

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.; authorizing 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 at the time of purchase;
10 limiting the amount of lot rental increase on a lot
11 that was previously subject to a lifetime lease;
12 providing a penalty; 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 adopted ~~promulgated~~ rules may provide for the
26 screening of a ~~any~~ prospective purchaser to determine whether
27 the ~~or not such~~ purchaser is qualified to become a tenant of the
28 park.

29 (3) The purchaser of a mobile home who becomes a resident

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

36 (4) This section does not ~~However, nothing herein shall be~~
37 ~~construed to~~ prohibit a mobile home park owner from increasing
38 the rental amount to be paid by the purchaser upon the
39 expiration of the assumed rental agreement. However, the initial
40 increase is limited to a one-time fair and reasonable rent
41 adjustment based upon the 12-month percentage change in the
42 Consumer Price Index for All Urban Consumers, U.S. City Average,
43 All Items, not seasonally adjusted, published by the Bureau of
44 Labor Statistics of the United States Department of Labor, for
45 the previous calendar year before the purchase of the mobile
46 home and assumption of the rental lease agreement. The
47 adjustment may not take effect until the next scheduled annual
48 rent increase that provides at least 90 days' notice to all
49 residents of a mobile home park in an amount deemed appropriate
50 by 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) Before signing the purchase agreement, the mobile home
55 park owner or its agent shall explain to the purchaser and
56 provide the purchaser with a copy of the provisions of this
57 section, the terms of the one-time rent adjustment pursuant to
58 subsection (4), and the manner in which all future annual rent

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59 increases will be determined. At the time of purchase, the
60 purchaser and the mobile home park owner or its agent must sign
61 a disclosure statement affirming that the purchaser received
62 these items and that each of them was explained to the purchaser
63 before the signing of the purchase agreement. The mobile home
64 park owner or its agent is required to maintain a signed copy of
65 the disclosure statement on file, provide a copy of the
66 statement to the purchaser, and forward a copy of the statement
67 to the Department of Business and Professional Regulation no
68 later than 15 days after the sales transaction is completed.

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

79 (7) The Department of Business and Professional Regulation
80 shall impose a penalty of up to \$5,000 on a mobile home park
81 owner that fails to comply with the requirements of this
82 section.

83 Section 2. This act shall take effect July 1, 2014.