

By the Committees on Fiscal Policy; and Regulated Industries;
and Senator Burton

594-03383-24

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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; requiring the
36 division to adopt rules; providing an effective date.
37

38 Be It Enacted by the Legislature of the State of Florida:
39

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

46 723.037 Lot rental increases; reduction in services or
47 utilities; change in rules and regulations; mediation.—

48 (5)

49 (b) A petition for mediation must be filed with the
50 division in all cases for a determination of adequacy and
51 conformance of the petition with the requirements of paragraph
52 (a). Upon filing the petition with the division, the mobile home
53 owners must provide to the park owner, by certified mail, return
54 receipt requested, a copy of the following:

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

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

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

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

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

67 (d) As an alternative to the appointment of a mediator by
68 the division, the park owner and the mobile home owners may, by
69 mutual agreement, select a mediator pursuant to s. 723.038(2)
70 and (4).

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

74 (h) Within 10 days after receipt of the petition from the
75 homeowners, the park owner may file objections to the petition
76 with the division. The division shall dismiss any petition that
77 is not timely filed, that does not meet the requirements of this
78 subsection, or that is otherwise found deficient by the
79 division. If a mediator has not been selected pursuant to
80 paragraph (d), the division must assign a mediator within 10
81 days after receipt of the petition by the park owner.

82
83 The purpose of this subsection is to encourage discussion and
84 evaluation by the parties of the comparable mobile home parks in
85 the competitive market area. The requirements of this subsection
86 are not intended to be enforced by civil or administrative
87 action. Rather, the meetings and discussions are intended to be

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88 in the nature of settlement discussions prior to the parties
89 proceeding to litigation of any dispute.

90 Section 2. Subsections (1), (2), (4), and (9) of section
91 723.038, Florida Statutes, are amended to read:

92 723.038 Dispute settlement; mediation.—

93 (1) Either party may petition the division to appoint a
94 mediator and initiate mediation proceedings, or the parties may
95 agree to immediately select a mediator and initiate mediation
96 proceedings pursuant to the criteria outlined in subsections (2)
97 and (4).

98 (2) The division, upon receipt of a petition, shall appoint
99 a qualified mediator to conduct mediation proceedings and notify
100 the parties within 20 days after such appointment, unless the
101 parties timely notify the division in writing that they have
102 selected a mediator. A person appointed by the division or
103 selected by the parties must ~~shall~~ be a qualified mediator from
104 a list of circuit court mediators in each judicial circuit who
105 has met training and educational requirements established by the
106 Supreme Court. If such mediators are not available, the division
107 or the parties may select a mediator from the list maintained by
108 the Florida Growth Management Conflict Resolution Consortium.
109 The division shall promulgate rules of procedure to govern such
110 proceedings in accordance with the rules of practice and
111 procedure adopted by the Supreme Court. The division shall also
112 establish, by rule, the fee to be charged by a mediator which
113 shall not exceed the fee authorized by the circuit court.

114 (4) Following the date of the last scheduled meeting held
115 pursuant to s. 723.037(4), the parties to a dispute may agree
116 immediately to select a mediator and initiate mediation

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117 ~~proceedings pursuant to this section~~ ~~Upon receiving a petition~~
118 ~~to mediate a dispute, the division shall, within 20 days, notify~~
119 ~~the parties that a mediator has been appointed by the division.~~
120 The parties may accept the mediator appointed by the division
121 or, within 30 days, select a mediator to mediate the dispute
122 pursuant to subsection (2). The parties shall each pay a \$250
123 filing fee to the mediator appointed by the division or selected
124 by the parties, within 30 days after the division notifies the
125 parties of the appointment of the mediator. The \$250 filing fee
126 shall be used by the mediator to defray the hourly rate charged
127 for mediation of the dispute. Any portion of the filing fee not
128 used shall be refunded to the parties.

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

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

134 723.0381 Civil actions; arbitration.—

135 (1) A civil action may not be initiated unless the dispute
136 has been submitted to mediation pursuant to s. 723.037(5). After
137 mediation of a dispute pursuant to s. 723.038 has failed to
138 provide a resolution of the dispute, either party may file an
139 action in the circuit court.

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

142 723.051 Invitees; rights and obligations.—

143 (1) An invitee of a mobile home owner, or a live-in health
144 care aide as provided for in the Federal Fair Housing Act, must
145 ~~shall~~ have ingress and egress to and from the mobile home

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146 owner's site without the mobile home owner, ~~or~~ invitee, or live-
147 in health care aide being required to pay additional rent, a
148 fee, or any charge whatsoever, except that the mobile home owner
149 must pay the cost of a background check for the live-in health
150 care aide if one is required. Any mobile home park rule or
151 regulation providing for fees or charges contrary to the terms
152 of this section is null and void. The live-in health care aide
153 does not have any rights of tenancy in the park, and the mobile
154 home owner must notify the park owner or park manager of the
155 name of the live-in health care aide and provide the information
156 required to have the background check, if one is necessary. The
157 mobile home owner has the responsibility to remove the live-in
158 health care aide should it become necessary and to cover the
159 costs associated with the removal.

160 Section 5. The Division of Florida Condominiums,
161 Timeshares, and Mobile Homes of the Department of Business and
162 Professional Regulation shall adopt rules to implement and
163 administer this act.

164 Section 6. This act shall take effect July 1, 2024.