

By Senator Bernard

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A bill to be entitled

An act relating to mobile homes; amending s. 723.022, F.S.; revising the general obligations of mobile home park owners; amending s. 723.023, F.S.; revising the general obligations of mobile home owners; amending s. 723.024, F.S.; authorizing a unit of local government to adopt and enforce local codes or ordinances for specified purposes; making technical changes; reenacting s. 723.0615(1), F.S., relating to retaliatory conduct of a mobile home park owner, to incorporate the amendment made to s. 723.022, F.S., in a reference thereto; reenacting ss. 723.004(5) and 723.005, F.S., relating to preemption of subject matter and regulation by the Division of Florida Condominiums, Timeshares, and Mobile Homes, respectively, to incorporate the amendments made to ss. 723.022 and 723.023, F.S., in references thereto; providing an effective date.

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

Section 1. Subsections (6), (7), and (8) are added to section 723.022, Florida Statutes, to read:

723.022 Mobile home park owner's general obligations.—A mobile home park owner shall at all times:

(6) Require mobile home owners to maintain a current mobile home registration sticker on their mobile home at all times.

(7) Maintain up-to-date records regarding the owner of each mobile home in the mobile home park and provide such records to

24-00926-26

2026652__

the county or municipal code enforcement entity upon request for the purpose of enforcing a mobile home owner's general obligations pursuant to s. 723.023.

(8) Require each mobile home owner to maintain the mobile home and its lot in accordance with all applicable building, housing, fire, and health codes and require other persons on the premises, with the mobile home owner's consent, to comply with such codes.

Section 2. Subsection (1) of section 723.023, Florida Statutes, is amended to read:

723.023 Mobile home owner's general obligations.—A mobile home owner shall:

(1) At all times comply with all obligations imposed on mobile home owners by applicable provisions of building, housing, fire, and health codes, including compliance with all building permits and construction requirements for construction on the mobile home and lot. ~~The home owner is responsible for all fines imposed by the local government for noncompliance with any local codes.~~

Section 3. Section 723.024, Florida Statutes, is amended to read:

723.024 Compliance by mobile home park owners and mobile home owners.—Notwithstanding ~~any other provision of this chapter or of~~ any local law, ordinance, or code:

(1) If a unit of local government finds that a violation of a local code or ordinance has occurred, the unit of local government must ~~shall~~ cite the responsible party for the violation and enforce the citation under its local code and ordinance enforcement authority. A unit of local government may

24-00926-26

2026652__

59 adopt and enforce local codes or ordinances to ensure compliance
60 with ss. 723.022 and 723.023.

61 (2) A lien, penalty, fine, or other administrative or civil
62 proceeding may not be brought against a mobile home owner or
63 mobile home for any duty or responsibility of the mobile home
64 park owner under s. 723.022 or against a mobile home park owner
65 or mobile home park property for any duty or responsibility of
66 the mobile home owner under s. 723.023.

67 Section 4. For the purpose of incorporating the amendment
68 made by this act to section 723.022, Florida Statutes, in a
69 reference thereto, subsection (1) of section 723.0615, Florida
70 Statutes, is reenacted to read:

71 723.0615 Retaliatory conduct.—

72 (1) It is unlawful for a mobile home park owner to
73 discriminatorily increase a home owner's rent or
74 discriminatorily decrease services to a home owner, or to bring
75 or threaten to bring an action for possession or other civil
76 action, primarily because the park owner is retaliating against
77 the home owner. In order for the home owner to raise the defense
78 of retaliatory conduct, the home owner must have acted in good
79 faith and not for any improper purposes, such as to harass or to
80 cause unnecessary delay or for frivolous purpose or needless
81 increase in the cost of litigation. Examples of conduct for
82 which the park owner may not retaliate include, but are not
83 limited to, situations where:

84 (a) The home owner has in good faith complained to a
85 governmental agency charged with responsibility for enforcement
86 of a building, housing, or health code of a suspected violation
87 applicable to the mobile home park;

24-00926-26

2026652__

(b) The home owner has organized, encouraged, or participated in a homeowners' organization; or

(c) The home owner has complained to the park owner for failure to comply with s. 723.022.

Section 5. For the purpose of incorporating the amendments made by this act to sections 723.022 and 723.023, Florida Statutes, in references thereto, subsection (5) of section 723.004, Florida Statutes, is reenacted to read:

723.004 Legislative intent; preemption of subject matter.—

(5) Nothing in this chapter shall be construed to prevent the enforcement of a right or duty under this section, s. 723.022, s. 723.023, s. 723.031, s. 723.032, s. 723.033, s. 723.035, s. 723.037, s. 723.038, s. 723.061, s. 723.0615, s. 723.062, s. 723.063, or s. 723.081 by civil action after the party has exhausted its administrative remedies, if any.

Section 6. For the purpose of incorporating the amendments made by this act to sections 723.022 and 723.023, Florida Statutes, in references thereto, section 723.005, Florida Statutes, is reenacted to read:

723.005 Regulation by division.—The division has the power and duty to enforce and ensure compliance with the provisions of this chapter and rules promulgated pursuant hereto relating to the rental, development, and sale of mobile home parks. However, the division does not have the power or duty to enforce mobile home park rules and regulations or to enforce the provisions of ss. 723.022, 723.023, and 723.033.

Section 7. This act shall take effect July 1, 2026.