

1 A bill to be entitled
 2 An act relating to mobile home park lot tenancies;
 3 amending s. 723.013, F.S.; revising requirements
 4 relating to written notification in the absence of a
 5 prospectus; amending s. 723.059, F.S.; clarifying that
 6 a purchaser of a mobile home may assume the seller's
 7 prospectus and the terms contained in the prospectus
 8 under certain conditions; authorizing a mobile home
 9 park owner to increase the rental amount upon
 10 expiration of the assumed rental agreement under
 11 certain conditions; providing notification
 12 requirements; requiring the mobile home park owner to
 13 disclose certain information to the purchaser;
 14 requiring the mobile home park owner and purchaser to
 15 sign a prospectus election form; providing contents of
 16 the form; requiring the mobile home park owner to
 17 provide a copy of the election form to the purchaser
 18 and maintain a copy for a certain period; providing an
 19 effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 723.013, Florida Statutes, is amended
 24 to read:

25 723.013 Written notification in the absence of a
 26 prospectus.—An owner of a mobile home park containing at least

27 10 but not more than 25 lots who does not provide a mobile home
 28 owner with a prospectus before entering into an enforceable
 29 rental agreement for a mobile home lot must provide ~~owner who~~
 30 ~~enters into a rental agreement in which a prospectus is not~~
 31 ~~provided shall give~~ written notification to the mobile home
 32 owner of the following information before ~~prior to~~ occupancy:

33 (1) The nature and type of zoning under which the mobile
 34 home park operates; the name of the zoning authority which has
 35 jurisdiction over the land comprising the mobile home park; and
 36 a detailed description containing all information available to
 37 the mobile home park owner, including the time, manner, and
 38 nature, of any definite future plans which he or she has for
 39 future changes in the use of the land comprising the mobile home
 40 park or a portion thereof.

41 (2) The name and address of the mobile home park owner or
 42 a person authorized to receive notices and demands on his or her
 43 behalf.

44 (3) All fees and charges, assessments, or other financial
 45 obligations not included in the rental agreement, and a copy of
 46 the rules and regulations in effect, and a description of the
 47 manner in which all future annual rental increases will be
 48 determined.

49 Section 2. Section 723.059, Florida Statutes, is amended
 50 to read:

51 723.059 Rights of purchaser.—

52 (1) The purchaser of a mobile home within a mobile home

53 park may become a tenant of the park if such purchaser would
54 otherwise qualify with the requirements of entry into the park
55 under the park rules and regulations, subject to the approval of
56 the park owner, but such approval may not be unreasonably
57 withheld.

58 (2) Properly adopted ~~promulgated~~ rules may provide for the
59 screening of a any prospective purchaser to determine whether
60 the or not such purchaser is qualified to become a tenant of the
61 park.

62 (3) The purchaser of a mobile home who becomes a resident
63 of the mobile home park in accordance with this section has the
64 right to assume the remainder of the term of a any rental
65 agreement then in effect between the mobile home park owner and
66 the seller and may assume ~~shall be entitled to rely on the terms~~
67 ~~and conditions of~~ the seller's prospectus and the terms
68 contained in the prospectus, if not prohibited by such terms or
69 ~~offering circular as delivered to the initial recipient.~~ The
70 purchaser must elect to assume the seller's prospectus or agree
71 to accept a new prospectus from the mobile home park owner.

72 (4) This section does not ~~However, nothing herein shall be~~
73 ~~construed to~~ prohibit a mobile home park owner from increasing
74 the rental amount to be paid by the purchaser upon ~~the~~
75 expiration of the assumed rental agreement in an amount deemed
76 appropriate by the mobile home park owner, so long as such
77 increase is disclosed to the purchaser before execution of the
78 rental agreement or before ~~prior to~~ his or her occupancy,

79 whichever occurs first, and is imposed in a manner consistent
80 with the annual rent increase as provided in the seller's
81 ~~initial offering circular or~~ prospectus and this act. Following
82 the assumed rental agreement and the initial increase after the
83 expiration of the assumed rental agreement, if any, set pursuant
84 to the seller's prospectus, any subsequent rental increase in
85 the new lease, and any additional fees, are subject to the terms
86 of the purchaser's prospectus after the purchaser elects to
87 either assume the seller's prospectus or agrees to accept a new
88 prospectus from the mobile home park owner.

89 (5) At the time the purchaser signs the purchase
90 agreement, the seller must notify the mobile home park owner of
91 his or her intent to sell the mobile home.

92 (6) Before the execution of the rental agreement or before
93 the purchaser's occupancy, whichever occurs first, the mobile
94 home park owner or his or her agent must:

95 (a) Inform the purchaser of his or her right to assume the
96 prospectus before execution of the rental agreement or before
97 the purchaser's occupancy, whichever occurs first.

98 (b) Provide the purchaser:

99 1. A copy of the seller's prospectus.

100 2. A written document explaining that, following the
101 assumed rental agreement and the initial increase after the
102 expiration of the assumed rental agreement, if any, set pursuant
103 to the seller's prospectus, any subsequent rental increase in
104 the new lease, and any additional fees, are subject to the terms

105 of the purchaser's prospectus after the purchaser elects to
106 either assume the seller's prospectus or agrees to accept a new
107 prospectus from the mobile home park owner.

108 3. A copy of the provisions of this section.

109 4. If the purchaser elects to not assume the seller's
110 prospectus, a copy of a new prospectus, approved by the
111 division, with an explanation of the provisions of the new
112 prospectus.

113 5. A one-page summary of the prospectus that the purchaser
114 elects to accept, including, at a minimum:

115 a. The address of the lot being rented.

116 b. The name and contact information of the mobile home
117 park owner and manager.

118 c. A brief description of the rent and additional fees and
119 charges.

120 d. A description of the manner in which all future annual
121 rental increases will be determined.

122 e. The terms of the rental agreement to be signed for the
123 lot rental.

124 (7) Before the execution of the rental agreement or before
125 the purchaser's occupancy, whichever occurs first, the purchaser
126 and the mobile home park owner or his or her agent must sign an
127 election form indicating whether the purchaser elects to assume
128 the seller's prospectus or agrees to accept a new prospectus.

129 The election form, which must not address any other subject,
130 must be at least 8 1/2 inches by 11 inches in a font of at least

131 14 points, double-spaced, in substantially the following form:

132

133 PROSPECTUS ELECTION FORM

134 THE PURCHASER ... (PURCHASER'S NAME) ... OF A MOBILE HOME WHO
 135 BECOMES A RESIDENT OF THE MOBILE HOME PARK IN ACCORDANCE WITH S.
 136 723.059, FLORIDA STATUTES, MAY ASSUME THE REMAINDER OF THE TERM
 137 OF ANY RENTAL AGREEMENT IN EFFECT AT THE TIME OF SALE AND MAY
 138 ASSUME THE PROSPECTUS OF THE SELLER ... (SELLER'S NAME) ... AND
 139 THE TERMS CONTAINED IN THE PROSPECTUS. THE MOBILE HOME PARK
 140 OWNER ... (MOBILE HOME PARK OWNER'S NAME) ... HAS NOTIFIED THE
 141 PURCHASER OF HIS OR HER RIGHT TO ASSUME THE SELLER'S PROSPECTUS
 142 PRIOR TO THE SIGNING OF THE PURCHASE AGREEMENT BY THE PURCHASER.
 143 WITH REGARD TO THE PROSPECTUS, THE PURCHASER MAKES THE FOLLOWING
 144 DISCLOSURES:

145 1. The mobile home park owner has notified the purchaser
 146 of his or her right to assume the seller's prospectus:

147 [] Yes

148 [] No

149 ...(Purchaser's initials)...

150 ...(Mobile home park owner's initials)...

151 2.a. The purchaser has elected to assume the seller's
 152 prospectus:

153 [] Yes

154 [] No

155 ...(Purchaser's initials)...

156 ...(Mobile home park owner's initials)...

157 2.b. The mobile home park owner has provided the purchaser
 158 with a copy of the prospectus prior to the execution of the
 159 rental agreement or prior to the purchaser's occupancy,
 160 whichever occurs first, as required by s. 723.059(6), Florida
 161 Statutes:

162 [] Yes

163 [] No

164 ...(Purchaser's initials)...

165 ...(Mobile home park owner's initials)...

166 3.a. The purchaser has elected to accept a new prospectus
 167 from the mobile home park owner:

168 [] Yes

169 [] No

170 ...(Purchaser's initials)...

171 ...(Mobile home park owner's initials)...

172 3.b. If the purchaser has elected to accept a new
 173 prospectus from the mobile home park owner, the park owner has
 174 provided the copy of the new prospectus to the purchaser prior
 175 to the execution of the rental agreement or prior to the
 176 purchaser's occupancy, whichever occurs first.

177 [] Yes

178 [] No

179 ...(Purchaser's initials)...

180 ...(Mobile home park owner's initials)...

181
 182 THE MOBILE HOME PARK OWNER SHALL MAINTAIN A SIGNED COPY OF THIS

183 FORM AND SHALL PROVIDE A COPY TO THE PURCHASER UPON ITS
 184 EXECUTION. THIS FORM IS SUBJECT TO INSPECTION BY THE DEPARTMENT
 185 OF BUSINESS AND PROFESSIONAL REGULATION.

186
 187 ...(Purchaser's printed name)...
 188 ...(Purchaser's signature)...
 189 ...(Mobile home park owner's printed name)...
 190 ...(Mobile home park owner's signature)...
 191 ...(Date)...

192
 193 (8) The mobile home park owner or his or her agent must
 194 provide a copy of the election form to the purchaser and
 195 maintain a signed copy of the form on file for the duration of
 196 the prospectus, which is subject to verification by the
 197 Department of Business and Professional Regulation.

198 (9)~~(5)~~ Lifetime leases, both those existing and those
 199 entered into after July 1, 1986, are ~~shall be~~ nonassumable
 200 unless otherwise provided in the lot rental agreement or unless
 201 the transferee is the homeowner's ~~home owner's~~ spouse. The
 202 renewal provisions in automatically renewable leases, both those
 203 existing and those entered into after July 1, 1986, are not
 204 assumable unless otherwise provided in the lease agreement.

205 Section 3. This act shall take effect July 1, 2015.