

HB 1413

2016

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:

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

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) This 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. The initial increase  
 41 is limited to a one-time market rent adjustment based upon the  
 42 Consumer Price Index issued by the United States Department of  
 43 Labor for the 12-month period ending September 30 in the year of  
 44 purchase. The adjustment may not take effect until January 1 of  
 45 the next calendar year or the time of the next scheduled annual  
 46 rent increase after January 1. If the purchase date follows the  
 47 publication date of the Consumer Price Index issued by the  
 48 United States Department of Labor for the most recent 12-month  
 49 period ending September 30, the rent increase may not take  
 50 effect until the date of the next scheduled annual rent increase  
 51 that provides at least 90 days' notice of the rent increase ~~in~~  
 52 ~~an amount deemed appropriate by the mobile home park owner, so~~

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53 ~~long as such increase is disclosed to the purchaser prior to his~~  
54 ~~or her occupancy and is imposed in a manner consistent with the~~  
55 ~~initial offering circular or prospectus and this act.~~

56 (5) At the time of purchase, the mobile home park owner  
57 and the purchaser must sign a disclosure statement affirming  
58 that the requirements of this section and the terms of the  
59 market rent adjustment were explained to the purchaser before or  
60 at the time of the transaction. The mobile home park owner shall  
61 give the purchaser a signed copy of the disclosure statement,  
62 maintain a copy, and forward a copy to the department within 15  
63 days after the sales transaction.

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

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

77 Section 2. This act shall take effect July 1, 2016.