

hbd-31

Bill No. CS/HB 3245

Amendment No. 5 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Thrasher offered the following:

13 **Amendment (with title amendment)**

14 Remove from the bill: Everything after the enacting clause  
15  
16 and insert in lieu thereof:

17 Section 1. Subsection (15) is added to section  
18 723.003, Florida Statutes, to read:

19 723.003 Definitions.--As used in this chapter, the  
20 following words and terms have the following meanings unless  
21 clearly indicated otherwise:

22 (15) The term "proportionate share" means that portion  
23 of a pass-through charge related to occupied lots and  
24 recreational or other common areas. It does not include the  
25 portion of a pass-through charge related to developed or  
26 underdeveloped commercial out parcels.

27 Section 2. Subsection (11) is added to section  
28 723.031, Florida Statutes, to read:

29 723.031 Mobile home lot rental agreements.--

30 (11) Any person who rents a vacant lot or a lot in an  
31 undeveloped phase may be required to pay the pass-through

1 charge that was the obligation of the park owner at the time  
 2 the pass-through charge was initially assessed. The prospectus  
 3 for the mobile home park may be amended to require that the  
 4 home owner pay the proportionate share of any pass-through  
 5 charged as defined in this act, if the prospectus or rental  
 6 agreement delivered to the homeowner did not disclose that  
 7 obligation in accordance with the definition in this act.

8 Section 3. Subsection (7) is added to section 723.037,  
 9 Florida Statutes, to read:

10 723.037 Lot rental increases; reduction in services or  
 11 utilities; change in rules and regulations; mediation.--

12 (7) The giving of notices of lot rental amount  
 13 increase to the home owners in a mobile home park that are not  
 14 in compliance with this section shall be considered a "minor  
 15 violation" pursuant to s. 723.006, unless the notices fail to  
 16 disclose the proposed lot rental amount as increased, the home  
 17 owners are given an effective date that is not at least 90  
 18 days after the date of giving the notice, or if the notice was  
 19 not given to the board of directors of the homeowners  
 20 association by giving a copy to the president or registered  
 21 agent of the association. Any party asserting a claim of a  
 22 violation of this section must exhaust administrative remedies  
 23 prior to filing an action in court, and no damages shall be  
 24 awarded greater than that provided by statute for the  
 25 administrative resolution of this matter.

26 Section 4. Subsection (6) is added to Section 723.011,  
 27 Florida Statutes, to read:

28 723.011 Disclosure prior to rental of a mobile home  
 29 lot; prospectus, filing, approval.--

30 (6) Delivery of a prospectus which does not contain  
 31 the 1986 amendments to Chapter 723, to a home owner who moves

hbd-31

Bill No. CS/HB 3245

Amendment No. 5 (for drafter's use only)

1 into the mobile home park after July 1, 1986, shall be a  
 2 "minor violation" pursuant to s. 723.006, so long as the park  
 3 owner, after notice of the violation, delivers an approved  
 4 prospectus containing those amendments to the home owner. The  
 5 home owner shall have no right to an action pursuant to this  
 6 chapter for failure by the park owner to provide an approved  
 7 prospectus containing the 1986 amendments, so long as a  
 8 prospectus approved by the Division was provided to the home  
 9 owner.

10 Section 5. This act shall take effect october 1 of the  
 11 year in which enacted.

12  
 13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 remove from the title of the bill: the entire title

17

18 and insert in lieu thereof:

19 A bill to be entitled  
 20 An act relating to the Florida Mobile Home Act;  
 21 amending s. 723.003, F.S.; defining  
 22 "proportionate share"; amending s. 723.031,  
 23 F.S.; providing pass-through charges for vacant  
 24 lots or undeveloped phases; providing for  
 25 amendment to the prospectus; amending s.  
 26 723.037, F.S., providing that failure to  
 27 provide certain notice relating to lot rental  
 28 increases constitutes a minor violation;  
 29 requiring exhaustion of administrative  
 30 remedies; amending s. 723.011, F.S.; providing  
 31 that the provision of certain prospectuses

hbd-31

Bill No. CS/HB 3245

Amendment No. 5 (for drafter's use only)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

constitutes a minor violation; prohibiting  
causes of action under certain circumstances;  
providing an effective date.