

A bill to be entitled

An act relating to mobile home park lot tenancies; repealing s. 723.013, F.S., relating to written notification in the absence of a prospectus; amending s. 723.059, F.S.; clarifying that a purchaser of a mobile home may assume the seller's prospectus and the terms contained in the prospectus under certain conditions; authorizing a mobile home park owner to increase the rental amount upon expiration of the assumed rental agreement subject to conditions; providing notification requirements; requiring the mobile home park owner to disclose certain information to the purchaser; requiring the mobile home park owner and purchaser to sign a prospectus election form; providing the form; requiring the mobile home park owner to provide a copy of the election form to the purchaser and maintain a copy for a certain period; providing an effective date.

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

Section 1. Section 723.013, Florida Statutes, is repealed.

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

723.059 Rights of purchaser.—

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

27 park may become a tenant of the park if such purchaser would  
28 otherwise qualify with the requirements of entry into the park  
29 under the park rules and regulations, subject to the approval of  
30 the park owner, but such approval may not be unreasonably  
31 withheld.

32 (2) Properly adopted ~~promulgated~~ rules may provide for the  
33 screening of a any prospective purchaser to determine whether  
34 the or not such purchaser is qualified to become a tenant of the  
35 park.

36 (3) The purchaser of a mobile home who becomes a resident  
37 of the mobile home park in accordance with this section has the  
38 right to assume the remainder of the term of a any rental  
39 agreement then in effect between the mobile home park owner and  
40 the seller and may assume ~~shall be entitled to rely on the terms~~  
41 ~~and conditions of~~ the seller's prospectus and the terms  
42 contained in the prospectus, if not prohibited by such terms or  
43 ~~offering circular as delivered to the initial recipient.~~ The  
44 purchaser must elect to assume the seller's prospectus or agree  
45 to accept a new prospectus from the mobile home park owner.

46 (4) This section does not ~~However, nothing herein shall be~~  
47 ~~construed to~~ prohibit a mobile home park owner from increasing  
48 the rental amount to be paid by the purchaser upon ~~the~~  
49 expiration of the assumed rental agreement in an amount deemed  
50 appropriate by the mobile home park owner, so long as such  
51 increase is disclosed to the purchaser prior to execution of the  
52 rental agreement or prior to his or her occupancy, whichever

53 occurs first, and is imposed in a manner consistent with the  
54 annual rent increase as provided in the seller's ~~initial~~  
55 ~~offering circular or~~ prospectus and this act. Following the  
56 assumed rental agreement and the initial increase after the  
57 expiration of the assumed rental agreement, if any, set pursuant  
58 to the seller's prospectus, any subsequent rental increase in  
59 the new lease, and any additional fees, are subject to the terms  
60 of the purchaser's prospectus after the purchaser elects to  
61 either assume the seller's prospectus or agrees to accept a new  
62 prospectus from the mobile home park owner.

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

66 (6) Prior to the execution of the rental agreement or  
67 prior to the purchaser's occupancy, whichever occurs first, the  
68 mobile home park owner or his or her agent must:

69 (a) Inform the purchaser of his or her right to assume the  
70 prospectus prior to execution of the rental agreement or the  
71 purchaser's occupancy, whichever occurs first.

72 (b) Provide the purchaser:

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

74 2. A written document explaining that, following the  
75 assumed rental agreement and the initial increase after the  
76 expiration of the assumed rental agreement, if any, set pursuant  
77 to the seller's prospectus, any subsequent rental increase in  
78 the new lease, and any additional fees, are subject to the terms

79 of the purchaser's prospectus after the purchaser elects to  
 80 either assume the seller's prospectus or agrees to accept a new  
 81 prospectus from the mobile home park owner.

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

83 4. If the purchaser elects to not assume the seller's  
 84 prospectus, a copy of a new prospectus, approved by the  
 85 division, with an explanation of the provisions of the new  
 86 prospectus.

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

89 a. The address of the lot being rented.

90 b. The name and contact information of the mobile home  
 91 park owner and manager.

92 c. A brief description of the rent and additional fees and  
 93 charges.

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

96 e. The terms of the rental agreement to be signed for the  
 97 lot rental.

98 (7) Prior to the execution of the rental agreement or  
 99 prior to the purchaser's occupancy, whichever occurs first, the  
 100 purchaser and the mobile home park owner or his or her agent  
 101 must sign an election form indicating whether the purchaser  
 102 elects to assume the seller's prospectus or agrees to accept a  
 103 new prospectus. The election form, which must not address any  
 104 other subject, must be at least 8 1/2 inches by 11 inches in a

105 font of at least 14 points, double-spaced, in substantially the  
 106 following form:

108 PROSPECTUS ELECTION FORM

109 THE PURCHASER ... (PURCHASER'S NAME)... OF A MOBILE HOME WHO  
 110 BECOMES A RESIDENT OF THE MOBILE HOME PARK IN ACCORDANCE WITH S.  
 111 723.059, FLORIDA STATUTES, MAY ASSUME THE REMAINDER OF THE TERM  
 112 OF ANY RENTAL AGREEMENT IN EFFECT AT THE TIME OF SALE AND MAY  
 113 ASSUME THE PROSPECTUS OF THE SELLER ... (SELLER'S NAME)... AND  
 114 THE TERMS CONTAINED IN THE PROSPECTUS. THE MOBILE HOME PARK  
 115 OWNER ... (MOBILE HOME PARK OWNER'S NAME)... HAS NOTIFIED THE  
 116 PURCHASER OF HIS OR HER RIGHT TO ASSUME THE SELLER'S PROSPECTUS  
 117 PRIOR TO THE SIGNING OF THE PURCHASE AGREEMENT BY THE PURCHASER.  
 118 WITH REGARD TO THE PROSPECTUS, THE PURCHASER MAKES THE FOLLOWING  
 119 DISCLOSURES:

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

122 [ ] Yes

123 [ ] No

124 ...(Purchaser's initials)...

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

126 2.a. The purchaser has elected to assume the seller's  
 127 prospectus:

128 [ ] Yes

129 [ ] No

130 ...(Purchaser's initials)...

131        ...(Mobile home park owner's initials)...  
 132        2.b. The mobile home park owner has provided the purchaser  
 133 with a copy of the prospectus prior to the execution of the  
 134 rental agreement or prior to the purchaser's occupancy,  
 135 whichever occurs first, as required by s. 723.059(6), Florida  
 136 Statutes:  
 137        [    ] Yes  
 138        [    ] No  
 139        ...(Purchaser's initials)...  
 140        ...(Mobile home park owner's initials)...  
 141        3.a. The purchaser has elected to accept a new prospectus  
 142 from the mobile home park owner:  
 143        [    ] Yes  
 144        [    ] No  
 145        ...(Purchaser's initials)...  
 146        ...(Mobile home park owner's initials)...  
 147        3.b.. If the purchaser has elected to accept a new  
 148 prospectus from the mobile home park owner, the park owner has  
 149 provided the copy of the new prospectus to the purchaser prior  
 150 to the execution of the rental agreement or prior to the  
 151 purchaser's occupancy, whichever occurs first.  
 152        [    ] Yes  
 153        [    ] No  
 154        ...(Purchaser's initials)...  
 155        ...(Mobile home park owner's initials)...

157 THE MOBILE HOME PARK OWNER SHALL MAINTAIN A SIGNED COPY OF THIS  
 158 FORM AND SHALL PROVIDE A COPY TO THE PURCHASER UPON ITS  
 159 EXECUTION. THIS FORM IS SUBJECT TO INSPECTION BY THE DEPARTMENT  
 160 OF BUSINESS AND PROFESSIONAL REGULATION.

161  
 162 ...(Purchaser's printed name)...  
 163 ...(Purchaser's signature)...  
 164 ...(Mobile home park owner's printed name)...  
 165 ...(Mobile home park owner's signature)...  
 166 ...(Date)...

167  
 168 (8) The mobile home park owner or his or her agent must  
 169 provide a copy of the election form to the purchaser and  
 170 maintain a signed copy of the form on file for the duration of  
 171 the prospectus, which is subject to verification by the  
 172 Department of Business and Professional Regulation.

173 (9)~~(5)~~ Lifetime leases, both those existing and those  
 174 entered into after July 1, 1986, are shall be nonassumable  
 175 unless otherwise provided in the lot rental agreement or unless  
 176 the transferee is the homeowner's home owner's spouse. The  
 177 renewal provisions in automatically renewable leases, both those  
 178 existing and those entered into after July 1, 1986, are not  
 179 assumable unless otherwise provided in the lease agreement.

180 Section 3. This act shall take effect July 1, 2014.