

THE FLORIDA SENATE
2024 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/CS/HB 613 — Mobile Home Park Lot Tenancies

by Commerce Committee; State Administration & Technology Appropriations Subcommittee; Regulatory Reform & Economic Development Subcommittee; and Rep. Stark and others (CS/CS/SB 1140 by Fiscal Policy Committee; Regulated Industries Committee; and Senator Burton)

The bill allows mobile home park owners and homeowners in a dispute related to lot rental increases to select a mediator and initiate mediation proceedings before submitting a petition for mediation with the Division of Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation. A petition for mediation by the homeowners must include the petition, lot identification, increases or rules being challenged, and the verification of the homeowners' committee. The selected mediator must be a qualified mediator selected from the list of circuit court mediators in each judicial circuit or the list maintained by the Florida Growth Management Conflict Resolution Consortium. Under current law, it is not clear that homeowners and the park owner may agree on a mediator before submitting a petition for mediation with the division, as provided in the bill.

Under the bill, a civil action may not be initiated unless the dispute has been submitted to mediation pursuant to s. 723.037(5), F.S., which provides the process for mediating certain mobile home park disputes, including a dispute related to a rent increase. Current law permits a civil action after mediation of a dispute has failed to resolve a dispute, but does not explicitly bar the initiation of a civil action if the dispute is not submitted for mediation pursuant to s. 723.037(5), F.S. The bill allows homeowners, after the majority of the affected homeowners have agreed in writing to file an action, to file an action in circuit court if the responding party park owner refuses or fails to participate in mediation. Current law provides that either party may file an action in circuit court if the mediation failed to provide a resolution to the dispute.

The bill provides that a mobile homeowner's live-in health care aide or assistant be allowed to enter or leave the homeowner's site without that person being required to pay additional rent, a fee, or any charge whatsoever. However, the mobile homeowner must provide the information required to have the background check and pay the cost of a background check for the live-in health care aide or assistant if one is necessary. The bill provides that a live-in health care aide or assistant does not have any rights of tenancy in the park. The bill requires the mobile homeowner to notify the park owner or park manager of the name of the live-in health care aide or assistant. The mobile homeowner is also responsible for any removal of the live-in health care aide and any costs associated with the removal of a live-in health care aide or assistant, if necessary.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 33-0; House 111-0