

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Regulatory Reform &  
2 Economic Development Subcommittee  
3 Representative Stark offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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

13 723.037 Lot rental increases; reduction in services or  
14 utilities; change in rules and regulations; mediation.—

15 (5)

16 (b) A petition for mediation must be filed with the

Amendment No.

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

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

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

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

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

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

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

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

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

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Published On: 1/31/2024 12:54:52 PM

Amendment No.

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

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

57 Section 2. Subsections (1), (2), (4), and (9) of section  
58 723.038, Florida Statutes, are amended to read:

59 723.038 Dispute settlement; mediation.—

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

65 (2) The division, upon receipt of a petition, shall appoint  
66 a qualified mediator to conduct mediation proceedings and notify

Amendment No.

67 the parties within 20 days after such appointment, unless the  
68 parties timely notify the division in writing that they have  
69 selected a mediator. A person appointed by the division or  
70 selected by the parties must ~~shall~~ be a qualified mediator from  
71 a list of circuit court mediators in each judicial circuit who  
72 has met training and educational requirements established by the  
73 Supreme Court. If such mediators are not available, the division  
74 or the parties may select a mediator from the list maintained by  
75 the Florida Growth Management Conflict Resolution Consortium.  
76 The division shall promulgate rules of procedure to govern such  
77 proceedings in accordance with the rules of practice and  
78 procedure adopted by the Supreme Court. The division shall also  
79 establish, by rule, the fee to be charged by a mediator which  
80 shall not exceed the fee authorized by the circuit court.

81 (4) Following the date of the last scheduled meeting held  
82 pursuant to s. 723.037(4), the parties to a dispute may agree  
83 immediately to select a mediator and initiate mediation  
84 proceedings pursuant to this section ~~Upon receiving a petition~~  
85 ~~to mediate a dispute, the division shall, within 20 days, notify~~  
86 ~~the parties that a mediator has been appointed by the division.~~  
87 The parties may accept the mediator appointed by the division  
88 or, within 30 days, select a mediator to mediate the dispute  
89 pursuant to subsection (2). The parties shall each pay a \$250  
90 filing fee to the mediator appointed by the division or selected  
91 by the parties, within 30 days after the division notifies the

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Published On: 1/31/2024 12:54:52 PM

Amendment No.

92 parties of the appointment of the mediator. The \$250 filing fee  
93 shall be used by the mediator to defray the hourly rate charged  
94 for mediation of the dispute. Any portion of the filing fee not  
95 used shall be refunded to the parties.

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

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

101 723.0381 Civil actions; arbitration.-

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

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

109 723.051 Invitees; rights and obligations.-

110 (1) An invitee of a mobile home owner, or a live-in health  
111 care aide as provided for in the Federal Fair Housing Act, must  
112 ~~shall~~ have ingress and egress to and from the mobile home  
113 owner's site without the mobile home owner, ~~or~~ invitee, or live-  
114 in health care aide being required to pay additional rent, a  
115 fee, or any charge whatsoever, except that the mobile home owner  
116 must pay the cost of a background check for the live-in health

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Published On: 1/31/2024 12:54:52 PM

Amendment No.

117 care aide if one is required. Any mobile home park rule or  
118 regulation providing for fees or charges contrary to the terms  
119 of this section is null and void. The live-in health care aide  
120 does not have any rights of tenancy in the park, and the mobile  
121 home owner must notify the park owner or park manager of the  
122 name of the live-in health care aide and provide the information  
123 required to have the background check, if one is necessary. The  
124 mobile home owner has the responsibility to remove the live-in  
125 health care aide should it become necessary and to cover the  
126 costs associated with the removal.

127 Section 5. Paragraph (a) of subsection (1) of section  
128 723.0611, Florida Statutes, is amended to read:

129 723.0611 Florida Mobile Home Relocation Corporation.—

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

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Published On: 1/31/2024 12:54:52 PM

Amendment No.

142 board of directors, including the chair, shall be appointed to  
143 serve for staggered 3-year terms.

144 Section 6. Subsections (1), (4), and (7) of section  
145 723.0612, Florida Statutes, are amended to read:

146 723.0612 Change in use; relocation expenses; payments by  
147 park owner.—

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

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

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

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

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Published On: 1/31/2024 12:54:52 PM

Amendment No.

167 the corporation following completion of the relocation and upon  
168 approval of the relocation by the mobile home owner for up to 2  
169 years after the date of issuance.

170 (7) In lieu of collecting payment from the Florida Mobile  
171 Home Relocation Corporation as set forth in subsection (1), a  
172 mobile home owner may abandon the mobile home in the mobile home  
173 park and collect \$3,000 ~~\$1,375~~ for a single section and \$5,000  
174 ~~\$2,750~~ for a multisection from the corporation as long as the  
175 mobile home owner delivers to the park owner the current title  
176 to the mobile home duly endorsed by the owner of record and  
177 valid releases of all liens shown on the title. If a mobile home  
178 owner chooses this option, the park owner must ~~shall~~ make  
179 payment to the corporation of \$1,375 for a single section and  
180 \$2,750 for a multisection ~~in an amount equal to the amount the~~  
181 ~~mobile home owner is entitled to under this subsection.~~ The  
182 mobile home owner's application for funds under this subsection  
183 requires ~~shall require~~ the submission of a document signed by  
184 the park owner stating that the home has been abandoned under  
185 this subsection and that the park owner agrees to make payment  
186 to the corporation in the amount provided to the home owner  
187 under this subsection. However, in the event that the required  
188 documents are not submitted with the application, the  
189 corporation may consider the facts and circumstances surrounding  
190 the abandonment of the home to determine whether the mobile home  
191 owner is entitled to payment pursuant to this subsection. The

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Published On: 1/31/2024 12:54:52 PM



Amendment No.

192 mobile home owner is not entitled to any compensation under this  
193 subsection if there is a pending eviction action for nonpayment  
194 of lot rental amount pursuant to s. 723.061(1)(a) which was  
195 filed against him or her prior to the mailing date of the notice  
196 of change in the use of the mobile home park given pursuant to  
197 s. 723.061(1)(d).

198 Section 7. The division shall adopt rules to implement and  
199 administer this act.

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

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**T I T L E A M E N D M E N T**

204

Remove everything before the enacting clause and insert:

205

An act relating to mobile home park lot tenancies; amending s.

206

720.037, F.S.; requiring that a petition for mediation be filed

207

with the Division of Florida Condominiums, Timeshares, and

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Mobile Homes of the Department of Business and Professional

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Regulation to determine the adequacy and conformance of the

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homeowners' petition to initiate mediation; requiring mobile

211

home owners to provide specified documents to the park owner in

212

a specified manner; authorizing the park owner and mobile home

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owners, by mutual agreement, to select a mediator pursuant to

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specified provisions; requiring the division to dismiss a

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petition for mediation under certain circumstances; authorizing

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the park owner to file objections to the petition for mediation

517969 - h613-strike.docx

Published On: 1/31/2024 12:54:52 PM

Amendment No.

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

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Published On: 1/31/2024 12:54:52 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 613 (2024)

Amendment No.

242 | the mobile home inside the mobile home park in lieu of  
243 | collecting payment from the corporation; revising the amount a  
244 | park owner must pay the corporation under certain circumstances;  
245 | making technical changes; requiring the division to adopt rules;  
246 | providing an effective date.