



MOBILE HOME PARK EVICTIONS

I OWN A MOBILE HOME AND RENT THE LOT IN A MOBILE HOME PARK. WHAT RULES APPLY?

Chapter 723 of the Florida Statutes applies if:

- You OWN your mobile home, and
- You RENT the lot, and
- There are at least TEN (10) mobile home rental lots in the park.

This brochure is for mobile home residents covered by Chapter 723. If you rent both the mobile home AND the land, Chapter 83 of the Florida Statutes applies to you. If you are renting a lot in a recreational vehicle (RV) park, Chapter 513 of the Florida Statutes, applies.

WHAT ARE THE OBLIGATIONS OF THE MOBILE HOME PARK?

The mobile home park must:

- Follow all building, housing, and health codes
- Maintain buildings and common areas in good shape
- Provide access to the common areas at all reasonable times
- Maintain utility connections and systems in proper operating condition
- Comply with properly enacted park rules and regulations

CAN THE MOBILE HOME PARK EVICT ME FROM THE MOBILE HOME PARK LOT?

There are only seven (7) reasons why a mobile home park can evict you:

- Nonpayment of your lot rent,
- Violation of a properly enacted park rule or regulation,
- Violation of the rental agreement,
- Violation of Chapter 723,
- A criminal conviction that affects the health, safety, or welfare of other residents in the mobile home park,
- A “change in use,” like a closure of the mobile home park, or
- Failure to get pre-approval from the mobile home park before moving in (if required).

Each reason is discussed in more detail below.

EVICTION FOR NONPAYMENT OF LOT RENT

The mobile home park must first give you a 5-day notice asking you to pay your late lot rent. If you pay by the deadline listed on the 5-day notice, the mobile home park may not terminate your tenancy. If you don't pay, the mobile home park can file an eviction lawsuit.

EVICTION FOR VIOLATIONS OF PARK RULES OR REGULATIONS, THE RENTAL AGREEMENT OR CHAPTER 723

A mobile home park may be able to evict you if you violate a properly promulgated park rule or regulation, your rental agreement, or the requirements of Chapter 723. However, a rule or regulation may not be arbitrarily applied and used as a ground for eviction.

If the violation endangered the life, health, safety or property of the other residents, the mobile home park may have the right to give you a 7-day notice demanding you move. If you don't move after 7 days, the mobile home park can file an eviction lawsuit.

Otherwise, the mobile home park must notify you in writing within 30 days after the violation and give you 7 days to fix the violation. If the same violation occurs a second time within a year, the mobile home park may have the right to terminate your tenancy by giving you a 30-day notice to move. If you don't move after 30 days, the mobile home park can file an eviction lawsuit regardless of whether you have fixed the second violation.

EVICTON FOR SERIOUS CRIMINAL CONVICTION

If you are convicted of a crime that the mobile home park believes is detrimental to the health, safety, or welfare of the other residents, the mobile home park may try to evict you. The mobile home park must give you a written 7-day notice demanding you move. If you don't move after 7 days, the mobile home park can file an eviction lawsuit.

EVICTON FOR CHANGE IN USE OR CLOSURE OF MOBILE HOME PARK

If the mobile home park where your mobile home is located is going to stop operating as a mobile home park and/or close, the mobile home park must give you written notice at least 6 months before the projected change of use.

The notice must include the following statement: "You may be entitled to compensation from the Florida Mobile Home Relocation Trust Fund, administered by the Florida Mobile Home Relocation Corporation (FMHRC). FMHRC contact information is available from the Florida Department of Business and Professional Regulation." Under some circumstances, you may be able to object to the change of use.

EVICTON FOR FAILURE TO OBTAIN APPROVAL BEFORE MOVE-IN

If the mobile home park requires pre-approval before you move-in, and you fail to obtain the required pre-approval, the mobile home park may have the right to give you a 7-day notice demanding you move. If you don't move after 7 days, the mobile home park can file an eviction lawsuit.

WHAT PROCESS DOES THE MOBILE HOME PARK HAVE TO FOLLOW TO EVICT ME?

First, the mobile home park must give you a notice demanding you move. The notice must be posted on the premises and sent to you by certified or registered mail, return receipt requested. Delivery of the mailed notice shall be deemed given 5 days after the date of postmark.

Second, if you do not move out as demanded in the mobile home park's notice, the mobile home park must then file an eviction lawsuit in court. If the mobile home park files an eviction lawsuit, you will get served with court papers, called the "Summons" and the "Complaint." The court papers may come in the mail, be posted on your door, or handed to a person 15 years old or older that lives in the mobile home.

The Summons explains what you have to do to respond to the eviction lawsuit. The Complaint explains why the mobile home park is trying to evict you.

Once you get the court papers, you have to respond within 5 business days if you want to contest the eviction lawsuit. The time to respond does not include weekends or court holidays.

For example, if you get the papers on Friday, your answer is probably due the next Friday (7 days minus 2 days for Saturday and Sunday).

To respond to the eviction lawsuit, you have to:

- **File your “Answer.”** Your Answer is just an explanation of whether you agree or disagree with the statements made by the mobile home park in the lawsuit. It also needs to include any legal defenses you think you have (for example, you paid the rent, or you didn’t violate the lease, or the notice is bad, or you lawfully withheld your rent based on the mobile home park’s material noncompliance with Chapter 723, Florida Statutes, after giving proper notice, etc.). Defenses are the reasons why you should not be evicted.
- On the top part of your Answer, copy the information from the top of the “Summons,” including the plaintiff’s and defendant’s names, the name of the court, the case number and the division.
- Title your writing ANSWER and then write out whether you agree or disagree with each statement in the Complaint. Write out your defenses. You have to sign your name and then type or print your name, address, and telephone number, if any, at the end of your Answer.
- If you have any documents that prove what you say in your Answer (like receipts), you should attach copies of those to your Answer.
- **Deposit the rent money the mobile home park said is owed in the Complaint into the court registry.** If the mobile home park claims a resident owes rent, and the resident’s Answer states a defense other than “my rent has already been paid,” the resident must also deposit into the court’s registry the amount of rent that the Complaint states is owed to the mobile home park.
 - If another month of rent becomes due while the case is still going, you have to put the money for that month’s rent into the court registry on the due date. You have to keep doing this until the lawsuit ends.
 - If your eviction is for another reason, and is not for nonpayment of rent, Section 723.063, Florida Statutes, does not require you to deposit your rent into the court registry. You can file a Motion to Determine Rent and inform the court. Please note that this can be risky and it is safer to go ahead and deposit the rent.
- **File a “Motion to Determine Rent” if you disagree with the amount of rent the Complaint states is owed to the mobile home park.** A Motion to Determine Rent explains that there is a dispute about how much rent you owe and it asks the court to determine the correct amount you should put into the court registry. For example, if the mobile home park lists the wrong rent amount or if the Complaint includes amounts that you have paid already. You should include with your Motion documents proving what you are saying (like your lease showing your rent is a different amount, or receipts showing the rent that you already paid). A mobile home resident who is filing a Motion to Determine Rent should go ahead and deposit into the court registry the amount of rent the resident believes is owed.

Your Answer and Motion have to be filed with the Clerk of the Court in the county where the lawsuit was filed. In Duval County, the Clerk of the Court is located on the ground floor of the courthouse at 501 W. Adams Street, Jacksonville, Florida.

Before you file them, make two copies of your Answer and Motion. Mail one copy to the mobile home park or their attorney, whose name and address is on the Summons you got. You keep a copy. If you want to e-file your response, you can set up an account at: <https://www.myflcourtagency.com>.

If you do not both: 1) file your answer, and 2) either put the money in the court registry or file your Motion within 5 business days, the court can enter a “Default Judgment” against you. This means you automatically lose the case and can be evicted without even speaking to a judge.

WHAT CAN I DO IF THE MOBILE HOME PARK FAILS TO COMPLY WITH THE REQUIREMENTS OF CHAPTER 723?

If the mobile home park fails to “materially” comply with the requirements of Chapter 723, you may withhold future rent after giving proper notice. Review Section 723.063, Florida Statutes, for more information.

The notice must specify in detail the sections in Chapter 723 that the mobile home park is breaking, as well as how those sections are being violated. The notice must give the mobile home park 7 days to fix the problem. It must inform the mobile home park that you will withhold the rent that becomes due after the notice expires. Keep in mind that you **cannot** withhold past due rent and you **cannot** withhold rent that become due during the 7 days. You must set aside the withheld rent and pay it to the mobile home park once the violation is cured.

You may raise the defense of material noncompliance in an eviction lawsuit for nonpayment of rent or seeking to recover unpaid rent. Be sure to attach a copy of the notice you sent to the mobile home park. You must timely deposit the withheld rent into the court registry.

A material noncompliance by the mobile home park is a complete defense to an action for possession based upon nonpayment of rent. The court will determine the amount, if any, by which the rent is to be reduced to reflect the diminution in value of the lot during the period of noncompliance.

CAN THE MOBILE HOME PARK RETALIATE AGAINST ME?

A mobile home park is prohibited from increasing rent, decreasing services, bringing an eviction lawsuit, or threatening to bring an eviction lawsuit when the primary purpose is to retaliate against you for taking action that the law protects. You can raise “retaliation” as a defense in an eviction lawsuit if you have:

- complained to a governmental agency charged with responsibility for enforcement of a building, housing, or health code of a suspected violation applicable to the mobile home park;
- organized, encouraged, or participated in a homeowners’ organization; or
- complained to the mobile home park about its failure to comply with the park owner’s obligations as listed in Section 723.022, Florida Statutes.

You must have acted in good faith and not for an improper reason when raising the defense of “retaliation.” Also, if the mobile home park proves the eviction is for good cause, like

nonpayment of the lot rent, violation of the rental agreement, park rules, or Chapter 723, the defense will not apply.

HOW LONG DOES AN EVICTION CASE TAKE?

It depends on whether you properly respond to the eviction lawsuit. If you properly respond as described above, the judge should schedule a hearing. The hearing is usually scheduled within a few weeks after the case is filed.

At the hearing, each party gets a chance to speak to the judge and present evidence. After the hearing, the judge decides whether or not eviction is appropriate. If the judge refuses to grant the eviction, the court will enter an order dismissing the case and you can remain as a resident in the mobile home park.

If the eviction lawsuit is for nonpayment of rent, and you pay the amount currently due, including lot rent, late charges, court costs, and attorney’s fees, the court may, for good cause, deny the eviction, if such nonpayment has not occurred more than twice.

WHAT HAPPENS TO MY MOBILE HOME IF I GET EVICTED?

You will have 10 days from the date of the judgment to remove your belongings and move. Since you own the mobile home, you may be able to move the mobile home from the park. You will be responsible for the moving costs. You may also try to sell the mobile home to the park or a third party. If you cannot move your mobile home, then the mobile home park can remove it to the property line. Neither the sheriff nor the mobile home park is responsible for any damage to the property after it has been removed. In some cases, the mobile home park may put the mobile home into storage or charge storage fees. You may lose ownership of the mobile home if you are evicted and cannot move the mobile home.

CHANGES TO RENT, SERVICES AND UTILITIES, OR RULES AND REGULATIONS

A mobile home park must provide at least 90 days’ notice before any changes to rent, services and utilities, or rules and regulations can be made. A lot rental increase is considered unreasonable if it is more than “market” rent. In some cases, you may be able to challenge the increase.

WHERE CAN I FIND MORE INFORMATION ABOUT MY RIGHTS AS A MOBILE HOME PARK RESIDENT?

Chapter 723, Florida Statutes, contains more detailed information about mobile home park residents’ rights.

This fact sheet is for general education only it is not intended to be used to solve individual problems. If you have specific questions contact a lawyer. The laws described here may change without notice. You may find additional resources at: <https://www.jaxlegalaid.org/get-help/self-help/pamphlets-videos/>. August 2024.

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