



26 submitted to mediation; amending s. 723.051, F.S.;

27 providing that a live-in health care aide must have

28 ingress and egress to and from a mobile home owner's

29 site without such owner or aide being required to pay

30 additional rent, a fee, or any charge; requiring a

31 mobile home owner to pay the cost of any necessary

32 background check for the live-in health care aide;

33 specifying that a live-in health care aide does not

34 have any rights of tenancy in the mobile home park;

35 requiring a mobile home owner to notify the park owner

36 or park manager of certain information relating to the

37 live-in aide; requiring the mobile home owner to

38 remove the live-in health care aide and cover certain

39 costs associated with such removal if necessary;

40 amending s. 723.0611, F.S.; providing the purpose of

41 the Florida Mobile Home Relocation Corporation;

42 amending s. 723.0612, F.S.; revising the amounts of

43 certain expenses that the corporation is required to

44 pay the mobile home owner under certain circumstances;

45 providing that certain vouchers are redeemable for a

46 specified time period; specifying the amounts that a

47 park owner must pay the corporation under certain

48 circumstances; requiring the division to adopt rules;

49 providing an effective date.

50

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

52

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

58 723.037 Lot rental increases; reduction in services or  
 59 utilities; change in rules and regulations; mediation.—

60 (5)

61 (b) A petition for mediation must be filed with the  
 62 division in all cases for a determination of adequacy and  
 63 conformance of the petition with the requirements in paragraph  
 64 (a). Upon filing the petition with the division, the mobile home  
 65 owners must provide to the park owner, by certified mail, return  
 66 receipt requested, a copy of all of the following:

67 1. The home owners' petition for mediation on a form  
 68 adopted by the division by rule.

69 2. The written designation required by this subsection,  
 70 which must include the lot identification for each signature.

71 3. The notice or notices of a lot rental increase,  
 72 reduction in services or utilities, or change in rules and  
 73 regulations which is being challenged as unreasonable.

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

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

79 (f) As an alternative to the appointment of a mediator by  
 80 the division, the park owner and the mobile home owners may, by  
 81 mutual agreement, select a mediator pursuant to s. 723.038(2)  
 82 and (4).

83 (g) The division must dismiss a petition for mediation if  
 84 the park owner and mobile home owners fail to comply with this  
 85 subsection.

86 (h) Within 10 days after receipt of a petition from the  
 87 mobile home owners, the park owner may file objections to the  
 88 petition with the division. The division must dismiss any  
 89 petition that is not timely filed, does not meet the  
 90 requirements of this subsection, or is otherwise found deficient  
 91 by the division. If a mediator has not been selected pursuant to  
 92 paragraph (f), the division must assign a mediator within 10  
 93 days after receipt of the petition by the park owner.

94  
 95 The purpose of this subsection is to encourage discussion and  
 96 evaluation by the parties of the comparable mobile home parks in  
 97 the competitive market area. The requirements of this subsection  
 98 are not intended to be enforced by civil or administrative  
 99 action. Rather, the meetings and discussions are intended to be  
 100 in the nature of settlement discussions before ~~prior to~~ the

101 parties proceed ~~proceeding~~ to litigation of any dispute.

102 Section 2. Subsections (1), (2), (4), and (9) of section  
103 723.038, Florida Statutes, are amended to read:

104 723.038 Dispute settlement; mediation.—

105 (1) Either party may petition the division to appoint a  
106 mediator and initiate mediation proceedings or the parties may  
107 agree to immediately select a mediator and initiate mediation  
108 proceedings pursuant to the criteria outlined in subsections (2)  
109 and (4).

110 (2) The division, upon receipt of a petition, shall  
111 appoint a qualified mediator to conduct mediation proceedings  
112 and notify the parties within 20 days after such appointment,  
113 unless the parties timely notify the division in writing that  
114 they have selected a mediator. A person appointed by the  
115 division or selected by the parties must ~~shall~~ be a qualified  
116 mediator from a list of circuit court mediators in each judicial  
117 circuit who has met training and educational requirements  
118 established by the Supreme Court. If such mediators are not  
119 available, the division or the parties may select a mediator  
120 from the list maintained by the Florida Growth Management  
121 Conflict Resolution Consortium. The division shall adopt  
122 ~~promulgate~~ rules of procedure to govern such proceedings in  
123 accordance with the rules of practice and procedure adopted by  
124 the Supreme Court. The division shall also establish, by rule,  
125 the fee to be charged by a mediator which shall not exceed the

126 fee authorized by the circuit court.

127 (4) After the date of the last scheduled meeting held  
 128 pursuant to s. 723.037(4), the parties to a dispute may agree to  
 129 immediately select a mediator and initiate mediation proceedings  
 130 pursuant to this section ~~Upon receiving a petition to mediate a~~  
 131 ~~dispute, the division shall, within 20 days, notify the parties~~  
 132 ~~that a mediator has been appointed by the division.~~ The parties  
 133 may accept the mediator appointed by the division or, within 30  
 134 days, select a mediator to mediate the dispute pursuant to  
 135 subsection (2). The parties shall each pay a \$250 filing fee to  
 136 the mediator appointed by the division or selected by the  
 137 parties, within 30 days after the division notifies the parties  
 138 of the appointment of the mediator. The \$250 filing fee shall be  
 139 used by the mediator to defray the hourly rate charged for  
 140 mediation of the dispute. Any portion of the filing fee not used  
 141 shall be refunded to the parties.

142 (9) A mediator appointed by the division or selected by  
 143 the parties pursuant to this section ~~has~~ shall have judicial  
 144 immunity in the same manner and to the same extent as a judge.

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

147 723.0381 Civil actions; arbitration.—

148 (1) A civil action may not be initiated unless the dispute  
 149 has been submitted to mediation pursuant to s. 723.037(5). After  
 150 mediation of a dispute pursuant to s. 723.038 has failed to

151 provide a resolution of the dispute, either party may file an  
152 action in the circuit court.

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

155 723.051 Invitees and live-in health care aides; rights and  
156 obligations.—

157 (1) An invitee of a mobile home owner, or a live-in health  
158 care aide as provided for in the federal Fair Housing Act, must  
159 ~~shall~~ have ingress and egress to and from the mobile home  
160 owner's site without the mobile home owner, live-in health care  
161 aide, or invitee being required to pay additional rent, a fee,  
162 or any charge whatsoever, except that the mobile home owner must  
163 pay the cost of a background check for the live-in health care  
164 aide if one is required. Any mobile home park rule or regulation  
165 providing for fees or charges contrary to the terms of this  
166 section is ~~null and~~ void. The live-in health care aide does not  
167 have any rights of tenancy in the mobile home park and the  
168 mobile home owner must notify the park owner or park manager of  
169 the name of the live-in health care aide and provide the  
170 information required to have the background check, if one is  
171 necessary. The mobile home owner has the responsibility to  
172 remove the live-in health care aide should it become necessary  
173 and to cover the costs associated with such removal.

174 Section 5. Paragraph (a) of subsection (1) of section  
175 723.0611, Florida Statutes, is amended to read:

176           723.0611 Florida Mobile Home Relocation Corporation.—  
 177           (1) (a) There is created the Florida Mobile Home Relocation  
 178 Corporation. The purpose of the corporation is to address the  
 179 voluntary closure of mobile home parks due to a change in the  
 180 use of the land. The corporation shall be administered by a  
 181 board of directors made up of six members, three of whom shall  
 182 be appointed by the Secretary of Business and Professional  
 183 Regulation from a list of nominees submitted by the largest  
 184 nonprofit association representing mobile home owners in this  
 185 state, and three of whom shall be appointed by the Secretary of  
 186 Business and Professional Regulation from a list of nominees  
 187 submitted by the largest nonprofit association representing the  
 188 manufactured housing industry in this state. All members of the  
 189 board of directors, including the chair, shall be appointed to  
 190 serve for staggered 3-year terms.

191           Section 6. Paragraph (b) of subsection (1) and subsections  
 192 (4) and (7) of section 723.0612, Florida Statutes, are amended  
 193 to read:

194           723.0612 Change in use; relocation expenses; payments by  
 195 park owner.—

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

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

205 (4) The Florida Mobile Home Relocation Corporation must  
 206 approve payment within 45 days after receipt of the information  
 207 set forth in subsection (3), or payment is deemed approved. A  
 208 copy of the approval must be forwarded to the park owner with an  
 209 invoice for payment. Upon approval, the corporation shall issue  
 210 a voucher in the amount of the contract price for relocating the  
 211 mobile home. The moving contractor may redeem the voucher from  
 212 the corporation following completion of the relocation and upon  
 213 approval of the relocation by the mobile home owner for up to 2  
 214 years after the date of issuance.

215 (7) In lieu of collecting payment from the Florida Mobile  
 216 Home Relocation Corporation as set forth in subsection (1), a  
 217 mobile home owner may abandon the mobile home in the mobile home  
 218 park and collect \$3,000 ~~\$1,375~~ for a single section and \$5,000  
 219 ~~\$2,750~~ for a multisection from the corporation as long as the  
 220 mobile home owner delivers to the park owner the current title  
 221 to the mobile home duly endorsed by the owner of record and  
 222 valid releases of all liens shown on the title. If a mobile home  
 223 owner chooses this option, the park owner must ~~shall~~ make  
 224 payment to the corporation of \$1,375 for a single section and  
 225 \$2,750 for a multisection ~~in an amount equal to the amount the~~

226 ~~mobile home owner is entitled to under this subsection.~~ The  
 227 mobile home owner's application for funds under this subsection  
 228 requires ~~shall require~~ the submission of a document signed by  
 229 the park owner stating that the home has been abandoned under  
 230 this subsection and that the park owner agrees to make payment  
 231 to the corporation in the amount provided to the home owner  
 232 under this subsection. However, in the event that the required  
 233 documents are not submitted with the application, the  
 234 corporation may consider the facts and circumstances surrounding  
 235 the abandonment of the home to determine whether the mobile home  
 236 owner is entitled to payment pursuant to this subsection. The  
 237 mobile home owner is not entitled to any compensation under this  
 238 subsection if there is a pending eviction action for nonpayment  
 239 of lot rental amount pursuant to s. 723.061(1)(a) which was  
 240 filed against him or her before ~~prior to~~ the mailing date of the  
 241 notice of change in the use of the mobile home park given  
 242 pursuant to s. 723.061(1)(d).

243       Section 7. The Division of Florida Condominiums,  
 244 Timeshares, and Mobile Homes of the Department of Business and  
 245 Professional Regulation shall adopt rules to implement and  
 246 administer this act.

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