



Since 1962, the Federation of Manufactured Home Owners of Florida, Inc. has made great strides for manufactured home owners. Some of the highlights of our efforts are featured below. But as you peruse our accomplishments, remember that the FMO's work affects all manufactured home owners, not just our members. But isn't it better to have a voice in the decision-making process?

2009

- ✓ Prevent repeal of the existing sales tax exemption on mobile home lot rentals
- ✓ Prevent raid on appropriation for mobile home tie-down program and maintain \$ 2.8 million in funding
- ✓ Create DBPR Team for continuing interaction between FMO and Division of Condominiums, Time Shares and Mobile Homes
- ✓ Maintain mobile home in-plant inspection, oversight of manufacturing and installation, and consumer complaint process within Department of Highway Safety and Motor Vehicles

2008

- ✓ Restored \$ 2.8 million in the state budget for the Mobile Home Tie-Down Program after the House budget eliminated it. (Almost \$ 25.2 million for mobile home owners to date!)
- ✓ Included certain manufactured housing as eligible for State Housing Initiative Partnership Program (SHIP) funding in the affordable housing bills in the House and Senate...neither bill passed, however, this positions us well for future efforts.
- ✓ The Florida Manufactured Housing and Mobile Home Mitigation and Enhancement Program statute remains in law and we will push for continued funding as the state revenues permit.
- ✓ The mobile home in-plant inspection program, oversight of manufacturing and installation of your homes, and the consumer complaint process will remain with the Department of Highway Safety and Motor Vehicles at least one more year, rather than being handled by HUD.

2007

[TOP](#)

- ✓ Obtained additional \$15 million dollars dedicated to the Florida Manufactured Housing and Mobile Home Mitigation and Enhancement Program. The Governor vetoed this appropriation; however, these monies were reappropriated during the fall budget adjustment Special Session.
- ✓ Obtained additional \$2.8 funding for the continuation of the tie-down program.
- ✓ Passed legislation to require park owners give notice of the existence and benefits of the Relocation program on the eviction notice when a park is closing due to change in use.
- ✓ Passed legislation to impose penalties on a park owner who has not made his required payment to the Relocation Corporation Trust Fund in a timely manner.
- ✓ Successfully opposed a House plan that would have gutted the existing in-plant inspection program that protects consumers during the home manufacturing process.

- ✓ Supported legislative efforts that put tangible personal property tax relief and an increased homestead exemption proposal on the ballot.

2006

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- ✓ Created the Manufactured Housing and Mobile Home Mitigation and Enhancement Program administered by Tallahassee Community College.
 - Stand alone program; separate from site-built program— \$7.5 million in funding.
 - \$3,500 maximum grant per manufactured home.
 - Defined enhancement/mitigation to include additions, repair of structure, tie-downs, and shutters.
 - Required Citizens Insurance to offer relief on insurance premiums for housing that has been mitigated.
- ✓ Extended Mobile Home Tie-Down Program to 2011.
- ✓ Maintained Mobile Home Tie-Down Program funding.

2005

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- ✓ **723.037:** “Information Switching” –When a Community Owner wants to increase lot rent, reduce services or utilities, or change a community’s rules or regulations, a community owner must follow the rules set forth in Chapter 723.037. This section of Chapter 723 requires the community owner to meet with a committee of home owners (typically an HOA) and present the proposed changes. The community owner is then required to explain all material factors that contributed to the proposed changes and how those factors justify the proposed changes. A community owner may also present information from “comparable communities” to further justify the proposed changes. This information is presented at the important “first” meeting between the community owner and the HOA. The HOA then has the burden of conducting research and developing a response to the community owner’s proposed changes. Unfortunately, a few community owners have abused the good faith intent of 723.037 as it relates to the information presented.
- ✓ One abuse of the good faith intent of Chapter 723 that has arisen in recent years is the use of a tactic often referred to as “information switching.” Information switching is where a community owner presents information at the first meeting that supports his proposed changes. The HOA then spends time, energy, and money conducting research and developing a response to the proposed changes based on the information presented by the community owner at the first meeting. At the second meeting, the community owner withdraws the information previously submitted and presents completely new information, which effectively renders the HOA’s prepared response meaningless. The HOA then has to develop a new response to the information that was presented at the second meeting. The HOA is effectively back at square one, yet the “first meeting” requirement of Chapter 723 has been satisfied.

- ✓ As a result of this information switching, the HOA wastes precious time, energy, and money developing its first response, which then diminishes its ability to develop an effective second response and improves the community owner's chances of prevailing on the issue.
To prevent these abuses in the future, 723.037 has been amended to prohibit the withdrawal or the modification of the information presented at the first (or a subsequent) meeting. The community owner may, however, supplement the information presented at a previous meeting.
- ✓ See F.S. 723.037(4) and (5) generally.
- ✓ 723.037: The Use of "Comparable Communities" –Another unfair tactic that has been employed by a few community owners is the use of "comparable communities" that are not really comparable. More specifically, community owners have used properties they own elsewhere to justify an otherwise unconscionable change in rent or services. To illustrate, a community owner can use lot rental information from his or her property in Palm Beach County (typically very high lot rent) to justify an exorbitant lot rent increase in Marion County (typically low lot rent).
In response to the use of this tactic, 723.037 has been amended such that community owners cannot limit their presentation of "comparable community" information to communities owned or operated by the subject community except in certain circumstances.
- ✓ See F.S. 723.037(4) and (5) generally.
- ✓ 723.0611: Florida Mobile Home Relocation Corporation - Sovereign Immunity for BOD–
The Florida Mobile Home Relocation Corporation (Corporation) is the entity that oversees the Florida Mobile Home Relocation Trust Fund. In the past year, some lawyers have tried to bring civil actions against individual members of the Board of Directors of the Corporation (all of whom are unpaid volunteers) for good-faith decisions made by the Board within the scope of their duties. In an effort to protect Board members from what is generally viewed as efforts to harass and intimidate, the Legislature afforded members of the Board the same protection from civil actions that other state actors enjoy. Most parties agreed that the failure to provide such protections would result in the resignation of all members of the Board, which would then prevent the Corporation from carrying out its mission of compensating eligible manufactured home owners.
- ✓ See F.S. 723.0611(2)(c).
- ✓ 723.0611: Florida Mobile Home Relocation Corporation - BOD Can Make Rules– While there was general agreement that the Board of Directors of the Florida Mobile Home Relocation Corporation had the authority to make rules relevant to the good faith execution of their duties, a clarification was added to 723.0611 to that effect.
- ✓ See F.S. 723.0611(3)(a)
- ✓ 723.0612: Relocation Compensation - Pending Eviction Prevents Payment–If the residents of your community are entitled to compensation from the Florida Mobile Home Relocation Corporation due to change of land use, residents that have a pending eviction action that has been filed against them due to the nonpayment of rent are not entitled to that compensation.

✓ See F.S. 723.0612(7).

✓ 723.0612: Attorney's Fees – In an action brought before the Relocation Board, the prevailing party is entitled to attorney's fees.

✓ See F.S. 723.0612(11)

2004

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✓ The "Glitch" Bill, which fixed a bill drafting error, was passed to clarify the amount the park owner must pay into the Florida Mobile Home Relocation Trust Fund when a home is abandoned.

✓ Another victory for FMO occurred when the Mobile Home Tie-Down Enhancement Program was fully funded in the Appropriations Bill. This program also was extended for five years, so it will be around until at least June 30, 2011.

2003

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✓ Thanks to activism by FMO members, who collected more than 22,000 signatures in a petition drive, the FMO was successful in securing funding for the mobile home tie-down enhancement program. Now, this program, which has in the past few years helped more than 7,000 homeowners retrofit their homes with new, code-compliant anchoring systems, will continue to help others.

✓ The FMO won a permanent source of funding for the Mobile Home Relocation Corporation. Homeowners will contribute \$1 per section of home and park owners will contribute \$1 per lot per year to the fund. Now, the funding is no longer at the mercy of budget cuts and vetoes.

✓ Perhaps the most important victory for homeowners came not through a bill that FMO fought to pass, but with a bill that FMO fought to stop. Thanks to vigorous efforts by Lobbyist Nancy Black Stewart, a bill that would have taxed every manufactured home—even those on rental lots—as real property was withdrawn, saving every manufactured home owner in Florida who rents a lot hundreds of dollars each year in property taxes.

2002

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✓ The FMO fought for and won language to protect the effectiveness of the Division of Florida Land Sales, Condominiums, and Mobile Homes by guaranteeing that a sufficient amount of experts would be kept in the Division to appropriately serve the needs of manufactured home owners.

- ✓ With FMO's support, Senator Jack Latvala successfully secured another \$500,000 for the Mobile Home Relocation Corporation. Unfortunately, Governor Jeb Bush exercised his line-item veto power and killed the expenditure.
- ✓ FMO successfully lobbied to amend Chapter 723 to provide that attendance at the second meeting between the park owner and the park residents to discuss a proposed rental increase and the comparable parks upon which the increase is based is mandatory for both parties.

2001

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- ✓ The FMO-endorsed Mobile Home Bill passed through the Florida legislature and was signed by Governor Jeb Bush in June. Section 1 of HB 411 continues the tie-down program (originally passed in 1999) to make homes safer in windstorm events.
- ✓ Section 2 of the bill provides for a definition of "proportionate share" for pass-through charges to insure that government-mandated charges are equally apportioned among manufactured home owners and park owners.
- ✓ Section 3 of HB 411 requires the Division of Florida Land Sales, Condominiums, and Mobile Homes to maintain copies of each prospectus and all the amendments that have been considered adequate by the Division. The Division is required to provide copies within ten days after receiving a written request.
- ✓ Section 4 provides for increased disclosure language on the front page of the prospectus to advise manufactured home owners of the importance of the provisions of the prospectus concerning the manufactured home owner's financial obligations.
- ✓ Section 5 of HB 411 clarifies the term "comparable park" (important in rent-increase negotiations). This section also expands the opportunity for the park owner and manufactured home owner to resolve disputes concerning the criteria being used for a proposed rental increase by providing for a second meeting between the parties and the opportunity for exchange of additional information in the negotiations. The provisions expand the opportunity to settle rental disputes informally without the excessive time and expense of formal court proceedings.
- ✓ Section 6 provides that the park owner may not give notice of a rental increase 90 days before giving the change of land use notice.
- ✓ Section 7 of HB 411 creates the Florida Mobile Home Relocation Corporation. The Board of Directors of this corporation consists of six members, three nominated by the FMO and three nominated by the Florida Manufactured Housing Association (FMHA—an association for park owners). The corporation is empowered to administer the new program to provide compensation and relocation expenses to homeowners when a park's land use is changed and residents are evicted.
- ✓ Section 8 provides the funding criteria for displaced homeowners: Each homeowner receives actual moving expenses of relocating the manufactured home to a new location within a 50-mile radius of the vacated park; or \$5,000 for a single-wide and \$10,000 for a double-wide home, whichever is less; or one-fourth of the maximum allowable moving expenses if the homeowner decides to abandon the home in the park and sign the title over to the park owner.

- ✓ The separate Trust Fund Bill, HB 1265, establishes the Florida Mobile Home Relocation Trust Fund to provide monies for the compensation program. These funds come from a \$500,000 one-time appropriation from state general revenue funds and contributions from each park owner of a converting park. The park owner shall pay \$2,000 for each single-wide home and \$2,500 for each double-wide home in the park.

1999

[TOP](#)

- ✓ The "Bill Williams Residential Safety and Preparedness Act" was passed providing monies to be used for programs to improve and reduce the cost of rebuilding after a disaster. A portion of the funds will be used directly for a tie-down program and other safety programs for manufactured homes.
- ✓ The FMO pushed for and got passed legislation providing for the development of uniform installation standards on new and existing manufactured homes by the Bureau of Mobile Home and RV Construction. Additionally, the legislation closed an existing loophole in the law that permits installers who work for manufactured home dealers to be exempt from registration by the bureau. Now all individuals who do manufactured home installations or tie-down repair work must be licensed.
- ✓ FMO was instrumental in the passage of a "cleanup" bill to Florida Statute 719, the Cooperative Act. The bill defines the terms "special assessment," "voting certificate," and "voting interests;" it provides guidelines of investment of cooperative association funds; it provides for granting, modifying or moving easements; it changes the voting requirement for modifying cooperative documents; and, finally, the bill authorizes insurance in lieu of fidelity bonding.
- ✓ Florida Statute 607, the For-Profit Corporation law, and Florida Statute 617, the Not-For-Profit Corporation statute, were amended to allow a member to serve on the board of directors even if the home is owned by a trust. This new provision allows communities to change their bylaws to allow homeowners who are the beneficial owner of the home to serve on the board.
- ✓ Subdivisions were assisted by FMO with the passage of an amendment that gives those communities that consist of residents who own their homes but rent their lots and those who own their homes and lots to have one homeowners' association if they share the same amenities and common areas in the community.

1998

[TOP](#)

- ✓ Legislation was passed that allows a property owner tax relief if a home is damaged or destroyed by tornado. This bill applies to resident owned communities.
- ✓ FMO supported the passage of a bill that would assist manufactured home owners by allowing mergers between for-profit and not-for-profit corporations. This legislation is relevant to manufactured home community residents who purchase their communities.
- ✓ Revisions were made to the F.S. 719, the Cooperative Act, defining "buyer/purchaser," "common area," "limited common area," and "rental agreement." Changes to Florida's Administrative Procedure Act required some of the provisions that were previously rules

and policies of the Division of Land Sales, Condominiums and Mobile Homes be moved into F.S. 719 in order to remain effective. The new law confirms that association rules governing the taping and videotaping of association meetings must be in writing, and it requires prior notice be given to the Division before any action is taken to merge or terminate a manufactured/mobile home cooperative.

- ✓ FMO pushed for regulation for subdivisions still under developer control. The legislation requires developers to give more disclosure information to homeowners. The new law provides more flexibility to the board of directors who may now jointly invest operating and reserve funds, provided that the invested funds are accounted for separately. It also requires prospective purchasers to be notified of any restrictive covenants that govern the subdivision.

1997

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- ✓ FMO pushed for and won legislation that provides for more park owner disclosure during the negotiation process. The legislation makes park owners or subdivision developers disclose in good faith and explain all material factors resulting in the decision to increase lot rental amount, reduce services or utilities, or change rules and regulations, including how those factors justify the specific change proposed.
- ✓ FMO pushed for and won legislation that added further strength to the concept that park owners must deal in "good faith" with the residents. If the court finds that either party to a dispute has not complied with the obligations of good faith and fair dealings, the court shall award reasonable costs and attorney's fees to the prevailing party for proving the noncompliance.
- ✓ FMO was successful in eliminating mandatory arbitration in an effort to make court cases less costly for manufactured home owners. If homeowners file for civil action in the circuit court, the judge is not required to refer the action to a panel of three arbitrators for nonbinding arbitration. Instead, the judge can determine whether to hear the case or refer it to either mediation or arbitration.
- ✓ FMO pushed for and won legislation that allows the Bureau of Mobile Homes to adopt rules establishing a category of minor violations. A minor violation cannot endanger the health, safety or welfare of manufactured home residents, cannot involve the failure to make full and fair disclosure and cannot cause economic harm to mobile home park residents. The bureau may now levy against a park owner a penalty of up to \$250 per violation. Previously, the bureau charged only \$10 per violation.
- ✓ FMO won the inclusion of insurance legislation that benefits manufactured home owners in the following ways:
 1. Allows insurance companies to give discounts on manufactured home policies if the home's tie-downs are inspected and repaired;
 2. Requires that the Florida Residential Property and Casualty Joint Underwriting Association (JUA) base manufactured home rates on the top five insurance companies within a county instead of eight companies;
 3. Enables manufactured home cooperatives and subdivisions to get commercial coverage through the JUA; and
 4. Establishes a hurricane loss prevention program for manufactured home owners who are policyholders of the Florida Windstorm Underwriting Association.

- ✓ The FMO pushed for and won legislation that assists any manufactured home community, whether resident owned or rental, That has its own desalination facility. The legislation promotes the use of demineralized water and makes the system more affordable for communities while still protecting the ground water.

1996

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- ✓ FMO pushed for and won a Mobile Home Study Commission to investigate the issue of the prospectus. Due to the number of phone calls and letters sent by FMO members, state legislators said they had to pass the legislation because it was so important to homeowners. Two FMO Board members served on the commission.
- ✓ FMO pushed for and won legislation to continue the insurance moratorium that had been protecting consumers since 1993. The moratorium allows insurance companies to drop only 5 percent of any one line of business in a one-year period. It protects consumers from companies that wanted to cancel all policies in Florida or all policies in one area of the state.
- ✓ The FMO pushed for and won legislation for a manufactured home installer's license. Any person who installs manufactured homes must obtain an installer's license. Prior to this legislation, any person without any prior knowledge could install a manufactured home on a site.
- ✓ The FMO supported and won legislation that limits what park owners can pass on in taxes or utility charges to residents. The bill allows park owners to pass on taxes or utility charge increases within one year only of the date the park owner pays the taxes. Previously some park owners held their tax bills for several years and then passed on the accumulated amount to residents at one time. Also, no late charges on these bills can be passed on to residents.
- ✓ Legislation supported by FMO passed that strengthened regulation of community association managers for condominiums, cooperatives, or any planned unit development. A person who wants to be a manager must take an exam and submit a set of fingerprints. Once licensed, a manager must take continuing education courses to renew.

1995

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- ✓ Busloads of FMO members participated in FMO Days at the State Capitol. Members were encouraged to travel to Tallahassee to visit legislators during the session.
- ✓ FMO sent state lawmakers a breakdown by county of taxes paid each year by manufactured home owners. Manufactured home owners pay on average \$20 million in taxes each year with the monies going to schools and city and county governments.
- ✓ FMO monitored 40 bills during the legislative session that would have affected manufactured home owners.
- ✓ Communities with mandatory homeowners' associations including manufactured home subdivisions had rights for the first time due to FMO efforts. Major legislation was passed giving residents much-needed rights.
- ✓ FMO pushed for and won legislation that requires insurers to include a credit or discount for manufactured home owners whose homes meet the new federal construction standards.

- ✓ FMO successfully defeated a bill on bingo that would have instituted registration and annual licensing fees on anyone playing bingo, including manufactured home owners.
- ✓ FMO defeated a bill that would have eliminated the necessity for inspection of swimming pools in cooperatives. Most homeowners were wary of health considerations if pools were left to discretionary inspections.
- ✓ The FMO worked for three years on an issue that assisted retiree communities nationwide. In December 1995, President Bill Clinton signed legislation so seniors-only communities do not have to worry about providing significant services and facilities. To meet the 55+ exemption to the Fair Housing Law, communities must provide age verification only.

1994

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- ✓ FMO successfully lobbied for legislation that allows shareholders in non statutory cooperatives to take advantage of homestead exemption, established a study commission to investigate the need for additional consumer protection laws for subdivisions, including mobile home subdivisions, and allows rental community residents to review park owner records if he violates the law.
- ✓ FMO assisted the passage of laws lowering the corporate supplemental filing fee for not-for-profit homeowners' associations and allowing small manufactured home parks to play bingo.

1993

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- ✓ The FMO successfully lobbied for expansion of the Department of Business and Professional Regulation's (DBPR) enforcement powers allowing the agency to take action against park owners on issues such as refunds of improper rent increases, assessments and improper pass-on and pass-through charges.
- ✓ We defeated legislation proposed by the Florida Manufactured Housing Association (FMHA) that would have eliminated most of the rights of manufactured home owners.
- ✓ The FMO successfully protected manufactured home owner rights during the special session of the legislature that addressed the insurance crisis following Hurricane Andrew. Without FMO intervention, homeowners may have been priced out of the insurance market or canceled altogether. An FMO member was appointed to protect manufactured home owners' rights as a board member of the JUA, the state-run "insurer of last resort" that many homeowners were forced to go to following mass cancellations by private insurers.

1992

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- ✓ FMO representatives successfully lobbied for intent language to be included in Chapter 723 that point out the unique relationship between mobile home owners and park owners. In addition, park models located on a manufactured home lot in a manufactured home park were included under Chapter 723 and amortization of utility improvement costs for manufactured home owners was also passed during the 1992 legislative session.
- ✓ FMO mobilized its membership to contact legislators to ensure that manufactured home park residents' right to conduct bingo remained intact through several legislative challenges to the law.

1991

- ✓ The FMO sponsored a resale bill that allows a manufactured home owner who signed a resale agreement with a park owner to notify him in writing that, after six month's time, the agreement shall expire if the park owner does not sell the home.
- ✓ In 1991 and 1992, we successfully fought passage of a bill that would allow county commissions to choose between two methods of taxing manufactured homes on rental lots. The bill could have increased the amount of tax on manufactured homes an average of 300 percent.

1990

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- ✓ Due to FMO efforts, Florida's governor signed into law improvements to Chapter 723 providing for enhanced mediation; nonbinding, mandatory arbitration; changing the standard from "unconscionable" to "unreasonable;" and giving the courts criteria to consider when determining if rents are "unreasonable." Courts can refund rent increases found unlawful, and manufactured home owners do not have to file for mediation every year.

1988

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- ✓ Two FMO officers joined a manufactured home study commission formed by the Florida legislature to recommend an effective rent dispute settlement process under Chapter 723. The commission's final report was presented in 1990.
- ✓ The FMO lobbied successfully for the United States Congress to broaden exemptions to its amendments of the Civil Rights Act of 1964 to allow communities intended and designed for older persons to keep their status. Congress's amendments to the Fair Housing Act of 1988 made it illegal to discriminate against families with children and the handicapped in the sale or rental of housing.

1986

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- ✓ We attained passage of legislation amending Chapter 723 to extend the eviction notice period for change in land use evictions from six months to one year. Passage was partially due to delivery of more than 121,000 letters from FMO members to legislators.

1985

[TOP](#)

- ✓ The FMO successfully lobbied for passage of legislation excluding the hitch from a manufactured home's length for computing license tag taxes, saving the average owner of a double-wide manufactured home about \$8 per year.

1984

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- ✓ With the assistance of FMO, House Bill 1126 passed, and created Chapter 723 of the Florida Statutes, relating exclusively to manufactured home laws. For the first time ever, manufactured home owners and park owners had their own set of laws separate from the standard landlord/tenant statutes. Pursuant to Chapter 723, the Bureau of Mobile Homes was created as the regulatory agency charged to oversee park operations throughout the state.

1983

[TOP](#)

- ✓ The FMO secured the limited right of first refusal for manufactured home owners to purchase their parks and won required notification of homeowners regarding any request for a zoning change.
- ✓ We assisted in passage of law establishing a manufactured home study commission intended to closely evaluate manufactured home issues and recommend corrective legislation.

1982

[TOP](#)

- ✓ The FMO assisted in obtaining passage of a law protecting the investment of manufactured home owners evicted from their parks without cause.

1970 – 1979

[TOP](#)

- ✓ FMO forces defeated a "rent tax," saving manufactured home owners 2 percent multiplied by their annual rent.
- ✓ We also defeated mandatory inspection of used manufactured homes prior to sale, saving manufactured home owners a minimum of \$10 for the inspection and possible loss of sale.
- ✓ The FMO fought for passage of Manufactured Home Owners' Bill of Rights and successfully defended it in Florida Supreme Court.
- ✓ We assisted in obtaining passage of laws requiring inspection during manufactured home construction, on-site inspection of setup, connection, etc., and increased bonding and proper licensing of manufacturers and dealers.
- ✓ The FMO assisted in obtaining a law to obtain relocation compensation for moves caused by local government action.
- ✓ We successfully pushed to obtain an amendment to the eminent domain statute to provide that the condemning authority separately determine and award compensation for permanent improvements made by a manufactured home owner to the site where the home sets.
- ✓ A law to protect manufactured homes against levy or sale to satisfy indebtedness or lien passed with FMO assistance, as did a law to replace metal license plates with window decals.