

Understanding Your Homeowners Association (HOA)

Camelot Lakes Village

- Like many states, if not all, Florida has laws (statutes) that define and govern the different types of HOA's.
- Florida laws are assembled in Titles (sections) and Title XL (40) addresses Real and Personnel Property
 - All laws adopted by the state legislature are contained in this Title.
- Title XL is divided into approximately 28 Chapters that contain legislations and regulations that pertain to Property.
- Each Chapter addresses a specific entity, item, or area.
- Chapter 720 contains general procedures of operation of an HOA.
 - Specific procedures are addressed in other chapters.
- There are four Chapters that address properties that are associated with or operated by an HOA.
 - Chapter 718 - Condominium
 - Chapter 719 - Cooperatives
 - Chapter 721 - Vacation and Timeshares (only when subject to 718 or 719)
 - Chapter 723 - Mobile Home Lot Tenancies
- Chapters 718, 719, and 721 pertain to entities that own the land, dwellings, and amenities.
 - These chapters contain language that pertains to the operation of the entities via associations that are primarily comprised of owners. The associations are responsible for all aspects of the community operation to include fees, budgets, contracts, assessments, and rules and regulations.
- Chapter 723, as defined in sub-section (paragraph) .002 of the chapter, applies to any residential tenancy in which a mobile home is placed upon a rented or leased lot in a mobile home park in which 10 or more lots are offered for rent or lease.
 - Para. 004, Defines Park Owner and Mobile Homeowner relationship as Unique. It also states the owner "has a legitimate business interest in the operation of a mobile home park". Also states that all matters addressed in the chapter fall to the state and not local statutes and ordinances.
 - Para. 011, addresses the development and distribution of Prospectuses.
 - Para. 022 and 023, are respective paragraphs stating in general that each party shall keep the items they are responsible for in good condition.
 - Para. 031, outlines the Lot Rent Agreement. Provides that the park owner may pass on taxes.

- Para. 033, Lot Rental Agreement Increases and Changes. Defines “Market Rent” and the economic processes whereby it is determined. Specially mentions the Consumer Price Index (CPI) as an economic factor.
- Para. 037, Lot Rental Agreement Increases, Services Changes, and Rule and Regulation Changes. Sets the procedures and timelines for the “Rent Contract” renewal process. Is the source of the 90-day notice.
- Para. 061, Eviction. Outlines the grounds and proceedings for eviction.
- Para. 071, Sale of a Mobile Home Park. Establishes the first right of refusal for the HOA and the process.
- Para. 075, States that in order to exercise the rights of a homeowner’s association as provided in chapter 723, the mobile homeowners shall form an association which shall be a corporation for or not for profit. Camelot Lakes Village HOA is incorporated and registered with the state and renewed yearly.
- Para. 077, Articles of Incorporation. This paragraph outlines the HOA powers and that upon acquisition of a property the association must create a condominium, cooperative or subdivision.
- Para 078, levees creation of HOA By-Laws
- Para 0781, Requires HOA Board of Directors education.
- Para 079, Bylaws, one of the longest paragraphs in Chapter 723, it covers the creations and content of HOA bylaws.
- Para 0861, Attorney’s fees, and cost. This paragraph states that the prevailing party in an action brought to enforce provisions on this section (723) shall be entitled to fees and cost.

What You Did Not Hear:

- Provisions for HOA funding from rents
- HOA having direct control over items outlined in Para 022
 - Exercise collaborative approach