

HB 583

2011

1 A bill to be entitled
2 An act relating to mobile home park lot tenancies;
3 amending s. 723.006, F.S.; revising duties of the Division
4 of Florida Condominiums, Timeshares, and Mobile Homes
5 relating to proposed amendments to a prospectus or
6 offering circular; amending s. 723.011, F.S.; revising
7 park owner disclosure requirements for prospective
8 lessees; amending s. 723.037, F.S.; clarifying what
9 constitutes the market area or the competitive area for
10 comparable mobile home parks; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (8) of section 723.006, Florida
15 Statutes, is amended to read:

16 723.006 Powers and duties of division.—In performing its
17 duties, the division has the following powers and duties:

18 (8) The division has the authority by rule to authorize
19 amendments permitted by this chapter to an approved prospectus
20 or offering circular. Prior to approving any proposed amendments
21 to a prospectus or offering circular, the division shall provide
22 notice to the homeowners' association of such amendments.

23 Section 2. Subsections (2) and (3) of section 723.011,
24 Florida Statutes, are amended to read:

25 723.011 Disclosure prior to rental of a mobile home lot;
26 prospectus, filing, approval.—

27 (2) The park owner shall furnish a copy of the prospectus
28 or offering circular together with all of the exhibits thereto

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29 and a mobile home expense disclosure document containing all the
30 information required by s. 723.012(7), (8), (9), and (10). The
31 mobile home expense disclosure document shall also include past,
32 present, and estimated future lease year amounts and any other
33 factors that may affect rent variations, such as lot location or
34 size, to each prospective lessee. Delivery shall be made prior
35 to execution of the lot rental agreement or at the time of
36 occupancy, whichever occurs first. Upon delivery of a prospectus
37 to a prospective lessee, the lot rental agreement is voidable by
38 the lessee for a period of 15 days. However, the park owner is
39 not required to furnish a copy of the prospectus or offering
40 circular if the tenancy is a renewal of a tenancy and the mobile
41 home owner has previously received the prospectus or offering
42 circular.

43 (3) The prospectus or offering circular, together with its
44 exhibits, and the mobile home expense disclosure document ~~is~~
45 ~~a disclosure documents document~~ intended to afford protection to
46 homeowners and prospective homeowners in the mobile home park.
47 The purpose of the documents ~~document~~ is to disclose the
48 representations of the mobile home park owner concerning the
49 operations of the mobile home park.

50 Section 3. Paragraph (e) of subsection (4) of section
51 723.037, Florida Statutes, is redesignated as paragraph (f), and
52 a new paragraph (e) is added to that subsection to read:

53 723.037 Lot rental increases; reduction in services or
54 utilities; change in rules and regulations; mediation.—

55 (4)

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56 (e) For purposes of this subsection, the market area or
57 the competitive area for comparable mobile home parks is the
58 county in which the subject park is located along with any
59 contiguous counties.

60
61 This subsection is not intended to be enforced by civil or
62 administrative action. Rather, the meetings and discussions are
63 intended to be in the nature of settlement discussions prior to
64 the parties proceeding to mediation of any dispute.

65 Section 4. This act shall take effect July 1, 2011.