

1 A bill to be entitled
2 An act relating to mobile home park lot tenancies;
3 amending s. 723.005, F.S.; revising the powers and
4 duties of the Division of Florida Condominiums,
5 Timeshares, and Mobile Homes of the Department of
6 Business and Professional Regulation; amending s.
7 723.037, F.S.; authorizing a mobile home park owner,
8 or his or her representative, and the mobile home
9 owners to immediately agree to select a mediator after
10 filing a written notice with the division; amending s.
11 723.038, F.S.; authorizing the parties to a dispute to
12 immediately agree to select a mediator and initiate
13 mediation proceedings after filing a written notice
14 with the division; requiring the division to appoint a
15 qualified mediator and notify the parties within a
16 specified timeframe; conforming a provision to changes
17 made by the act; amending s. 723.0381, F.S.;
18 authorizing either party to a dispute to file an
19 action in the circuit court under certain
20 circumstances; amending s. 723.051, F.S.; providing
21 that a live-in health care aide, or his or her
22 assistant, must have ingress and egress to and from a
23 mobile home owner's site without such owner, aide, or
24 assistant being required to pay additional rent, a
25 fee, or any charge; requiring a mobile home owner to

26 pay for a background check for the live-in health care
 27 aide or his or her assistant if required; specifying
 28 that a live-in health care aide or his or her
 29 assistant does not have any rights of tenancy in the
 30 mobile home park; requiring a mobile home owner to
 31 provide certain information to the park owner or park
 32 manager; requiring the mobile home owner to remove the
 33 live-in health care aide or his or her assistant and
 34 cover certain costs associated with such removal if
 35 necessary; amending s. 723.0611, F.S.; providing the
 36 purpose of the Florida Mobile Home Relocation
 37 Corporation; amending s. 723.0612, F.S.; revising the
 38 amounts of certain expenses that the corporation is
 39 required to pay the mobile home owner under certain
 40 circumstances; providing that certain vouchers are
 41 redeemable for a specified time period; specifying the
 42 amounts that a park owner must pay the corporation
 43 under certain circumstances; requiring the division to
 44 adopt rules; providing an effective date.

45

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

47

48 Section 1. Section 723.005, Florida Statutes, is amended
 49 to read:

50 723.005 Regulation by division.—The division has the power

51 and duty to enforce and ensure compliance with each section ~~the~~
 52 ~~provisions~~ of this chapter and the rules adopted ~~promulgated~~
 53 pursuant hereto relating to the rental, development, and sale of
 54 mobile home parks. However, the division does not have the power
 55 or duty to enforce mobile home park rules and regulations ~~or to~~
 56 ~~enforce the provisions of ss. 723.022, 723.023, and 723.033.~~

57 Section 2. Paragraphs (c) and (d) of subsection (5) of
 58 section 723.037, Florida Statutes, are redesignated as
 59 paragraphs (d) and (e), respectively, paragraph (b) of that
 60 subsection is amended, and a new paragraph (c) is added to that
 61 subsection, to read:

62 723.037 Lot rental increases; reduction in services or
 63 utilities; change in rules and regulations; mediation.—

64 (5)

65 (b) A park owner, within the same time period, may also
 66 petition the division to initiate mediation of the dispute
 67 pursuant to s. 723.038.

68 (c) As an alternative, after filing a written notice with
 69 the division of the intent to initiate mediation of the dispute,
 70 the park owner, or his or her representative, and the mobile
 71 home owners may immediately agree to select a mediator pursuant
 72 to s. 723.038(2) and (4).

73
 74 The purpose of this subsection is to encourage discussion and
 75 evaluation by the parties of the comparable mobile home parks in

76 the competitive market area. The requirements of this subsection
 77 are not intended to be enforced by civil or administrative
 78 action. Rather, the meetings and discussions are intended to be
 79 in the nature of settlement discussions before ~~prior to~~ the
 80 parties proceed ~~proceeding~~ to litigation of any dispute.

81 Section 3. Subsections (1), (2), (4), and (9) of section
 82 723.038, Florida Statutes, are amended to read:

83 723.038 Dispute settlement; mediation.—

84 (1) Either party may petition the division to appoint a
 85 mediator and initiate mediation proceedings or, after filing a
 86 written notice with the division, the parties may immediately
 87 agree to select a mediator and initiate mediation proceedings
 88 pursuant to subsections (2) and (4).

89 (2) Within 20 days after receipt of a petition, the
 90 division ~~upon petition~~ shall appoint a qualified mediator to
 91 conduct mediation proceedings and notify the parties, unless the
 92 parties timely notify the division in writing that they have
 93 selected a mediator. A person appointed by the division or
 94 selected by the parties must ~~shall~~ be a qualified mediator from
 95 a list of circuit court mediators in each judicial circuit who
 96 has met training and educational requirements established by the
 97 Supreme Court. If such mediators are not available, the division
 98 or the parties may select a mediator from the list maintained by
 99 the Florida Growth Management Conflict Resolution Consortium.
 100 The division shall adopt ~~promulgate~~ rules of procedure to govern

HB613

2024

101 such proceedings in accordance with the rules of practice and
 102 procedure adopted by the Supreme Court. The division shall also
 103 establish, by rule, the fee to be charged by a mediator which
 104 shall not exceed the fee authorized by the circuit court.

105 (4) After the last scheduled meeting under s. 723.037(4)
 106 and filing a written notice with the division, the parties to a
 107 dispute may immediately agree to select a mediator and initiate
 108 mediation proceedings pursuant to this section ~~Upon receiving a~~
 109 ~~petition to mediate a dispute, the division shall, within 20~~
 110 ~~days, notify the parties that a mediator has been appointed by~~
 111 ~~the division.~~ The parties may accept the mediator appointed by
 112 the division or, within 30 days, select a mediator to mediate
 113 the dispute in accordance with subsection (2). The parties shall
 114 each pay a \$250 filing fee to the mediator appointed by the
 115 division or selected by the parties, within 30 days after the
 116 division notifies the parties of the appointment of the
 117 mediator. The \$250 filing fee shall be used by the mediator to
 118 defray the hourly rate charged for mediation of the dispute. Any
 119 portion of the filing fee not used shall be refunded to the
 120 parties.

121 (9) A mediator selected or appointed pursuant to this
 122 section has ~~shall have~~ judicial immunity in the same manner and
 123 to the same extent as a judge.

124 Section 4. Subsection (1) of section 723.0381, Florida
 125 Statutes, is amended to read:

HB613

2024

126 723.0381 Civil actions; arbitration.-

127 (1) If an aggrieved party serves a request for mediation
 128 and the responding party refuses or fails to participate in
 129 mediation, or if after mediation of a dispute pursuant to s.
 130 723.038 has failed to provide a resolution of the dispute,
 131 either party may file an action in the circuit court if a
 132 majority of the affected mobile home owners have agreed to file
 133 an action in writing.

134 Section 5. Subsection (1) of section 723.051, Florida
 135 Statutes, is amended to read:

136 723.051 Invitees and live-in health care aides; rights and
 137 obligations.-

138 (1) An invitee of a mobile home owner, or a live-in health
 139 care aide or the aide's assistant as provided for in the federal
 140 Fair Housing Act, must shall have ingress and egress to and from
 141 the mobile home owner's site without the mobile home owner,
 142 live-in health care aide, aide's assistant, or invitee being
 143 required to pay additional rent, a fee, or any charge
 144 whatsoever, except that the mobile home owner must pay the cost
 145 of a background check for the live-in health care aide or the
 146 aide's assistant if one is required. Any mobile home park rule
 147 or regulation providing for fees or charges contrary to the
 148 terms of this section is ~~null and~~ void. The live-in health care
 149 aide or the aide's assistant does not have any rights of tenancy
 150 in the mobile home park and the mobile home owner must provide

HB613

2024

151 the name of the live-in health care aide or the aide's assistant
152 to the park owner or park manager and the information required
153 to conduct the background check if one is required. If
154 necessary, the mobile home owner is responsible for removing the
155 live-in health care aide or the aide's assistant and covering
156 the costs associated with such removal.

157 Section 6. Paragraph (a) of subsection (1) of section
158 723.0611, Florida Statutes, is amended to read:

159 723.0611 Florida Mobile Home Relocation Corporation.—

160 (1)(a) There is created the Florida Mobile Home Relocation
161 Corporation to address voluntary closures of mobile home parks
162 due to a change in the use of the land. The corporation shall be
163 administered by a board of directors made up of six members,
164 three of whom shall be appointed by the Secretary of Business
165 and Professional Regulation from a list of nominees submitted by
166 the largest nonprofit association representing mobile home
167 owners in this state, and three of whom shall be appointed by
168 the Secretary of Business and Professional Regulation from a
169 list of nominees submitted by the largest nonprofit association
170 representing the manufactured housing industry in this state.
171 All members of the board of directors, including the chair,
172 shall be appointed to serve for staggered 3-year terms.

173 Section 7. Paragraph (b) of subsection (1) and subsections
174 (4) and (7) of section 723.0612, Florida Statutes, are amended
175 to read:

HB613

2024

176 723.0612 Change in use; relocation expenses; payments by
 177 park owner.—

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

183 (b) The amount of \$6,500 ~~\$3,000~~ for a single-section
 184 mobile home or \$11,500 ~~\$6,000~~ for a multisection mobile home,
 185 whichever is less. Moving expenses include the cost of taking
 186 down, moving, and setting up the mobile home in a new location.

187 (4) The Florida Mobile Home Relocation Corporation must
 188 approve payment within 45 days after receipt of the information
 189 set forth in subsection (3), or payment is deemed approved. A
 190 copy of the approval must be forwarded to the park owner with an
 191 invoice for payment. Upon approval, the corporation shall issue
 192 a voucher in the amount of the contract price for relocating the
 193 mobile home. The moving contractor may redeem the voucher from
 194 the corporation following completion of the relocation and upon
 195 approval of the relocation by the mobile home owner for up to 2
 196 years after the date of issuance.

197 (7) In lieu of collecting payment from the Florida Mobile
 198 Home Relocation Corporation as set forth in subsection (1), a
 199 mobile home owner may abandon the mobile home in the mobile home
 200 park and collect \$5,000 ~~\$1,375~~ for a single section and \$7,000

201 ~~\$2,750~~ for a multisection from the corporation as long as the
 202 mobile home owner delivers to the park owner the current title
 203 to the mobile home duly endorsed by the owner of record and
 204 valid releases of all liens shown on the title. If a mobile home
 205 owner chooses this option, the park owner must ~~shall~~ make
 206 payment to the corporation of \$1,375 for a single section and
 207 \$2,750 for a multisection ~~in an amount equal to the amount the~~
 208 ~~mobile home owner is entitled to under this subsection.~~ The
 209 mobile home owner's application for funds under this subsection
 210 requires ~~shall require~~ the submission of a document signed by
 211 the park owner stating that the home has been abandoned under
 212 this subsection and that the park owner agrees to make payment
 213 to the corporation in the amount provided to the home owner
 214 under this subsection. However, in the event that the required
 215 documents are not submitted with the application, the
 216 corporation may consider the facts and circumstances surrounding
 217 the abandonment of the home to determine whether the mobile home
 218 owner is entitled to payment pursuant to this subsection. The
 219 mobile home owner is not entitled to any compensation under this
 220 subsection if there is a pending eviction action for nonpayment
 221 of lot rental amount pursuant to s. 723.061(1)(a) which was
 222 filed against him or her before ~~prior to~~ the mailing date of the
 223 notice of change in the use of the mobile home park given
 224 pursuant to s. 723.061(1)(d).

225 Section 8. The Division of Florida Condominiums,

HB613

2024

226 | Timeshares, and Mobile Homes of the Department of Business and
227 | Professional Regulation shall adopt rules to carry out the
228 | requirements of this act.

229 | Section 9. This act shall take effect July 1, 2024.