

By the Committee on Regulated Industries; and Senator Burton

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1                   A bill to be entitled  
2           An act relating to mobile homes; amending s. 720.037,  
3           F.S.; requiring that a petition for mediation be filed  
4           with the Division of Florida Condominiums, Timeshares,  
5           and Mobile Homes of the Department of Business and  
6           Professional Regulation to determine the adequacy and  
7           conformance of the homeowners' petition to initiate  
8           mediation; requiring mobile home owners to provide  
9           specified documents to the park owner in a specified  
10          manner; authorizing the park owner and mobile home  
11          owners, by mutual agreement, to select a mediator  
12          pursuant to specified provisions; requiring the  
13          division to dismiss a petition for mediation under  
14          certain circumstances; authorizing the park owner to  
15          file objections to the petition for mediation within a  
16          specified timeframe; requiring the division to assign  
17          a mediator in certain circumstances within a specified  
18          timeframe; amending s. 723.038, F.S.; authorizing  
19          parties to disputes to jointly select a mediator and  
20          initiate mediation proceedings; conforming provisions  
21          to changes made by the act; making a technical change;  
22          amending s. 723.0381, F.S.; prohibiting the initiation  
23          of civil action unless the dispute has been submitted  
24          to mediation; amending s. 723.051, F.S.; requiring  
25          that specified live-in health care aides have ingress  
26          and egress to and from a mobile home owner's site  
27          without having to pay charges; providing that the  
28          mobile home owner must pay the cost of any necessary  
29          background check of such aides; providing that live-in

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30 heath care aides have no rights of tenancy in the  
31 park; requiring the mobile home owner to notify the  
32 park owner or manager of certain information related  
33 to such aides; providing that the mobile home owner is  
34 responsible for removing such aides if it becomes  
35 necessary and must cover related costs; amending s.  
36 723.0611, F.S.; providing the purpose of the Florida  
37 Mobile Home Relocation Corporation; amending s.  
38 723.0612, F.S.; revising the amounts a mobile home  
39 owner is entitled to receive from the corporation for  
40 single-section and multisection mobile homes in  
41 certain circumstances; revising the timeframe during  
42 which a mobile home moving contractor may redeem a  
43 voucher for the contract price for relocating a mobile  
44 home; revising the amount a mobile home owner may  
45 receive when he or she abandons the mobile home inside  
46 the mobile home park in lieu of collecting payment  
47 from the corporation; revising the amount a park owner  
48 must pay the corporation under certain circumstances;  
49 making technical changes; requiring the division to  
50 adopt rules; providing an effective date.

51  
52 Be It Enacted by the Legislature of the State of Florida:

53  
54 Section 1. Present paragraphs (b), (c), and (d) of  
55 subsection (5) of section 723.037, Florida Statutes, are  
56 redesignated as paragraphs (c), (e), and (f), respectively, new  
57 paragraphs (b) and (d) and paragraphs (g) and (h) are added to  
58 that subsection, and present paragraph (b) of that subsection is

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59 amended, to read:

60 723.037 Lot rental increases; reduction in services or  
61 utilities; change in rules and regulations; mediation.—

62 (5)

63 (b) A petition for mediation must be filed with the  
64 division in all cases for a determination of adequacy and  
65 conformance of the petition with the requirements of paragraph  
66 (a). Upon filing the petition with the division, the mobile home  
67 owners must provide to the park owner, by certified mail, return  
68 receipt requested, a copy of the following:

69 1. The homeowners' petition for mediation on a form adopted  
70 by rule of the division;

71 2. The written designation required by this subsection,  
72 which must include lot identification for each signature;

73 3. The notice or notices of lot rental increase, reduction  
74 in services or utilities, or change in rules and regulations  
75 that is being challenged as unreasonable; and

76 4. The records that verify the selection of the homeowners'  
77 committee in accordance with subsection (4).

78 (c) ~~(b)~~ A park owner, within the same time period, may also  
79 petition the division to initiate mediation of the dispute  
80 pursuant to s. 723.038.

81 (d) As an alternative to the appointment of a mediator by  
82 the division, the park owner and the mobile home owners may, by  
83 mutual agreement, select a mediator pursuant to s. 723.038(2)  
84 and (4).

85 (g) The division shall dismiss a petition for mediation in  
86 the event that the park owner and mobile home owners fail to  
87 comply with this section.

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88       (h) Within 10 days after receipt of the petition from the  
89 homeowners, the park owner may file objections to the petition  
90 with the division. The division shall dismiss any petition that  
91 is not timely filed, that does not meet the requirements of this  
92 subsection, or that is otherwise found deficient by the  
93 division. If a mediator has not been selected pursuant to  
94 paragraph (d), the division must assign a mediator within 10  
95 days after receipt of the petition by the park owner.

96  
97 The purpose of this subsection is to encourage discussion and  
98 evaluation by the parties of the comparable mobile home parks in  
99 the competitive market area. The requirements of this subsection  
100 are not intended to be enforced by civil or administrative  
101 action. Rather, the meetings and discussions are intended to be  
102 in the nature of settlement discussions prior to the parties  
103 proceeding to litigation of any dispute.

104       Section 2. Subsections (1), (2), (4), and (9) of section  
105 723.038, Florida Statutes, are amended to read:

106       723.038 Dispute settlement; mediation.—

107       (1) Either party may petition the division to appoint a  
108 mediator and initiate mediation proceedings, or the parties may  
109 agree to immediately select a mediator and initiate mediation  
110 proceedings pursuant to the criteria outlined in subsections (2)  
111 and (4).

112       (2) The division, upon receipt of a petition, shall appoint  
113 a qualified mediator to conduct mediation proceedings and notify  
114 the parties within 20 days after such appointment, unless the  
115 parties timely notify the division in writing that they have  
116 selected a mediator. A person appointed by the division or

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117 selected by the parties must ~~shall~~ be a qualified mediator from  
118 a list of circuit court mediators in each judicial circuit who  
119 has met training and educational requirements established by the  
120 Supreme Court. If such mediators are not available, the division  
121 or the parties may select a mediator from the list maintained by  
122 the Florida Growth Management Conflict Resolution Consortium.  
123 The division shall promulgate rules of procedure to govern such  
124 proceedings in accordance with the rules of practice and  
125 procedure adopted by the Supreme Court. The division shall also  
126 establish, by rule, the fee to be charged by a mediator which  
127 shall not exceed the fee authorized by the circuit court.

128 (4) Following the date of the last scheduled meeting held  
129 pursuant to s. 723.037(4), the parties to a dispute may agree  
130 immediately to select a mediator and initiate mediation  
131 proceedings pursuant to this section ~~Upon receiving a petition~~  
132 ~~to mediate a dispute, the division shall, within 20 days, notify~~  
133 ~~the parties that a mediator has been appointed by the division.~~  
134 The parties may accept the mediator appointed by the division  
135 or, within 30 days, select a mediator to mediate the dispute  
136 pursuant to subsection (2). The parties shall each pay a \$250  
137 filing fee to the mediator appointed by the division or selected  
138 by the parties, within 30 days after the division notifies the  
139 parties of the appointment of the mediator. The \$250 filing fee  
140 shall be used by the mediator to defray the hourly rate charged  
141 for mediation of the dispute. Any portion of the filing fee not  
142 used shall be refunded to the parties.

143 (9) A mediator appointed by the division or selected by the  
144 parties pursuant to this section shall have judicial immunity in  
145 the same manner and to the same extent as a judge.

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146 Section 3. Subsection (1) of section 723.0381, Florida  
147 Statutes, is amended to read:

148 723.0381 Civil actions; arbitration.—

149 (1) A civil action may not be initiated unless the dispute  
150 has been submitted to mediation pursuant to s. 723.037(5). After  
151 mediation of a dispute pursuant to s. 723.038 has failed to  
152 provide a resolution of the dispute, either party may file an  
153 action in the circuit court.

154 Section 4. Subsection (1) of section 723.051, Florida  
155 Statutes, is amended to read:

156 723.051 Invitees; rights and obligations.—

157 (1) An invitee of a mobile home owner, or a live-in health  
158 care aide as provided for in the Federal Fair Housing Act, must  
159 ~~shall~~ have ingress and egress to and from the mobile home  
160 owner's site without the mobile home owner, ~~or~~ invitee, or live-  
161 in health care aide being required to pay additional rent, a  
162 fee, or any charge whatsoever, except that the mobile home owner  
163 must pay the cost of a background check for the live-in health  
164 care aide if one is required. Any mobile home park rule or  
165 regulation providing for fees or charges contrary to the terms  
166 of this section is null and void. The live-in health care aide  
167 does not have any rights of tenancy in the park, and the mobile  
168 home owner must notify the park owner or park manager of the  
169 name of the live-in health care aide and provide the information  
170 required to have the background check, if one is necessary. The  
171 mobile home owner has the responsibility to remove the live-in  
172 health care aide should it become necessary and to cover the  
173 costs associated with the removal.

174 Section 5. Paragraph (a) of subsection (1) of section

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175 723.0611, Florida Statutes, is amended to read:

176 723.0611 Florida Mobile Home Relocation Corporation.—

177 (1) (a) There is created the Florida Mobile Home Relocation  
178 Corporation. The purpose of the corporation is to address the  
179 voluntary closure of mobile home parks due to a change in use of  
180 the land. The corporation shall be administered by a board of  
181 directors made up of six members, three of whom shall be  
182 appointed by the Secretary of Business and Professional  
183 Regulation from a list of nominees submitted by the largest  
184 nonprofit association representing mobile home owners in this  
185 state, and three of whom shall be appointed by the Secretary of  
186 Business and Professional Regulation from a list of nominees  
187 submitted by the largest nonprofit association representing the  
188 manufactured housing industry in this state. All members of the  
189 board of directors, including the chair, shall be appointed to  
190 serve for staggered 3-year terms.

191 Section 6. Subsections (1), (4), and (7) of section  
192 723.0612, Florida Statutes, are amended to read:

193 723.0612 Change in use; relocation expenses; payments by  
194 park owner.—

195 (1) If a mobile home owner is required to move due to a  
196 change in use of the land comprising the mobile home park as set  
197 forth in s. 723.061(1)(d) and complies with the requirements of  
198 this section, the mobile home owner is entitled to payment from  
199 the Florida Mobile Home Relocation Corporation of:

200 (a) The amount of actual moving expenses of relocating the  
201 mobile home to a new location within a 50-mile radius of the  
202 vacated park, or

203 (b) The amount of \$6,500 ~~\$3,000~~ for a single-section mobile

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204 home or \$11,500 ~~\$6,000~~ for a multisection mobile home, whichever  
205 is less. Moving expenses include the cost of taking down,  
206 moving, and setting up the mobile home in a new location.

207 (4) The Florida Mobile Home Relocation Corporation must  
208 approve payment within 45 days after receipt of the information  
209 set forth in subsection (3), or payment is deemed approved. A  
210 copy of the approval must be forwarded to the park owner with an  
211 invoice for payment. Upon approval, the corporation shall issue  
212 a voucher in the amount of the contract price for relocating the  
213 mobile home. The moving contractor may redeem the voucher from  
214 the corporation following completion of the relocation and upon  
215 approval of the relocation by the mobile home owner for up to 2  
216 years after the date of issuance.

217 (7) In lieu of collecting payment from the Florida Mobile  
218 Home Relocation Corporation as set forth in subsection (1), a  
219 mobile home owner may abandon the mobile home in the mobile home  
220 park and collect \$3,000 ~~\$1,375~~ for a single section and \$5,000  
221 ~~\$2,750~~ for a multisection from the corporation as long as the  
222 mobile home owner delivers to the park owner the current title  
223 to the mobile home duly endorsed by the owner of record and  
224 valid releases of all liens shown on the title. If a mobile home  
225 owner chooses this option, the park owner must ~~shall~~ make  
226 payment to the corporation of \$1,375 for a single section and  
227 \$2,750 for a multisection ~~in an amount equal to the amount the~~  
228 ~~mobile home owner is entitled to under this subsection.~~ The  
229 mobile home owner's application for funds under this subsection  
230 requires ~~shall require~~ the submission of a document signed by  
231 the park owner stating that the home has been abandoned under  
232 this subsection and that the park owner agrees to make payment

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233 to the corporation in the amount provided to the home owner  
234 under this subsection. However, in the event that the required  
235 documents are not submitted with the application, the  
236 corporation may consider the facts and circumstances surrounding  
237 the abandonment of the home to determine whether the mobile home  
238 owner is entitled to payment pursuant to this subsection. The  
239 mobile home owner is not entitled to any compensation under this  
240 subsection if there is a pending eviction action for nonpayment  
241 of lot rental amount pursuant to s. 723.061(1)(a) which was  
242 filed against him or her prior to the mailing date of the notice  
243 of change in the use of the mobile home park given pursuant to  
244 s. 723.061(1)(d).

245 Section 7. The division shall adopt rules to implement and  
246 administer this act.

247 Section 8. This act shall take effect July 1, 2024.