

By Senator Bogdanoff

25-00360A-12

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1                   A bill to be entitled  
2           An act relating to mobile home park tenancies;  
3           amending s. 723.059, F.S.; clarifying provisions  
4           authorizing a mobile home park owner to increase the  
5           rental amount paid by a purchaser of a mobile home  
6           following expiration of the assumed rental agreement;  
7           allowing a mobile home park owner to require a  
8           purchaser to enter into a new tenancy under a new  
9           rental agreement and prospectus upon the expiration of  
10          an assumed rental agreement if the prospectus and  
11          rental agreement are delivered to the purchaser before  
12          occupancy; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16           Section 1. Section 723.059, Florida Statutes, is amended to  
17           read:

18           723.059 Rights of purchaser.—

19           (1) The purchaser of a mobile home within a mobile home  
20           park may become a tenant of the park if such purchaser would  
21           otherwise qualify with the requirements of entry into the park  
22           under the park rules and regulations, subject to the approval of  
23           the park owner, but such approval may not be unreasonably  
24           withheld.

25           (2) Properly promulgated rules may provide for the  
26           screening of any prospective purchaser to determine whether or  
27           not such purchaser is qualified to become a tenant of the park.

28           (3) The purchaser of a mobile home who becomes a resident  
29           of the mobile home park in accordance with this section has the

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30 right to assume the remainder of the term of any rental  
31 agreement then in effect between the mobile home park owner and  
32 the seller ~~and shall be entitled to rely on the terms and~~  
33 ~~conditions of the prospectus or offering circular as delivered~~  
34 ~~to the initial recipient.~~

35 (4) However, this section does not ~~nothing herein shall be~~  
36 ~~construed to~~ prohibit a mobile home park owner from requiring  
37 the purchaser to enter into a new tenancy under a new rental  
38 agreement and prospectus and increasing the rental amount to be  
39 paid by the purchaser upon the expiration of the assumed rental  
40 agreement in an amount deemed appropriate by the mobile home  
41 park owner, if the ~~so long as such~~ increase is disclosed to the  
42 purchaser and the prospectus and rental agreement are delivered  
43 to the purchaser before ~~prior to~~ his or her occupancy ~~and is~~  
44 ~~imposed in a manner consistent with the initial offering~~  
45 ~~circular or prospectus and this act.~~

46 (5) Lifetime leases, both those existing and those entered  
47 into after July 1, 1986, are ~~shall be~~ nonassumable unless  
48 otherwise provided in the lot rental agreement or unless the  
49 transferee is the home owner's spouse. The renewal provisions in  
50 automatically renewable leases, both those existing and those  
51 entered into after July 1, 1986, are not assumable unless  
52 otherwise provided in the lease agreement.

53 Section 2. This act shall take effect July 1, 2012.