

By Senator Fasano

11-00936-11

2011832__

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

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

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

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

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

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

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

28 (2) The park owner shall furnish to each prospective lessee
29 a copy of the prospectus or offering circular together with all

11-00936-11

2011832__

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

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

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

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

56 (4)

57 (e) For purposes of this subsection, the market area or the
58 competitive area for comparable mobile home parks is the county

11-00936-11

2011832__

59 in which the subject park is located along with any contiguous
60 counties.

61

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

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