Gloria Van Treese, Consumer Complaint Analyst, Department of
Agriculture and Consumer Services, Division of Consumer
Services
7. General Comments by Members and Public
8. Adjourn

COPY
reproduced by
FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
R A GRAY BUILDING
Tallahassee, Florida 32369-0250
Series 20 Carton 42
File Folder _____

MOBILE HOME STUDY COMMISSION
PUBLIC HEARING AGENDA
NOVEMBER 14, 1983
HOLIDAY INN DISNEY NORTH
CLERMONT, FLORIDA
3:00 P.M. - 5:00 P.M.

1. Opening Comments by Representative Ronald A. Silver,
Chairman, Mobile Home Study Commission

2. Public Testimony by:

Representatives of the Mobile Home Owners

Charlie Jagde, Daytona Beach

Ann French, Zephyrhills
Lloyd Bossard, Zephyrhills

Eric Peterson, Lakeland

Representatives of the Mobile Home Park Owners

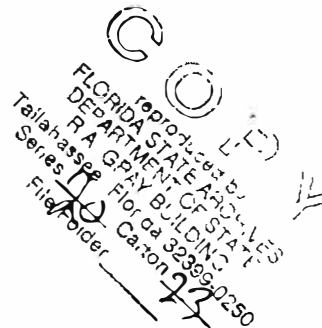
Bill Shaddix, Daytona Beach

Vic Trino, Lakeland

Jack Skelding, Tallahassee

3. Other Public Testimony

4. Adjourn



OTHER PUBLIC TESTIMONY

Sylvester Leonard, Leesburg

Mary Hohensee, Leesburg

Evelyn Eades, Wildwood

Don Bohan, Leesburg

Edgar Leslie, Eustis, Fla.

Green

MOBILE HOME STUDY COMMISSION
BROWARD COUNTY PUBLIC HEARING
AGENDA
DECEMBER 14, 1983

1. Opening Comments by State Representative Ronald A. Silver,
Chairman, Mobile Home Study Commission

2. Public Testimony by:

Representatives of the Florida Mobile Home Owners

Bo McMahan, Margate

Ed Ozabal, Margate

Don Pappard, West Palm Beach

Dennis Kaler, West Palm Beach

3. Public Testimony by:

Representatives of the Florida Mobile Home Park Owners

Bill Hart, Fort Lauderdale

Gene Metzger, Fort Lauderdale

Mike Villetta, Pompano Beach

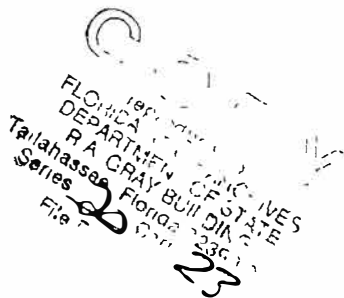
4. General Comments and Other Public Testimony by:

Walter Moore, Fort Lauderdale

and others.

5. Closing Comments by Members

6. Adjourn



MOBILE HOME STUDY COMMISSION
DADE COUNTY PUBLIC HEARING
AGENDA
DECEMBER 14, 1983

1. Opening Comments by State Representative Ronald A. Silver,
Chairman, Mobile Home Study Commission
2. Public Testimony by:
Representatives of the Florida Mobile Home Owners
Bill Williams, Miramar
Carol Wills, Miami
Frank Esposito, Miramar
3. Public Testimony by:
Representatives of the Florida Mobile Home Park Owners
Tom Vellanti, Homestead
Bob Kennedy, Homestead
Mel Riff, Homestead
4. General Comments and Other Public Testimony by:
Albert Blen, Miami
and Others.
5. Closing Comments by Members
6. Adjourn

COPY

reproduced by
FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
RA GRAY BUILDING
Tallahassee, Florida 32399-0250
Series 20 Carton 22
File Folder _____

MOBILE HOME STUDY COMMISSION
PINELLAS COUNTY PUBLIC HEARING
AGENDA
DECEMBER 15, 1983

1. Opening Comments by State Representative Ronald A. Silver, Chairman, Mobile Home Study Commission
2. Public Testimony by:

Representatives of the Florida Mobile Home Owners

~~Bob Winchester, Largo~~

~~Al Cors, Largo~~

~~Jay Brandt, Clearwater~~

~~Harold Deik, Tampa~~

~~Bill Richards, Clearwater~~

NO SMOKING

83.765
No rule or reg to
remove unless
consistent

3. Public Testimony by:

Representatives of the Florida Mobile Home Park Owners

~~Dick Bennett, St. Petersburg~~

~~Nelson Vogel, Clearwater~~

~~Fred Wilder, St. Petersburg~~

4. General Comments and Other Public Testimony by:

~~Mr. Do Steel - representing Dist. 11~~

~~Ellery Innes, Thonotosassa~~

~~Paul Mitchell~~

~~Phyllis Notling, Tampa~~

Curt Kiser

~~Elizabeth Johnson, Tampa~~

~~Al Demers, Oldsmar~~

~~Joe Cantwell, Port Richey~~

~~Edward M. Joseph, Clearwater~~

~~Don Bievenour, St. Petersburg~~

~~Ralph Wilson, St. Petersburg~~

~~Amos Beard, Largo~~

~~Violet Kong, Tampa~~

~~Steen Jacobs~~

~~George Johnson~~

Dorothy Sample

Gian Hargrett

JONN

COPY

reproduced by
FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
R. A. GRAY BUILDING
Tallahassee, Florida 32399-3550
Series 20 Canon 75
File Folder _____

5. Closing Comments by Members
6. Adjourn

MOBILE HOME STUDY COMMISSION
SARASOTA COUNTY PUBLIC HEARING
AGENDA
DECEMBER 15, 1983

1. Opening Comments by State Representative Ronald A. Silver,
Chairman, Mobile Home Study Commission
2. Public Testimony by:
Representatives of the Florida Mobile Home Owners
Hillis Howzer, Fort Myers
Harry Johnson, Sarasota
Paul Blair, Bradenton
Manny Lagobo, Sarasota
3. Public Testimony by:
Representatives of the Florida Mobile Home Park Owners
George Bloodworth, Venice
Larry Oeth, Sarasota
Larry Allenbaugh, Venice
4. General Comments and Other Public Testimony
5. Closing Comments
6. Adjourn

COPY
reproduced by
FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
R. A. GRAY BUILDING
Tallahassee, Florida 32399-0750
Series 20 Carton 23
File Folder _____

MOBILE HOME STUDY COMMISSION
AGENDA
MARCH 30, 1984

1. Opening Remarks by Representative Ronald A. Silver,
Chairman, Mobile Home Study Commission
2. Mobile Home Study Commission Proposal
3. Closing Comments by Members
4. Adjourn

COPIES
reproduced by
FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
R. A. GRAY BUILDING
Tallahassee, Florida 32399-6000
Series 25 Carton 23
File Folder

34-30/1

HB 1126 (cs) 4/16/84 MF (Consumer, Product & Family Law)

ARC

HJUD 4/17/84 MF (EUI (MT.))

NA

BF (DRAFTS AND...)

19/1244

Tapes (2) Tapes

414/463

(MT)

HFTX 4/30 MF

BF

Tapes

ARC

HAPR 5/3 MF

BF

Tapes

19/1177

SB 754 (cs)

ARC

SECA 4/24 MF

NA

BF

18/1362

Tapes (4) ^{NOT} labeled

625/287

CMF

SJCV 5/18 MF

BF

18/1473 (2 files)

Tapes

HB 631

HJUD - NO ACTION

HFTX " "

HAPR " "

SB 1056

SECA - NO ACTION

Series 20
Box 213

STATE OF FLORIDA
HOUSE OF REPRESENTATIVES

Prepared 05/02/84
by the Committee on
Finance and Taxation

1984
FISCAL NOTE

CS/MB 1126
Bill Number
As Amended

STATE GOVERNMENT IMPACT

In compliance with Rule 7.16, there is hereby submitted a fiscal note on the above listed bill relative to the effect on revenues, expenditures, or fiscal liability of the State.

II. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

A. Non-Recurring or First Year Start-up Effects

F.Y. 1984-85 revenue effect:
(reduced gain due to effective date and implementation of filing fees)

Filing fees	\$1,655,000
Annual fees	432,000
Penalties	<u>59,000</u>
TOTAL	\$2,146,000 gain
(Service charge to G.R.F.)	<u>-128,760</u>
	\$2,017,240

B. Recurring or Annualized Continuation Effects

F.Y. 1985-86 revenue effect:

Filing fees	\$320,250
Annual fees	453,600
Penalties	61,950
Investment earnings	<u>92,259</u>
TOTAL	\$928,059
(Service charge to G.R.F.)	<u>-55,684</u>
	\$872,375

C. Long Run Effects other than Normal Growth

None

D. Appropriations Consequences/Source of Funds

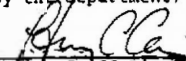
F.Y. 1984-85 D.B.R. funding request:
(reduced cost due to Oct. 1 effective date)

31 positions	\$ 540,366
OPS	30,000
Office Expense	314,431
O.C.O.	46,500
E.D.P.	110,000
Overhead	<u>187,105</u>
TOTAL	\$1,228,402

F.Y. 1985-86 D.B.R. funding request:
at least \$1,170,470

III. COMMENTS:

1. This legislation is scheduled to take effect as follows:
 - a. the provision requiring a mobile home park owner (of more than 100 spaces) to file a prospectus with D.B.R. takes effect January 1, 1985; park owners of less than 100 spaces don't have to start submitting a prospectus until July 1, 1985.
 - b. provisions concerning lot rental increases, settlement of disputes, and the information to be included on the prospectus, take effect October 1, 1984.
 - c. all other provisions take effect upon becoming a law.
2. The fees in this bill do not appear to adequately fund the regulatory costs incurred (as requested by the department) beginning with F.Y. 1989-90.


Bill Director

STATE OF FLORIDA
HOUSE OF REPRESENTATIVES

Prepared 05/02/84
by the Committee on
Finance and Taxation

1984
FISCAL NOTE

CS/HB 1126
Bill Number
As Amended

STATE GOVERNMENT IMPACT

In compliance with Rule 7.16, there is hereby submitted a fiscal note on the above listed bill relative to the effect on revenues, expenditures, or fiscal liability of the State.

I. DESCRIPTION OF BILL:

A. Fund or Tax Affected

Florida Mobile Home Trust Fund
License Fees

B. Principal Agency Affected

Department of Business Regulation;
Division of Florida Land Sales, Condominiums & Mobile Homes

C. Sponsor's Statement of Purpose

To implement certain recommendations of the Mobile Home Study Commission.

D. Narrative Summary

1. Creates Ch. 720, F.S., entitled the Florida Mobile Home Act. Please refer to the attached Judiciary Committee staff summary for information concerning the non-revenue provisions of this bill.

2. Creates s. 720.301, F.S. Imposes a fee of \$1 per occupied lot on all mobile home park owners, which is due on or before January 1 of each year. Authorizes the department to assess a 10% penalty on delinquent annual fees not paid by March 1.

Establishes the Florida Mobile Home Trust Fund. Provides that park owners are subject to collection, enforcement, and audit provisions like those contained in Chapter 212, F.S. (sales tax).

3. Creates s. 720.302, F.S.

a. Imposes the following filing fees on mobile home parks leasing spaces prior to this act:

<u>Lots in Park</u>	
26 - 50	\$100
51 - 100	150
101 - 150	200
151 - 200	250
201 or more	300

b. Imposes a \$10 per lot filing fee on mobile homes offering lots for lease after this act.

4. Amends s. 215.22, F.S. Subjects the Florida Mobile Home Trust Fund to the 6% General Revenue Fund service charge.

STATE OF FLORIDA
HOUSE OF REPRESENTATIVES

Prepared 05/02/84
by the Committee on
Finance and Taxation

1984
FISCAL NOTE

CS/HB 1126
Bill Number
As Amended

STATE GOVERNMENT IMPACT

In compliance with Rule 7.16, there is hereby submitted a fiscal note on the above listed bill relative to the effect on revenues, expenditures, or fiscal liability of the State.

I. DESCRIPTION OF BILL:

A. Fund or Tax Affected

Florida Mobile Home Trust Fund
License Fees

B. Principal Agency Affected

Department of Business Regulation;
Division of Florida Land Sales, Condominiums & Mobile Homes

C. Sponsor's Statement of Purpose

To implement certain recommendations of the Mobile Home Study Commission.

D. Narrative Summary

1. Creates Ch. 720, F.S., entitled the Florida Mobile Home Act. Please refer to the attached Judiciary Committee staff summary for information concerning the non-revenue provisions of this bill.

2. Creates s. 720.301, F.S. Imposes a fee of \$1 per occupied lot on all mobile home park owners, which is due on or before January 1 of each year. Authorizes the department to assess a 10% penalty on delinquent annual fees not paid by March 1.

Establishes the Florida Mobile Home Trust Fund. Provides that park owners are subject to collection, enforcement, and audit provisions like those contained in Chapter 212, F.S. (sales tax).

3. Creates s. 720.302, F.S.

a. Imposes the following filing fees on mobile home parks leasing spaces prior to this act:

<u>Lots in Park</u>	
26 - 50	\$100
51 - 100	150
101 - 150	200
151 - 200	250
201 or more	300

b. Imposes a \$10 per lot filing fee on mobile homes offering lots for lease after this act.

4. Amends s. 215.22, F.S. Subjects the Florida Mobile Home Trust Fund to the 6% General Revenue Fund service charge.

STATE OF FLORIDA
HOUSE OF REPRESENTATIVES

Prepared 05/02/84
by the Committee on
Finance and Taxation

1984
FISCAL NOTE

CS/HB 1126
Bill Number
As Amended

STATE GOVERNMENT IMPACT

In compliance with Rule 7.16, there is hereby submitted a fiscal note on the above listed bill relative to the effect on revenues, expenditures, or fiscal liability of the State.

II. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

A. Non-Recurring or First Year Start-up Effects

F.Y. 1984-85 revenue effect:
(reduced gain due to effective date and implementation of filing fees)

Filing fees	\$1,655,000	
Annual fees	432,000	
Penalties	59,000	
TOTAL	\$2,146,000	gain
(Service charge to G.R.F.)	-128,760	
.....	\$2,017,240	

B. Recurring or Annualized Continuation Effects

F.Y. 1985-86 revenue effect:

Filing fees	\$320,250	
Annual fees	453,600	
Penalties	61,950	
Investment earnings	92,259	
TOTAL	\$928,059	
(Service charge to G.R.F.)	-55,684	
.....	\$872,375	

C. Long Run Effects other than Normal Growth
None

D. Appropriations Consequences/Source of Funds

F.Y. 1984-85 D.B.R. funding request:
(reduced cost due to Oct. 1 effective date)

31 positions	\$ 540,366	
OPS	30,000	
Office Expense	314,431	
O.C.O.	46,500	
E.D.P.	110,000	
Overhead	187,105	
TOTAL	\$1,228,402	

F.Y. 1985-86 D.B.R. funding request:
at least \$1,170,470

III. COMMENTS:

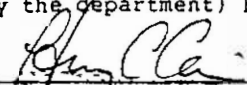
1. This legislation is scheduled to take effect as follows:

a. the provision requiring a mobile home park owner (of more than 100 spaces) to file a prospectus with D.B.R. takes effect January 1, 1985; park owners of less than 100 spaces don't have to start submitting a prospectus until July 1, 1985.

b. provisions concerning lot rental increases, settlement of disputes, and the information to be included on the prospectus, take effect October 1, 1984.

c. all other provisions take effect upon becoming a law.

2. The fees in this bill do not appear to adequately fund the regulatory costs incurred (as requested by the department) beginning with F.Y. 1989-90.


Staff Director

In compliance with Rule 7.16, there is hereby submitted a fiscal note on the above listed bill relative to the effect on revenues, expenditures, or fiscal liability of the State, and of Local Governments as a whole.

note on the above listed
liability of the State, and

I. DESCRIPTION OF BILL

A. Fund or Tax Affected

Mobile Home Trust Fund

B. Principal Agency Affected

Department of Business Regulation, Division of Land Sales and Condominiums

C. Narrative Summary

This bill creates the "Florida Mobile Home Act", a comprehensive regulatory chapter relating to mobile home owners' rights.

The bill includes provisions relating to mobile home park obligations, leases, eviction proceedings and other related matters.

The bill requires the program to be established within the Department of Business Regulation.

The provision in this bill requiring mobile home park owners (of more than 100 spaces) to file a prospectus with the Department of Business Regulation takes effect January 1, 1985. Park owners of less than 100 spaces are not required to submit a prospectus until July 1, 1985.

The provisions in this bill concerning lot rental increases, settlement of disputes, and the information to be included on the prospectus, take effect October 1, 1984.

es and Condominiums

prehensive regulatory chapter

rk obligations, leases,

the Department of Business

II. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS

1984-85

1985-86

A. Non-Recurring or First Year Start-up Effects

Expenditures:

Other Personal Services	\$ 30,000	
Operating Capital Outlay	46,500	
Data Processing Services	70,000	
	\$ 146,500	

Revenues:

Filing Fees	\$1,350,000	
-------------	-------------	--

B. Recurring or Annualized Continuation Effects

Expenditures:

Salaries & Benefits (31 FTE)	\$ 300,204	\$ 540,366
Expenses	157,171	314,341
Data Processing Services	20,000	40,000
Administration (OSAS)	93,553	187,105
	\$ 570,928	\$1,081,812

Revenues:

Filing/Annual Fees/Fines	\$ 796,000	\$ 928,059
--------------------------	------------	------------

wners (of more than 100
ness Regulation takes
paces are not required to

ases, settlement of
spectus, take effect

84-85

1985-86

30,000

46,500

70,000

46,500

50,000

30,204

\$ 540,366

57,171

314,341

20,000

40,000

93,553

187,105

70,928

\$1,081,812

Filing/Annual Fees/Fines

\$ 796,000

\$ 928,059

C. Long Run Effects other than Normal Growth

N/A

D. Appropriations Consequences

<u>Expenditures:</u>	1984-85	1985-86
Mobile Home Trust Fund	\$ 717,428	\$1,081,812
<u>Revenues:</u>		
Mobile Home Trust Fund	\$2,146,000	\$ 928,059

III. COMMENTS

The bill provides no source of revenue for start-up expenditures prior to revenues being earned.

The recurring expenditure for administration is a pro-rata share of operating the Office of the Secretary and Division of Administrative Services. The other agency trust funds will be reduced by the amount of this increase.

The fees in this bill do not appear to adequately fund the regulatory costs incurred (as requested by the department) beginning with F.Y. 1989-90.

Anthony P. Cavallo
Staff Director

J.R.K.
Staff Analyst

Florida Legislature
History of Legislation
1984 Regular Session



prepared by:

Joint Legislative Management Committee

Legislative Information Division
Capitol Building, Room 826 — 488-4371

05/31/84 Calendar
 06/01/84 HOUSE Placed on Special Order Calendar; Read second time,
 Read third time, Passed; YEAS 105 NAYS 0 -HJ 01092
 06/01/84 Ordered enrolled -SJ 00975
 08/08/84 SENATE Signed by Officers and presented to Governor
 06/19/84 Approved by Governor Chapter No. 84-280

↙ S 0754 GENERAL BILL/CS by Judiciary-Civil,
 Economic, Community and Consumer Affairs, Langley and others
 (Similar CS/H 1128, Compare H 0631, S 1058)
(CS/CS) Mobile Home Act; creates said act; provides rights with respect
 to mobile home tenancies & mobile home associations; provides for
 injunctive relief; creates provisions with respect to mobile home park
 restrictions, sale of mobile home parks & park owners' obligations, etc.
 Amends F.S. Effective Date: Upon becoming law.
 04/04/84 SENATE Filed
 04/10/84 SENATE Introduced, referred to Economic, Community and
 Consumer Affairs -SJ 00090
 04/20/84 SENATE On Committee agenda-- ECCA, 04/24/84, 2:00 pm, Rm. H
 04/24/84 SENATE Comm. Report: CS placed on Calendar by Economic,
 Community and Consumer Affairs -SJ 00190
 05/01/84 SENATE CS read first time -SJ 00193
 05/08/84 SENATE Withdrawn from Calendar, rereferred to Judiciary-Civil
 -SJ 00241
 05/11/84 SENATE Extension of time granted Committee Judiciary-Civil; On
 Committee agenda-- Judiciary-Civil, 05/11/84, Not
 considered
 05/16/84 SENATE On Committee agenda-- Judiciary-Civil, 05/18/84, 9:00
 am, Rm. B
 05/18/84 SENATE Comm. Report: CS/CS placed on Calendar by
 Judiciary-Civil -SJ 00340
 05/23/84 SENATE CS read first time -SJ 00342
 05/24/84 SENATE Placed on Special Order Calendar; Iden./Sim. House Bill
 substituted; La'd on table under Rule,
 Iden./Sim./Compare Bill passed, refer to CS/CS/HB 1126
 (Ch. 84-80) -SJ 00412

S 0755 LOCAL BILL by Malchon (Similar H 0623)
Tampa Bay Study Commission; (Hillsborough/Manatee/Pinellas Counties)
 creates Tampa Bay Management Study Commission; prescribes membership,
 appointment, powers, duties, & expiration of commission.
 Effective Date: 08/05/84.
 04/04/84 SENATE Filed
 04/10/84 SENATE Introduced, referred to Natural Resources and
 Conservation, Rules and Calendar -SJ 00090
 04/17/84 SENATE On Committee agenda-- Natural Res. & Cons., 04/19/84,
 2:00 pm, Rm. H
 04/19/84 SENATE Comm. Report: Favorable with amend. by Natural
 Resources and Conservation -SJ 00158
 04/23/84 SENATE Now in Rules and Calendar -SJ 00158
 05/01/84 SENATE Considered, placed on Local Calendar by Rules and
 Calendar -SJ 00208
 05/02/84 SENATE Passed as amended; YEAS 40 NAYS 0 -SJ 00217
 05/08/84 HOUSE In Messages
 05/09/84 HOUSE Received, placed on Calendar -HJ 00339
 05/10/84 HOUSE Placed on Local Calendar
 05/14/84 HOUSE Removed from Local Bill Calendar -HJ 00379; Placed on
 Special Order Calendar
 05/24/84 HOUSE Read second time -HJ 00653
 05/25/84 HOUSE Read third time; Passed; YEAS 85 NAYS 19 -HJ 00670
 05/25/84 Ordered enrolled -SJ 00456
 05/30/84 SENATE Signed by Officers and presented to Governor -SJ 00596
 06/05/84 Approved by Governor Chapter No. 84-440

S 0756 GENERAL BILL by McPherson and others (Similar CS/H 0838)
Broward Co. Expressway System; authorizes D.O.T. to covenant to complete
 certain revenue producing projects for the Broward Co. Expressway
 System; provides conditions; provides priorities for commitment of funds
 necessary to satisfy debt service on certain bonds. Effective Date
 CONTINUED ON NEXT PAGE

05/01/84 HOUSE On Committee agenda-- For subreferral, 21 HOB, 8 am,
05/03--POSTPONED
05/21/84 HOUSE Withdrawn from Finance & Taxation -HJ 00507; Placed on
Calendar
05/25/84 HOUSE Placed on Local Calendar; Iden./Sim. Senate Bill
substituted; Laid on table under Rule,
Iden./Sim./Compare Bill passed, refer to SB 759 (Ch.
84-513) -HJ 00686

H 1124 GENERAL BILL by Silver (Identical S 0779)


Motorists' Rehabilitation; appropriates funds for facility for
rehabilitation of motorists to be jointly constructed & operated by
Miami-Dade Community College Medical Center Campus & DUI Countermeasures
of Dade Co., Inc. Appropriation: \$11,608,810. Effective Date: 07/01/84.

04/03/84 HOUSE Filed
04/04/84 HOUSE Introduced, referred to Criminal Justice, Higher
Education, Appropriations -HJ 00121
04/11/84 HOUSE Subreferred to Subcommittee on Law Enforcement, Drugs
and Miscellaneous
04/20/84 HOUSE On Committee agenda-- Subcomm., Crim. Justice, 24 HOB,
1:30pm, 04/23; On Committee agenda, pending
subcommittee action-- Criminal Justice, 314 HOB,
3:30pm, 04/23
06/01/84 HOUSE Died in Committee on Criminal Justice

H 1125 JOINT RESOLUTION by Sanderson and others (Identical S 0980)

Private Property Rights; constitutional amendment to provide that
substantial damage or impairment of use, by any means, to land shall
only be for public purpose or for public health, safety, & welfare;
provides for just compensation for damage. Amends s. 15, Art. X.

04/03/84 HOUSE Filed
04/05/84 HOUSE Introduced, referred to Judiciary, Appropriations
-HJ 00133
05/15/84 HOUSE Subreferred to Subcommittee on Court Systems and
Miscellaneous
06/01/84 HOUSE Died in Committee on Judiciary


 H 1126 GENERAL BILL/CS by Appropriations, Judiciary, Dunbar, Silver and others
(Similar CS/S 0754, Compare H 0831, S 1056)

(CS/CS) Mobile Home Act; creates said act; provides rights with respect
to mobile home tenancies & mobile home associations; provides for
injunctive relief; creates provisions with respect to mobile home park
restrictions, sale of mobile home parks & park owners' obligations, etc.
Amends F.S. Effective Date: 06/04/84.

04/03/84 HOUSE Filed
04/05/84 HOUSE Introduced, referred to Judiciary, Finance & Taxation,
Appropriations -HJ 00133; Subreferred to Subcommittee
on Consumer, Probate and Family Law
04/12/84 HOUSE On Committee agenda-- Subcomm., Judiciary, 24 HOB, 9:00
am, 04/18/84
04/19/84 HOUSE Comm. Report: CS by Judiciary -HJ 00236; Now in Finance
& Taxation
04/24/84 HOUSE On Committee agenda-- For subreferral, 21 HOB, 8:30am,
04/26/84
04/26/84 HOUSE On Committee agenda-- F. & T., 21 HOB, 1:30pm,
04/30/84
05/03/84 HOUSE Comm. Report: Favorable with amend. by Finance &
Taxation -HJ 00299; Now in Appropriations
05/04/84 HOUSE On Committee agenda-- Appropriations, 21 HOB, 8:00 am,
05/08/84
05/14/84 HOUSE Comm. Report: CS/CS placed on Calendar by
Appropriations -HJ 00415
05/16/84 HOUSE Placed on Special Order Calendar
05/18/84 HOUSE CS read first and second times; Amendments adopted
-HJ 00482
05/21/84 HOUSE Read third time; CS passed as amended; YEAS 103 NAYS
2 -HJ 00493
05/21/84 SENATE In Messages
05/24/84 SENATE Received, referred to Economic, Community and Consumer

CONTINUED ON NEXT PAGE

- 05/24/84 Affairs -SJ 00404; Withdrawn from Economic, Community and Consumer Affairs. Substituted for CS/CS/SB 754; Passed; YEAS 33 NAYS 1 -SJ 00412
- 05/28/84 Ordered enrolled
- 05/31/84 HOUSE Signed by Officers and presented to Governor -HJ 01045
- 06/04/84 Approved by Governor Chapter No. 84-80
- H 1127 GENERAL BILL by Crady, Williams (Identical S 0662)
School Districts; requires Legislature to apportion school districts of state into 5 regions & calculate each year a regional cost differential for each region. Amends 236.081. Effective Date: Upon becoming law.
- 04/03/84 HOUSE Filed
- 04/05/84 HOUSE Introduced, referred to Education, K - 12, Appropriations -HJ 00133
- 04/16/84 HOUSE On Committee agenda-- For subreferral, 214 C, 3:30pm, 04/18/84
- 06/01/84 HOUSE Died in Committee on Education, K - 12
- H 1128 GENERAL BILL/CS by Natural Resources, Smith, Kelly, Messersmith, Shackelford
Wildlife; modifies definition of "residents of Florida" for purposes of construction of wildlife law as it applies to requirements for hunting & fishing licenses. Amends 372.001. Effective Date: Upon becoming law.
- 04/03/84 HOUSE Filed
- 04/05/84 HOUSE Introduced, referred to Natural Resources, Appropriations -HJ 00133
- 04/06/84 HOUSE Subreferred to Subcommittee on Living Resources
- 04/12/84 HOUSE On Committee agenda-- Subcomm., Nat. Resources, 24 HOB, 3:30pm, 04/16
- 04/20/84 HOUSE On Committee agenda-- Natural Resources, 413 C, 2:00 pm, 04/24/84
- 05/02/84 HOUSE Comm. Report: CS by Natural Resources -HJ 00289; Now in Appropriations
- 05/09/84 HOUSE Subreferred to Subcommittee on General Government (Sub. II)
- 05/17/84 HOUSE Withdrawn from Appropriations -HJ 00459; Placed on Calendar
- 06/01/84 HOUSE Died on Calendar
- H 1129 RESOLUTION by Carlton, Danson, Grindle, Johnson, B. L., Jones, C. F., Lewis, McEwan, Meffert, Mills, Robinson, Stewart, Thompson, Upchurch and others
Four-Way Test; endorses & adopts the Four-Way Test as an aid in the ~~important~~ deliberations of the House of Representatives, & dedicates this resolution to the memory of Walter LeGrande.
- 04/03/84 HOUSE Filed
- 04/05/84 HOUSE Introduced, placed on Calendar; Read second time; Adopted. -HJ 00132
- H 1130 LOCAL BILL by Mitchell
Jacob City/Boundaries; (Jackson Co.) revises boundaries of proposed City of Jacob City; revises dates for referendum on said act & for initial election & terms of city council members. Effective Date: Contingent.
- 04/03/84 HOUSE Filed
- 04/09/84 HOUSE Introduced, referred to Community Affairs -HJ 00154
- 04/23/84 HOUSE On Committee agenda-- Community Affairs, 314 HOB, 1:15pm, 04/25/84
- 05/09/84 HOUSE Comm. Report: Favorable, placed on Calendar by Community Affairs -HJ 00352
- 05/10/84 HOUSE Placed on Local Calendar
- 05/14/84 HOUSE Read second and third times; Passed; YEAS 118 NAYS 0 -HJ 00397; Immediately certified
- 05/14/84 SENATE In Messages
- 05/21/84 SENATE Received, referred to Rules and Calendar -SJ 00333
- 05/22/84 SENATE Considered, placed on Local Calendar by Rules and Calendar -SJ 00339
- 05/23/84 SENATE Passed; YEAS 37 NAYS 0 -SJ 00370
- 05/24/84 Ordered enrolled
- 05/29/84 HOUSE Signed by Officers and presented to Governor -HJ 00841

CONTINUED ON NEXT PAGE

HB1126



FLORIDA HOUSE OF REPRESENTATIVES
BILL DRAFTING SERVICE

April 3, 1984

James Lowe
Director

James V. Morrison
William Leary
Dianne Mellon
Sharon K. Wright

Phyllis E. Barkley
Administrative Assistant

Representative Peter M. Dunbar
325 Capitol
Tallahassee, Florida

Dear Representative Dunbar:

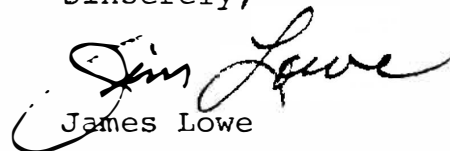
We are pleased to deliver copies of draft #74-143, relating to mobile homes, jacketed for introduction.

As it was brought to this office only this morning, time has not permitted us to put it through our ordinary editing process and other quality control checkpoints. We have noticed, however, that technical problems may be present in the draft.

We have jacketed the bill "as is" in order to meet the Noon filing deadline, but will now begin a thorough review of the draft. We will advise you of any amendments that may become necessary as a result thereof.

We trust that this will meet with your approval.

Sincerely,


James Lowe

JL/pb
cc: Rep. Silver

COPY

reproduced by
FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
R. A. GRAY BUILDING
Tallahassee, Florida 32399-2250
Series 20 Carton 23
File Folder

"Mobile Home final draft"



Federation of Mobile Home Owners of Florida, Inc.

4020 PORTSMOUTH ROAD

LARGO, FLORIDA

TELEPHONE

January 24, 1984

Representative Ronald A. Silver, Chairman
Mobile Home Study Commission
207 House Office Building
Tallahassee, Florida 32301

Attention Teresa Brown

Re: December 21, 1983 Letter; Mobile Home Bill

Dear Representative Silver:

In accordance with the referenced letter, the FMO Legislative Committee has reviewed the 78-page third draft of the Mobile Home Bill. After reading it thoroughly, it was readily apparent that there were many changes from the existing Part 3, Chapter 83 Florida Statute and that these changes reflected considerable effort on the part of the author(s) to improve drastically existing mobile home law. The fact that they accomplished their apparent goal is obvious in many areas, however, the number one problem in Florida for mobile home owners "rent", has not been adequately addressed. In addition, there are other areas which we felt could be improved by either revising, deleting or adding to.

Enclosed with this letter is a proposed revision to the third draft of the Mobile Home Bill. Our primary revision addresses the "Division's" basis for determining the appropriateness of mobile home lot rental rates. In addition this proposed revision contains less significant suggestions but nevertheless, items viewed by us as important to resolving the long range mobile home owner-park owner problems. We sincerely hope that you and your staff will have sufficient time to evaluate these proposals and contact us if questions arise.

COPY

reproduced by
FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
R A GRAY BUILDING
Tallahassee, Florida 32399-0250
Series 20 Carton 23
File Folder

Comments on
HHS

On behalf of the mobile home owners throughout the state, I extend my wholehearted appreciation to you and your staff and any other individuals who participated in the preparation of the third draft as well as those who participate in any future drafts which may be rendered.

Sincerely,

A handwritten signature in cursive script that reads "Fred Yontek".

Fred Yontek
Executive Director

FY:clk

cc: Sen. Richard Langley
Rep. Patrick Neal
Rep. Peter Dunbar

FMC DRAFT 1

1 A bill to be entitled

2 An act relating to mobile homes;

3
4 Section 1. Sections 720.1, 720.2, 720.3, 720.4, 720.5, 720.6, and 720.7,
5 Florida Statutes, are created to read:

6 720.01 Short Title. This Chapter shall be known and may be cited as
7 the "Florida Mobile Home Act."

8 720.02 Application. The provisions of the Chapter shall apply to
9 tenancies in which a mobile home is placed upon a rented or leased lot in a
10 mobile home park for residential use, in mobile home subdivisions where
11 ownership of a portion of the property serving the subdivision is retained by
12 the developer and mobile home parks owned by tenant corporations. This part
13 shall not be construed to apply to any other tenancy including a tenancy in
14 which both a mobile home and a mobile home lot are rented or leased by the
15 mobile home resident or in those instances where rental space is offered for
16 occupancy by recreational vehicles, type of units primarily designed as
17 temporary living quarters for recreation, camping or travel use and which
18 either have their own motive power or are mounted on or drawn by another
19 vehicle. Where both the mobile home and lot are rented, the tenancy shall be
20 governed by the provisions of part II, the "Florida Residential Landlord and
21 Tenant Act".

22 720.03 Legislative policy. The Legislature recognizes that mobile home
23 parks peculiarly affect the public interest and bear a substantial
24 relationship to the public health, safety, morals, and general welfare. The
25 Legislature finds that a hybrid type of property relationship exists between
26 the mobile home owner and the mobile home park owner, and that the

1 relationship is not simply one of landowner and tenant. The Legislature
2 further finds that mobile home owners move into mobile home parks residential
3 communities or mobile home subdivisions at the express or implied invitation
4 of mobile home park owners. Because the homes and appurtenances thereto of
5 mobile home park owners are premanently affixed to plots of land rented from
6 mobile home park owners, and cannot thereafter be moved without incurring
7 substantial expense on the part of the home owners, because home owners have
8 sizeable financial investments in the lots to which their homes and
9 appurtenances thereto are affixed, and because of the scarcity or
10 unavailability of vacant lots in alternative mobile home parks, mobile home
11 owners are in a grossly inferior bargaining position and accordingly are
12 peculiarly vulnerable to abuse by the park owners. The purpose of this act is
13 to codify and clarify existing principles and rights of mobile home owners and
14 mobile home park owners, and thus to ameliorate the inherent vulnerability of
15 mobile home owners by considering the equities which should be accorded mobile
16 home owners and by declaring that both home owners and park owners have basic
17 property rights which must harmonize and be reciprocally accommodated. The
18 Legislature recognizes that the park owner is not permanently divested, by
19 reason of his operation of a mobile home park, or the ultimate rights of
20 possession of the realty comprising the park. However, the home owner is
21 entitled to protections, consistent with the equities and the property right
22 and interests of the mobile home owner on the realty comprising the park,
23 regarding the terms of his occupancy of the lot on which his mobile home and
24 appurtenances thereto are affixed. The provisions of all sections of this
25 part are to be construed in the light of this policy.

26 720.04 Definitions. As used in this chapter, the following words and

[2]

1 terms shall have the following meanings unless clearly indicated otherwise:

2 (1) "Division" means the division of Florida Land Sales, Condominiums,
3 and Mobile Homes of the Department of Business Regulation.

4 (2) "Mobile Home" means a structure transportable in one or more
5 sections. which is eight body feet or more in width, over thirty-five feet
6 long and which is built on an integral chassis, and designed to be used as a
7 dwelling when connected to the required utilities, and includes the plumbing,
8 heating, air conditioning, and electrical systems contained therein.

9 (3) "Mobile Home Broker" means any person who is engaged in the business
10 of offering to procur or procuring the mobile homes for the general public;
11 who holds himself out through solicitation, advertisement, or otherwise as one
12 who offers to procure or procures mobile homes for the general public; or who
13 acts as the agent or middleman on behalf of the owner or seller of a mobile
14 home which is for sale or who assists or represents the seller in finding a
15 buyer for the mobile home.

16 (4) "Mobile Home Dealer" means any person engaged in the business of
17 buying, selling, or dealing in mobile homes or offering or displaying mobile
18 homes for sale. The term "dealer" includes a mobile home broker. Any person
19 who buys, sells, deals in, or offers or displays for sale, or who acts as the
20 agent for the sale of, one or more mobile homes in any 12-month period shall
21 be prima facie presumed to be a dealer. The terms "selling" and "sale"
22 include lease-purchase transactions. The term "dealer" does not include banks
23 and finance companies who acquire mobile homes as an incident to their regular
24 business and does not include mobile home rental and leasing companies that
25 sell mobile homes to dealers licensed under this section.

26 (5) "Mobile home park developer" means a person or entity who undertakes

1 to build or develop a mobile home park on land not previously utilized for
2 that purpose.

3 (6) "Mobile home owner" or "home owner" means a person who owns a mobile
4 home and rents or leases a lot within a mobile home park for residential use
5 or who owns a mobile home located in a mobile home subdivision.

6 (7) "Mobile home park owner" or "park owner" means an owner of a mobile
7 home park.

8 (8) "Mobile home park" or "park" means a use of land in which two (2) or
9 more lots or spaces are offered for rent or lease for the placement of mobile
10 homes and in which the primary use of the park is residential.

11 (9) "Mobile home subdivision" means a subdivision of mobile homes where
12 indicated lots are owned by owners and where a portion of the subdivision or
13 the amenities serving the subdivision are retained by the subdivision
14 developer.

15 (10) "Mobile home lot rental agreement" or "rental agreement" means any
16 mutual understanding, lease, or tenancy whether oral or in writing, between a
17 mobile home owner and a mobile home park owner in which the mobile home owner
18 is entitled to place his mobile home on a mobile home lot for the payment of
19 consideration to the mobile home park owner.

20 (11) "Permanent Improvement" means property which has been affixed to
21 real property, and which cannot be removed and relocated without substantial
22 damage to the improvement.

23 (12) "Type I mobile home" means any residential unit required by federal
24 law to be constructed according to federal manufactured home constructions and
25 safety standards promulgated by the United States Department of Housing and
26 Urban Development.

1 (13) ""Unreasonable" means arbitrary, capricious, or an act inconsistent
2 with the applicable policies and provision of this act.

3 720.05 Obligation of good faith and fair dealings. Every rental
4 agreement or duty within this chapter imposes an obligation of good faith and
5 fair dealings in its performances or enforcement.

6 720.101 Right of mobile home owners to peacefully assemble; right to
7 communicate.---

8 (1) No provision contained in any bylaws, lease, rental agreement,
9 regulation or rule pertaining to a mobile home park shall infringe upon the
10 right of the mobile home owners to peaceably assemble in an open public
11 meeting for any lawful purpose, at reasonable times and in a reasonable
12 manner, in the common areas or recreational areas of the mobile home park.

13 (2) No provision contained in any bylaw, lease, rental agreement,
14 regulation or rule pertaining to a mobile home park shall infringe upon the
15 right of the mobile home owner or tenants to communicate or assemble among
16 themselves, at reasonable times and in a reasonable manner, for the purpose of
17 discussing any problems relative to the mobile home park. Such discussions
18 may be held in common areas or recreational areas of the park including halls
19 or centers or in any residents' mobile home. In addition, the park owner or
20 developer may not restrict the use of any facility including utilities when
21 requested.

22 (3) No provision contained in any bylaw, lease, rental agreement,
23 regulation or rule pertaining to a mobile home park shall prohibit any mobile
24 home owner or tenant from canvassing mobile home owners for any purpose. For
25 the purposes of this section, the term "canvassing" includes an oral or
26 written request, the distribution, circulation, posting, or publication of a

1 notice, or a general announcement requesting the payment of membership dues or
2 other matters relevant to the membership of such park association, federation
3 or organization. Such canvassing is to be done at a reasonable time, or
4 times, in a reasonable manner. It is the intent of the Legislature, through
5 the enactment of this subsection, to prohibit any owner or manager of a mobile
6 home park from prohibiting free communication among mobile home owners or
7 tenants in the guise of regulations or rules restricting or limiting
8 canvassing for association or federation dues or other association or
9 federation matters.

10 720.102 Right of mobile home owner to invite public officers, candidates
11 for public office, or officers of a tenant organization.--

12 No provision contained in any bylaw, lease, rental agreement, regulation or
13 rule pertaining to a mobile home park shall infringe upon the right of a
14 mobile home owner to invite public officers, candidates who have qualified for
15 public office, or officers and representatives of a tenant organization to
16 appear and speak upon matters of public interest in the common areas or
17 recreational areas of the mobile home park at reasonable times and in a
18 reasonable manner in an open public meeting.

19 720.103 Injunction. Any mobile home owner prevented from exercising
20 rights guaranteed in Sec. 720.101 or 102 may bring action either to the
21 division or appropriate court having jurisdiction in the county in which the
22 alleged infringement occurred, upon favorable adjudication, the court or
23 division shall enjoin the enforcement of any provision contained in any bylaw,
24 lease, rental agreement, regulation or rule pertaining to a mobile home park
25 which operates to deprive the owner of such rights.

26 720.104 Mobile home parks; restriction on disposal of mobile homes,

1 proceedings.---

2 (1) No mobile home park owner or developer shall make or enforce any rule
3 or regulation which shall deny or abridge the right of any resident of such
4 mobile home park or any owner of a mobile home located in such park to sell
5 said mobile home within the park, which shall prohibit the mobile home owner
6 from placing a "for sale" on or in his mobile home, the size, placement and
7 character of all signs to be subject to properly promulgated reasonable rules
8 and regulations of the mobile home park, or which shall require the resident
9 or owner to remove the mobile home from the park at the time of the sale of
10 the mobile home unless the continued existence of the mobile home in the
11 mobile home park is so detrimental that it directly and adversely affects the
12 resale value of the other mobile homes in the park or directly and adversely
13 affects the health, safety and welfare of the other residents or home owners
14 in the mobile home park. The mobile home owner shall notify the park owner in
15 writing of his intent to sell the mobile home within the park. No later than
16 5 days after receipt of notice of intent to sell a mobile home, a mobile home
17 park owner shall notify in writing the mobile home owner of any objection to
18 the sale, within the park, of the mobile home. The notice shall specifically
19 state the grounds upon which the objection is made, which shall be limited to
20 the grounds specified in this subsection. Upon receiving notice of objection
21 to the sale of the mobile home, a mobile home owner shall have 60 days in
22 which to file a complaint with the division to seek a determination of whether
23 or not the park owner's objection to the sale of the mobile home actually and
24 reasonably comes within the grounds established in this subsection. Failure
25 to file such a complaint shall constitute acceptance of the park owner's
26 objection to the sale of the home, and the mobile home shall be removed from

1 the mobile home park upon termination of the existing rental agreement. The
2 division shall determine within 30 days after the filing of a complaint under
3 this subsection whether the resale of the mobile home in the mobile home park
4 shall be permitted.

5 (2) The purchaser of a mobile home, situated within a mobile home park or
6 a mobile home subdivision, if said purchaser would otherwise qualify with the
7 requirements of entry into the park under the park rules and regulations, may
8 become a tenant of the park. The park owner shall not exact a commission or
9 fee with respect to the sale of or the offer to sell a mobile home unless the
10 park owner or developer has acted as agent for the mobile home owner in the
11 sale pursuant to a written contract. The park owner or developer shall not
12 refuse any resident or owner the right to sell to a qualified buyer.

13 (3) The seller of any mobile home shall be required to deliver to the
14 buyer all disclosure material received by the seller or from the park
15 developer prior to the closing of any such sale.

16 (4) The purchaser of the mobile home who becomes a tenant of the mobile
17 home park owner in accordance with this section assumes the remainder of the
18 term of any rental agreement then in effect between the mobile home park owner
19 and the seller.

20 720.105 Homeowners' Associations.---In order to exercise the rights
21 provided in Section 720.106, the mobile home owners shall form a corporation
22 in compliance with this section and section 720.105, which shall be a
23 corporation in which written consent to be shareholders or members has been
24 given in writing shall have at least two-thirds of the mobile home owners.
25 Upon such two-thirds consent, all mobile home owners shall be members of the
26 corporation and shall be bound by the provisions of the Articles of

1 Incorporation, the Bylaws of the Corporation, and such restrictions as may be
2 properly promulgated pursuant thereto. The members of the association shall
3 have no members or shareholders who are not bona fide owners of the mobile
4 home located in the park. The articles of incorporation of such homeowners'
5 association shall provide for the following:

6 (1) The articles of incorporation shall provide that the association has
7 the power to negotiate for, acquire, and operate the mobile home park on
8 behalf of the residents. The articles of incorporation shall further provide
9 for the conversion of the mobile home park once acquired to a cooperative form
10 or other type of ownership. Upon acquisition of the property, the association
11 shall be the entity which creates parcels for sale or lease in the ordinary
12 course of business, or the entity that owns the record interest in the
13 property and that is responsible for the operation of the property.

14 (2) The association may contract, sue, or be sued with respect to the
15 exercise or nonexercise of its powers. For these purposes the powers of the
16 association include, but are not limited to, the maintenance, management, and
17 operation of the park property. The association may institute, maintain,
18 settle, or appeal actions or hearings in its name on behalf of all home owners
19 concerning matters of common interest, including but not limited to, the
20 common property; structural components of a building or other improvements;
21 mechanical, electrical, and plumbing elements serving the park property; and
22 protests of ad valorem taxes on commonly used facilities. If the association
23 has the authority to maintain a class action, the association may be joined in
24 an action as representative of that class with reference to litigation and
25 disputes involving the matters for which the association could bring a class
26 action. Nothing herein limits any statutory or common law right of any

1 individual home owner or class of home owners to bring any action which may
2 otherwise be available.

3 (3) The powers and duties of the association include those set forth in
4 this section and those set forth in the articles of incorporation and bylaws,
5 and any recorded declarations or restrictions encumbering the park property,
6 if not inconsistent with this chapter.

7 (4) The association has the power to make and collect assessments and to
8 lease, maintain, repair, and replace the common areas.

9 (5) The association shall maintain accounting records in the county where
10 the property is located, according to good accounting practices. The records
11 shall be open to inspection by association members or their authorized
12 representatives at reasonable times, and written summaries of such records
13 shall be supplied at least annually to such members or their authorized
14 representatives. Failure of the association to permit inspection of the
15 association's accounting records by members or their authorized representative
16 entitles any person prevailing in an enforcement action to recover reasonable
17 attorney's fees from the person in control of the books and records who,
18 directly or indirectly, knowingly denies access to the books and records for
19 inspection. The records shall include, but shall not be limited to:

20 (a) A record of all receipts and expenditures.

21 (b) An account for each member, designating the name and current mailing
22 address of the member, the amount of each assessment, the dates and amounts in
23 which the assessments come due, the amount paid upon the account and the
24 balance due.

25 (6) The association has the power to purchase lots in the park and to
26 acquire and hold. lease, mortgage, and convey them.

1 (7) The association shall use its best efforts to obtain and maintain
2 adequate insurance to protect the association and the park property. A copy
3 of each policy of insurance in effect shall be made available for inspection
4 by owners at reasonable times.

5 (8) The association has the authority, without the joinder of any home
6 owners, to modify, or move, or create any easement for ingress or egress or
7 for the purposes of utilities if the easement constitutes part of or crosses
8 the park property. This subsection does not authorize the association to
9 modify or move any easement created in whole or in part for the use or benefit
10 of anyone other than the members, without their consent or approval as
11 required by law or the instrument creating the easement. Nothing in this
12 subsection affects the rights of ingress or egress of any member of the
13 association.

14

15 Section 2. Section 720.106, Florida Statutes is created to read:

16 720.106 Bylaws of the homeowners' association.--In order to exercise the
17 right provided in section 720.107, the bylaws of the mobile home association
18 shall provide for the following:

19 (1) The administration of the association and the operation shall be
20 governed by the bylaws.

21 (2) The bylaws shall provide for the following, and if they do not, shall
22 be deemed to include the following provisions:

23 (a) The form of administration of the association shall be described,
24 providing for the titles of the officers and for a board of administration and
25 specifying the powers, duties, manner of selection and removal, and
26 compensation, if any, of officers and board members. Unless otherwise

1 provided in the bylaws. the board of administration shall be composed of five
2 members. The board of administration shall have a president, secretary, and
3 treasurer, who shall perform the duties of those offices customarily performed
4 by officers of corporations, and these officers shall serve without
5 compensation and at the pleasure of the board of administration. The board of
6 administration may appoint and designate other officers and grant them those
7 duties it deems appropriate.

8 (b) A majority of the members shall constitute a quorum. Decisions shall
9 be made by a majority of members represented at a meeting at which a quorum is
10 present. In addition, provision shall be made in the bylaws for definition
11 and use of proxy. Any proxy given shall be effective only for the specific
12 meeting for which originally given and lawfully adjourned meetings thereof. In
13 no event shall any proxy be valid for a period longer than 90 days after the
14 date of the first meeting for which it was given. Every proxy shall be
15 revocable at any time at the pleasure of the member executing it.

16 (c) Meetings of the board of administration shall be open to all members,
17 and notice of meetings shall be posted in a conspicuous place upon the park
18 property at least 48 hours in advance, except in an emergency. Notice of any
19 meetings in which assessments against members are to be considered for any
20 reason shall specifically contain a statement that assessments will be
21 considered and the nature of such assessments.

22 (d) Members shall meet at least once each calendar year, and the meeting
23 shall be the annual meeting. All members of the board of administration shall
24 be elected at the annual meeting unless the bylaws provide for staggered
25 election terms or for their election at another meeting. The bylaws shall not
26 restrict any member desiring to be a candidate for board membership from being

1 nominated from the floor. The bylaws shall provide the method for calling the
2 members to meetings, including annual meetings. The method shall provide at
3 least 14 days' written notice to each member in advance of the meetings and
4 require a posting in a conspicuous place on the park property of a notice of
5 the meeting at least 14 days prior to the meeting. Unless a member waives in
6 writing the right to receive notice of the annual meeting by certified mail,
7 the notice of the annual meeting shall be sent by certified mail to each
8 member, and the mailing constitutes notice. These meeting requirements do not
9 prevent members from waiving notice of meetings or from acting by written
10 agreement without meetings, if allowed by the bylaws.

11 (e) Minutes of all meetings of members and of the board of administration
12 shall be kept in a businesslike manner and thus be available for inspection by
13 members, or their authorized representatives, and board members at reasonable
14 times. The association shall retain these minutes for a period of not less
15 than 7 years.

16 (f) The share or percentage of, and manner of sharing, expenses for each
17 member shall be stated.

18 (g) The board of administration shall mail a meeting notice and copies of
19 the proposed annual budget of expenses to the members not less than 30 days
20 prior to the meeting at which the budget will be considered. If the bylaws
21 provide that the budget may be adopted by the board of administration, the
22 members shall be given written notice of the time and place at which the
23 meeting of the board of administration to consider the budget will be held.
24 The meeting shall be open to the members.

25 (h) The board of administration may, in any event, propose a budget to
26 the members at a meeting of the members, or by writing, and if the budget or

1 proposed budget is approved by the members at the meeting or by a majority of
2 their whole number in writing. that budget shall not thereafter be examined by
3 the members nor shall the board of administration be recalled under the terms
4 of this section.

5 (i) The manner of collecting from the members their share of expenses for
6 maintenance of the park property shall be stated. Assessments shall be made
7 against members not less frequently than quarterly, in amounts no less than
8 are required to provide funds in advance for payments of all the anticipated
9 current operating expenses, and for all the unpaid expense previously incurred.

10 (j) The method by which the bylaws may be amended consistent with the
11 provisions of this part shall be stated. If the bylaws fail to provide a
12 method of amendment, the bylaws may be amended if the amendment is approved by
13 not less than two-thirds of the members. No bylaw shall be revised or amended
14 by reference to its title or number only.

15 (k) The officers and directors of the association have a fiduciary
16 relationship to the members.

17 (l) Any member of the board of administration may be recalled and removed
18 from office with or without cause by the vote or agreement in writing by a
19 majority of all members. A special meeting of the members to recall a members
20 or members of the board of administration may be called by 10 percent of the
21 members giving notice of the meeting as required for a meeting of members, and
22 the notice shall state the purpose of the meeting.

23 (3) The bylaws may provide the following:

24 (a) A method of adopting and of amending administrative rules and
25 regulations governing the details of the operation and use of the park
26 property.

1 (b) Restrictions on, and requirements respecting, the use and maintenance
2 of mobile homes located within the park, and the use of the park property, not
3 inconsistent with the articles of incorporation.

4 (c) Other provisions not inconsistent with this chapter or with other
5 documents governing the park property or mobile homes located therein.

6 (4) No amendment may change the proportion or percentage by which members
7 share in the expenses as initially established unless the members approve the
8 amendment.

9

10 Section 3 Section 720.107, Florida Statutes, is created to read:

11 720.107 Sale of mobile home parks.--

12 (1) If a mobile home park owner offers a mobile home park for sale,
13 receives an offer from a third party for the purchase of the mobile home park,
14 or if the mobile home park owner proposes a change in land use, he shall
15 notify the home owners of the mobile home park of his offer, stating the price
16 and the terms and the condition of sale. The tenants by and through the
17 association defined in s. 720.105 shall have the right to purchase the park,
18 provided that the home owners shall meet the price and terms and conditions of
19 the mobile home park owner by executing a contract with the park owner within
20 45 days, unless agreed to otherwise, from the date of mailing of the notice,
21 and provided they have complied with ss. 720.105 and 720.106. If a contract
22 between the park owner and the association is not executed within such 45 day
23 period, then unless the park owner shall thereafter elect to offer the park at
24 a price lower than specified in the park owner's notice to the home owners,
25 the park owner shall have no further obligations under this subsection, and
26 the only obligation of the park owner shall be as set forth in subsection

1 (2). If the park owner shall thereafter elect to offer the park at a price
2 lower than the price specified in the park owner's notice to the home owners,
3 the home owners, by and through the association, shall have an additional 10
4 days to meet the price and terms and conditions of the park owner by executing
5 a contract. As used in this subsection, the term offer means any solicitation
6 by the park owner to the general public.

7 (2) If a mobile home park owner receives a bona fide offer to purchase
8 the park that he intends to consider or make a counter offer to, he shall
9 notify the home owners that he has received an offer and disclose the price
10 and material terms and conditions upon which he would consider selling the
11 park and consider any offer made by the home owners, provided the home owners
12 shall have complied with ss. 720.105 and 720.106. The park owner shall be
13 under an obligation to sell to the home owners the mobile home park within the
14 time and in the manner provided in the bona fide offer to purchase, provided
15 that the association executes a valid contract for sale of the park within 5
16 days of notification, otherwise, the park owner shall be free at any time to
17 execute a contract for sale of the park to a party or parties other than the
18 home owners association..

19 (3) As used in subsections (1) and (2), "notify" means the placing of a
20 notice in the U.S. mail addressed to the home owner's last known mailing
21 address. Each notice shall be deemed to have been given upon the deposit
22 thereof in the U.S. mail.

23 (4) A park owner may, at any time, record in the official records of the
24 county where a mobile home park is situated an affidavit in which the park
25 owner shall certify:

26

1 (a) That, with reference to an offer by the owner for the sale of such
2 park, the owner has complied with the provisions of subsection (1) hereof;

3 (b) That, with reference to an offer received by the park owner for the
4 purchase of a park, or with reference to a counter offer which the park owner
5 intends to make, or has made, for the sale of such park, the park owner has
6 complied with the provisions of subsection (2) hereof;

7 (c) That, notwithstanding the park owner's compliance with the provisions
8 of either subsection (1) or subsection (2) hereof, no contract has been
9 executed for the sale of such park between the park owner and the association;

10 (d) That the provisions of subsections (1) and (2) are inapplicable to a
11 particular sale or transfer of such park by the park owner, and compliance
12 with such subsections is not required; or

13 (e) That a particular sale or transfer of such park is exempted from the
14 provisions of this section.

15

16 Any party acquiring an interest in a mobile home park, and any and all title
17 insurance companies and attorney preparing, furnishing or examining and
18 evidence of title, shall have the absolute right to rely on the truth and
19 accuracy of all statements appearing in such affidavit, and shall be under no
20 obligation to inquire further as to any matter or fact relating to the park
21 owner's compliance with the provisions of this section. It is the purpose and
22 intention of this subsection

23 (4) to preserve the marketability of title to mobile home parks, and
24 accordingly, the provisions hereof shall be liberally construed in order that
25 the purchasers and encumbrances may rely of the record title to mobile home
26 parks.

1 (5) This section shall not apply to any of the following sales or
2 transfers:

3 (a) Any sale or transfer to a person included within the table of descent
4 and distribution were the park owner to die intestate;

5 (b) Any transfer by gift, devise or operation of law;

6 (c) Any transfer for value by a corporation to an "affiliate" (for this
7 purpose, an "affiliate" shall mean any shareholder of the transferring
8 corporation, any corporation or entity owner or controlled, directly or
9 indirectly, by the transferring corporation, or any other corporation or
10 entity owner or controlled, directly or indirectly, by any shareholder of the
11 transferring corporation);

12 (d) Any transfer for value by a partnership to any of its partners,

13 (e) Any conveyance of an interest in a mobile home park incidental to the
14 financing of such mobile home park;

15 (f) Any conveyance resulting from the foreclosure of a mortgage, deed of
16 trust or other instrument encumbering a mobile home park, or any deed given in
17 lieu of such foreclosure;

18 (g) Any sale or transfer between or among joint tenants or tenants-in-
19 common owning a mobile home park; or

20 (h) Any exchange of a mobile home park for other real property, whether or
21 not such exchange shall also involve the payment of cash or other boot
22 provided the mobile home park owner intends to retain the property acquired in
23 the exchange and does not place the exchanged property immediately on the
24 market for resale.

25 (6) This section shall not apply to the purchase of a mobile home park by
26 a governmental entity under its powers of eminent domain.

1 (7) In the event that the association acquires the mobile home park and
2 intends to reconvey a portion or portions of the property acquired to members
3 of the association, the association shall record copies of its articles,
4 bylaws, and any additional covenants, restrictions, or declarations or
5 servitude affecting the property with the clerk of the circuit court prior to
6 the conveyance of any portion of the property to an individual member of the
7 association.

8 720.110 Park owner's access to mobile home and mobile home lot.-- The
9 mobile home park owner shall have no right of access to a mobile home unless
10 the mobile home owner's prior written consent has been obtained or to prevent
11 imminent danger to the occupant of the mobile home. Such consent may be
12 revoked in writing by the mobile home owner at any time. The park owner
13 shall, however, have the right of entry onto the lot for purposes of repair
14 and replacement of utilities and protection of the mobile home park at all
15 reasonable times, but not in such manner or at such time as to interfere
16 unreasonably with the mobile home owner's quiet enjoyment of said lot

17 720.111 Mobile home owner's and mobile home park owner's obligation.--

18 (1) The mobile home owner shall at all times:

19 (a) Comply with all obligations imposed on mobile home owners by
20 applicable provision of building, housing and health codes.

21 (b) Keep the mobile home lot which he occupies clean and sanitary.

22 (c) Comply with properly promulgated and reasonable park rules and
23 regulations and require other persons to comply therewith on the premises with
24 the mobile home owner's consent to conduct themselves in a manner that does
25 not unreasonably disturb his neighbors or constitutes a breach of the peace.

26 (2) The mobile home park owner shall at all times:

1 (a) Comply with the requirements of applicable building, housing and
2 health codes.

3 (b) Maintain buildings and improvements in common areas in a good state
4 or repair and maintenance and maintain the common areas in a good state of
5 appearance, safety and cleanliness.

6 (c) Provide access to the common areas, including buildings and
7 improvements thereto, at all reasonable times for the benefit of the park
8 residents and their guests.

9 (d) Maintain utility connections and systems in reasonably usable
10 condition.

11 (e) Comply with properly promulgated and reasonable park rules and
12 regulations and require other persons on the premises with the park owners
13 consent to comply therewith and conduct themselves in a manner that does not
14 unreasonably disturb the park residents or constitute a breach of peace.

15 (3) The park owner or any mobile home owner may seek enforcement of any
16 properly promulgated rule by filing a complaint with the division. The
17 prevailing party in such enforcement actuan shall be entitled to recover costs
18 including a reasonable attorney's fee.

19 720.112 Governmental action affecting removal of mobile home owners.--

20 No agency of any municipal, local, county or state government shall
21 approve any application for rezoning, or take any other official action, which
22 would result in the removal or relocation of mobile home owners residing in a
23 mobile home park without first determining that within a reasonable distance
24 comparable mobile home parks or other suitable facilities exist for the
25 relocation of the mobile home owners or when said action is opposed by the
26 mobile home park owner.

1 720.113 Retaliatory conduct.--

2 (1) It shall be unlawful for a mobile home park owner to discriminatorily
3 increase a mobile home owner's rent or decrease a mobile home owner's
4 services, or to bring or threaten to bring an action for possession or other
5 civil action, one of the reasons being because the mobile home park owner is
6 retaliating against the mobile home owner. In order for the mobile home owner
7 to raise the defense of retaliatory conduct, the mobile home owner must have
8 acted in good faith. Examples of conduct for which the mobile home park owner
9 may not so retaliate include, but are not limited to, situations where:

10 (a) The mobile home owner has complained to a governmental agency charged
11 with responsibility for enforcement of a building, housing or health code, of
12 a suspected violation applicable to the premises;

13 (b) The mobile home owner has organized, encouraged, or participated in a
14 mobile home owners' organization; or

15 (c) The mobile home owner has complained to the mobile home park owner for
16 failure of the park owner to comply with the provisions of s. 720.111(2) or
17 any other provision of this act.

18 (d) The mobile home owner has threatened, contemplated or filed a
19 complaint with the division.

20 (e) The mobile home owner has organized, encouraged, or participated in
21 and has, or is an officer in a state-wide or county mobile home organization.

22 (2) Evidence of retaliatory conduct may be raised by the mobile home
23 owner as a defense in any action brought against him for possession. In any
24 event, this section shall not apply if the mobile home park owner proves that
25 the eviction is for good cause. Examples of good cause include, but are not
26 limited to, good faith actions for nonpayment of rent, violation of the rental

1 agreement or reasonable rules and regulations or violation of the terms of
2 this chapter.

3 (3) "Discrimination" under this section shall mean that a mobile home
4 owner is being treated differently as to rent charged, services rendered, or
5 the action being taken by the mobile home owner, which shall be a prerequisite
6 to a finding of retaliatory conduct.

7
8 Section 4. Sections 720.201, 720.202, 720.210, 720.211, 720.212, 720.213,
9 720.220, 720.230 are created to read:

10 720.201 Mobile home lease--

11 (1) The mobile home park owner shall offer the mobile home owner a
12 written lease as herein provided, prior to occupancy. If a tenancy is not
13 covered by a valid written lease, the required statutory provisions shall be
14 deemed to be a part of such rental agreement.

15 (2) The lease so offered by any mobile home park owner must be a bona
16 fide offer to lease for a specified term upon the same terms and conditions as
17 leases offered to all other mobile home owners in the park at the same time
18 excepting only rent variations based upon lot location and size.

19 (3) No lease shall be offered for a term of less than three (3) years and,
20 if there is no written lease, no rental term shall be less than five (5) years
21 from the date of initial occupancy.

22 (4) The lease shall contain the amount of the rent, installation charges,
23 fees, assessments and other financial obligations of the mobile home owner.

24 (5) If there is no written lease, then no fees or charges, except those
25 set forth in the prospectus, shall be charged by the park owner during the
26 tenancy.

1 (6) If a mobile home owner has deposited or advance money on a rental
2 agreement, which is held in excess of 3 months by the mobile home park owner
3 or his agent, such advance shall be handled pursuant to s. 83.49.

4 (7) No lease shall contain any rules or regulations prohibited by this
5 chapter nor shall it provide for promulgation or amendment of any rules or
6 regulation inconsistent with this chapter.

7 (8) No mobile home owner may be evicted by refusing to sign a lease.

8 720.202 Written mobile home park leases; content with respect to
9 zoning.--

10 (1) Each written mobile home lease shall contain a notice to the tenant
11 of the nature and type of zoning under which the mobile home park operates;
12 the name of the zoning authority which has jurisdiction over the land
13 comprising the mobile home park; and a detailed description, containing all
14 information available to the mobile home park owner, including the time,
15 manner, and nature thereof, of any definite future plans which the mobile home
16 park owner has for future changes in the use of the land comprising the mobile
17 home park or of a portion thereof.

18 (2) Each mobile home park owner who, enters into any mobile home lease
19 which is not consummated by a written lease shall comply with the requirements
20 of subsection (1) by providing to the mobile home tenant, in writing, the
21 information required by subsection (1) at the time of entering into the lease
22 agreement.

23 (3) Each mobile home park owner shall notify every owner of a mobile home
24 within the mobile home park in writing of any application for a change in
25 zoning of the park within 2 days of the filing for each zoning change with the
26 zoning authority.

1 720.210 Prohibited or unenforceable provisions in mobile home lot rental
2 agreements.--

3 (1) A mobile home lot rental agreement may provide a specific duration
4 with regard to the amount of rental payments and other conditions of the
5 tenancy, but the rental agreement shall neither provide for, nor be construed
6 to provide for, the termination of any rental agreement, except as otherwise
7 provided in this chapter.

8 (2) Any provision in the rental agreement is void and unenforceable to
9 the extent that it attempts to waive or preclude the rights, remedies, or
10 requirements set forth in this chapter or those arising under law.

11 720.211 Attorney's fees.-- If a mobile home lot rental agreement
12 contains a provision allowing attorney's fees to the mobile home park owner,
13 the court and division shall also allow reasonable attorney's fees to the
14 mobile home owner whenever the mobile home owner prevails in any action by or
15 against him. In any proceedings to enforce provisions of this Chapter, the
16 prevailing party is entitled to a reasonable attorney's fee, which shall be
17 the amount charged by the attorney for the prevailing party unless the charge
18 is found to be unreasonable.

19 720.212 Unreasonable lot rental agreements.--

20 (1) If the division finds a mobile home lot rental agreement, or any
21 provision of the lot rental agreement, to be unreasonable, the Division may:

22 (a) Refuse to enforce the rental agreement;

23 (b) Enforce the remainder of the rental agreement without the
24 unreasonable provision;

25 (c) So limit the application of any unreasonable provision as to avoid
26 inconsistent result;

1 (d) Declare such rental agreement or provision thereof to be
2 unenforceable and to levy fines in accordance with s 720.401, and for any
3 attempt to enforce any rental agreement or provision thereof determined by the
4 Division to be unreasonable and to be unenforceable.

5 (2) When it is claimed or appears to the Division that the rental
6 agreement, or any provision thereof, may be unreasonable, the parties shall be
7 afforded a reasonable opportunity to present evidence as to the meaning,
8 relationship of the parties, purpose, and other relevant factors to aid the
9 Division in making a determination.

10 (3) For purposes of rent review, the Division shall:

11 (a) Establish groupings of mobile home parks according to characteristics
12 including but not limited to size, county, services provided, geographical
13 differences, amenities and location.

14 (b) Establish statistical indicators to serve as measures of comparison.
15 The indicators shall include but not be limited to, operating revenue,
16 expenditures and fair return based on actual investment or fair market value
17 investment, whichever is less.

18 (c) Identify parks where prior rates of increases have exceeded
19 reasonable rate increases as established by the commission.

20 (d) Obtain information necessary for the board to evaluate the
21 effectiveness of current services and the mobile home park's justification of
22 increased costs to continue services, improve services, provide new services
23 or discontinue services.

24 (e) The Division shall establish, and thereafter review annually, the
25 criteria from which mobile home park lot rental increases may be exempt from
26 Division review.

1 (f) During the Division's review of rental increases the mobile home
2 park's existing rents shall remain in effect.

3 720.213 Unconscionable lot rental agreements.

4 (1) If the court, as a matter of law finds the mobile home lot rental
5 agreement, or any provision of the rental agreement, to have been
6 unconscionable at the time it was made, the court may:

7 (a) Refuse to enforce the rental agreement.

8 (b) Enforce the remainder of the rental agreement without the
9 unconscionable provision.

10 (c) So limit application of any unconscionable provision as to avoid any
11 unconscionable result.

12 (2) When it is claimed or appears to the Court that the rental agreement,
13 or any provision thereof, may be unconscionable, the parties shall be afforded
14 a reasonable opportunity to present evidence as to meaning, relationship of
15 the parties, purpose, and other relevant factors to aid the court in making
16 the determination.

17 720.220. Rules and Regulations. --

18 (1) A copy of all rules and regulations shall be delivered by the park
19 owner or operator to the mobile home owner prior to his signing the lease or
20 entering into a rental agreement. A copy of the rules and regulations shall
21 also be posted in the recreation hall, if any, or some other conspicuous place
22 in the park, No properly promulgated rule or regulation may be arbitrarily
23 applied and used as a ground for eviction.

24 (2) Only such park rules or regulations as are properly promulgated, not
25 unreasonable and specifically incorporated by reference in the written leases
26 shall be enforceable.

1 (3) After a mobile home park is occupied by two or more mobile home
2 owners, the park rules and regulations may be changed only after a majority of
3 mobile home owners have approved such amendment or change. Provided however,
4 that restrictions required by governmental entities are required to protect
5 the health, safety and welfare of mobile home owners may be promulgated by the
6 mobile home park owner without further approval by the mobile home owners.

7 (4) Only such rules and regulations as are clear, unambiguous and
8 reasonable shall be enforceable.

9 (5) No rule or regulation shall provide for payment of any fee, fine,
10 assessment, or charge unless such rule or regulation shall be approved by a
11 majority of the mobile home owners, nor shall any rule or regulation requiring
12 installation of any improvements, temporary or permanent, unless approved by a
13 majority of the mobile home owners, except as otherwise set forth in the
14 prospectus as originally filed with the division.

15 (6) No rule or regulation establishing a mobile home park as an adult
16 mobile home park shall be changed to permit a family mobile home park unless
17 two-thirds of the mobile home owners shall have consented to such change.

18 (7) No rule or regulation establishing a mobile home park as a family
19 mobile home park shall be changed to permit an adult mobile home park unless
20 two-thirds of the mobile home owners shall have consented to such change.

21 720.230 Mobile Home Parks; eviction, grounds, proceedings.--

22 (1) A mobile home park owner or developer may not evict a mobile home or
23 a mobile home owner other than for the following reasons:

24 (a) Nonpayment of rent.

25 (b) Conviction of a violation of some federal or state law or local
26 ordinance, which violation may be deemed detrimental to the health, safety, or

1 welfare of other dwellers in the mobile home park.

2 (c) 1. A first violation of any properly promulgated and reasonable rule
3 or regulation which is found by the division, or any court having jurisdiction
4 thereof, to have been an act which endangered the life, health, safety, or
5 property of the mobile home park or its occupants, or

6 2. For the second violation of the same properly promulgated and
7 reasonable rule or regulation within 12 months, provided the mobile home park
8 owner has given the mobile home owner written notice within 30 days of the
9 first violation specifying the actions of the mobile home owner causing the
10 violation. The mobile home owner must receive written notice of the grounds
11 upon which he is to be evicted at least 30 days prior to the date on which he
12 is required to vacate. A second violation of a properly promulgated and
13 reasonable rule or regulation, not arbitrarily applied, within 12 months of
14 the first violation shall unequivocally be a ground for eviction, and it shall
15 not be a defense to any eviction proceeding that a rule violation has been
16 cured after the second violation. Violation of a rule or regulation after the
17 passage of one year from the first violation of the same rule or regulation
18 shall not constitute a ground for eviction under this section.

19 (d) Change in use of land comprising the mobile home park or a portion
20 thereof on which a mobile home to be evicted is located from mobile home lot
21 rentals to some other use, provided all tenants affected are given at least 6
22 months or longer if provided for in a valid lease, of the projected change of
23 use and of their need to secure other accommodations. Within six months of
24 such notice, the mobile home park owner shall pay to the mobile home owner the
25 actual cost of relocating the mobile home with the same appurtenances in a
26 comparable mobile home park within a reasonable distance from the park form

1 which the mobile home is being evicted. In the event the mobile home cannot
2 be relocated, the mobile home park owner shall pay to the mobile home owner,
3 as required herein below, the actual fair market value of the mobile home
4 determined as of 60 days prior to the date such mobile home owner is in
5 receipt of the notice required hereunder; provided however, that the
6 unfavorable aspects of the decision to change the use of said mobile home park
7 shall have no negative effect on the valuation to be placed upon each mobile
8 home involved.

9 1. If the mobile home is a single wide mobile home, constructed in 1976
10 or later, and the mobile home is less than 30 years old, the mobile home park
11 owner shall pay to the mobile home owner the actual fair market value of the
12 mobile home and all appurtenances thereto.

13 2. If the mobile home is a double-wide mobile home, constructed in
14 1976 or later, and the mobile home is less than 39 years old, that mobile home
15 park owner shall pay to the mobile home owner the actual fair market value of
16 the mobile home and all appurtenances thereto.

17 3. If the mobile home was constructed prior to 1976, and is less than 25
18 years old, the mobile home park owner shall pay to the mobile home owner, the
19 actual fair market value of the mobile home and all appurtenances thereto.

20 (e) Upon 12 months notice without cause, provided that, upon the service
21 of such notice, the mobile home park owner notifies the mobile home owner of
22 his election to evict either the mobile home or the mobile home owner, or both.

23 1. In the event of an election to evict both the mobile home and the
24 mobile home owner, the mobile home park owner shall pay to the mobile home
25 owner the actual cost of relocating the mobile home with the same
26 appurtenances in a comparable mobile home park within a reasonable distance of

1 the park from which the mobile home is being evicted. In the event the mobile
2 home cannot be relocated, the provisions of paragraph 2 shall be followed. In
3 the event of an election to evict solely the mobile home owner, the mobile
4 home park owner may elect to purchase the mobile home at its present actual
5 fair market value 60 days after the service of notice of eviction or may
6 follow the provisions of subparagraph 2. The election to purchase shall
7 contain as an offer the amount the mobile home park owner believes to
8 constitute the actual fair market value, less reasonable costs of sale,
9 including a reasonable sales commission, of the mobile home. The mobile home
10 owner shall the, within 10 days of receipt of the offer, notify the mobile
11 home park owner of his acceptance or rejection of the offer. If the offer is
12 rejected and the value of the mobile home cannot be agreed upon within the 60
13 day notification period, the procedure established in subparagraph 3 shall be
14 followed. If the parties agree upon a price for the sale of the mobile home,
15 the mobile home owner shall have 60 days from the execution of a contract for
16 sale to vacate the premises.

17 2. The mobile home owner shall, within 20 days of service of notice of
18 eviction, place the mobile home for sale upon the open market. The mobile
19 home shall be sold to the first qualified buyer meeting park rules and
20 regulations who offers a price acceptable to the mobile home owner. The
21 mobile home owner shall vacate the mobile home not later than the last day of
22 the 12-month period involved herein; if the mobile home owner does not
23 vacate, the park owner or operator may proceed to evict him pursuant to this
24 section. In the event no purchaser is found for the mobile home within 12
25 months of the service of notice of eviction, the mobile home park owner shall
26 pay to the mobile home owner 100 percent of the actual fair market value of

[30]

1 the mobile home determined as of the 12th month after the eviction notice was
2 served.

3 3. Either the mobile home park owner or the mobile home owner may demand
4 that a determination of the actual fair market value of the mobile home or the
5 reasonableness of the relocation to another mobile home park to which the
6 mobile home is to be relocated be made by the division. Any such action shall
7 be determined within 60 days of the filing of a complaint under this section.

8 2. This section shall not preclude summary eviction proceedings, and if
9 the park operator or owner does not have one of the grounds set forth in
10 subsection (1) available, the mobile home owner may raise the same by
11 affirmative defense.

12
13 Section 5. Sections 720.301, 720.303, 720.304, and 720.305 are created to
14 read:

15 720.30 Remedies, termination of lease agreement.--

16 (1) If a mobile home owner fails to pay rent when due and if the default
17 continues for three days after delivery of a written demand by the park owner
18 for payment of the rent, the mobile home park owner may terminate the lease
19 agreement and evict the mobile home owner.

20 (2). If the provisions of s. 720.230 (1) (b), (c), or (d) are applicable,
21 the mobile home park owner shall notify the mobile home owner, in writing, of
22 the violation, noncompliance, or grounds for eviction within 7 days of the
23 date the mobile home park owner knew or should have known of its occurrence.
24 Such notice shall indicate the intention of the park owner to terminate the
25 lease agreement and shall specify the date the mobile home owner and his
26 mobile home are to vacate the mobile home lot.

1 (3). If the lease agreement is terminated and if the mobile home owner
2 does not vacate the lot, the park owner may recover possession as provided in
3 this section.

4 (4) A mobile home park owner applying for the removal of a mobile home or
5 a mobile home owner, or both, shall file, with the division, a complaint
6 describing the lot and stating the facts that authorize the removal of the
7 mobile home and the mobile home owner. That park owner shall be entitled to
8 the summary procedure provided in s. 51.011, and the court shall advance the
9 cause on the calendar.

10 (5) The delivery of any written notice required by this section shall be
11 by certified mail, return receipt requested.

12 720.302 Remedies; removal of mobile home owner; process.-- In an action
13 for possession, after entry of judgement in favor of the mobile home park
14 owner, the clerk shall issue a writ of possession to the sheriff describing
15 the lot or premises and commanding him to put the mobile home park owner in
16 possession. The writ of possession shall not issue earlier than 30 days from
17 the date judgement is granted.

18 720.303 Civil remedy; venue; court costs and attorney's fees;
19 injunction.--

20 (1) Any right or duty declared in this chapter is enforceable by the
21 division or by civil action.

22 (2) That once any action is filed with either the division or civil action
23 is taken than that particular entity shall have exclusive jurisdiction of the
24 matter.

25 (3) If either the mobile home park owner or the mobile home owner fails to
26 comply with the requirements of the mobile home lot rental agreement or other

1 provisions of this part, the aggrieved party may recover the damages caused by
2 the noncompliance. The prevailing party is entitled to a reasonable
3 attorney's fee which shall be the amount charged by the attorney for the
4 prevailing party unless the charge is found to be unreasonable.

5 (4) A mobile home owner or dweller may file a complaint with the sivation
6 or may bring civil action against a mobile home park owner violating the
7 provisions of this chapter. Upon adverse determination by the division or
8 court, the losing party shall be liable for damages. The division or court
9 may in its discretion award such equitable relief as it deems necessary,
10 including applying to the circuit court for an order enjoining the losing
11 party from further violations and/or may levy fine, as prescribed is s.
12 720.401 for further violation. The losing party shall be liable for costs of
13 enforcement, including a reasonable attorney's fee incurred by the prevailing
14 party.

15 (5) If any part of this act is considered by civil action, it shall be by
16 trial with jury.

17 (6) The Department of Legal Affairs shall have concurrent jurisdiction as
18 an enforcing authority if the violation occurs in, or affects more than one
19 judicial circuit or if the division fails to act upon a violation in a
20 reasonable period of time.

21 720.304 Remedies; defenses to action for rent or possession; procedure.--

22 (1) In an action by the mobile home park owner for possession of a mobile
23 home lot based upon nonpayment of rent or seeking to recover unpaid rent, the
24 mobile home owner may defend upon the ground of a material noncompliance with
25 any portion of this chapter or may raise any other defense, whether legal or
26 equitable, which he may have including the defense of retaliatory conduct in

1 accordance with s. 720.113. The defense of material noncompliance may be
2 raised by the mobile home owner only if said mobile home owner has, prior to
3 the due date of rent, notified the park owner in writing of his intention not
4 to pay rent based upon the park owner's noncompliance with portions of this
5 chapter, specifying in reasonable detail the provisions in default. A
6 material noncompliance with this chapter by the park owner is a complete
7 defense to an action for possession based upon nonpayment of rent, and, upon
8 hearing, the court or the jury, or the division, as the case may be, shall
9 determine the amount, if any, by which the rent is to be reduced to reflect
10 the diminution in value of the lot during the period of noncompliance with any
11 portion of this chapter. After consideration of all other relevant issues,
12 the court or Division shall enter appropriate judgment.

13 (2) In an action by the park owner for possession of a mobile home lot,
14 if the mobile home owner interposes any defense other than payment, the mobile
15 home owner shall pay into the registry of the court or Division the accrued
16 rent, as alleged in the complaint or as determined by the court or Division
17 and the rent which accrues during the pendency of the proceeding, when due.
18 The court or Division shall notify the mobile home owner of such requirement.
19 Failure of the mobile home owner to pay the rent into the registry of the
20 court or to the Division as required herein constitutes an absolute waiver of
21 the mobile home owner's defenses other than payment, and the park owner is
22 entitled to an immediate default.

23 (3) When the mobile home owner has deposited funds into the registry of
24 the court or to the Division in accordance with the provision of this section
25 and the park owner is in actual danger of loss of the premises or other
26 personal hardship resulting from the loss of rental income from the premises,

1 the park owner may apply to the court or Division for disbursement of all or
2 part of the funds or for prompt final hearing, whereupon the court shall
3 advance the cause on the calendar. The court, or Division, after preliminary
4 hearing, may award all or any portion of the funds on deposit to the park
5 owner or may proceed immediately to a final resolution of the cause.

6 Section 6. Sections 720.401, 720.402, 720.403, 720.404 and 720.405,
7 Florida Statutes, are created to read:

8 720.401 Regulation by division.--The Division of Florida Land Sales,
9 Condominiums, and Mobile Homes of the Department of Business Regulation, has
10 the power and duty to enforce and ensure compliance with the provisions of
11 this chapter and rules promulgated pursuant hereto. In performing its duties,
12 the division shall have the following powers and duties:

13 (1) The division may make necessary public or private investigations
14 within or outside this state to determine whether any person has violated this
15 chapter or any rule or order hereunder, to aid in the enforcement of this
16 chapter, or to aid in the adoption of rules or forms hereunder.

17 (2) The division may require or permit any person to file a statement in
18 writing, under oath or otherwise, as the division determines, as to the facts
19 and circumstances concerning a matter to be investigated.

20 (3) For the purpose of any investigation under this chapter, the division
21 director or any officer or employee designated by the division director may
22 administer oaths or affirmations, subpoena witnesses and compel their
23 attendance, take evidence, and require the production of any matter which is
24 relevant to the investigation, including the existence, description, nature,
25 custody, condition, and location of any books, documents, or other tangible
26 things and the identity and location of persons having knowledge of relevant

1 facts or any other matter reasonably calculated to lead to the discovery of
2 material evidence. Upon failure to obey a subpoena or to answer questions
3 propounded by the investigating officer and upon reasonable notice to all
4 persons affected thereby, the division may apply to the circuit court for an
5 order compelling compliance.

6 (4) The division is authorized to prepare information to assist
7 prospective home owners, purchasers, lessees, and developers of mobile home
8 parks and mobile home subdivision in assessing the rights, privileges, and
9 duties pertaining thereto.

10 (5) Notwithstanding any remedies available to mobile home owners, mobile
11 home park owners, and associations, if the division has reasonable cause to
12 believe that a violation of any provision of this chapter or a properly
13 promulgated park rule, or rule promulgated pursuant hereto has occurred, the
14 division may institute enforcement proceedings in its own name against any
15 developer, mobile home park owner, mobile home owner, or association, or their
16 assignees or agents, as follows:

17 a. The division may permit a person whose conduct or actions may be under
18 investigation to waive formal proceedings and enter into a consent proceeding
19 whereby orders, rules, or letters of censure or warning, whether formal or
20 informal, may be entered against the person.

21 b. The division may issue an order requiring the mobile home owner,
22 mobile home park owner, or its assignee or agent, to cease and desist from the
23 unlawful practice and take such affirmative action as in the judgment of the
24 division will carry out the purposes of this chapter.

25 c. The division may bring an action in circuit court on behalf of a class
26 of mobile home owners, lessees, or purchasers for declaratory relief,

1 injunctive relief, or restitution.

2 d. The division may impose a civil penalty against a mobile home park
3 owner, mobile home developer, mobile home owner, mobile home dealer, mobile
4 home manufacturer, mobile home owners association, or its assignee or agent,
5 for any violation of this chapter, a park rule or regulation, or a rule or
6 regulation promulgated pursuant hereto. A penalty may be imposed on the basis
7 of each day of continuing violation, but in no event shall the penalty for any
8 offense exceed \$5,000. All amounts collected shall be deposited with the
9 Treasurer to the credit of the Florida Mobile Homes Trust Fund. If a violator
10 fails to pay the civil penalty, the division shall thereupon issue an order
11 directing that such violator cease and desist from further violation until
12 such time as the civil penalty is paid or may pursue enforcement of the
13 penalty in a court of competent jurisdiction. If an association fails to pay
14 the civil penalty, the division shall thereupon pursue enforcement in a court
15 of competent jurisdiction, and the order imposing the civil penalty or the
16 cease and desist order shall not become effective until 20 days after the date
17 of such order. Any action commenced by the division shall be brought in the
18 county in which the division has its executive offices or in the county where
19 the violation occurred.

20 (6) The division is authorized to promulgate rules, pursuant to chapter
21 120, necessary to implement, enforce, and interpret this chapter.

22 (7)(a) Each mobile home park owner shall pay to the division, on or
23 before January 1 of each year, an annual fee in the amount of 50 cents for
24 each mobile home lot within a mobile home park which he owns. If the fee is
25 not paid by June 1, then the mobile home park owner shall be assessed a
26 penalty of 10 percent of the amount due, and the mobile home owner shall not

1 have standing to maintain or defend any action in the courts of Florida until
2 the amount due plus any penalty is paid.

3 (b) All fees shall be deposited in the Florida Mobile Home Trust Fund as
4 provided by law.

5 (8)(a) Each mobile home shall be registered, by its owner, with the
6 division. The registration shall be renewed annually during the applicable
7 renewal period, upon payment of the applicable fee as provided in s. 720.

8 (b) There is hereby levied and imposed an annual tax for mobile homes as
9 defined herein, which shall be paid to and collected by the division upon the
10 registration or renewal thereof of a mobile home based upon the length of the
11 mobile home, not including the drawbar and coupling mechanism, as follows:

12 1. Mobile homes not exceeding 35 feet in length: \$20 flat.

13 2. Mobile homes over 35 feet in length, but not exceeding 40 feet: \$25
14 flat.

15 3. Mobile homes over 40 feet in length, but not exceeding 45 feet: \$30
16 flat.

17 4. Mobile homes over 45 feet in length, but not exceeding 50 feet: \$35
18 flat.

19 5. Mobile homes over 50 feet in length, but not exceeding 55 feet: \$40
20 flat.

21 6. Mobile homes over 55 feet in length, but not exceeding 60 feet: \$45
22 flat.

23 7. Mobile homes over 60 feet in length, but not exceeding 65 feet: \$50
24 flat.

25 8. All mobile homes over 65 feet in length: \$80 flat.

26 (c) Upon the receipt of the taxes collected on mobile homes, the division

[381

1 shall pay the sum of \$1.50 on each such license issued into the Mobile Home
2 Trust Fund, and the balance remaining shall be paid into a trust fund in the
3 State Treasury designated "License Tax Collection Trust Fund," and the moneys
4 deposited in said trust fund shall be paid to the respective counties and
5 cities wherein such mobile homes are located, regardless of where the mobile
6 homes license taxes are collected.

7 (d) The division shall keep records showing the total number of mobile
8 haome registered, the total amount of taxes collected, and the county or city
9 wherein such mobile home is located and shall from month to month certify to
10 the Comptroller the amount derived from mobile home taxes in each county and
11 each city within the county, and such amount, less the amount of \$1.50
12 collected on each license, shall be paid to the counties and cities within the
13 counties wherein the mobile homes are located as follows: One-half to the
14 district school board and the remainder either to the board of county
15 commissioners, for the mobile homes which are located within the
16 unincorporated areas of the county, or to any city within such county, for the
17 mobile homes which are located within its corporate limits. Payment shall be
18 by warrent drawn by the Comptroller upon the treasury, which amount is hereby
19 appropriated monthly out of the License Tax Collection Trust Fund.

20 (9) The division is authorized to charge a fee for supplying a list of
21 licensed mobile home dealers and mobile home manufacturers in the amount of
22 \$15 per list. Fees collected pursuant to this secion shall be deposited into
23 the Mobile Home Trust Fund.

24 (10) Records and documents of the division created in compliance with,
25 and in the implmenetation of this chapter, shall be retained by the division
26 as specified in record retention schedules established under the general

1 provision of chapter 119. Further the division is hereby authorized:

2 (a) To destroy, or otherwise dispose of, those records and documents, in
3 conformity with the approved retention schedules.

4 (b) To photograph, microphotograph, or reproduce on film, as authorized
5 and directed by the approved retention schedules, whereby each page will be
6 exposed in exact conformity with the original records and documents retained
7 in compliance with the provision of the section. Photographs or
8 microphotographs in the form of film or print of any records, made in
9 compliance with the provisions of this section, shall have the same force and
10 effect as the originals thereof would have and shall be treated as originals
11 for the purpose of their admissibility in evidence. Duly certified or
12 authenticated reproductions of such photographs or microphotographs shall be
13 admitted in evidence equally with the original photographs or microphotographs.

14 720.402 Disclosure prior to rental of a mobile home lot.

15 (1) CONTENTS OF CONTRACTS. -- Any contract or lease for the rental of a
16 mobile home lot shall contain:

17 (a) The following legend in conspicuous type: THIS AGREEMENT IS VOIDABLE
18 BY LESSEE BY DELIVERING WRITTEN NOTICE OF THE LESSEE'S INTENTION TO CANCEL
19 WITHIN 15 DAYS AFTER THE RECEIPT BY LESSEE OF ALL OF THE ITEMS REQUIRED TO BE
20 DELIVERED TO HIM BY THE MOBILE HOME PARK OWNER UNDER SECTION 720.402, FLORIDA
21 STATUTES.

22 (b) The following caveat in conspicuous type shall be placed upon the
23 first page of the contract or lease: ORAL REPRESENTATIONS CANNOT BE RELIED
24 UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE PARK OWNER. FOR CORRECT
25 REPRESENTATIONS, REFERENCE SHOULD BE MADE TO THIS CONTRACT AND THE DOCUMENTS
26 REQUIRED BY SECTION 720.402, FLORIDA STATUTES, TO BE FURNISHED BY THE PARK

[40]

1 OWNER TO A LESSEE.

2 (2) COPIES OF DOCUMENTS TO BE FURNISHED TO PROSPECTIVE LESSEE.-- Until
3 such time as the park owner has furnished the documents listed below to a
4 person who has entered into a contract to lease a lot, the contract may be
5 voided by the person, entitling the person to a refund of any deposit together
6 with relocation costs of his mobile home or the market value thereof from the
7 park owner. The contract or lease may be terminated by written notice from
8 the proposed lessee delivered to the park owner within 15 days after the
9 lessee receives all of the documents required by this section. The documents
10 to be delivered to the prospective lessee are the prospectus or disclosure
11 statement with all exhibits.

12 720.402(3) Disclosure.-- The mobile home park owner, or a person
13 authorized to enter into a mobile home lot rental agreement on his behalf,
14 shall disclose in writing to the mobile home owner, at or before the
15 commencement of the tenancy, and, on request, to anyone having previously
16 established a tenancy, the name and address of the mobile home park owner or a
17 person authorized to receive notices and demands on his behalf. Any person so
18 authorized to receive notices and demands retains such authority until the
19 mobile home owner is notified otherwise. All notices of such names and
20 addresses or changes made thereto shall be delivered to the mobile home
21 owner's residence, or, if specified in writing by the mobile home owner, to
22 such specified address.

23 720.403 Prospectus or offering circular. -- Every park owner of a park
24 which contains 10 or more lots shall prepare a prospectus or offering circular
25 and file it with the Division of Florida Land Sales, Condominiums, and Mobile
26 Homes prior to entering into an enforceable rental contract of any lot, and

1 furnish a copy of the prospectus or offering circular to each prospective
2 lessee. The prospectus of offering circular must contain the following
3 information:

4 (1) The front cover or the first page must contain only:

5 (a) The name of the mobile home park.

6 (b) The following statements in conspicuous type:

7 1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE
8 CONSIDERED IN LEASING A MOBILE HOME LOT.

9 2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A
10 PROSPECTIVE LESSEE SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE
11 CONTRACT DOCUMENTS, AND SALES MATERIALS.

12 3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE
13 REPRESENTATIONS OF THE PARK OWNER OR OPERATOR. REFER TO THIS PROSPECTUS
14 (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

15 (2) Summary: The next page must contain all statements required to be in
16 conspicuous type in the prospectus or offering circular.

17 (3) A separate index of the contents and exhibits of the prospectus.

18 (4) Beginning of the first page of the text (not including the summary
19 and index), a description of the mobile home park, including, but not limited
20 to, the following information:

21 (a) Name and location of the park.

22 (b) The name and address of the mobile home park owner.

23 (c) A description of the mobile home park property, including, without
24 limitation:

25 1. The number of lots in each section, size of each lot, setback
26 requirements and separation distance between mobile homes.

1 2. The maximum number of lots that will use shared facilities of the
2 park. If the maximum number of lots will vary, a description of the basis for
3 variation.

4 (5) A description of the recreational and other commonly used facilities
5 that will be used only by the mobile home owners, including, but not limited
6 to, the following:

7 (a) The number of buildings and each room thereof and its intended
8 purposes, location, approximate floor area, and capacity in numbers of people.

9 (b) Each swimming pool, as to its general location, approximate size and
10 depths, approximate deck size and capacity, and whether heated.

11 (c) All other facilities and permanent improvements which will serve the
12 mobile home owners.

13 (d) A general description of the items of personal property.

14 (e) Days and hours that facilities will be available for use.

15 (f) A statement as to whether all improvements are complete and if not,
16 their estimated completion date.

17 (6) The arrangements for management of the park and maintenance and
18 operation of the park property and of other property that will serve the
19 mobile home owners and the nature of the services included.

20 (7) A description of all improvements, whether temporary or permanent,
21 which are required to be installed by the mobile home owner as a condition of
22 his occupancy in the park.

23 (8) The manner in which utility and other services, including, but not
24 limited to, sewage and waste disposal, cable television, water supply, and
25 storm drainage will be provided, and the person or entity furnishing them.

26 (9) An estimated operating budget for the park, whether paid by the park

1 owner from rentals or, in whole or in part, by the mobile home owners, shall
2 be attached as an exhibit. The estimated amounts shall be stated for a period
3 of at least 12 months. The operating budget shall contain the following
4 information:

5 (a) Management fees.

6 (b) Maintenance fees.

7 (c) Rent for common facilities.

8 (d) Taxes upon the property.

9 (e) Insurance.

10 (f) Security provisions.

11 (g) Other expenses, including but not limited to:

12 1. water

13 2. sewer

14 (h) Operating capital.

15 (i) Reserves.

16 (j) Fees payable to the division.

17 (k) Rental on lots.

18 (10) An explanation of the manner in which rents will be raised including
19 but not limited to the following:

20 (a) Notification of the mobile home owners at least 6 months in advance
21 of the increase.

22 (b) Disclosure of any rate increases which may affect lot rental fees,
23 including but not limited to:

24 1. water rates

25 2. sewer rates

26 3. waste disposal

- 1 4. maintenance costs
- 2 5. management costs
- 3 6. property taxes
- 4 7. major repairs or improvements, excluding capital improvements
- 5 8. such economic disclosures as may be acceptable to the division.

6 (11) An explanation of the manner in which park rules and regulations
7 shall be set, changed or promulgated, including the following:

8 (a) Current park rules and regulations in effect governing resident
9 behavior, guest procedures, times for using recreational and other facilities,
10 and any other rules.

11 (b) The voting procedures pertaining to rules and regulation changes and
12 adoption of new park rules or regulations.

13 (12) A statement describing the existing zoning classification of the park
14 property and permitted uses under such classification.

15 (13) A statement of the nature and type of zoning under which the mobile
16 home park operates, the name of the zoning authority which has jurisdiction
17 over the land comprising the mobile home park, and, if applicable, a detailed
18 description of any plans which the park owner has for future changes in the
19 use of the land comprising the mobile home park.

20 (14) Copies of the following, to the extent they are applicable, shall be
21 included as exhibits:

22 (a) The ground lease or other underlying leases of the mobile home park.

23 (b) All contracts relating to the management and maintenance of the park.

24 (c) The lease that will be offered to prospective lessees.

25 (d) A copy of the mobile home park lot layout showing the location of the
26 recreational areas and other common areas.

1 (e) All covenants and restrictions and zoning which will affect the use
2 of the property and which are not contained in the foregoing.

3 (15) All filings shall be accompanied by a filing fee of \$10 per lot.

4 720.404 Purchase of equipment, installation of appliances; fees, charges,
5 assessments; rules and regulations.--

6 (1) No mobile home park owner or developer shall require a resident of
7 the mobile home park to purchase from said owner or developer underskirting,
8 equipment for tying down mobile homes, or any other equipment required by law,
9 local ordinance, or regulation of the mobile home park. However, the park
10 developer or park owner may determine by rule or regulation the style or
11 quality of such equipment to be purchased by the mobile home owner from the
12 vendor of the mobile home owner's choosing, provided the same shall have been
13 disclosed in prospectus given by the park developer or park owner to the
14 mobile home owner.

15 (2) No mobile home park owner or developer shall charge any resident who
16 chooses to install an electric or gas appliance in his mobile home an
17 additional fee solely on the basis of such installation or restrict the
18 installation, service, or maintenance of any such appliance or the making of
19 any interior improvement in such mobile home, so long as such and installation
20 or improvement is in compliance with applicable building codes and other
21 provisions of law.

22 (3) A mobile home park owner or developer shall be required to disclose
23 fully in writing all fees, charges, assessments, and rules and regulations
24 prior to a mobile home owner's assuming occupancy in the park.

25 (4)(a) A mobile home park owner or developer shall not charge any
26 entrance or exit fees except for those fees which are directly incurred by

[46]

1 said park owner or operator as a result of the placing of a mobile home upon,
2 or removal of a mobile home from, a park site. Any such fee shall be clearly
3 identified in writing at the time that the rental agreement is signed or
4 otherwise concluded.

5 (b) It is unlawful for any mobile home park owner or developer or mobile
6 home dealer to make any agreement, written or oral, whereby the fees
7 authorized in this subsection shall be split between any such mobile home park
8 owner or operator and any mobile home dealer. Any person who violates any of
9 the provisions of this subsection is guilty of a misdemeanor of the second
10 degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

11 (5) Failure on the part of the mobile home park owner or developer to
12 disclose fully all fees, charges, or assessments shall prevent the park owner
13 or operator from collecting said fees, charges, or assessments, and refusal by
14 the mobile home owner to pay any undisclosed charges shall not be used by the
15 park owner or developer as a cause for eviction in any court of law.

16 (6) No person shall be required by a mobile home park owner or developer,
17 as a condition of residence in the mobile home park, to provide any
18 improvements unless disclosed pursuant to s. 720.402 prior to occupancy in the
19 mobile home park.

20 (7) Whenever an entrance fee is charged by a mobile home park owner or
21 developer for the entrance of a mobile home or a mobile home owner into the
22 park and such mobile home or mobile home owner leaves before 2 years have
23 passed from the date on which the fee was charged, the fee shall be prorated
24 and a portion returned as follows:

25 (a) Entrance fees shall be refunded at the rate of one twenty-fourth of
26 said fee for each month short of 2 years that a mobile home owner maintains

1 his mobile home within the park.

2 (b) Entrance fees shall be refunded within 15 days after the mobile home
3 has been physically moved from the park

4
5 No new entrance fees may be charged for a move within the same park. This
6 subsection shall not apply in instances in which the mobile home owner is
7 evicted on grounds of nonpayment of rent, violation of a federal, state, or
8 local ordinance, or violation of a properly promulgated and reasonable park
9 rule or regulation or leaves before the expiration date of his lease
10 agreement. However, the sums due to the park by the mobile home owner may be
11 offset against the balance due on the entrance fee.

12 (8) No mobile home park owner or developer who purchases electricity or
13 gas (natural, manufactured, or similar gaseous substance) from any public
14 utility or municipally owned utility or who purchases water from a water
15 system for the purpose of supplying or reselling the electricity, gas, or
16 water to any other person to whom he leases, lets, rents, subleases, sublets,
17 or subrents the premises upon which the electricity, gas, or water is to be
18 used shall charge, demand, or receive, directly or indirectly, any amount for
19 the resale of such electricity, gas or water greater than that amount charged
20 by the public utility or municipally owned utility from who the electricity or
21 gas was purchased or by the public water system from which the water was
22 purchase; however, as concerns the distribution of water, the park operator
23 may charge for maintenance actually incurred and administrative costs. This
24 section shall not apply to a park owner or operator who is regulated pursuant
25 to chapter 367 or by a county water ordinance.

26 (9) An invitee of a mobile home park tenant shall have ingress and egress

[48]

1 to and from the tenant's site without the tenant or invitee being required to
2 pay a fee or any charge whatsoever. For purposes of this subsection, an
3 invitee shall be defined as a person whose stay, at the request of a mobile
4 home park tenant, does not exceed 15 consecutive days, unless such person has
5 the permission of the park management, or unless permitted by a properly
6 promulgated rule or regulation applied by a majority of the mobile home owner
7 in the park. The spouse or children of a mobile home owner shall not be
8 considered an invitee. All guests, family members, or invitees are required
9 to abide by properly promulgated and reasonable rules and regulations. Any
10 mobile home park rule or regulation providing for such fees or charges
11 contrary to the terms of this subsection shall be null and void.

12 720.405 Publication of false and misleading information.--

13 (1) Any person who, in reasonable reliance upon any material statement or
14 information that is false or misleading and published by or under authority
15 from the park owner or developer in advertising and promotional materials,
16 including, but not limited to, a prospectus, the items required as exhibits to
17 a prospectus, brochures, and newspaper advertising, pays anything of value
18 toward the purchase of a mobile home or placement of a mobile home in a mobile
19 home park located in this state shall have a cause of action to rescind the
20 contract or collect damages from the developer, park owner, and/or mobile home
21 dealer for his loss.

22 720.406 Advertising materials.--

23 (1) All advertising materials used by, for, or promoting any mobile home
24 park shall be filed with the division, by the developer, park owner, and/or
25 mobile home dealer, 10 days prior to use.

26 (2) "Advertising Materials" include:

1 (a) Promotional brochures, pamphlets, advertisements, or other materials
2 to be disseminated to the public in connection with the sale of a mobile home
3 or lease of a mobile home lot.

4 (b) Lodging or vacation certificates.

5 (c) Billboards and other signs posted on and off the premises.

6 (d) Transcripts of standard oral sales presentations.

7 (3) No advertising or oral statement made by any developer, park owner or
8 mobile home dealer shall:

9 (a) Misrepresent a fact or create a false or misleading impression
10 regarding the mobile home or mobile home park.

11 (b) Contain any asterisk or other reference symbol as a means of
12 contradicting or substantially changing any previously made statement, or as a
13 means of obscuring a material fact.

14 (c) Misrepresent the size, nature, extent, qualities, or characteristics
15 of the offered facilities.

16 (d) Misrepresent the nature or extent of any serious incident to the
17 mobile home park.

18

19

20

21

22

23

24

25

26