

1                   A bill to be entitled  
 2           An act relating to mobile home park lot tenancies;  
 3           amending s. 723.006, F.S.; revising duties of the Division  
 4           of Florida Condominiums, Timeshares, and Mobile Homes  
 5           relating to proposed amendments to a prospectus or  
 6           offering circular; amending s. 723.011, F.S.; revising  
 7           park owner disclosure requirements for prospective  
 8           lessees; amending s. 723.037, F.S.; clarifying what  
 9           constitutes the market area or the competitive area for  
 10          comparable mobile home parks; providing an effective date.

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

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 14           Section 1. Subsection (8) of section 723.006, Florida  
 15 Statutes, is amended to read:

16           723.006 Powers and duties of division.—In performing its  
 17 duties, the division has the following powers and duties:

18           (8) The division has the authority by rule to authorize  
 19 amendments permitted by this chapter to an approved prospectus  
 20 or offering circular. Prior to approving any proposed amendments  
 21 to a prospectus or offering circular, the division shall provide  
 22 notice to the homeowners' association of such amendments.

23           Section 2. Subsections (2) and (3) of section 723.011,  
 24 Florida Statutes, are amended to read:

25           723.011 Disclosure prior to rental of a mobile home lot;  
 26 prospectus, filing, approval.—

27           (2) The park owner shall furnish a copy of the prospectus  
 28 or offering circular together with all of the exhibits thereto

29 and a mobile home expense disclosure document containing all the  
 30 information required by s. 723.012(7), (8), (9), and (10). The  
 31 mobile home expense disclosure document shall also include past,  
 32 present, and estimated future lease year amounts and any other  
 33 factors that may affect rent variations, such as lot location or  
 34 size, to each prospective lessee. Delivery shall be made prior  
 35 to execution of the lot rental agreement or at the time of  
 36 occupancy, whichever occurs first. Upon delivery of a prospectus  
 37 to a prospective lessee, the lot rental agreement is voidable by  
 38 the lessee for a period of 15 days. However, the park owner is  
 39 not required to furnish a copy of the prospectus or offering  
 40 circular if the tenancy is a renewal of a tenancy and the mobile  
 41 home owner has previously received the prospectus or offering  
 42 circular.

43 (3) The prospectus or offering circular, together with its  
 44 exhibits, and the mobile home expense disclosure document are ~~is~~  
 45 ~~a disclosure documents document~~ intended to afford protection to  
 46 homeowners and prospective homeowners in the mobile home park.  
 47 The purpose of the documents ~~document~~ is to disclose the  
 48 representations of the mobile home park owner concerning the  
 49 operations of the mobile home park.

50 Section 3. Paragraph (e) of subsection (4) of section  
 51 723.037, Florida Statutes, is redesignated as paragraph (f), and  
 52 a new paragraph (e) is added to that subsection to read:

53 723.037 Lot rental increases; reduction in services or  
 54 utilities; change in rules and regulations; mediation.—

55 (4)

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56        (e) For purposes of this subsection, the market area or  
57 the competitive area for comparable mobile home parks is the  
58 county in which the subject park is located along with any  
59 contiguous counties.

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61 This subsection is not intended to be enforced by civil or  
62 administrative action. Rather, the meetings and discussions are  
63 intended to be in the nature of settlement discussions prior to  
64 the parties proceeding to mediation of any dispute.

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Section 4. This act shall take effect July 1, 2011.