

May - June 2019

# FMO Magazine

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

*Remember their sacrifices*

## INSIDE THIS ISSUE...

President's Message .....	3
Capitol Beat .....	4
<b>NEW!</b> Elder Law by Jennifer Howell .....	5
News from the Field.....	6 & 7
Things to Remember About Memorial Day.....	6
By-Law Form To Be Released.....	9
Legal by Lee Jay Colling .....	10, 11 & 12
Consolated Legal Fund .....	13, 14 & 15
<b>FMO Membership Application.....</b>	<b>17</b>
Life Without FMO? .....	19
Social Committee or Social Club? .....	20 & 21
FMO HOA Honor Roll .....	21
FMO Contacts .....	23



## FMO Magazine

Official publication of the Federation  
of Manufactured Home Owners of Florida, Inc.

### EDITORIAL

Publisher **The Federation  
of Manufactured  
Home Owners of  
Florida, Inc.**

ADVERTISING SALES (727) 530-7539

The FMO Magazine (ISSN 0274-9882; USPS 356-320) is published bi-monthly by the Federation of Manufactured Home Owners of Florida, Inc., 4020 Portsmouth Road, Largo, FL 33771-3318; phone: (727) 530-7539. FMO Website: [www.fmo.org](http://www.fmo.org). Periodicals Postage Paid at Largo, FL, and at additional mailing offices. POSTMASTER: Please send change of address notices to FMO Magazine, P.O. Box 5350, Largo, FL 33779-5350. **Opinions expressed in articles are not necessarily those of the FMO or its publisher.** Membership in the Federation of Manufactured Home Owners of Florida, Inc., is \$25 (U.S.) annually or \$65 (U.S.) for a three-year membership and includes the FMO Magazine subscription (one copy per home). Forty cents of every membership is allocated to the publishing of the FMO Magazine. Back issues of the FMO Magazine can be obtained for \$1.88 per issue, if available, by writing to the above address. ©2014 Federation of Manufactured Home Owners of Florida, Inc.

The Federation of Manufactured Home Owners of Florida, Inc. (FMO) Magazine is the official publication of the Federation of Manufactured Home Owners of Florida, Inc.—a statewide organization—and is in no way affiliated with or subsidized by any mobile home manufacturer, dealer, park or industry association.

Acceptance of advertising by the *FMO Magazine* does not constitute an endorsement by the FMO. A Preferred Provider logo signifies a special FMO benefit the organization has contracted with the company.

**FEDERATION OF MANUFACTURED HOME  
OWNERS OF FLORIDA, INC.**  
4020 Portsmouth Rd., Largo, FL 33771

**Phone: (727) 530-7539**

**Fax: (727) 535-9427**

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

**FMO Administrative Staff**

Executive Director  
**Jane Clapp**  
[jane@fmo.org](mailto:jane@fmo.org)

Account Executive  
**Diane Claus**  
[diane@fmo.org](mailto:diane@fmo.org)

Member Services  
Manager  
**Beth Pankow**  
[members@fmo.org](mailto:members@fmo.org)

**Resource Materials**  
[jane@fmo.org](mailto:jane@fmo.org)

# Mobile/ Manufactured Home INSURANCE SPECIALIST

## BROWARD/DADE COUNTY

### Dillon Insurance Agency, Inc.

6884 Taft Street, Hollywood, FL 33024  
(954) 961-0503

N. Broward (954) 973-7443 Dade (305) 261-7963  
Toll-free (866)-961-0503

## PINELLAS/PASCO/POLK, MANATEE/SARASOTA, HILLSBOROUGH CHARLOTTE/LEE/COLLIER COUNTY

*Coverage Available Statewide (except in Dade & Monroe Counties)*

### Security Life and Casualty

3750-5th Avenue N., St. Petersburg, FL 33713  
Pinellas/Pasco/Hillsborough (727) 327-7616

Manatee (941) 746-2836

Sarasota (941) 365-1684

All Other Counties (800) 247-7133

[www.slcsurefl.com](http://www.slcsurefl.com)

**AUTO INSURANCE QUOTES AVAILABLE**

## POLK/HILLSBOROUGH/PASCO

### Jack's Insurance Agency, Inc.

4710 New Tampa Highway, Lakeland, FL 33815-3256  
(863) 688-9271

or 800-732-0328

Fax: 863-683-8698

email: [info@jacks-insurance.com](mailto:info@jacks-insurance.com)

## COVERAGE AVAILABLE STATEWIDE

### Bankers Alliance Insurance Group

240 NW Peacock Blvd., Suite 102

Port Saint Lucie, FL 34986

(800) 568-5163 or (772) 337-9787

or apply online at: [www.baigonline.com](http://www.baigonline.com)

***Call one of these experienced agencies!***

# 21st Century FMO

***Jerry Durham, FMO President***



Greetings everyone,

Our “21st Century FMO” initiative began in early 2018 and the results are becoming a virtual reality. As you will see in this issue of “FMO Magazine” we have changed the content to be more relative to you, not only as mobile home owners, but also as residents of Florida. The articles will be more extensive and address issues that are important to us all.

We also believed that getting news every other month in today’s world is not really news. In order to address this we have also added a monthly newsletter “FMO News” on our website, the contents of which will be more timely and relevant to mobile home owner issues and what is occurring around the state. We will also feature a community of the month.

Another significant part of our improvement in communications is our website. If you have not visited FMO.org in some time, you will be amazed at the content and useful materials available to you. There are many important links to Government agencies, resource materials and legal archives.

We continue to seek experienced volunteers to serve on our committees to improve even further. We remain your advocates and your input is extremely important in that effort. Our goal is to have our committees make their recommendations to our Board for implementation.

Finally, and most importantly we have an agreement of sale on our current headquarters. We expect to close on our property May 15th. We have identified another location in Largo that will fit with our current needs. Our staff and Board are preparing for our move. As I write this we are negotiating on a new Headquarters. Once we complete this process we will have a formal announcement to you and the public.

Please be sure and visit our website and make sure we have your latest and correct email as most of our future communications will be utilizing email as we truly become the “21st Century FMO”. Please contact us with your comments and suggestions.

*Jerry*

## ***Check Out Our New Website!***

### **FMO’s newly redesigned website is up & running.**

The new design focusses on the information you need, whether you are a current member, a prospective member or a new home buyer looking for assistance in your decision making process. The web-site navigation is cleaner and, we believe, easier to use. You should never be more than two clicks away from the information you are looking for.

Access to the “Members” side of the website is via your email address or Membership Id Number. While there is much information available on the “Public” side, even more critical information to assist you is available after you’ve logged in.

You’ll also notice that there are two menu areas guiding you with pin-point accuracy to the information you need. The Menu across the top provides normal day-to-day access while the menu groupings along the left side provide easy access for critical or strategic information.

Star Chapter, a broadly used, membership management system, provides the underlying engine for the new website. As we become more experienced with this software, we can add blogs, forums and a myriad of other functionality to assist you, as members, as well as your HOAs.

There is “Website Issues” Link along the left panel for your use in asking questions, providing feedback or describing problems. Messages sent from this link will be directed immediately to our web-support team for review and resolution.

***Suggestions are ALWAYS welcome.***

**WEBSITE: WWW.FMO.ORG**

.....



# CAPITOL BEAT

## Your News from Tallahassee

*By FMO Legislative Counsel Nancy Black Stewart*



### Smooth Landing For Session

At this writing there are 11 days remaining in the Regular Session and I believe they will finish on time (May 3). This year there has been a collegiality and civility in the process that was a stark contrast from the past several session. Now, don't get me wrong... my crystal ball is not telling me much about the next two weeks, so the train could go off the rails, however, I really don't see that happening. Budget negotiations could begin immediately and the art of compromise will be used throughout.

Both House Speaker Oliva and Senate President Galvano have led their Chambers from a position of calm and respect. And that has tended to have a ripple down effect. I also believe our Chief Executive Officer...more commonly known as Governor DeSantis...has had a profound effect on the process this year. He has been a lawmaker so he understands that the legislative branch and the executive branch have different roles and responsibilities. It has been my observation that he has kept a hands-off approach and gone about the business of running the state. All good things here!!

As Session winds to a close I must tell you that I am excited about the changes to the FMO website. I hope you will take the time to explore the several upgrades and increased communications. As you know, I have always written a column for the *FMO News*, now to be called the *FMO Magazine*. I will continue to do that. And I am also excited about the possibilities that the monthly *FMO Newsletter* will offer. I believe the immediacy of monthly information will be helpful to us all. After Session, when the Magazine is being finalized and printed, I will be able to update you on issues we all care about through the *FMO Newsletter*.

And what would my column be without my usual pitch for interaction with our elected officials. Very shortly, legislators and staff will pack up their Tallahassee offices and apartments and head for home. They will be there, with YOU. Please take the opportunity to meet with them. If you are having a meeting where you know attendance will be good, please invite them to attend. They want to hear from you. If this is not a practical idea, make an appointment and several of you go for a sit-down in the legislative office, with the legislator or his/her Legislative Assistant. Explain some of the issues or challenges you are having within your park. Your job, with this opportunity, is to educate them about the lifestyle you have chosen.

Please be reminded that government at the local

level is sometimes even more relevant than statewide actions by the legislature. County commissioners and city officials are the decision-makers for home town matters. And also, with term limits, many local officials run for and win legislative seats when they open up. Education about your issues will be very helpful.

There will be a limited turn-around time this year. Committees will probably begin to meet in September because 2020 is an early Session beginning in January. Decisions about next Session will be happening over the summer!

### Costs of Prescription Drugs

The cost of prescription drugs in Florida is an issue for every FMO member. An update on this may be helpful. Governor DeSantis has been clear that he supports legislation to address these prices. There are 16 days remaining before Session ends on May 3. This is my understanding of the situation today. The House has completed its initial work on this and has passed its bill to the Senate. Here is a link to the House position: <http://www.flsenate.gov/Session/Bill/2019/19/BillText/c1/PDF>

The Senate will amend its own bill tomorrow (April 18) in the Appropriations Committee and here is a link to what I believe will become the Senate position: <http://www.flsenate.gov/Session/Bill/2019/1528/Amendment/858228/PDF>

I would summarize the similarities and differences in this way. Each bill charges the Agency for Health Care Administration to create a drug importation program for prescription drugs from Canada for use within Florida's Medicaid program. The language is clear that all existing federal and state laws, rules, and regulations must be complied with and there is language intended to provide great scrutiny. In each proposal the Medicaid program language is at the beginning of the bill. {up to line 232 of the House Bill and up to line 335 of the Senate Bill} The balance of each bill has provisions that will establish a program that is intended to bring down drug prices for Floridians who do not participate in the state Medicaid program. Each Chamber has a different approach as to the regulatory structure, i.e. the roles and responsibilities of the Board of Pharmacy within the Dept. of Health, as opposed to the Drugs and Cosmetics Act that is regulated by the Dept. of Business and Professional Regulation. Today the differences between the House and Senate positions may seem very big. However, I suspect there will be a meeting of the minds within the next 15 days.



**Jennifer R. Howell**  
**Florida Bar Board Certified**  
**Elder Law Attorney**



## Are You A Florida Resident?

Perhaps a better question to ask is “Does the state you left still consider you a resident there”? Florida is considered a tax-friendly state. Many people wish to avoid the state income, gift, inheritance, capital gains, or estate taxation imposed by their previous state of domicile. Others seek favorable Florida creditor protection laws, including creditor protection for homestead. And others seek the advantage of the “Save Our Homes” cap on property tax increases. However, those who want the tax advantages without really moving could face problems such as state taxation claims made by the non-Florida jurisdiction and competing probate proceedings after death.

## Proving Domicile

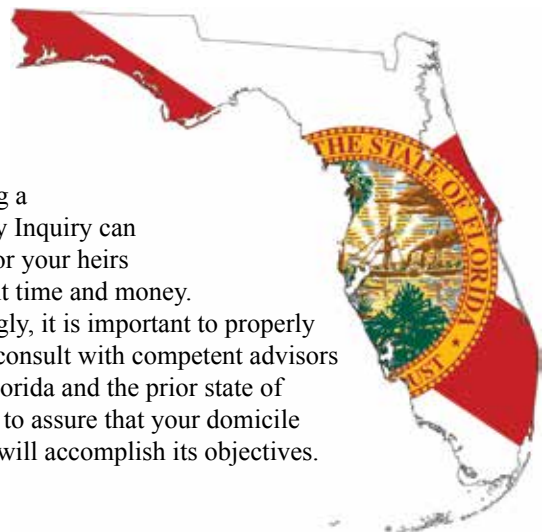
While Florida’s test is fairly easy, the more difficult test is proving your abandonment of your prior domicile to the taxing authorities in the old state. The first step should be to review the law of the former state of domicile with a qualified advisor in that state. Once the advisor has determined the key elements tested in the state you are leaving the next step is to meet as many of those elements as possible. The elements considered generally include whether the following things were done:

- Purchase or rent a residence in Florida and move in. If purchasing a home, file for the Homestead exemption
- Replace as many non-Florida advisors with Florida advisors as possible, not only to prove domicile change, but to avoid errors by advisors unfamiliar with Florida law
- Consult a Florida attorney to have estate planning documents reviewed and changed to reflect Florida laws
- Declare Florida to be your place of residence in all forms that require recital of residence, such as Social Security Administration papers, passports, contracts, deeds, leases, credit cards, etc.
- Set up Florida banking and investment arrangements
- Have all income sources and direct deposits sent to Florida financial institutions
- Consult with a physician in Florida and have your medical records sent to the Florida doctor

- Avoid spending significant amounts of time in your former state of residence
- File Federal Income Tax Returns using your Florida address and mail them to the IRS in Atlanta, GA.
- Remove contents of safe deposit boxes outside of Florida and move contents to Florida
- Join social, political and religious organizations in Florida and change your memberships in out of state organization to non-resident status
- If possible, limit business activities in the former state
- Have all mail, bills, and subscriptions sent to your Florida address

## Why It Matters

If enough revenue is at stake, an ambiguous domicile may trigger the taxing authorities in the prior state to begin a Residency Inquiry or Domicile Audit. The flow of money is what peaks the interest of the taxing authorities. Events that typically trigger an Inquiry are divorce, death, sale of home or business. The burden of proof generally falls to the taxpayer in these cases to show they have abandoned their prior residence and therefore should not be subject to taxes in the old state.



Defending a Residency Inquiry can cost you or your heirs significant time and money. Accordingly, it is important to properly plan and consult with competent advisors in both Florida and the prior state of residence to assure that your domicile planning will accomplish its objectives.

# News from the Field...

## Cypress Lakes Hosts District 1 FMO Meeting

Cypress Lakes in Lakeland was host to the District 1 FMO March 14th Members Meeting.

The Presentation of the Colors was performed by the Cypress Lakes Honor Guard followed by the Pledge of Allegiance. Guest speaker was Polk County Sheriff Grady Judd. Sheriff Judd is currently the President of the Major County Sheriffs of America, a national organization serving counties with a population of 500,000 or more. Topics included statistical crime rates in Florida, safety, scams,

fraud, the Guardian Program in the Florida schools and C.A.P., (Citizens Assistance Patrol), a program of volunteers designed to assist law enforcement officers in combating crime in communities.

*Guest Speaker, Polk County Sheriff Grady Judd*



## Things to Remember About Memorial Day

Memorial Day is much more than just a three-day weekend and a chance to get the year's first sunburn.

Memorial Day was a response to the unprecedented carnage of the Civil War, in which some 620,000 soldiers on both sides died. The loss of life and its effect on communities throughout the country led to spontaneous commemorations of the dead.

- In 1864, women put flowers on the graves of their dead from the just-fought Battle of Gettysburg. The next year, a group of women decorated the graves of soldiers.

- In April 1866, women laid flowers on the graves of both Union and Confederate soldiers. In the same month, in Carbondale, Illinois, 219 Civil War veterans marched through town in memory of the fallen to Woodlawn Cemetery, where Union hero Major General John A. Logan delivered the principal address. The ceremony gave Carbondale its claim to the first organized, community-wide Memorial Day observance.

- Waterloo, New York began holding an annual community service on May 5, 1866. Although many towns claimed the title, it was Waterloo that won congressional recognition as the "birthplace of Memorial Day."

General Logan, the speaker at the Carbondale, Illinois gathering, also was commander of the Grand Army of the Republic, an organization of Union veterans. On May 5, 1868, he issued General Orders No. 11, which set aside May 30, 1868 "for the purpose of strewing with flowers, or otherwise decorating the graves of comrades who died in defense of their country during the late rebellion."

The holiday was long known as Decoration Day for the practice of decorating graves with flowers, wreaths, and flags.

The name Memorial Day goes back to 1882, but the older name didn't disappear until after World War II. Federal law declared "Memorial Day", the official name in 1967.

Calling Memorial Day a "national holiday", is a bit of a misnomer. While there are 10 federal holidays, created by Congress—including Memorial Day—they apply only to Federal employees and the District of Columbia. Federal Memorial Day, established in 1888, allowed Civil War veterans, many of whom were drawing a government paycheck, to honor their fallen comrades without being docked a day's pay.

For the rest of us, our holidays were enacted state by state. New York was the first state to designate Memorial Day a legal holiday, in 1873. Most Northern states had followed suit by the 1890s. The states of the former Confederacy were unenthusiastic about a holiday memorializing those who, in General Logan's words, "united to suppress the late rebellion." The South didn't adopt the May 30 Memorial Day until after World War I, by which time its purpose had been broadened to include those who died in all the country's wars.

In 1971, the Monday Holiday Law shifted Memorial Day from May 30 to the last Monday of the month.

No question that Memorial Day is a solemn event. Still, don't feel too guilty about doing something frivolous (like having barbecue) over the weekend.

In 2000, Congress established a National Moment of Remembrance, which asks Americans to pause for one minute at 3 p.m. in an act of national unity. The time was chosen because 3 p.m. "is the time when most Americans are enjoying their freedoms on the national holiday."



# News from the Field continued

## FMO District 2 Meeting

District # 2 for the FMO had an excellent year. We had four meetings, which covered all the normal topics from membership incentives, officer training seminars and presentations, etc. Each meeting had a guest speaker(s) on topics relevant to mobile home owners.

The first FMO meeting for the year was held in November at Gateway MHP with guest speakers Jody Armstrong from the City of Largo Housing and Jennifer Gillot from Duke Energy. Jody did an excellent presentation on "Residents with Disabilities" and Jennifer spoke on how to save on electricity. Two worthwhile and informative presentations. Nominations were held for the FMO board at this meeting with the election to be held in January.

The January meeting was held at Embassy MHP. The guest speaker was, State FMO President, Jerry Durham. He spoke on pertinent items concerning the FMO. The election was held and the following board members were elected with their respective office (which were done privately) for the next two years: John Hisiro, President, Bonnie Darling, Executive Vice-President, Carol Aldrow, Vice-President, Kay McGuire, Secretary, Ron Russell, Treasurer, Barb Dowds, ROC Advisor, and directors Eugene Gagnon, Mary Ann Balser, and Jackie LaFountain.

The February meeting was, again, held at Embassy MHP and the guest speakers were Will Parker and Tucker Demuth who are listed as FMO Providers and Jonathan Demonte, attorney, who spoke on legal issues and did a Q & A with those in attendance. A very informational and interesting programs were provided by all three gentlemen.

The March meeting was the third held at Embassy MHP and Will Parker and Tucker Demuth made a second quest appearance to provide any further assistance to those in attendance. Likewise, we were honored to have Jerry Durham back to give the home owners the final update on legislative activities which have gone on in the state which could have an impact on mobile home residents.

A final tribute was paid to Board Member, Eugene Gagnon, who will officially leave the Board in May to return to the New England area. A presentation was made to him by Ron Russell in recognition of his seven year tenure serving as a board member. Eugene was very instrumental in providing all the hand-outs at the FMO meetings. He will be missed.

Annmarie Maciel from Rancho Village MHP has stepped up and will be installed at the November, 2019 meeting to take the place of Eugene. During the year I was able to visit seven MHP's: Down Yonder, Twin Palms, Gateway, Bays End Manor, Shady Lane Village, Silk Oak, and Sun Country. Bonnie Darling, Executive V-P, also visited 3 parks, as well.

All in all a great year. See everyone in November.

*John Hisiro, President District #2 FMO*



*FMO District 2 Meeting- After living in Florida for 7 years, Eugene Gagnon, due to health reasons is permanently returning to the north. He is pictured with President Jerry Durham (on right) and Director at Large Ron Russell (on left).*



*John Hisiro, District 2 President (far right) pictured with the District 2 Officers from the January meeting.*

# NEW! FMO MEMBERSHIP DRIVE

May 1, 2019 thru October 15, 2019

On April 29th the FMO Board approved a new incentive program that will pay \$5.00 for every new member brought in by and existing FMO member. You must identify your self as the recruiter on the application. The program will run from May 1st through October 15th 2019.

**Eligibility:** Must be a current FMO member.

**Requirements:** Please forward the applications with a notation of your name and membership number to members@fmo.org or please mail to the following address: FMO, 4020 Portsmouth Rd, Largo, FL 33771

**"We are your 21st Century FMO"**

## LOOKED UNDER YOUR MOBILE HOME LATELY?

**Insulation Under Your Home Falling Down?  
Holes and Tears in Your Vapor /Moisture Barrier?**



**Insulation and  
Vapor Barrier  
Repairs**

Underhome Photos Provided



- Lifetime Vapor Barrier
- Guaranteed for Life • Prevent Soft Floors
- Lower Your Electric Bills
- Keep Mold, Mildew, Rats, Snakes, Spiders, Ants, Roaches and Moisture OUT of Your House!

**Are Your Tie  
Downs Tight?**

**We  
Fix Soft  
Floors**

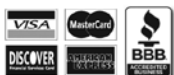
- Hurricane Anchors • Tie Downs • Leveling
- Blocking • Carport Tie Downs
- Stabilizing Devices • Roof-Over Strapping

If your home moves even a few inches during a storm your home will suffer severe damage. Loose tie downs do not protect your home, they must be tightened every 3 to 5 years. Have your tie-downs inspected NOW, before the storms!



• Replace Rusted Anchors • Add Anchors • Longitudinal Stabilizing • Retro-fit to Current State Standards

**FLORIDA ANCHOR AND BARRIER COMPANY**



**1-800-681-3772**

- FREE INSPECTIONS & ESTIMATES
- FAMILY OWNED & OPERATED
- MILITARY & SENIOR DISCOUNTS

• State License #IH/102549/1 Mobile Home Installer • Workman's Compensation Insurance  
• Insured • Bonded • Member: National Association of Mold Professionals

### Directors and Officers Liability Insurance Companies

**Southern Owners Ins. Co**  
6101 Anacapi Blvd.  
Lansing, Michigan, 48917

~

**HUB International Florida**  
PO Box 1027  
Clearwater, FL., 33757  
tel: 727-797-0441

~

**Auto-Owners Insurance**  
PO Box 30660  
Lansing, Michigan, 48909  
tel: 517-323-1200, 800-288-8740

~

**Western World Insurance Group**  
400 Parson's Pond Road  
Franklin Lakes, New Jersey 07417

~

**Newman Crane**  
PO Box 568946  
Orlando, Florida, 32856  
tel: 407-8593691 (local contact)

~

**Harry Levine Insurance Co**  
2265 Lee Road, Ste. 201A  
Winter Park, FL., 32789  
tel: 407-855-1000 or fax 407-855-1001



# Change to Bylaws Form to be released on the FMO Website early May

**Bylaws Change Request - 2019 Assembly**

Name of member submitting request

Member Number

E-mail address

Phone Number

Date request submitted

Bylaws section

Original text for section to be changed

Proposed Amendment

New section will read

Purpose of change

(Enter section number and full text for July or see example)

When completed e-mail to Jane@FMO.ORG or send via USPS to:  
 Federation of Manufactured Home Owners of Florida, Inc.  
 Attn: Jane Clapp, Executive Director  
 PO Box 5350  
 Largo, FL 33779-0350


The Bylaws Committee is finalizing the submittal form for bylaws changes at the next Assembly. The Assembly is scheduled for 4-5 December 2019. The bylaws require all submittals be made 150 days in advance.


This sets the deadline for 7 July 2019 at 09:00.

All submittals must be made to Executive Director, Jane Clapp and must include all elements on the form.

The form will be available on the website by May 8, giving everyone two months to complete and submit a request change. The form is a fillable PDF, which may be e-mailed or printed and sent by regular mail. You may contact any committee member (committee contact info is posted on the website) if you have questions or need assistance.

**BEFORE**






**UNDERHOME  
ARMOR**

- Vapor/Moisture Barrier
- Hurricane Tie-Down Anchors
- We Fix Soft Floors
- Underhome Encapsulated Insulation

**ESTIMATES & SMILES ALWAYS FREE**

**AFTER**



**WHAT'S  
UNDER YOUR  
HOME?**

**8 Yrs  
Exp.**

**LICENSED AND INSURED**

**800.377.7885**

**VISA**  
**DISCOVER**

**FAMILY OPERATED**

# LEGAL By Lee Jay Colling Esq.



## MORE ON ABSENTEE BALLOTS

**Q:** Are absentee ballots legitimate at annual meetings? Or are absentee ballots and proxy ballots namely one and the same in Chapter 723?

**A:** Regarding proxy ballots, Section 723.078(2)(b)2, F.S., states that no proxy, limited or general, may be used in the election of Board members. The same subsection states “—members may vote in person at member meetings or by secret ballot, including absentee ballots, as defined by the division.” The problem with this is that the Division has never defined absentee ballots.

## ABSENTEE BALLOTS PROCEDURE

**Q:** We are a 723 community. At our recent monthly Board of Directors meeting we discussed adding absentee ballot language to our By-Laws. One option is a triple envelope procedure utilizing the USPS; i.e., an envelope addressed to the absentee voter; an envelope marked “ballot” containing the “ballot” to be completed; and, a SASE to be used to return the envelope containing the completed ballot to the HOA. A second absentee voting option was also discussed: an email voting procedure be added to the language (to save on postage and reduce the procedure to a more simpler method). The Board is uncertain as to the legality of an email ballot as 723.078(b)2. states in part: “members may vote in person . . . or by secret ballot, including absentee ballots,”. Would it be allowable to offer absentee voters two options in our election procedure by-law?

**A:** I would suggest that your HOA should conduct your election by secret ballot, including absentee ballots, and agree with your “triple” envelope procedure.

Unfortunately, Chapter 723 gives little direction on the methodology of election of Board members. FMO, in 2019, proposed specific balloting language in SB 1262, but this bill was abandoned for reasons unrelated to elections. For your information, this bill included such language as:

c. The ballot shall indicate, in alphabetical order by surname, each member or other eligible person who desires to be a candidate for the board of directors. A ballot may not indicate if any of the candidates are incumbent on the board. All ballots shall be uniform in appearance. Write-in candidates and more than one vote per candidate, per ballot are not permitted. A ballot may not provide a space for the signature of, or any other means of identifying, a voter. If a ballot contains more votes than vacancies or fewer votes than vacancies, the ballot is invalid, unless otherwise stated in the bylaws.

## INDEMNIFICATION CLAUSE

**Q:** Our HMO Board Bylaws has an indemnification clause that states, “Every Director and Officer of the corporation shall be indemnified by the corporation against all expenses and liabilities, including counsel fees reasonably incurred or imposed upon him in connection with any proceeding or settlement thereof in which he may become involved, by reason of his being or having been a Director or Officer of the corporation.” Does this provision do away with the need of Officers and Directors Liability Insurance?

**A:** In my opinion, including an indemnification clause such as the above, included in your HOA’s By-laws does not do away with the need for both liability and Directors and Officers insurance to protect the on-going viability of the HOA, you need to...

Most Chapter 723 HOAs, including those in large Parks, do not have the financial resources to finance the defense of law suits against them. Remember that anyone can sue anyone for anything. Your HOA, or its Board members, may not be liable for the claims against them but the cost to defend those claims can bankrupt directors and their HOA.

I caution all individual Board members and their HOAs to seriously consider the risk to them and their HOA of not being protected by adequate insurance.

## PASS THROUGH AND PASS ONS

**Q:** What is the difference between a “pass-through” and a “pass-on”?

**A:** A “Pass-through” is defined in Section 723.003(17), F.S. as:

(17) “Pass-through charge” means the mobile home owner’s proportionate share of the necessary and actual direct costs and impact or hookup fees for a governmentally mandated capital improvement, which may include the necessary and actual direct costs and impact or hookup fees incurred for capital improvements required for public or private regulated utilities.

Pass-throughs are usually big ticket items like sewer or water plants.

The term “Pass-on” is not defined in Chapter 723, but is described in Section 723.031(c), F.S., to-wit: “—the mobile home park owner may pass on, at any time during the term of the lot rental agreement ad valorem property taxes, non-ad valorem assessments, and utility charges, or increases of either--.”

.....LEGAL Continued on page 11

## **MORE ON MARKET RENT (SECTION 723.059(4), F.S.)**

Q: I read your answer to the question relative to 723.059 Market rent adjustment. My question is section (4), please advise on the last sentence in that paragraph. The way I read this is the last 3 words here, and this act, take the owner back to prior sections of the Act. This would limit the owners increase to Market Rent as described in 723.033, section (5) The determination of Market Rent. If those 3 words do not take the owner back to prior sections then the owner can establish any rate he chooses.

Our new park owner is going from 850.00 per month to 1,185.00, Way out of any Market Rate in Brevard County Fla.

I ran this by the FMO district 9 officers and they agreed with my opinion. Your opinion would be greatly appreciated, as that new rate is having an extreme negative effect on home sales, and the prices being offered to homeowners that need to sell.

**A: Your question, as I understand it, is thought provoking and worthy of a round table discussion. Space limitations do not allow this, but I would offer the following comments:**

To assist our readers, your question and comments relate to Section 723.059(4), F.S., which provides that a park owner may, upon the expiration of the assumed rental agreement, increase the rental amount deemed appropriate by the Park Owner, “—as long as such increase is disclosed to the purchaser prior to his or her occupancy and imposed in a manner consistent with the initial offering circular or prospectus and this act.”

I believe that this language, to-wit: “—and this act.” means all other provisions of Chapter 723 and the F.A.C. rules. Further, I believe that “market rent”, as set forth in Section 723.033(5), F.S., is not the sole determination of market rent. Homeowners can, pursuant to Section 723.033(6), F.S., also look to other factors in determining whether the increase is unreasonable. Section 723.033(6), F.S., states as follows:

“(6) In determining whether a rent increase or resulting lot rental amount is unreasonable, the court may consider economic or other factors, including, but not limited to, increases or decreases in the consumer price index, published by the Bureau of Labor Statistics of the Department of Labor; increases or decreases in operating costs or taxes; and prior disclosures.”

In addition to the subjects set forth, Florida case law, as set forth in *Munao vs. The HOA of La Buona Vita MHP*, 740 So. 2d 73 (Fla.App. 4 Dist.1999), wherein the court “—determined that the unreasonable condition of the mobile home park, rather than comparable rents, entitled appellees to a reduction in rent.” (Emphasis added)

## **TWO-THIRDS CONSENT**

Q: We have heard you repeatedly say that a legal HOA must have the original 2/3 signatures of the residents requesting an HOA to be set up in order to legally represent their residents.

Our Lamplighter HOA was established in June 1984 and in our incorporation document it refers to the following under ARTICLE IV “Have and exercise any and all of the powers and privileges specifically granted under the “Florida Mobile Home Act”, Chapter 720, Florida Statutes, its predecessor or successor acts.” The attorney, who did our incorporation, does not have these signatures, nor did he ever see them. Since it was done 35 years ago, we do not have any of those original residents currently in our park and we do not know of anyone who ever did see that list. Back in 2016 we did a multi year rental agreement/contract between the owner of the park and the residents stating that the owner recognizes the HOA as the legal representative of the residents. With all that being said, these are my questions:

- Would the multi year rental agreement be enough to suffice our HOA legal position?

**A: Your 2016 Agreement with the Park Owner, wherein the Park Owner agreed that the HOA was the legal representative of the residents would be enforceable against the Park Owner who could not complain regarding the lack of the required 2/3 consents but as to all other parties, including homeowners in the Park, the HOA would not be compliant with Section 723.075(21), F.S., which requires the evidencing of the 2/3 consents to the formation of your HOA. Again, the bottom line is that without the 2/3 consents and compliance with Sections 723.075(1), and 723.076 through 723.079, F.S., the HOA would have no legal authority to represent the homeowners in your Park.**

Q: Since our incorporation refers to Chapter 720 and not 723, did this mean that back in 1984, we were not required to get 2/3 resident’s signatures?

**A: You state that your Association was incorporated in June of 1984 with the powers granted under the “Florida Mobile Home Act, Chapter 720”. There was no Florida Chapter 720 in 1984. Chapter 720 known as the “Homeowners Association Act” was not created until 2015. The “Florida Mobile Home Act” is Chapter 723, which was adopted in 1984. I must assume that the “720” was a typographical error, your Park is not a subdivision and that your HOA is under Chapter 723, F.S.**

Q: Or did Bill 84-80 effective in 1986 have something to do with our incorporation?

**A: “Bill 84-80” is the “Florida Mobile Home Act”, which was effective in 1984, not 1986.**

.....LEGAL Continued on page 12



## FAIR HOUSING ACT

Q: What is the age limit of caregivers, if any?

A: There is no age limit on caregivers under the Florida Fair Housing Act. In fact, those lots in the Park occupied by caregivers are not counted in the Park Owner's biennial "55 & Over" survey.

## UNBUNDLING REAL ESTATE TAXES

Q: In our Park, in June, we receive notice of annual increases, which includes assessment of how much each resident owes towards the Park owner's annual property tax increase, using the formula of how much property tax has increased since the base year of 2006 to current year. For example, the Park owner subtracts the amount he was assessed in 2006 from the amount he was assessed in say, 2018, then divides that among the number of park residents, resulting in the amount each home owner is required to pay. Subsequently as property tax increases annually, the home

owners' portions are becoming substantially greater each year, using that formula. Any information that you can provide would be helpful.

A: The method you described of handling the calculation and charging to homeowners for Ad Valorem and Non Ad Valorem taxes is a common and widely used method. This assumes that the Park Owner legally amended its prospectus(es) to provide for a Base Year for taxes. However, it has always been my legal opinion that it is unlawful for any Park Owner to include any such taxes in the Base Rent.

Example: If you receive a 5% increase in your Base Rent, the taxes that are included in your Base Rent are being increased 5% and you end up paying 105% increase in taxes. This is called "double dipping" and is unlawful. The solution to this problem is to "unbundle" or remove all Ad Valorem and Non Ad Valorem taxes from the Base Rent and thereby charge the homeowners only 100% of the amount paid by the Park Owner to the Tax Collector.

It has been my experience that many Park Owners understand this situation and we have been very successful at mediations in reaching agreements to unbundle taxes from the Base Rent.

## PRIVACY LAWS – USE OF POST CARDS

Q: Our Park sends out "postcard" invoices/statements, the reverse of which shows the home owner's account info and amount owing, if any. This is sent through regular mail giving anyone the ability to see a resident's account information. Is this a breach of Florida or federal privacy laws?

A: I am not informed as to any Florida or Federal privacy laws that would preclude your described use of post cards regarding invoices, etc., but I would suggest sending such invoices in an envelope.

## HAVE A LEGAL QUESTION?

You can submit a question for FMO's Legal Counsel's consideration in one of the following ways:

Email: [diane@fmo.org](mailto:diane@fmo.org)

Fax: (727) 535-9427

OR Mail to:

FMO Office, 4020 Portsmouth Rd., Largo 33771

## Comfort COVERSYSTEMS™

Proudly Roofing Since 1985



### Mobile/Manufactured Home Roofing System

- **Insulated Energy Star Rated Roof**
- **Manufacturer's Backed Lifetime Warranty**
- **Financing Available**
- **STOP Roof Leaks**

Single-ply roofing membrane toughened with Elvaloy resin modifiers from DuPont

**FREE ESTIMATES**

**1-800-226-0955**

**[www.ComfortCover.org](http://www.ComfortCover.org)**

## CONSOLIDATED LEGAL FUND

The Consolidated Legal Fund was a concept began in District 1, Polk County, to address the resources needed to file Litigation in today's marketplace. The landscape has changed significantly and we are dealing with corporate entities who have many Lawyers and money to defend their position.

Homeowner's Associations on the other hand have limited funding to spend on this type of Litigation and Owners understand that. I have seen communities that have \$210.00 in their legal fund as well as those who have \$100,000.00 in their fund. Most communities fall closer to the former.

The goals of the fund were to raise \$300,000 to \$500,000 within five years. We believed this amount was necessary to undertake multiple cases. Our progress has been extremely slow and to date only 38 communities have committed to \$114,000.00 toward this effort.

There are a number of reasons for this with the primary reason being HOA's want a third party to come into their communities and present to their members. Although we have been successful in doing this there just is not enough time in season nor volunteers to meet this request.

The rationale for the fund still exists today and probably even more so with the changes being implemented in the marketplace. Communities seem to be getting no support from the Division or Legislators with a few exceptions. The purpose of this fund is to make money available to fund litigation initiated

by a community from beginning to end including appeals.

### Some frequently asked questions are:

- Why haven't there been any cases started? We believe it would take in excess of \$70,000 to complete a case.
- What about small communities resources? We have attempted to address this by creating different payment plans. Remember that any litigation will cost the same regardless of the community size.
- What about the additional assessment requirement? If there is an additional assessment the member community has the right to decline any more contribution. As a practical matter if the fund is losing cases and drying up I would not want to provide any further money either.
- The fact is that there is a growing need for these resources and there are 1700 communities eligible. You need to inform your HOA that it is important to participate in this program. Don't wait for everyone else to participate or we will have no fund.

You can find all the forms and details needed on [www.fmo.org](http://www.fmo.org)

More on the Consolidated Legal Fund on pages 14 & 15.

## FMO Education Committee

Another successful year is behind us with our last class being on April 1st, that isn't an April Fools joke. We have had the privilege of certifying almost 800 attendees at our 13 classes this season and I would like to thank all the parks and their representatives for their assistance in this endeavor. I also need to thank our many presenters for giving of their time and talents to make this program so successful.

With this year behind us we now need to look forward to next years agenda. We once again wish to have at least one certification class in each of our districts. We would ask that each district submit a date between 1 January 2020 and 15 April 2020 at which their certification class can be held. If your park is willing to host a class please contact your District President and inform them of your



wish. If unable to contact this individual contact the FMO Office and we will follow up.

The FMO Office has the parameters that are needed to host a class. Remember "the early bird gets the worm" so get your request in early and you will more than likely get the date you wish to hold your certification class. We need to complete this action prior to September so it can be advertised and all the elements set into motion.

I, the Education Committee and FMO Staff are here to assist you, please do not hesitate to ask.

*John P. Salvucci, Education Committee Chairperson*



**Remember "the early bird gets the worm", plan ahead and request the date you wish to hold your certification class.**

# Consolidated Legal Fund

FEDERATION OF MANUFACTURED HOME OWNERS OF FLORIDA



## WHY THE FUND IS NECESSARY:

- Most HOAs lack the financial leverage to negotiate with park owners
- Most parks today are owned by major corporations with money, lobbyists and organization
- Initiating legal action against a well-funded corporation is too costly for most individual HOAs
- Most legal action will begin in Circuit Courts and very likely will be appealed to the next level
- Legal fees become more expensive the further you get in the court system

## HOW DO WE ADDRESS THIS NEED:

- Establish a legal defense “Super Fund”
- Funded by member HOAs. \$1,000 initial subscription with an additional \$2,000 over 4 years
- Objective is to raise at least \$500,000 in 2 to 5 years
- There are 1700 eligible parks in the state

## ORGANIZATION / FINANCIAL STRUCTURE:

- Formed as a Standing Committee under FMO - minimize startup costs including insurance
- Nine member Committee with diverse experience in law, business and finance
  - 3 FMO Board Members
  - 2 District Presidents
  - 3 HOA Presidents or past Presidents
  - FMO Legal Counsel
- Funds kept totally separate from FMO resources
- All finances managed for growth and liquidity by the Committee

## LITIGATION STRATEGY:

- Application is submitted to Committee citing proposed legal action and rationale behind it
- Upon approval, funds will be provided to requesting HOA as a grant
- Entire action will be funded
- Litigation should have statewide or regional impact
- Neither the fund nor FMO will be a party to the action
- Proposed actions involving mediation, arbitration, single park issues or any action against an HOA or its board by it's homeowners will not be funded
- The Committee's focus will be on potentially precedent setting cases resulting in changes to the law that positively impacts all our communities

**For Further Information Contact Your  
FMO District President  
Phone the FMO Office at 727-530-7539  
or send an Email to: [fmo.clf@fmo.com](mailto:fmo.clf@fmo.com)**



## *Is Your Park Property Maintained At Prospective Level?*



*Sewer Lines Need Updating?*



*Common Areas Attractive?*



*Roads Well Maintained?*

*Ignored And Abused By Your Property Owner?  
Tired of Seeing All Your Rent Money Leave The Park?*



Challenging your property owner  
in court is expensive - especially if there  
is the possibility of regional  
or statewide impact!

If you feel held back by lack  
of financial resources, there  
is a possible solution available.



*By joining FMO's Consolidated Legal Fund, you may be able to  
access the financial power and leverage of many like-minded HOAs.*



**FEDERATION OF MANUFACTURED HOME  
OWNERS OF FLORIDA, INC.**

**4020 Portsmouth Rd. Largo, Florida 33771**

# **Why You Should Join the FEDERATION OF MANUFACTURED HOME OWNERS OF FLORIDA, INC.**



The FMO was the impetus for Florida Statute 723, "The Florida Mobile Home Act" which was established to protect YOUR rights! Without this statute, residents of land lease rental communities would have no recourse or protection against park owners. As dues paying members we rely on your continued support of FMO to fulfill our mission.

1. FMO is the primary Florida membership organization representing Florida Manufactured Home Owners.
2. FMO is expanding its advocacy nationally and has partnered with Prosperity Now in Washington, DC and the National Manufactured Homeowners Association.
3. FMO has recently placed a board member on a Housing and Urban Development (HUD) committee in Washington, DC. with focus on manufactured homes.
4. FMO offers HOAs' participation in the Consolidated Legal Fund and offers Certified HOA Board Training.
5. In 2013, FMO helped pass legislation to require Citizens Insurance Company to cover mobile home attachments, (sheds and carports).
6. FMO has successfully lobbied for \$2.8 million in the state budget dedicated to The Mobile Home Tie-Down Program since 2003.
7. With your support FMO defeated attempts to tax mobile homes on rental property as real property.
8. With your support FMO defeated numerous attempts to place a 7% sales tax each month on your lot rental fee.
9. Employs a full-time lobbyist representing your interest in Tallahassee.
10. FMO encourages members to support Legislators who champion our issues.
11. Most importantly, by joining the FMO you give FMO the political strength to protect our rights.

Revised 10/2018

Find us on 



# FMO Membership Application



Fill out the information below & return this portion along with your check to FMO  
PO Box 5300, Largo, FL 33779-5300 OR Scan w/Credit Card info & Email to: [members@fmo.org](mailto:members@fmo.org)

- ☐ **SAVE A STAMP!** You can join on the 21st Century 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)
- ☐ Cross Country Motor Club - Please **ADD ADDITIONAL \$35.00 for 1 year (US Funds)** (Your renewal for Cross Country will be sent to you separately)



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

Secondary Email Address \_\_\_\_\_

Deliver FMO News 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

We are unable to mail the FMONews out of the U.S.

It can be obtained via email or online at [www.fmo.org](http://www.fmo.org)

**To pay with credit card:**

☐ MasterCard ☐ Visa ☐ Discover ☐ AMEX

Card # \_\_\_\_\_

Exp. Date: \_\_\_\_\_ Phone ( ) \_\_\_\_\_

Signature: \_\_\_\_\_

\*\*\*\*\*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.

**Cross County Members:** You will receive a separate membership card from Cross Country in 4 to 6 weeks. If you need roadside assistance before you receive your Cross Country Card, please call their toll free number 800.528.2056

**Questions?** Call Membership at 727.530.7539 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: \_\_\_\_\_

Rev. 10/18





# YES...I want to join Cross Country Motor Club

Date: \_\_\_\_\_ FMO Membership #: \_\_\_\_\_

Member : \_\_\_\_\_ Secondary Member: \_\_\_\_\_

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

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail (please print): \_\_\_\_\_

**Do not send cash.** Fill out coupon above and enclose a check or money order for \$35, payable to FMO.

Mark front of envelope "Cross Country Membership enclosed" and mail to:

**Federation of Manufactured Home Owners of Florida, Inc.**

4020 Portsmouth Rd., Largo, FL 33771

**Questions? email [ads@fmo.org](mailto:ads@fmo.org) or call (727) 530-7539**

**Note: Your Cross Country Motor Club Membership will be billed separately.**

**Please allow 4-6 weeks to receive your card from CCMC.**

**\$35 covers you and your spouse for 1 year.**



## Cross Country Motor Club = Premium Roadside Service

- ✓ 24-Hour Emergency Road Service
- ✓ Custom Computerized Trip Routing/Map Service
- ✓ Reimbursement for Emergency Travel Expense
- ✓ Emergency Message Service
- ✓ Auto/Truck/RV Rental Discounts
- ✓ Hotel/Motel Discounts
- ✓ Spouse covered at no extra charge
- ✓ Much much more!

***\*To take advantage of this offer, you must be an FMO member in good standing.  
This fantastic offer is available to ALL FMO members!***

## COMPARE



Benefit	Cross Country	AAA	Allstate Motor Club
Emergency Road Service	Yes	Yes	Yes
Theft Reward Decal	up to \$5,000 reward	up to \$1,000 reward	up to \$5,000 reward
Emergency Message Service	will call 3 family members	not available	not available
Custom Trip Routing/Map Service	Yes	Yes	Yes
<b>Annual Cost</b>	<b>*\$35</b>	<b>\$66/first year \$66/renewal</b>	<b>\$52.00</b>

# Life without FMO

The following events are fictitious but not impossible.

- January 2022 – In the year of their 60th anniversary the Federation of Manufactured Homeowners of Florida, Inc. (FMO) announced they are dissolving the corporation as they are no longer able to meet their financial and legal obligations. Thus ending the only statewide advocacy group for mobile/manufactured homeowners.

- February 2022 - Citizens Insurance announced they will no longer offer insurance to mobile homes older than 10 years and all carports and sheds will not be included in the coverage.

- March 2022 - In a cost cutting measure the Governor has recommended abolishing the Division of Condominiums, Timeshares and Mobile Homes thus eliminating the DBPR.

## New bills have been created in the upcoming Legislative Session to:

- Abolish the sales tax exemption on mobile home lot rentals
- Eliminate the funding for the Mobile Home Tie Down Program
- Eliminate the Florida Home Relocation Corporation
- April 2022 – Mobile home installers no longer need to be licensed.

- April 2022 – All park bingo cards subject to sales tax.
- April 2022 – Residents in cooperatives will lose their homestead exemption.
- May 2022 – Mobile homes on rental property will now be taxed as real estate.
- June 2022 – Park owners have begun to lobby for elimination of Florida Statute 723 indicating that Florida Statute 83, the Landlord Tenant Act, should be the governing document for mobile homes on rented ground.
- December 2022 – Purchases of Mobile/Manufactured homes have seen a momentous decline and is expected to continue as this once affordable lifestyle has seen significant rental increases and devaluation of these homes. This once affordable alternative to Florida Retirement options is no longer viable.

As you can see we owe a great deal to our founding members and their tenacity in creating and fighting for the rights of Mobile/Manufactured Homeowners. We need your support as members and officers to continue to protect and improve our lifestyle. With this in mind I ask you: Is your neighbor and FMO member?

## FMO's Homeowners Association Manual

*Make sure your  
HOA is prepared and  
up-to-date on current topics.*

**HOA MANUALS  
CAN BE ORDERED  
FOR \$16**  
(includes postage & handling)  
**PURCHASED IN  
PERSON Only \$10**

**This "best-selling" guide is a must-have for every member of a homeowners association in a manufactured/mobile home community governed by F.S. 723.**

### TOPICS INCLUDE:

- Incorporation
- Duties of each board member
- Finance
- Meetings with the park owner
- Preparing for Homeowners Association's annual meeting and much more.

*Important forms included that can be copied and used!*

Mail this order form & check payable to FMO to 4020 Portsmouth Rd., Largo, FL 33771. Please allow 2 weeks for delivery.

Quantity _____	Name: _____
Price ea. _____	Address: _____
Price ea. x Quantity _____	_____
Total Cost _____	FMO Member number: _____

## Social Committee or Social Club?

One of the major factors attracting new residents to organized manufactured communities – Land Lease, Resident Owned Community (ROC), or Subdivision – is activities. We all want to take a step back from the years of toil and enjoy good times with friends and neighbors. The center of such activities in most communities is the social committee or social club. A few have paid social directors but for most this very important function is done by volunteers. The structure of the group overseeing these activities can have a great deal to do with their acceptance by the community and the success of their efforts.

Some of these groups predate even the Home Owner's Association (HOA) formation in their park. More common was the formation of a social committee under the umbrella of the HOA. This was most often done this way to share the cost of liability insurance – a necessity for such groups. FMO Attorney and longtime champion of HOAs, Lee J. Colling, has often said in training classes this is his preferred and recommended structure. It works in many communities.

There are a number of advantages to this structure. It gives HOA members a clear and legal control of the committee through its Board of Directors (BOD). The committee is staffed by HOA members and the sponsoring of activities serves to promote membership. One insurance policy covers all. Record-keeping, book-keeping, and taxes are typically handled by HOA officers thus leaving the committee to focus on activities and events. One voice – The BOD – is heard by management lending unity to the strength of resident negotiations for better facilities, etc. Activities and events are publicized alongside other HOA news lending balance and interest to the HOA's other endeavors. HOA members have legal recourse should the committee fail to live up to its fiduciary responsibilities to the community. Monies collected and earned remain the property of the HOA and thus, the community.

There can be reasons to structure it differently. Some HOAs, either in their bylaws or through the conviction of their leaders, focus solely on negotiating issues covered under the statutes (FS 723 or FS720). In other cases, differences over the use of proceeds or assets have divided those interested in managing activities from those seeking to run the HOA. In many parks this divides the community into a Hatfield vs McCoy feud which can rage for years. Even households can be affected where one member favors one side and the other is committed to the opposing group. Members of the community can agree to disagree. The structure of the resulting social "club" can have many implications. There are a couple of common scenarios and a couple not so common to consider.

The most common is a simple social club. A group of residents, with sufficient support of the community, nominate themselves to put on the events and run activities. They form a "club", get a bank account, and obtain a liability policy from an insurance carrier. If they organize in this manner and go no further they are technically an unincorporated association.

The "members" of the association conduct its business and are legally responsible for any financial obligations the organization incurs (debts, taxes, etc.). An accountant should be consulted regarding sales taxes, income tax, etc. Such groups should maintain a member list, keep financial records, create a set of bylaws members agree to abide by, and establish a method of electing leadership by the members. Finances should be disclosed regularly and leaders should be open to suggestions. Big decisions should be made by a vote of the members. Simply declaring everyone in the community as members does not make it so, and if this is the only membership list maintained, those serving in leadership capacity may find themselves individually responsible for liabilities incurred by the group. You need not charge a fee but members must be those that actually agree to join. A simple application with contact info and a signature is all that's needed but listing interests might help group leaders in assigning tasks or seeking volunteers for a particular activity. Since there are few statutes covering such organizations (other than taxes & criminal – such as fraud) it can be very loosely run. Legal recourse by residents is minimal but theft or misappropriation can be reported to the police and pursued as the structure also offers little protection to its leaders if they violate the trust of the community.

Social Clubs, like HOAs can incorporate. This can be for-profit or not for-profit under the state incorporation laws. Similar to an HOA, it can be a corporation composed of members, who under the bylaws have voting rights, and the leadership is elected by the members. Again, simply declaring all members of the community does not make it so and a membership list of those with voting rights must be maintained. FS 607 (for profit) or FS617 (not for profit) statutes apply and must be adhered to. Becoming a not for-profit decreases the liability of club leaders. It changes the tax liabilities slightly but do not mistake state not for-profit status with federal 501C4 or 501C3 nonprofit organizations. An accountant should be consulted regarding sales taxes, income tax, etc. This provides more structure and a legal umbrella under which leaders must operate. As long as the bylaws vest the actual authority over decisions, leadership, and assets in the members AND a membership list is maintained AND financial transactions are fully disclosed AND regular meetings are held where members can vote on any matter – this can be a good thing.

A problem arises when a small group within the community declare themselves in charge of activities and amenities while not offering legal/voting membership in the group to all residents. Often these groups will not disclose what's happening financially leaving open the door to shenanigans. Even worse is a circumstance where they form an alliance with management to the exclusion of other residents who want to hold activities or utilize amenities. This can result in favoritism for their friends and harassment or reprisal to those crying out for fairness.

.....SOCIAL Continued on page 21



# *The* FMO HOA *Honor Roll*

Honoring HOA Boards of Directors having 100% FMO Membership

## **DISTRICT 1**

Swiss Village, Winter Haven  
Woodbrook Estates, Lakeland

## **DISTRICT 2**

Embassy MHP, Clearwater  
Ranchero Village, Largo  
Tarpon Shores, Tarpon Springs

## **DISTRICT 3**

Water Oaks CC Estates, Lady Lake

## **DISTRICT 4**

Kissimmee River Fishing Resort, Okeechobee  
Spanish Lakes, Port St. Lucie

## **DISTRICT 6**

Sunshine RV Resort, Lake Placid

## **DISTRICT 7**

Buttonwood Village, Punta Gorda  
Century 21, Fort Myers

## **DISTRICT 14**

Carriage Cove, Dytona Beach  
Lamplighter MH Comm, Port Orange

## **DISTRICT 16**

Palm Valley FMO Officers, Oviedo

## **DISTRICT 17**

Walden Woods South, Homosassa



SOCIAL Continued from page 20.....

Unfortunately, in many parks, volunteers are not easy to find and many residents have no concerns as long as someone else does the work. This allows unscrupulous individuals to prey upon the community in the guise of a “social club”. The HOA can certainly address such things but, not desiring to inherit the work, may decline. Unless the community as a whole bands together, these groups can take on a gang like personality; shaking down the park and bullying those that oppose. Once allowed to operate this way they can be very difficult to overcome as there are no statutes preventing this directly and if aligned with management interests they will be allowed. Typically the only weakness is they think they are above the law and often fail to collect or pay taxes, file required reports, or obtain required permits. Agencies overseeing these things may be able to help. If they have incorporated privately and are not individually listing residents as full voting members on a membership roll they may in fact be a business and not a social club at all. In this case they would be subject to laws pertaining to catering, gambling, sale or distribution of alcohol, fraudulent representation and more. The state District Attorney, Health Department, or local law enforcement agencies may be able to help.

Lastly is a hybrid organization method that would be my personal choice if I were reorganizing a community. This method places the Social Committee squarely under the HOA. That has the advantages of shared insurance and legal recourse by residents under FS723/720. The difference is in how the committee is formed and the independence given it under the HOA bylaws. Members of the committee are elected in the same manner as members of the board of directors – by the membership. The committee then elects its own chairperson, secretary, and treasurer, who serve at the pleasure of the committee. While the Board of Directors technically oversees the committee its funds are kept separate and controlled by the committee treasurer. Committee decisions are not subject to review by the BOD but can be acted upon by members in the same manner as those of the BOD. Recall provisions would be spelled out as the same as those for BOD members. This is the best of all choices. The members (residents) ultimately decide what’s done with funds, and those putting on activities have an independent say in how it’s being done. This can be accomplished with bylaw changes at no cost to the HOA unless you decide to consult an attorney.

*Russ Watson*  
*Director at Large*

## ***Congratulations!***

*"Congratulations Nancy Gilliam for joining the Membership Committee and Jane Frank for joining the Communications Committee. Both candidates were recommended by John Petrella District 3, President. Thank you Nancy, Jane and John. We look forward to your contributions."*

*We still have needs for your skills. Contact [Jane@fmo.org](mailto:Jane@fmo.org).*

## ***Congratulations to our Park Representatives***

*138 FMO Park Reps from all Districts recruited over 475 New Members during the Membership Drive November 1, 2018 thru April 15, 2019.*

*FMO is so proud of those who worked so hard to achieve this magnificent show of workmanship in the Park Rep. Incentive Program. If your community doesn't have an FMO representative, and you would like to volunteer, please contact Beth Pankow at the business office 727.530.7539.*

**WAY TO GO EVERYONE!!**

## ***And a Thank You***

*Thank you to the 732 new Board members who attended our training sessions. A special thanks to the FMO Education Committee for their hard work and effort on establishing this years program.*

## **OOPS!**

We apologize for any inconvenience for our mistake on page 9 of last issue.  
We published Ron Rulon of District 1's email incorrectly.  
The CORRECT EMAIL IS: [rbrulon1942@gmail.com](mailto:rbrulon1942@gmail.com).

## **HELP WANTED**

**Salary:** NONE

**Benefits:** Enduring gratitude of Mobile Home Owners

**Travel:** NOT REQUIRED

(Reimbursement Policy in Place If Needed)

**Hours:** FLEXIBLE

**Location:** WORK FROM YOUR HOME.

**Satisfaction:** GUARANTEED

**Attribute:** PASSION OF HELPING OTHERS

**Needed Expertise:** Public Relations, Newspaper/Publications, Communications, Political Activism, Public Policy, Membership Building, Computer Systems and Networks, Web Based Training and Seminars, Program Writing and Educators.

### ***Sound attractive so far?***

Your FMO is seeking a few good people with some special skills to provide better services to our members and communicate with the public and potential members. We all have had careers and life experiences that contributed to a special skill set. Sharing your knowledge and educating us to become more effective volunteers would be a great service to those who have chosen our lifestyle. Our goal is to have FMO become a more effective advocate for Mobile/Manufactured Homeowners.



**If you have experience in the following areas please contact  
Ms. Jane Clapp, Executive Director at (727) 530-7539 or email her at [Jane@fmo.org](mailto:Jane@fmo.org).**

# FMO CONTACTS

<b>PRESIDENT</b> Jerry Durham (941) 232-3039 jerryh.durham@gmail.com		<b>VICE PRESIDENT</b> David Desrochers (518) 864-5233 fmo50@outlook.com		<b>TREASURER</b> Kay McGuire (727) 812-2443 katebake@aol.com	
<b>DIRECTOR AT LARGE</b> Russell Watson (860) 910-8259 rsw_52@att.net		<b>DIRECTOR AT LARGE</b> John Salvucci (407) 390-1147 jps13831@gmail.com		<b>DIRECTOR AT LARGE</b> Richard Twort (386) 760-7140 richardtwort@yahoo.com	
<b>SECTION I - Districts 2 &amp; 10</b>  <b>POSITION OPEN</b>		<b>DISTRICT 2 - Pinellas</b> John Hisiro - President (724) 809-9344 jhisiro.twinpalms@yahoo.com		<b>DISTRICT 10 - Hillsborough</b> Randy Holeyfield - President (813) 716-0318 fmocountrymeadows@mail.com	
<b>SECTION II - Districts 5, 7, 8</b>  <b>POSITION OPEN</b>		<b>DISTRICT 5 - Manatee</b> Joan Bartlett - President (941) 739-3989 jembstar@yahoo.com	<b>DISTRICT 7 - Charlotte, Lee, Collier, Hendry</b> John Bowman - President (708) 214-8142	<b>DISTRICT 8 - Sarasota</b> Norm Kauffman - President (574) 538-9177 norcak@maplenet.net	
<b>SECTION III - Districts 14 &amp; 16</b> Barry Hirshfield (386) 316-2237 mrbarryj@yahoo.com		<b>DISTRICT 14 - Volusia, Flagler, Duval, St Johns, Santa Rosa</b> Patricia Keough-Wilson - President (386) 761-5994 keoughwilson_239@msn.com		<b>DISTRICT 16 - Seminole, Orange, Osceola</b> Chris Ball - President (954) 292-6165 cball103@aol.com	
<b>SECTION IV - Districts 12 &amp; 12A</b>  <b>POSITION OPEN</b>		<b>DISTRICT 12 - Broward, Dade, Monroe</b>  <b>POSITION OPEN</b>		<b>DISTRICT 12A - Palm Beach</b>  <b>POSITION OPEN</b>	
<b>SECTION V - Districts 1 &amp; 6</b> Loretta Vittorio (315) 727-0227 lvittorio425@gmail.com		<b>DISTRICT 1 - Polk</b> Terry Frazee - President (863) 604-2330 frazee@tds.net		<b>DISTRICT 6 - DeSoto, Glades, Hardee, Highlands</b> Norma Woodall - President (732) 259-3955 ngwoodall@gmail.com	
<b>SECTION VI - Districts 3 &amp; 13</b> James Mull (352) 357-6230 jimcorinne@aol.com		<b>DISTRICT 3 - Lake</b> John Petrella - President (352) 669-6936 jdp44emporio@aol.com		<b>DISTRICT 13 - Marion, Alachua, Putnam</b> John W Bond - President (352) 312-9944 drcmm@yahoo.com	
<b>SECTION VII - Districts 4 &amp; 9</b> Robert Dittmar (772) 287-6246 rdittmar@bellsouth.net		<b>DISTRICT 4 - Indian River, St Lucie, Okeechobee, Martin</b> James Timm - President (775) 781-3936 jimandpattitimm@earthlink.net		<b>DISTRICT 9 - Brevard</b> Ron Guarnieri - President (321) 480-9215 rjg1143@bellsouth.net	
<b>SECTION IX - Districts 11 &amp; 17</b> Jesse James (727) 271-9565 jessejamesfmo@hotmail.com		<b>DISTRICT 11 - Pasco (W of US 41), Hernando</b>  <b>POSITION OPEN</b>		<b>DISTRICT 17 - Pasco (E of US41), Sumter, Citrus</b> Ruth Griesemer - President (813) 404-5531 ruthg.fmo.district17@gmail.com	





## Coverage For Homes of Any Age



**Make sure you  
have ALL your  
Discounts  
for FMO members**



### Complimentary Review of Coverage

- ◇ Inspections not necessarily required
- ◇ Coverage for homes of any age
- ◇ Multiple Carriers to choose

### Free Quote

**Professional Insurance  
Systems of Florida, Inc.**

5700 1st Ave N  
St. Petersburg, FL 33710

Phone: 800-329-5799  
Phone: 727-579-9956  
Fax: 727-579-9767  
Email: [info@ProInsurance.com](mailto:info@ProInsurance.com)

**Older Mobile Home? Don't go without  
coverage—we offer coverage for under \$400**

**Medicare  
Supplements  
starting at \$49 month**

**Affordable  
Long Term Care  
Options**

**Quick Shop  
Auto Insurance  
Save \$\$ Today**

### Get Quick Quote

- Auto/RV Insurance
- Boat Insurance
- Mobile Home Insurance
- Umbrella Policies
- Health Insurance
- Cancer Plans
- Medicare Advantage Plans
- Medicare Supplements
- Life Insurance
- Annuities
- Long Term Care
- Home Health Care
- ...and more

**All your insurance in ONE  
Place!**

- ◆ ANY Doctor
- ◆ ANY Hospital
- ◆ ANY Time

- ◆ New Options are  
available for Long  
Term Care
- ◆ Easier to Qualify
- ◆ Affordable Cost

- ◆ Multiple Carriers
- ◆ Personalized  
Spreadsheet
- ◆ Lowest Premiums

**Call Today!**

**800-329-5799**

**Tired of Low - Low - CD Rates?**

**Contact Tucker Today!**