

January - February 2023

# FMO Magazine

The Official Publication of the Federation of Manufactured Home Owners of Florida, Inc.



Cover Art by FMO Member Dr. Dave Siefkes

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## FMO Magazine

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of Manufactured Home Owners of Florida, Inc.

### EDITORIAL The Federation of Manufactured Home Owners of Florida, Inc.

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# Message from the President...

Ronald Grove, FMO President



We are at the peak of the HOA board election “season”. Congratulations to all newly elected board members. First, I want to say – your HOA takes care of things inside your gate, FMO takes care of things outside your gate. FMO provides education and assistance to HOA boards.

New board members are required to be certified within 90 days of their election. FMO offers HOA Board Training classes. This critical training provides new board members with the information and education needed to provide the best service and support to their residents.

FMO trains our park representatives to be knowledgeable of FS 723 to help HOAs function properly. FMO park representatives make ideal HOA board members. FMO park representatives serve at the discretion of FMO and are responsible to FMO. In this role they represent FMO. The primary tasks are to keep members informed of what’s happening within FMO and to recruit new members. They are also there to assist in the application of FS 723 for the benefit of all the park residents.

Switching gears, I’m sure we are all glad that the 2022 hurricane season is in the rearview mirror. We’d like to hear from our members on the conditions in your parks after the hurricanes. Were you affected? How are things going now? We really want to hear feedback on what

trials and tribulations you experienced while seeking help. Thanks to Nancy Black Stewart we published lots of resources that could be accessed but we want to know, if you did try to access them, what was your experience. We want to use these experiences to evaluate how we can improve.

Later in the magazine is a somewhat related article about FMHRC – Florida Mobile Home Relocation Corp. It seems very few people are aware of it and that is kind of good. I take it to mean we do not have a big problem with park owners converting their parks to other uses after the hurricanes. It is good to be aware of FMHRC, it’s your backup in the event a park use is changed.

One of our few focuses this year is to strengthen FMO’s interaction and relationship with DBPR. During a recent meeting with DBPR, we learned that DBPR thinks they are doing a great job, that there aren’t any problems. Obviously, this isn’t the sentiment of our members. We are currently developing a system that will include keeping FMO informed of any reports filed with DBPR so that we will have documentation to support our position that there is room for improvement within DBPR. Details on how to keep us informed will be available soon.

As always, FMO is here for you!

Ron





# A MESSAGE FROM THE EXECUTIVE DIRECTOR

KAYLEE CHESTER, CMP, Executive Director

It has been a great start to the new year working with and for the FMO membership! We thank you in advance for your patience and understanding as we continue to fully transition FMO to the administrative services and support of Kautter Wenhold Management Group.

During this busy membership renewal season, the volume of calls and emails is tremendous. In order for us to respond to each of you in the fastest, most efficient way possible, we ask that each request to FMO Headquarters staff be completed through one of the forms listed on the "Contact Us" page found on [www.fmo.org](http://www.fmo.org).

These forms include:

- Submit your District Meeting
- Update your Park Representative

- Submit a new District President
- Submit New Board Members of your HOA
- Ask Legal Ease

For all HOA-related questions, please contact your District President or your Section Director. To find your District President or Section Director and their contact information, go to the Section/District Map page found on [www.fmo.org](http://www.fmo.org).

Thank you and we look forward to our continued partnership with FMO.

*Sincerely,  
Kaylee Chester, CMP  
Executive Director*

## What's the Difference - Mobile Home Brokers, Mobile Home Sales Agents, Real Estate Sales Agents and Realtors

*Submitted by Julia Golden*

Some people who sell mobile homes have real estate licenses and are realtors, but many are not, nor do they disclose this fact to mobile home sellers or buyers.

In Florida it is not necessary to hold a Real Estate license to sell a mobile home. A mobile home Broker can hire salespeople. These salespeople do not have to go through Level Two background checks as agents who sell stick built homes, they do not have to take a FREC approved course, pass a state exam, take ethics and law courses, or participate in continuous education yearly to keep abreast of the current market conditions and laws.

A mobile home salesperson does not pay board dues or risk being fined or suspended from a board as realtors do. Mobile home sales people are referred to as realtors by major advertising sites who gather information from realtor sites online and do not differentiate between mobile homes sold through the DMV and real estate.

Mobile home sales people seldom correct their clients

when they refer to them as realtors. Buyers assuming that they are dealing with a realtor are often disappointed to find out well after their purchase that they were not dealing with a realtor.

All too often people buy without being informed that they should have an inspection or had a property disclosure to preview. For example, realtors are trained to measure homes square footage under heat and air only, not Florida rooms, porches or enclosed carports, all legal bedrooms must have a closet, not a wardrobe in a corner. None of this is done by mobile home sales agents.

So in a state where mobile homes on rented land are not considered real estate, it is important for the buyer to do his own due diligence. Make sure to see a copy of the title(s), and get with the community management and find out all the regulations and restrictions. Always have the contract contingent on an inspection period to avoid surprises and expenses as these homes are resold many times and current owners and the agents may not be aware of structural issues.

# CAPITOL BEAT

Your News from Tallahassee

By FMO Legislative Counsel, Nancy Black Stewart



## 2023 Regular Session Preparation has Begun!

Greetings to all in this New Year! And, as I write this it is already the end of January...I'm just not sure where the time goes?!

The 2023 Legislature is gearing up for the Regular Session which begins on March 7. Session will end May 5 and at that time we will probably have a proposed state budget. I believe we should expect Special Sessions will be forthcoming. Special Sessions are designed to address limited issues in a limited timeframe which also means limited debate and interaction. It seems that the 60 days of Regular Session is no longer the beginning and the end. January had three weeks of Committee meetings and there will be three more in February.

This year Representative Paula Stark, (St. Cloud, Kissimmee, and south Orange County), intends to file legislation to benefit mobile/manufactured home owners. Representative Paula Stark stated:

*“Over the last several months I have met with mobile home owners in parks and communities to learn about the housing problems our residents are experiencing.*

*I have become increasingly alarmed by the unequal bargaining position between mobile home owners and the park owners. I believe my bill will help rebalance some of these issues.”*

There are several elements of this bill:

- Eliminates sales tax on the resale of a manufactured or mobile home;
- Creates enforcement by the Office of the Attorney General of sections of Chapter 723 relating

to obligations of both the mobile home park owner and the mobile home owner and the determination of unreasonable lot rental increases;

- Clarifies the mobile home park owner must maintain the lots in the park which he owns in good order; park owner may not require additional liability coverage for common areas if there is already a policy in effect; prohibit attempt to enforce a park rule not adopted pursuant to statute; and prohibit collection of a proposed lot rental increase with pending litigation or mediation;

- Requires participation for Chapter 723 disputes with the existing presuit mediation process that has been created for condominium, cooperative, and HOA disputes; This will avoid the ineffective dispute process that currently exists within the Division;

- Clarifies that a homeowner or HOA may file a complaint in circuit court without mediation;

- Requires that a park owner or park manager must respond to an applicant who desires to be a park resident with the results of the screening within 15 business days and provides for a limit on the fees for the process;

- Provides that damages may be awarded as a result of litigation and that the court may award treble damages to a prevailing party;

- Provides that the HOA may represent some or all of the home owners in legal proceedings.

FMO has the opportunity to strongly support this bill. We will keep you informed as soon as more details are known!

# LEGAL EASE

By Jeremy Anderson



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— Attorneys & Counselors At Law —



## Questions and Answers

***Q: Our park was substantially impacted by Hurricane Ian. A number of the HOA records required to be maintained by Section 723.079(4), FS, were in a Director’s home that was destroyed. A Member of the HOA has submitted multiple records access requests by certified mail, but the requested records cannot be provided because they were lost in the storm. The Member is threatening to “file suit” unless we pay the statutory damages for failing to provide records. Should we pay this Member?***

A: Section 723.079(5)(b), FS, provides that a Member who is denied access to official records is entitled to damages for the HOA’s willful failure to comply with this subsection in the amount of \$10 per calendar day up to 10 days, not to exceed \$100 if the request was made by certified mail, return receipt requested. While the statute creates a “rebuttable presumption” that the HOA willfully failed to provide access when the access request is submitted via certified mail, return requested, I believe that the HOA has facts on its side that could be used to defend such legal action successfully and to rebut that the HOA’s failure to provide access was willful. Provided no other unknown factors exist, the HOA could not comply with the statute because Hurricane Ian destroyed the records. Thus, the HOA’s failure to provide access was not willful. I do not believe the Member is entitled to statutory damages under the facts presented.

***Q: The Board of Directors of our HOA has “suspended” an elected Director for an alleged failure to comply with an adopted Board policy. Can they do this?***

A: No. Chapter 723, FS, provides all eligibility requirements for being a Member of the Board of Directors. Any Board adopted policy (no matter how well intended) creating additional Director eligibil-

ity requirements would not be enforceable. Further, Chapter 723, FS, is clear that the power to remove an elected or appointed Member of the Board of Directors is vested with the Members.

Section 723.078(2)(i), FS, provides as follows:

*Recall of board members.*—Any member of the board of directors may be recalled and removed from office with or without cause by the vote of or agreement in writing by a majority of all members. A special meeting of the members to recall a member or members of the board of directors may be called by 10 percent of the members giving notice of the meeting as required for a meeting of members, and the notice shall state the purpose of the meeting. Electronic transmission may not be used as a method of giving notice of a meeting called in whole or in part for this purpose.

The suspension imposed is akin to the recall of the Director. This aggrieved Director likely has a valid basis to challenge the “suspension” under Section 723.078(2)(i)7., FS.

***Q: We have a situation in our 55 and older park where a homeowner, who is not quite 55 years old, but has her father living with her (so she meets all the requirements to legally live here), would like to become a Board member of our HOA. She is a member of the HOA, and our By-laws make no mention of any age requirement for being on the Board, just a requirement for being a homeowner. Can she serve as a Director under Chapter 723, FS?***

A: Chapter 723, FS, would not prevent this homeowner from serving on the Board of Directors.

.....LEGAL Continued on page 7

***Q: Our Board of Directors of our HOA is aware that we must permit Members to attend all meetings and must allow Members to speak with reference to all agenda items. We have placed the Member comment section at the end of the agenda just before adjournment, and we permit Members to comment on all agenda items. We have Members claiming that we cannot do this and that we are not complying with the law. We tried allowing Member comment throughout the meeting, but the meetings ran for hours and became uncontrollable. Are we doing this right?***

A: Based upon the information you provided, your HOA appears to be in full compliance with Section 723.078(2)(c)4., FS. The statute does not dictate when Member comment must occur.

Most HOA Boards place the Member Comment agenda item at either the beginning or end of the meeting. There are pros and cons to each. When placed at the beginning of the meeting, Members often complain that they do not know what to comment on because items have yet to have been discussed by the Board. Members also tend to complain that they feel left out of the decision-making when Members Comment agenda item is placed at the end of the meeting after all of the decisions have already been made. Allowing Member Comment throughout the meetings on all agenda items is disruptive, as you already experienced, and tends to unreasonably extend the meeting.

Best practice tends to be the placement of Member Comment at the end of the meeting just before adjournment, with the Board determining on a case-by-case basis when it is appropriate to allow Member Comment earlier in the meeting on a specific agenda item.



***Q. A Member is seeking access to “all legal opinions” provided by the HOA’s legal counsel. The Member claims that because we are not engaged in litigation, we must provide access to all legal opinions. Is this true?***

A: While opinions and work-product of the HOA’s legal counsel are considered records that the HOA must maintain in the official records of the HOA, the Member is not entirely correct as that access must be in all instances. Section 723.079(5), FS, provides as follows:

(d) . . . Notwithstanding this paragraph, the following records are not accessible to members or home owners:

- A record protected by the lawyer-client privilege as described in s. 90.502 and a record protected by the work-product privilege, including, but not limited to, a record prepared by an association attorney or prepared at the attorney’s express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association and which was prepared exclusively for civil or criminal litigation, for adversarial administrative proceedings, or in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

If the HOA has attorney work-product privileged documents that were prepared exclusively for litigation or other similar proceeding, the records are protected from disclosure until the conclusion of that litigation or similar proceeding. However, general advice given to the HOA not prepared exclusively for litigation or other similar proceeding is protected by lawyer-client privilege and not subject to disclosure under Section 723.079(5)(d)1., FS.



***Q. Can park manager or park owner evict a homeowner without an eviction order from the court?***

A: While it is commonplace for a park manager or park owner to threaten mobile homeowners with eviction, neither a park manager nor a park owner may evict a mobile homeowner without an order of eviction from the court.

Section 723.031(9), FS, provides that no rental agreement shall provide for the eviction of a mobile homeowner on a ground other than those stated in Section 723.061, FS. Paragraph 723.061(1)(a)-(d) provides the four (4) grounds under which an eviction order may be obtained, which are: a) Non-payment of the lot rental amount, b) conviction of a violation of a federal or state law or local ordinance, if the violation is detrimental to the health, safety, or welfare of

**LEGAL Continued from page 7.....**

other residents of the mobile home park, c) violation of a park rule or regulation, the rental agreement, or Chapter 723, FS, and d) change in use of the land. The prevailing party in an eviction action is entitled to recovery of reasonable attorney’s fees and costs.

*Q. We have a situation where a Member has “right to survivorship” on their home. The title shows the deceased person and the Member’s spouse (still living) as owners. Is the Spouse listed as the “right to survivorship” eligible to serve on the board?*

A: Yes. Both prior to and after the death of the Member, the spouse has been a bona-fide owner who is eligible for membership in the HOA and to also run for the Board.

The “right of survivorship” language contained in the deed simply means that full title to the home goes to the owner that survives the death of the other owner(s).

# Mobile Home Tie-Down Program Update February 2023

More than 50 parks and 50 individual homes have been assigned to Storm Ready Services. Eight parks have been completed. There are five teams servicing Madison to Miami-Dade counties. There are some very large parks assigned this year that are in progress with many homeowner signups still coming in. Non-removable skirting type homes are taking longer, as anticipated.

We are excited to add a new vendor for the panhandle (Region I), Florida Homes Direct. Florida Homes Direct is evaluating parks that have applied in Bay, Leon, Okaloosa, and Homes and will begin meetings and installations soon.

We are still taking parks on the interested waiting list, but it will likely be next grant year before they can be evaluated and served, except for those in the Panhandle region.

Many thanks to FMO for helping us get the word out. Your organization is the largest outreach effort for us.

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Gulf Coast State College  
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# What is FMHRC?

*Submitted by Ron Grove*

The Florida Mobile Home Relocation Corporation was established under Florida Statute 723 to provide assistance to residents of mobile home parks who receive eviction notices and are either relocating their home or abandoning it due to a change in land use of their park.

In lieu of filing for relocation, a homeowner may abandon the home in the park. The homeowner must be able to deliver the current title to the park owner, duly endorsed by the owner of record and valid releases of all liens shown on the title. The owner of a singlewide will be eligible for \$1,375 and the owner of a multi-section will be eligible for \$2,750 in abandonment money from the Corporation.

Relocation is relocating the home to a new location within a 50-mile radius. Upon approval, a homeowner is entitled to actual moving expenses of relocating the mobile home up to \$3,000 for a single-section home and up to \$6,000 for a multi-section home.

Both above situations are available if the park owner does not make these or a better offer.

The above is from the website – FMRHC.ORG. FMHRC was created several years ago because many parks were being sold off for other purposes, like strip malls, and the residents were evicted. They owned their homes that they “permanently” placed on a lot but then had to move out. Nothing has changed since the inception. The website has forms and instructions for filing a claim.

Luckily the rate of park owners changing/selling their parks has diminished. So there have not been many claims. If a park owner compensates a homeowner to this amount then there is no “issue”. Would this cover the value of your home?

The corporation is led by an executive director and 6 directors on the board – 3 from FMHA and 3 from FMO – I am vice-chair, Barry Hirshfield is treasurer, and Richard Twort is a director. We meet regularly to review applications.

FMO and FMHRC are here to do what we can to protect our lifestyle. FMHRC is financed through an assessment to park owners. FMO relies on your membership. Thank you for being a member and please encourage your neighbors to join.

## Meet the Communications Committee Responsible for the magazine and social media



  
**CYNTHIA  
CARTER-LEE**



  
**DAVE  
SIEFKES**



  
**LARRY  
BERTHIAUME**



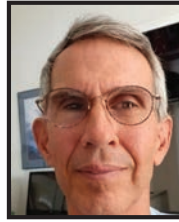
  
**NORMA  
MILLER**

The only person missing is you! Contact  
Cynthia Carter- Lee to join the team

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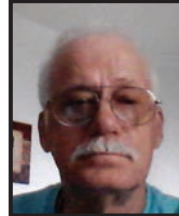
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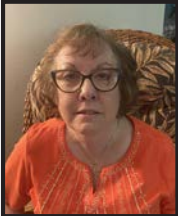
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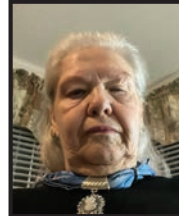
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**The FMO Board of Directors is the governing body for FMO.**

**The position of Treasurer and as well as two Directors at Large positions are open.**

**If you are interested in contributing to the leadership of FMO, please contact Ron Grove at 352-801-7919 or by email [ron\\_grove@hotmail.com](mailto:ron_grove@hotmail.com).**

***FMO is 100% powered by volunteers from the Board to the Field.***

***Please consider volunteering.***

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## DISTRICT 12A

**Position Open**  
Palm Beach County  
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# Vacant District President Positions

The role of District President is critical to managing, maintaining, and growing an FMO district. This role is often a springboard to other leadership roles within FMO.

The duties of the District President shall include, but not limited to:

- Preside at all district meetings.
- Fill vacancies of district offices and committees subject to the approval of members at a district meeting.
- Appoint delegates to the State Assembly subject to the approval of members at a district meeting.
- Promote district vitality and membership growth.
- Schedule annual educational workshops for members.
- Perform such duties as may be directed by the Board of Directors or Section Director.
- Establish a communication network to disseminate information to members on a timely basis. This network may either be by written, telephonic or electronic means or a combination thereof.

- Notify the FMO office of the date, as well as your Section Director, of time, and meeting information at least twenty (20) days before the meeting or as soon as a meeting date, place and program is known.

- Arrange for guest speakers at meetings with topics of interest to District members.

## The following Districts need a President

District 11 – Pasco, Hernando Counties

District 12 – Miami, Dade Counties

District 12A – Palm Beach County

District 15 – Bradford, Clay, Nassau, Duval and St. Johns Counties

District 18 – Gadsden, Leon, Wakula, Jefferson, Madison and Taylor Counties

District 19 – Bay, Calhoun, Gulf, Liberty and Franklin Counties

District 20 – Escambia, Santa Rosa, Okaloosa, Walton, Holmes and Washington Counties

[www.fmo.org](http://www.fmo.org)

Our state-of-the-art website provides historical and current information of importance to Florida manufactured homeowners. The website is expertly organized into sections, making it easy to find information, services, and answers.

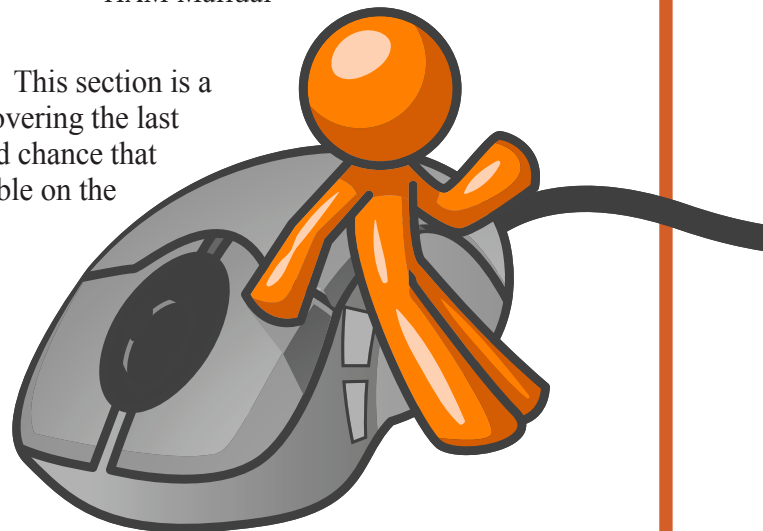
One of the most valuable sections of the website is the Resources tab. There is a wealth of information provided under this tab:

- State and Federal Agencies
- State Programs
- State & Federal Documents
- Rent Negotiations
- Homeowner Parts & Repairs
- Lenders for Manufactured Housing
- Homeowners Insurance
- Insurance for HOA's
- Disaster Preparedness
- FMO magazine
- HAM Manual

Members will also find the Legal Ease section very helpful. This section is a collection of answers to questions submitted by members covering the last 10+ years. Have a legal question, check here, there's a good chance that question has already been asked and answered and is available on the website. <https://fmo.memberclicks.net/legal-ease>

**New!!!**  
**Advertising opportunities**  
**There are advertising opportunities**  
**available on the website.**

**For more information,**  
**contact Cynthia Carter-Lee.**



# FMO Standing Committees

*These committees are key to the day-to-day operation of FMO. All members of the committees serve in a volunteer capacity. There are spaces available on each committee.*

*Please reach out to [members@fmo.org](mailto:members@fmo.org) or directly to the Chairperson to sign up.*

Committee	Description	Chairperson
Political Advocacy	a) Review submissions received from FMO members for legislation on behalf of manufactured/mobile homeowners b) Cooperate with our legislative consultant	Darlene Whitkanack
Finance	a) Propose a biennial budget to be approved by the Board of Directors and presented at State Assembly b) Under the guidance of the Treasurer, monitor the budget during the biennial period and make periodic written reports to the Board of Directors on the financial condition of the FMO	Open
Membership	a) Provide suggestions to the Board of Directors b) Provide to the Board of Directors a monthly report of the current membership showing the total number of members, new members, non-renewals, and lost members	Open
Nominating	a) The Nominating Committee shall be composed of members without regard to geographical considerations. This committee will be appointed by the Board of Directors, have a minimum of five (5) members, and include at least three District Presidents. b) The duties of this committee shall include but not limited to: i. Review the applications received from individuals desiring to run for state office. ii. Determine eligibility of prospective candidates. iii. Submit a report to the Executive Director and Board of Directors no later than sixty (60) days prior to the Assembly for publication in the FMO Magazine, Nov/Dec issue, in election years. iv. Present their report to the State Assembly.	Fred Sullivan
Consolidated Legal Fund	a) The mission of the committee will be to assess the need to support legal actions that will have significant impact statewide, or within a county or municipality that will result in appellate precedent of law. b) Shall establish and maintain separate bank accounts c) Eight members, consisting of two FMO Board members plus the FMO Treasurer; two district presidents; and three HOA presidents/past presidents. In addition, the FMO legal counsel shall attend all meetings of the Consolidated Legal Fund Committee and shall assist and advise the committee d) Review and maintain all physical contracts, payments, and payment histories for participating HOA's	Open
Education	In conjunction with the FMO attorney, the education committee creates, maintains and administers the education curriculum for members.	MaryAnn Czerniak
Communications	Responsible for all internal and external communication methods, to include the FMO magazine, social media and public relations.	Cynthia Carter-Lee
Park Closure and Development	Track mobile/manufactured home park closures and issues related to park closures within the state of Florida. Promote the development of new manufactured home communities in the state of Florida.	Open
ROC		Open
By-Laws		Norma Woodall

*"The best way to find yourself is to lose yourself in the service of others." – Gandhi*



# Federal Law Enforcement Agencies Warn of Impersonation Scam Involving Credentials and Badges

**It is illegal to reproduce Federal law enforcement credentials and badges**

New reports show that scammers are reviving an old tactic to gain trust. Scammers are emailing and texting pictures of real and doctored law enforcement credentials and badges to prove they are legitimate and scam people out of money. Scammers may change the picture or use a different name, agency, or badge number, but the basic scam is the same.

Federal law enforcement agencies are warning the public to be skeptical of email and text messages claiming to be someone from a government or law enforcement agency. No one in federal law enforcement will send photographs of credentials or badges to demand any kind of payment, and neither will government employees.



fer, money transfer, or by mailing cash. Scammers use these forms of payment because they are hard to trace.

Social Security Administration Office of the Inspector General (OIG), Department of Labor OIG, NASA OIG, the Pandemic Response Accountability Committee (PRAC), and the Federal Bureau of Investigation (FBI) joined forces to issue this scam alert.

## HOW A GOVERNMENT IMPOSTER SCAM WORKS

These scams primarily use telephone to contact you, but scammers may also use email, text message, social media, or U.S. mail. Scammers pretend to be from an agency or organization you know to gain your trust. Scammers say there is a problem or a prize. Scammers pressure you to act immediately. Scammers tell you to pay in a specific way.

## TIPS TO PROTECT YOURSELF

1. Do not take immediate action. If you receive a communication that causes a strong emotional response, take a deep breath. Hang up or ignore the message. Talk to someone you trust.
2. Do not transfer your money! Do not buy that gift card! Never pay someone who insists that you pay with a gift card, pre-paid debit card, Internet currency or cryptocurrency, wire trans-

fer, money transfer, or by mailing cash. Scammers use these forms of payment because they are hard to trace.

3. Be skeptical. If you think a real law enforcement officer is trying to reach you, call your local law enforcement using a non-emergency number to verify. Do not believe scammers who “transfer” your call to an official or who feed you a number as proof. Scammers can create fake numbers and identities. Do not trust your caller ID.

4. Be cautious of any contact claiming to be from a government agency or law enforcement, telling you about a problem you don’t recognize. Do not provide your personal information, even if the caller has some of your information.

5. Do not click on links or attachments. Block unwanted calls and text messages.

## FOR MORE INFORMATION ON SCAMS

Visit the [ftc.gov/scam](https://www.ftc.gov/scam) to read about common scams.

## IF YOU ARE A VICTIM

Stop talking to the scammer. Notify financial institutions and safeguard accounts. Contact local law enforcement and file a police report. File a complaint with the FBI IC3 at [www.ic3.gov](https://www.ic3.gov) and with the Federal Trade Commission at [ReportFraud.FTC.gov](https://www.ftc.gov/ReportFraud).

Keep financial transaction information and the record of all communications with the scammer.

**SSA OIG spearheaded this scam alert. Members of the press may make inquiries to Social Security OIG at [oig.dcom@ssa.gov](mailto:oig.dcom@ssa.gov) or (410) 965-2671.**

# FMO Educational Resources for Our Members

Your dues are hard at work supporting your Homeowners' Associations.

Over the past several months, the FMO Education Committee has been diligently working to provide documents and events to help our members understand and successfully operate HOA Associations within Mobile/Manufactured Home Parks. These days, we're taking up the task of rewriting the FMO Park Rep manual and training which will be implemented over the upcoming months.

Here's the list of projects finalized in the last year:

As a state-approved provider, we have presented numerous **HOA Board Certification** webinar sessions, enabling hundreds of HOA Board Members to become certified as mandated by state law. *This webinar is open to members and non-members. In addition to those recently elected or appointed or planning on being on a board, anyone who is interested in learning more about Chapter 723, Florida Statutes, should consider completing the course to better understand the rights and responsibilities homeowners have in a park where the resident owns the manufactured home but rents the land it sits on.* To register for one of the remaining sessions this spring, just click on the appropriate button on the Home page. Remember, anyone newly elected or appointed to an HOA Board is required to certify within 90 days of election/appointment, but the certification for others is good for any election/appointment that may occur through the subsequent 12 months. A Board Member that was elected to a board after 2016 that has not certified or one who has stepped down for as little as one day and not re-certified is suspended from participating and may risk the legitimacy of any negotiations or legal matters taken up by the board. Your member dues allow us to offer this education at a discount and the cost is even lower if a registrant chooses to accept a digital version of the training materials.

We've rewritten the **FMO Homeowner's Association Manual** which many homeowners and associations have been eagerly awaiting. The FMO Homeowner's Association Manual, aka HAM Manual, aka Red Book, explains Chapter 723, Florida Statutes, (The Florida Mobile Home Act) that applies to the overall operation of an HOA in a land/lease park. In the man-

ual is a wealth of information covering the "how-to's" of everything from incorporating an HOA to conducting meetings to holding Board Elections and lots in between. Wherever possible we've tried to present the information in laymen's terms, rather than the legal jargon of the statute. Over the past few years, this document has been the one stop-shopping for HOAs and homeowners with questions on how to run an Association and we're pleased to provide an updated and more organized revision. Member dues allow us to offer this to members at a discount as well. The FMO Homeowner's Association Manual is only available in a printed version and can be purchased on FMO.org.

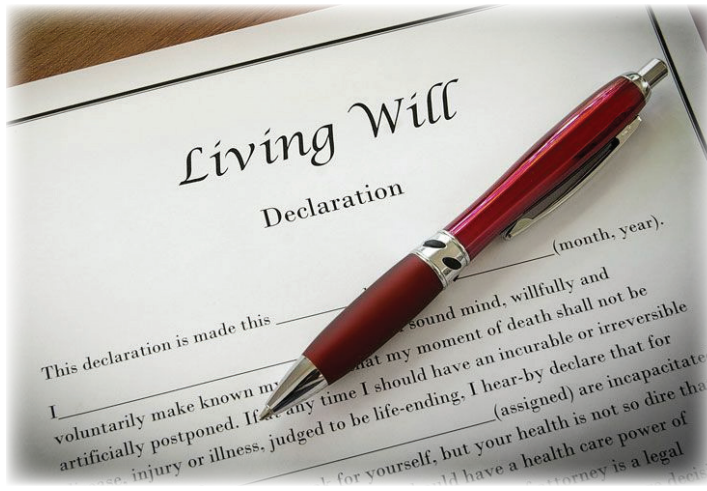
We've rewritten and updated the FMO 723 **Reference Guide**, making that available for free to members on FMO.org. The FMO 723 Reference Guide is an extensive index of most sections of Chapter 723, Florida Statutes and the chapters of the Florida Administrative Code pertaining to it. It is arranged by topic, so anyone interested in a specific subject merely goes to the alphabetical list and finds the applicable statute sections, sub sections, and rules that can be consulted. To download and print a copy of the Reference Guide from FMO.org go to Legal>Florida Statutes and Rules>FMO Chapter 723 Reference Guide.

- A quick reminder to all HOAs: Following an HOA election, **Sunbiz** (<https://dos.myflorida.com/sunbiz>) needs to be updated with the names and contact details of all board members plus the HOA registered agent. The fee to file a profit or non-profit corporation is \$61.25 each year. This **must** be done by May 1st at the very latest, or the state will impose a fine of \$400 for all profit corporations. (Non-profits are not subject to this fine.) If you do not file an annual report by the third Friday of September, your Association will be administratively dissolved or revoked in the Department of Corporations' records at the close of business on the fourth Friday of September. This applies to both profit and non-profit corporations. It is best to file this right after the election to avoid missing that deadline.

*Happy Learning!*  
*MaryAnn Czerniak,*  
*FMO Education Committee Chair*  
*Section H Director*  
*mac849@aol.com*

# The Importance of a Living Will

Do your loved ones know your wishes for medical care and end-of-life decisions? For most people, the answer would be “no.” In our society, sad or uncomfortable discussions aren’t encouraged. In some cases, they’re even considered bad luck. Unfortunately, tragic accidents and sudden illnesses do happen on occasion. By establishing a living will, you can have peace of mind knowing that your loved ones will know exactly what to do if the unimaginable happens. Keep reading to find out how to make a living will, and why it’s important to have one.



ily are prepared in case an emergency or other unexpected event happens. Here are some Nook the specific benefits associated with a living will:

- Appoints a medical power of attorney
- Prevents arguments amongst family members
- Reduces the burden of decision-making for care-takers
- Refuses any treatments

- Provides peace of mind; you know you’ll receive the medical care that you want
- Allows you to arrange for medical care expenses in advance

## What is a Living Will?

A living will is an estate planning document that leaves instructions for medical care and end-of-life decisions. Most estate planning documents deal with the transfer of property upon death. A living will is unique in that it carries out a purpose during someone’s lifetime. Check out our “What is A Living Will” article for further explanation.

## What is the Purpose of a Living Will?

The purpose of a living will is to provide loved ones with care instructions to follow in case you are ever unable to act autonomously. This might happen if you become physically or mentally incapacitated, either through an accident or illness. Common scenarios include terminal illness, comas, and dementia.

Living wills can provide families peace of mind. They know that they’re carrying out your medical care and end-of-life procedures just as you wish. The document should designate which treatments you would and wouldn’t want to be used to maintain your health. It should also include instructions for other decisions, such as organ donation or medications. Additionally, any end-of-life decisions should be included.

## What are the Benefits of a Living Will?

One of the main benefits of a living will is having peace of mind, knowing that you and your fam-

ily are prepared in case an emergency or other unexpected event happens. Here are some Nook the specific benefits associated with a living will:

When you create your living will, you’ll designate your Medical Power of Attorney. This individual is someone who will make medical decisions on your behalf, should you become unable to do so yourself. It’s recommended that you appoint someone that you trust, and someone who can remain relatively strong and level-headed during stressful circumstances. Their responsibility will include working with medical providers to determine your care, per the instructions in your living will.

Without a living will, your loved ones could be unsure of what you would have wanted. They could also have differences in opinion stemming from personal or religious beliefs. Because you’ll have already designated your wishes for medical care, you can also help prevent any arguments that could arise. By stating exactly what you would want to happen, there is no room for debate or guesswork. This helps relieve the burden of difficult decision-making in stressful situations.

You will also be able to specify any treatments that you specifically don’t want, taking some options completely off the table. Keeping all this in mind, a living trust provides immense peace of mind for you and your loved ones. You know that you’ll receive the medical care that you want, in the case you’re rendered unable to communicate your wishes on your own. Your family members won’t have to guess what you would have wanted.

.....**WILL Continued on page 17**



**WILL Continued from page 16.....**

Last but not least, living wills give you the opportunity to make arrangements for covering your medical expenses. You could designate what accounts or insurance policies can be used. By doing so, your loved ones won't be stuck with expensive medical bills. If a living will ever comes into play, that usually means that your family members will already be under duress. Knowing that your medical expenses are covered will bring them some relief.

**What Happens If I Don't Have a Living Will?**

In the event that you become physically or mentally incapacitated, in the absence of a living will, medical providers will turn to your closest relatives to make decisions on your behalf. This could include anything from medication, treatments, surgeries, therapies, and even end-of-life decisions. As you might imagine, this can be stressful and burdensome for your loved ones. They will make the best decisions they can, but will likely feel unsure of what you would have truly wanted. This can bring on feelings of immense guilt along while processing grief.

The absence of a living will also means that your caretakers won't have a way to pay for your medical bills. Everyone knows how expensive medical bills can be, especially those associated with hospital stays, intensive care, and long-term care. You are potentially exposing your loved ones to a crushing financial burden.

While it's hard to think about these types of situations, unexpected events can happen to you no matter your age. This discussion helps to highlight just how much worry and stress can be put on a family in the absence of a proper estate plan.

**How to Make a Living Will**

No one wants the need for a living will to arise, but they're important to have nonetheless. Knowing that all of your medical and end-of-life decisions are already made will provide you and your family with immense peace of mind. Accidents and medical situations arise unexpectedly, and that's why you shouldn't wait to set up your estate plan.

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# What is a “PROSPECTUS”?

*Submitted by Larry Berthiaume*

Webster’s Collegiate Dictionary defines this as “A preliminary statement of an enterprise, as a business undertaking, a literary work, etc., giving advance information calculated to arouse interest and win support.”

The structure, required content, and various topics relative to the Landlord/ Tenant relationship are contained within the opening pages of FS723, commonly referred to as 723 or the “Florida Mobile Home Act”. The contents of FS723 may be amended by the Florida Legislature each year. Regardless of whether they are amended or not, an updated version is printed each year and is available from DBPR (Division of Business and Professional Regulation) (850-488-1122). Any changes go into effect on July 1st of the enactment year. It is highly recommended that all residents of mobile home parks obtain a current copy of FS723 and its accompanying chapter of 61B-29 through 33 and 35 of Florida Administrative Code. FS723 & your prospectus is required reading for all HOA Officers, per FS723-0781. A copy of your specific prospectus can be obtained from DBPR.

In the world of Manufactured/Mobile Homes, this is a legal document that a home buyer is required to receive, in accordance with FS723.011, from the seller. FS723.012 sets forth the required items that must be included in the contents of the Prospectus/Offering Circular and the order and location of them within FS723. Depending upon whether you are buying from the park owner or a private party will determine what prospectus you should be receiving. Private par-

ties are authorized to pass on their existing prospectus. Essentially the Prospectus that you receive is part of the contract that you agree to when purchasing a Home in a “Land Lease” community. It defines the legal name of the community, declaration statements, the name and address of the mobile home park, the name and address of the person authorized to receive notices and demands on the park owner’s behalf, a description of the mobile park property, the number of lots in each section, the approximate size of each lot, the setback requirements, and the minimum separation distance between mobile homes as required by law (appropriate building codes) the maximum number of lots that will use shared facilities of the park and if the maximum number of lots will vary, a description of the basis for the variation.

These, as well as many other pertinent information points about the park you have just bought into, are also contained in FS723-012.

Many aspects of your day-to-day life in your new home are governed by your prospectus. Among a few, but not limited to, are what your rent will be, how rent will be collected, included utilities, included amenities, rights to assembly, rights to privacy, required 90-day notices of any proposed rent increases, the rules and regulations of the park owner, etc.

Your prospectus, as well as a current copy of FS723, your lease agreement, your insurance policies, HOA By-Laws, etc. are all very important documents and should be safely secured. It is recommended that you make copies of all these documents and keep them readily available, possibly on your computer or a thumb drive.

## How to get a copy of your prospectus

- Go to [www.myfloridalicence.com/dbpr/](http://www.myfloridalicence.com/dbpr/)
- Scroll down to popular services, select instant public records
- Scroll to very bottom of page, select request additional public records here
- This will take you to the Open Government page, scroll all the way to the bottom of the page and select Request Public Records
- Go to second option, submit public records request
- If you already have a DBPR account it will take you to the page to submit the request. If you do not have an account, create one and it will then take you to page.
- Once at the page there are several drop downs
- Division Requesting Record(s) From:\* - select Division of Condominiums, Timeshares & Mobile Homes

- Type of Record(s) Requested:& - Mobile Homes
- Sub-Category: Mobile Homes – Prospectus Filing
- At this point provide an explanation of what’s being requested, for example, copy of prospectus for MaryJane Mobile Home Park for year 1975

If you experience problems or need additional information, please call the DPBR Customer Service Center – 850-487-1395.

SEE FACING PAGE FOR SCREENSHOT  
OF WEBSITE FOR DIRECTIONS

.....**PROSPECTUS Continued on page 19**

## Request for Prospectus (final screen)

The screenshot displays a web browser window with a form titled "Request for Prospectus". The form is part of a web application, as indicated by the URL in the address bar: "fldpr.myofshelp.com/webapp/...". The form contains several sections:

- Division Requesting Record(s) From:\*** A dropdown menu with "Division of Condominiums, Timeshares & Mobile Homes" selected.
- Type of Record(s) Requested:\*** A dropdown menu with "Mobile Homes" selected.
- Sub-Category:** A dropdown menu with "Mobile Homes - Prospectus Filing" selected.
- Describe the Record(s) You Are Requesting:\*** A large text area for providing details about the records.
- Preferred Method to Receive Records:\*** A section with radio buttons for selecting a preferred method: "Electronic via Records Center", "Electronic by Email", "Inspect", "Copies by Fax", "Pick-up Copies", and "Copies by U.S. Mail".

The browser's taskbar at the bottom shows the Windows search bar, several application icons, and the system tray with the time "2:35 PM" and date "2/8/2023".

## We Have a New Community Owner!

Article submitted by Darlene Conard,  
darconard@gmail.com

Our journey began January 2022, by leaving a simple message – “I would like to volunteer to research our new owner!” Why? I believe my 35 years of financial business experience with large corporations could benefit our community. BINGO - in less than one hour, my phone was ringing.

If you have ever been in a productive “brainstorming session,” you will understand how stimulating one conversation with two enthusiastic people could lead to a full-blown research project. Our Homeowners Association (HOA) President quickly conveyed his “task oriented” ideas, but also actively listened to mine. The best part for me was he did not tell me how to do the tasks, but just said, “call me” if you have any questions! We agreed that we wanted to understand our new owner. What have other communities experienced since being bought? How is the relationship between the HOA and management? What changes were made in operations and community activities?

We were lucky our new owner had developed a user-friendly website with detailed information about all their Florida communities that matched our “55+ Manufactured Homes Only” criteria. My experience

said you can learn a lot about any company by calling the office and talking to the first person who answered the phone. While only one office acknowledged that the community had a HOA President, it was all we needed. One HOA President led to eleven communities. Unfortunately, we found out three communities had been dissolved years ago.

While it took hours of calling, the end result was the beginning of our “research project” with HOA Board members - ready to help our community and help each other as a group. First, we collected some basic data such as the size of the communities, when they were purchased, and for how much. But then we saw the value in getting together for some discussion. Every community was quickly eager to have Zoom meetings to connect. We know we all wanted to share best practices, processes, events, and concerns, and more importantly, help each other in a positive environment. Of course, an important goal was also to ensure we are all treated fairly under the Florida Statute 723 law.

Our philosophy has always been everyone’s community experiences problems, but when you use some best practices in creative and collaborative problem

.....**COMMUNITY Continued on page 20**

solving, you'll often come to solutions quicker and more efficiently than ever before. After all, teamwork grows stronger as you come out of hardships together.

While the details of our conversation are private, we have honestly strengthened and grown. Our group has now expanded to thirteen communities due to more purchases by our owners.

What really happened? We learned that changes were made when the new owner came in. We learned how those changes occurred over time and what to watch for in the future. We did not always adopt all the approaches that some communities took, but we very much appreciated knowing what they did, why they did it, and what drove them to their decision.

All of this knowledge helped us to understand our new owner, helped us to ask good questions, and to challenge in a constructive manner.

It helped us in rent negotiations to be better prepared,

and it helped us to be able to communicate clearly to our homeowners: fact versus fiction about rumors.

We learned that HOA memberships are the key to strength in numbers. Our HOA membership has grown even in the midst of Hurricane Ian.

We were honored to write this article, so other HOA communities can band together. We have no one leader, we just have enthusiastic leaders who want to preserve our retired lifestyles in sunny Florida. We do not think it is important to name our owner or the communities involved. Our advice is to start your own research project and be willing to listen to outside perspectives in order to strengthen your solutions. Knowledge is Power! Honestly, try to explore all options to protect the rights of manufactured homeowners on leased land. The more participants, the more credibility with our inside and outside partners in the legislature and park owners.

## FMO – The Gift That Keeps on Giving

“What Have You Done For Me Lately?”; no we're not referencing the popular Janet Jackson song, we're referencing the questions that some homeowners have “what is FMO doing for me?”

FMO has a rich 60-year history. Along the way, there have been significant accomplishments that continue to benefit every single mobile and manufactured homeowner every single day. Yes, some date back to as early as 2011 but the savings are being realized every time you pay your lot rent.

### What are they you ask?

- Ad Valorem tax - in 2007, FMO supported legislation and then the constitutional amendment that passed which increased the exemption for tangible personal property tax on our appurtenances to \$25,000. The increase to \$25,000 covers most all homes. Here is the actual language that was put into the Constitution: (f) By general law and subject to conditions specified therein, twenty-five thousand dollars of the assessed value of property subject to tangible personal property tax shall be exempt from ad valorem taxation. This took effect January 1, 2008.

*Reference: Senate Bill 2-D*  
<https://www.flsenate.gov/Session/Bill/2007D/2D/BillText/er/PDF>

- Sales tax – Mobile and manufactured homes are exempt from sales tax on the lot rental if occupied for 12 months of the year. In 2009, there was testimony in a

Senate Finance and Taxation Committee that the exemptions should be eliminated relating to s.212.03(1)(a) and (7)(c). FMO was the ONLY entity that took action to protect this major tax exemption.

- HB 573 – In 2013 FMO was a major supporter of and advocated for the amendment of this bill which forced Citizens Insurance to cover screen rooms, carports, shed and air conditioners.

- The ability of a homeowner to pass their prospectus to a new buyer. FMO was key in defeating the bill that would have prevented a homeowner from passing on his Prospectus to a home buyer. The bill was filed in response to a victory in the appellate court that agreed with DBPR's opinion that homeowners are able to pass on their Prospectus. FMO killed this bill. Had this bill passed, new buyers would have been forced to accept new prospectuses. HB271/SB 386. <https://www.flsenate.gov/Session/Bill/2012/271/BillText/Filed/PDF> This is a prime example of “it is not always the legislation you pass, frequently it is the damaging legislation you prevent from passing”.

So the next time you hear someone say “what has FMO done for me lately”, share this information on how the work of FMO enriches mobile and manufactured home owners every day.

FMO is committed to continue the fight for the rights of our members.



# FMO Membership Application



Complete the information below & return this portion along with your check to FMO  
 222 S. Westmonte Dr, Ste 111, Altamonte Springs, FL 32714 OR  
 Scan w/ Credit Card info & Email to: [members@fmo.org](mailto:members@fmo.org)  
 Questions? Call 321-214-4300

- SAVE A STAMP!** You can join on the FMO Website - [www.fmo.org](http://www.fmo.org)
- One Year FMO Membership for \$25 (US Funds)
- Three Year FMO Membership for \$65 - **Best Value** (US Funds)



**Note: Fields with \* are required PLEASE PRINT LEGIBLY**

Only the two individuals listed below are eligible for membership

Date: \_\_\_\_\_

\*Name: \_\_\_\_\_

Birth Date (optional): \_\_\_\_\_

Co-Member: \_\_\_\_\_

\*Florida Address: \_\_\_\_\_

\*City, Zip: \_\_\_\_\_

\*Phone: (s) ( ) \_\_\_\_\_

\*Park Name: \_\_\_\_\_

\*I am a: Lot Renter  Owner  Other \_\_\_\_\_

\*Email Address: \_\_\_\_\_

Membership Card:  Email  Mail  None

Deliver FMO Magazine by:  Email  Mail  Neither

Number of registered Florida voters in household: \_\_\_\_\_

I am an American Veteran:  YES  NO

Recruiter Name: \_\_\_\_\_

Membership # \_\_\_\_\_

**Non-Florida Address** (if applicable)

Address: \_\_\_\_\_

City: \_\_\_\_\_

State & Zip: \_\_\_\_\_

Check off which months you **DO NOT** live in Florida

Jan  Feb  Mar  Apr

May  Jun  Jul  Aug

Sep  Oct  Nov  Dec

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\*\*\*\*\*Keep this bottom portion as your receipt. Return the application portion to FMO\*\*\*\*\*

**Please enclose a check payable to FMO. US Funds only. Do NOT send cash.**

**Questions?** Call Membership at 321.214.4300 or email [members@fmo.org](mailto:members@fmo.org)

**Thank You** for joining the only organization fighting for the rights of manufactured / mobile home owners!

Date: \_\_\_\_\_ Check Number: \_\_\_\_\_ Check Amount: \_\_\_\_\_ US Funds

Check Payee: \_\_\_\_\_

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