

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
 17 to 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
 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
 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 who fails to comply with the requirements of this section.

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