

By Senator Dean

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1 A bill to be entitled

2 An act relating to mobile home park lot tenancies;
3 amending s. 723.059, F.S.; providing for a mobile home
4 park owner to increase the lot rental of the purchaser
5 of a mobile home on a leased lot in the mobile home
6 park; providing limitations on the amount of rent
7 increase; providing guidelines for determining the
8 amount of the adjustment; requiring a disclosure
9 statement to be executed before or at the time of
10 purchase; limiting the amount of lot rental increase
11 on a lot that was previously subject to a lifetime
12 lease; providing a penalty; providing an effective
13 date.

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

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

19 723.059 Rights of purchaser.—

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

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

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30 (3) The purchaser of a mobile home who becomes a resident
31 of the mobile home park in accordance with this section has the
32 right to assume the remainder of the term of a any rental
33 agreement then in effect between the mobile home park owner and
34 the seller and is ~~shall be~~ entitled to rely on the terms and
35 conditions of the prospectus or offering circular as delivered
36 to the initial recipient.

37 (4) The section does not ~~However, nothing herein shall be~~
38 ~~construed to~~ prohibit a mobile home park owner from increasing
39 the rental amount to be paid by the purchaser upon the
40 expiration of the assumed rental agreement. However, the initial
41 increase is limited to a one-time market rent adjustment based
42 upon the September Consumer Price Index in the year of purchase.
43 The adjustment may not take effect until January 1 of the next
44 calendar year or the time of the next scheduled annual rent
45 increase after January 1. However, if the purchase date follows
46 the publication date of the Consumer Price Index for September,
47 the rent increase may not take effect until the date of the next
48 scheduled annual rent increase that provides at least 90 days
49 notice of the rent increase in an amount deemed appropriate by
50 ~~the mobile home park owner, so long as such increase is~~
51 ~~disclosed to the purchaser prior to his or her occupancy and is~~
52 ~~imposed in a manner consistent with the initial offering~~
53 ~~circular or prospectus and this act.~~

54 (5) At the time of purchase, the purchaser and the mobile
55 home park owner must sign a disclosure statement affirming that
56 the provisions required by this section and the terms of the
57 market rent adjustment were explained to the purchaser before or
58 at the time of the transaction. The mobile home park owner shall

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59 give the purchaser a signed copy, maintain a copy, and forward a
60 copy to the department within 15 days after the sales
61 transaction.

62 (6)~~(5)~~ Lifetime leases, both those existing and those
63 entered into after July 1, 1986, are ~~shall be~~ nonassumable
64 unless otherwise provided in the lot rental agreement or unless
65 the transferee is the home owner's spouse. The mobile home park
66 owner may increase the rent due under such lease to an amount no
67 greater than the lowest monthly rental in the mobile home park
68 at the time of the sale. The renewal provisions in automatically
69 renewable leases, both those existing and those entered into
70 after July 1, 1986, are not assumable unless otherwise provided
71 in the lease agreement.

72 (7) The Department of Business and Professional Regulation
73 shall impose a penalty of up to \$5,000 on a mobile home park
74 owner who fails to comply with the requirements of this section.

75 Section 2. This act shall take effect July 1, 2013.