

Policy & Procedures for Statutory Committee

General:

The Statutory Committee is provided for in Florida Statute 723.037(4)(a) for the purpose of meeting with the management of the community to negotiate for changes in proposed rent increases, changes in rules and regulations affecting the residents, pass through charges, etc. The statute establishes specific rules for this procedure.

1. The first task is for the Board of Directors, at its organizing meeting, to appoint the chairperson of the Committee who in turn will select up to four (4) additional members. The statute provides for a committee not to exceed five (5) in number. The chairman will use due diligence in selecting these additional members. Qualifications to look for in making these selections are civic awareness, negotiating experience, real estate and/or appraisal experience, and training in economics and finance. Notification of the Committee is to be sent to the park owner (copy of form attached) by Certified Mail. At least two copies of the form should be retained for further use and for the committee records.
2. Once the Board of Directors receives the 90-day written notice of a rent increase it must be verified to be certain the notice has been given properly and timely.
3. The Committee **MUST** prepare, sign, and send a letter "Request for Meeting with the Park Owner" (sample attached) to the park owner promptly by Certified Mail, return receipt requested, retaining copies for the committee records. This letter should specify the place of the meeting and should propose at least two dates and times at which the committee will be available. This meeting **MUST BE HELD WITHIN 30 DAYS OF RECEIPT OF THE RENT NOTICE.**
4. The committee should be prepared in advance to present a full agenda of all grievances since the primary purpose of the meeting is to attempt to negotiate an agreement between the homeowners and the park owner.

In this regard, it should be noted that the committee members should be persons best qualified to present the community's case and to act as negotiators. Attorneys are not required at this first stage or even recommended unless the park owner insists on having his/her attorney involved.

5. Note that the park owner is mandated by Florida Statute 723.037(4)(a) to attend this meeting.

- 6. Additional meetings with the owner may be necessary and the committee must be fully prepared to present its case.**
- 7. If an agreement is reached with the park owner, it is imperative that the Committee gets the agreement in writing so that there are no misunderstandings between the parties.**
- 8. If the Committee is unhappy with the results of its meeting or meetings with the park owner it may then move to the mediation process after consultation with the Association's attorney.**
- 9. If it is decided to go ahead, a "Petition for Mediation" on a special state form must be filled out completely and accurately in multiple copies and all required signatures appended. (sample attached)**
- 10. A "Statement of Dispute" form (copy attached) must be prepared in multiple copies and circulated throughout the community for signatures-one per lot- and the signatures of at least one-half (1/2) the lot occupants must be obtained.**
- 11. There is a 30-day time limit for obtaining the signatures and sending the form to Tallahassee.**

With respect to the entire process, it is imperative that all committee members agree to attend meetings when called, to do the necessary research to prepare for the meetings with the owners, and in general be committed to this process. Failing that, the committee will fail in its duty to represent all of the homeowners in the Community.