

By Senator Kurth

15-1116-98

1 A bill to be entitled
2 An act relating to mobile home parks; creating
3 s. 723.028, F.S.; providing procedures for rent
4 abatement if a mobile home or park facility or
5 improvement is destroyed or rendered unusable;
6 providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Section 723.028, Florida Statutes, is
11 created to read:

12 723.028 Destruction of mobile home or mobile home park
13 improvements.--

14 (1) If the owner of any mobile home that is totally
15 destroyed notifies the park owner in writing of the
16 destruction, the park owner shall advise the mobile home owner
17 in writing within 15 days after receipt of the notice that the
18 mobile home owner may continue to occupy the lot or terminate
19 the lot rental agreement.

20 (2) If the mobile home owner terminates the lot rental
21 agreement, the mobile home owner's rental obligation
22 terminates 15 days after delivery of the termination notice,
23 and the park owner may offer a prospectus or offering circular
24 to a prospective occupant.

25 (3) If facilities or improvements in a mobile home
26 park serving a mobile home owner are destroyed or made
27 temporarily unusable, the park owner shall immediately reduce
28 the lot rental for the affected mobile home owner in an amount
29 equal to that portion of the rental attributable to the
30 improvements or facilities destroyed. The park owner shall
31 also provide the mobile home owner an allocation for all

1 component parts of the lot rental amount. Notwithstanding s.
2 723.037, a mobile home owner who disputes the reasonableness
3 of the allocations may petition the circuit court in the
4 county where the park is located to determine the
5 reasonableness of the allocation. If the improvement or
6 facility destroyed renders the mobile home unusable under
7 normal living circumstances, the rent shall be abated entirely
8 until the repair or reconstruction has been completed.

9 (4) The reduction in the lot rental amount shall
10 continue until the improvements or facilities are repaired or
11 reconstructed and made available to the mobile home owners in
12 substantially the same manner as provided for in the initial
13 prospectus or offering circular. The park owner is responsible
14 for all costs of repair or replacement of facilities or
15 improvements.

16 (5) After any improvements or facilities are repaired
17 or reconstructed, the park owner shall amend the prospectus or
18 offering circular to accurately disclose that fact.

19 Section 2. This act shall take effect July 1, 1998.

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22 SENATE SUMMARY

23 Provides for rent abatement if a mobile home in a park is
24 destroyed or if park facilities are destroyed or rendered
temporarily unusable. (See bill for details.)

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