



374372

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
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The Committee on Regulated Industries (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present paragraphs (b), (c), and (d) of subsection (5) of section 723.037, Florida Statutes, are redesignated as paragraphs (c), (e), and (f), respectively, new paragraphs (b) and (d) and paragraphs (g) and (h) are added to that subsection, and present paragraph (b) of that subsection is amended, to read:



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11 723.037 Lot rental increases; reduction in services or
12 utilities; change in rules and regulations; mediation.—

13 (5)

14 (b) A petition for mediation must be filed with the
15 division in all cases for a determination of adequacy and
16 conformance of the petition with the requirements of paragraph
17 (a). Upon filing the petition with the division, the mobile home
18 owners must provide to the park owner, by certified mail, return
19 receipt requested, a copy of the following:

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

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

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

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

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

32 (d) As an alternative to the appointment of a mediator by
33 the division, the park owner and the mobile home owners may, by
34 mutual agreement, select a mediator pursuant to s. 723.038(2)
35 and (4).

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

39 (h) Within 10 days after receipt of the petition from the



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40 homeowners, the park owner may file objections to the petition
41 with the division. The division shall dismiss any petition that
42 is not timely filed, that does not meet the requirements of this
43 subsection, or that is otherwise found deficient by the
44 division. If a mediator has not been selected pursuant to
45 paragraph (d), the division must assign a mediator within 10
46 days after receipt of the petition by the park owner.

47
48 The purpose of this subsection is to encourage discussion and
49 evaluation by the parties of the comparable mobile home parks in
50 the competitive market area. The requirements of this subsection
51 are not intended to be enforced by civil or administrative
52 action. Rather, the meetings and discussions are intended to be
53 in the nature of settlement discussions prior to the parties
54 proceeding to litigation of any dispute.

55 Section 2. Subsections (1), (2), (4), and (9) of section
56 723.038, Florida Statutes, are amended to read:

57 723.038 Dispute settlement; mediation.—

58 (1) Either party may petition the division to appoint a
59 mediator and initiate mediation proceedings, or the parties may
60 agree to immediately select a mediator and initiate mediation
61 proceedings pursuant to the criteria outlined in subsections (2)
62 and (4).

63 (2) The division, upon receipt of a petition, shall appoint
64 a qualified mediator to conduct mediation proceedings and notify
65 the parties within 20 days after such appointment, unless the
66 parties timely notify the division in writing that they have
67 selected a mediator. A person appointed by the division or
68 selected by the parties must ~~shall~~ be a qualified mediator from



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69 a list of circuit court mediators in each judicial circuit who
70 has met training and educational requirements established by the
71 Supreme Court. If such mediators are not available, the division
72 or the parties may select a mediator from the list maintained by
73 the Florida Growth Management Conflict Resolution Consortium.
74 The division shall promulgate rules of procedure to govern such
75 proceedings in accordance with the rules of practice and
76 procedure adopted by the Supreme Court. The division shall also
77 establish, by rule, the fee to be charged by a mediator which
78 shall not exceed the fee authorized by the circuit court.

79 (4) Following the date of the last scheduled meeting held
80 pursuant to s. 723.037(4), the parties to a dispute may agree
81 immediately to select a mediator and initiate mediation
82 proceedings pursuant to this section ~~Upon receiving a petition~~
83 ~~to mediate a dispute, the division shall, within 20 days, notify~~
84 ~~the parties that a mediator has been appointed by the division.~~
85 The parties may accept the mediator appointed by the division
86 or, within 30 days, select a mediator to mediate the dispute
87 pursuant to subsection (2). The parties shall each pay a \$250
88 filing fee to the mediator appointed by the division or selected
89 by the parties, within 30 days after the division notifies the
90 parties of the appointment of the mediator. The \$250 filing fee
91 shall be used by the mediator to defray the hourly rate charged
92 for mediation of the dispute. Any portion of the filing fee not
93 used shall be refunded to the parties.

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

97 Section 3. Subsection (1) of section 723.0381, Florida



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98 Statutes, is amended to read:

99 723.0381 Civil actions; arbitration.—

100 (1) A civil action may not be initiated unless the dispute
101 has been submitted to mediation pursuant to s. 723.037(5). After
102 mediation of a dispute pursuant to s. 723.038 has failed to
103 provide a resolution of the dispute, either party may file an
104 action in the circuit court.

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

107 723.051 Invitees; rights and obligations.—

108 (1) An invitee of a mobile home owner, or a live-in health
109 care aide as provided for in the Federal Fair Housing Act, must
110 ~~shall~~ have ingress and egress to and from the mobile home
111 owner's site without the mobile home owner, ~~or~~ invitee, or live-
112 in health care aide being required to pay additional rent, a
113 fee, or any charge whatsoever, except that the mobile home owner
114 must pay the cost of a background check for the live-in health
115 care aide if one is required. Any mobile home park rule or
116 regulation providing for fees or charges contrary to the terms
117 of this section is null and void. The live-in health care aide
118 does not have any rights of tenancy in the park, and the mobile
119 home owner must notify the park owner or park manager of the
120 name of the live-in health care aide and provide the information
121 required to have the background check, if one is necessary. The
122 mobile home owner has the responsibility to remove the live-in
123 health care aide should it become necessary and to cover the
124 costs associated with the removal.

125 Section 5. Paragraph (a) of subsection (1) of section
126 723.0611, Florida Statutes, is amended to read:



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127 723.0611 Florida Mobile Home Relocation Corporation.-
128 (1) (a) There is created the Florida Mobile Home Relocation
129 Corporation. The purpose of the corporation is to address the
130 voluntary closure of mobile home parks due to a change in use of
131 the land. The corporation shall be administered by a board of
132 directors made up of six members, three of whom shall be
133 appointed by the Secretary of Business and Professional
134 Regulation from a list of nominees submitted by the largest
135 nonprofit association representing mobile home owners in this
136 state, and three of whom shall be appointed by the Secretary of
137 Business and Professional Regulation from a list of nominees
138 submitted by the largest nonprofit association representing the
139 manufactured housing industry in this state. All members of the
140 board of directors, including the chair, shall be appointed to
141 serve for staggered 3-year terms.

142 Section 6. Subsections (1), (4), and (7) of section
143 723.0612, Florida Statutes, are amended to read:

144 723.0612 Change in use; relocation expenses; payments by
145 park owner.-

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

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

154 (b) The amount of \$6,500 ~~\$3,000~~ for a single-section mobile
155 home or \$11,500 ~~\$6,000~~ for a multisection mobile home, whichever



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156 is less. Moving expenses include the cost of taking down,
157 moving, and setting up the mobile home in a new location.

158 (4) The Florida Mobile Home Relocation Corporation must
159 approve payment within 45 days after receipt of the information
160 set forth in subsection (3), or payment is deemed approved. A
161 copy of the approval must be forwarded to the park owner with an
162 invoice for payment. Upon approval, the corporation shall issue
163 a voucher in the amount of the contract price for relocating the
164 mobile home. The moving contractor may redeem the voucher from
165 the corporation following completion of the relocation and upon
166 approval of the relocation by the mobile home owner for up to 2
167 years after the date of issuance.

168 (7) In lieu of collecting payment from the Florida Mobile
169 Home Relocation Corporation as set forth in subsection (1), a
170 mobile home owner may abandon the mobile home in the mobile home
171 park and collect \$3,000 ~~\$1,375~~ for a single section and \$5,000
172 ~~\$2,750~~ for a multisection from the corporation as long as the
173 mobile home owner delivers to the park owner the current title
174 to the mobile home duly endorsed by the owner of record and
175 valid releases of all liens shown on the title. If a mobile home
176 owner chooses this option, the park owner must ~~shall~~ make
177 payment to the corporation of \$1,375 for a single section and
178 \$2,750 for a multisection ~~in an amount equal to the amount the~~
179 ~~mobile home owner is entitled to under this subsection.~~ The
180 mobile home owner's application for funds under this subsection
181 requires ~~shall require~~ the submission of a document signed by
182 the park owner stating that the home has been abandoned under
183 this subsection and that the park owner agrees to make payment
184 to the corporation in the amount provided to the home owner



185 under this subsection. However, in the event that the required
186 documents are not submitted with the application, the
187 corporation may consider the facts and circumstances surrounding
188 the abandonment of the home to determine whether the mobile home
189 owner is entitled to payment pursuant to this subsection. The
190 mobile home owner is not entitled to any compensation under this
191 subsection if there is a pending eviction action for nonpayment
192 of lot rental amount pursuant to s. 723.061(1)(a) which was
193 filed against him or her prior to the mailing date of the notice
194 of change in the use of the mobile home park given pursuant to
195 s. 723.061(1)(d).

196 Section 7. The division shall adopt rules to implement and
197 administer this act.

198 Section 8. This act shall take effect July 1, 2024.
199

200 ===== T I T L E A M E N D M E N T =====

201 And the title is amended as follows:

202 Delete everything before the enacting clause
203 and insert:

204 A bill to be entitled
205 An act relating to mobile homes; amending s. 720.037,
206 F.S.; requiring that a petition for mediation be filed
207 with the Division of Florida Condominiums, Timeshares,
208 and Mobile Homes of the Department of Business and
209 Professional Regulation to determine the adequacy and
210 conformance of the homeowners' petition to initiate
211 mediation; requiring mobile home owners to provide
212 specified documents to the park owner in a specified
213 manner; authorizing the park owner and mobile home



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214 owners, by mutual agreement, to select a mediator
215 pursuant to specified provisions; requiring the
216 division to dismiss a petition for mediation under
217 certain circumstances; authorizing the park owner to
218 file objections to the petition for mediation within a
219 specified timeframe; requiring the division to assign
220 a mediator in certain circumstances within a specified
221 timeframe; amending s. 723.038, F.S.; authorizing
222 parties to disputes to jointly select a mediator and
223 initiate mediation proceedings; conforming provisions
224 to changes made by the act; making a technical change;
225 amending s. 723.0381, F.S.; prohibiting the initiation
226 of civil action unless the dispute has been submitted
227 to mediation; amending s. 723.051, F.S.; requiring
228 that specified live-in health care aides have ingress
229 and egress to and from a mobile home owner's site
230 without having to pay charges; providing that the
231 mobile home owner must pay the cost of any necessary
232 background check of such aides; providing that live-in
233 health care aides have no rights of tenancy in the
234 park; requiring the mobile home owner to notify the
235 park owner or manager of certain information related
236 to such aides; providing that the mobile home owner is
237 responsible for removing such aides if it becomes
238 necessary and must cover related costs; amending s.
239 723.0611, F.S.; providing the purpose of the Florida
240 Mobile Home Relocation Corporation; amending s.
241 723.0612, F.S.; revising the amounts a mobile home
242 owner is entitled to receive from the corporation for



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243 single-section and multisection mobile homes in
244 certain circumstances; revising the timeframe during
245 which a mobile home moving contractor may redeem a
246 voucher for the contract price for relocating a mobile
247 home; revising the amount a mobile home owner may
248 receive when he or she abandons the mobile home inside
249 the mobile home park in lieu of collecting payment
250 from the corporation; revising the amount a park owner
251 must pay the corporation under certain circumstances;
252 making technical changes; requiring the division to
253 adopt rules; providing an effective date.