

1 A bill to be entitled
2 An act relating to mobile home park lot tenancies;
3 amending s. 723.037, F.S.; requiring that a petition
4 for mediation be filed with the Division of Florida
5 Condominiums, Timeshares, and Mobile Homes of the
6 Department of Business and Professional Regulation to
7 determine its adequacy and conformance to certain
8 requirements; requiring mobile home owners to provide,
9 in a specified manner, certain documents to a mobile
10 home park owner; authorizing a mobile home park owner
11 and the mobile home owners, by mutual agreement, to
12 select a mediator; requiring the division to dismiss a
13 petition for mediation under certain circumstances;
14 authorizing a mobile home park owner to file
15 objections to the petition for mediation within a
16 specified timeframe; requiring the division to assign
17 a mediator within a specified timeframe under certain
18 circumstances; amending s. 723.038, F.S.; authorizing
19 the parties to a dispute to agree to immediately
20 select a mediator and initiate mediation proceedings;
21 requiring the division to appoint a qualified mediator
22 and notify the parties within a specified timeframe;
23 conforming a provision to changes made by the act;
24 amending s. 723.0381, F.S.; prohibiting the initiation
25 of a civil action unless the dispute is first

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 requiring the division to adopt rules; providing an

41 effective date.

42

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

44

45 Section 1. Paragraphs (b), (c), and (d) of subsection (5)

46 of section 723.037, Florida Statutes, are redesignated as

47 paragraphs (c), (d), and (e), respectively, present paragraph

48 (b) of that subsection is amended, and new paragraphs (b), (f),

49 (g), and (h) are added to that subsection, to read:

50 723.037 Lot rental increases; reduction in services or

51 | utilities; change in rules and regulations; mediation.—

52 | (5)

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

59 | **1. The home owners' petition for mediation on a form**
60 | **adopted by the division by rule.**

61 | **2. The written designation required by this subsection,**
62 | **which must include the lot identification for each signature.**

63 | **3. The notice or notices of a lot rental increase,**
64 | **reduction in services or utilities, or change in rules and**
65 | **regulations which is being challenged as unreasonable.**

66 | **4. The records that verify the selection of the**
67 | **homeowners' committee in accordance with subsection (4).**

68 | ~~(c)-(b)~~ A park owner, within the same time period, may also
69 | petition the division to initiate mediation of the dispute
70 | pursuant to s. 723.038.

71 | **(f) As an alternative to the appointment of a mediator by**
72 | **the division, the park owner and the mobile home owners may, by**
73 | **mutual agreement, select a mediator pursuant to s. 723.038(2)**
74 | **and (4).**

75 | **(g) The division must dismiss a petition for mediation if**

76 | the park owner and mobile home owners fail to comply with this
 77 | subsection.

78 | (h) Within 10 days after receipt of a petition from the
 79 | mobile home owners, the park owner may file objections to the
 80 | petition with the division. The division must dismiss any
 81 | petition that is not timely filed, does not meet the
 82 | requirements of this subsection, or is otherwise found deficient
 83 | by the division. If a mediator has not been selected pursuant to
 84 | paragraph (f), the division must assign a mediator within 10
 85 | days after receipt of the petition by the park owner.

86 |
 87 | The purpose of this subsection is to encourage discussion and
 88 | evaluation by the parties of the comparable mobile home parks in
 89 | the competitive market area. The requirements of this subsection
 90 | are not intended to be enforced by civil or administrative
 91 | action. Rather, the meetings and discussions are intended to be
 92 | in the nature of settlement discussions before ~~prior to~~ the
 93 | parties proceed ~~proceeding~~ to litigation of any dispute.

94 | Section 2. Subsections (1), (2), (4), and (9) of section
 95 | 723.038, Florida Statutes, are amended to read:

96 | 723.038 Dispute settlement; mediation.—

97 | (1) Either party may petition the division to appoint a
 98 | mediator and initiate mediation proceedings or the parties may
 99 | agree to immediately select a mediator and initiate mediation
 100 | proceedings pursuant to the criteria outlined in subsections (2)

101 and (4).

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

119 (4) After the date of the last scheduled meeting held
 120 pursuant to s. 723.037(4), the parties to a dispute may agree to
 121 immediately select a mediator and initiate mediation proceedings
 122 pursuant to this section ~~Upon receiving a petition to mediate a~~
 123 ~~dispute, the division shall, within 20 days, notify the parties~~
 124 ~~that a mediator has been appointed by the division.~~ The parties
 125 may accept the mediator appointed by the division or, within 30

126 days, select a mediator to mediate the dispute pursuant to
 127 subsection (2). The parties shall each pay a \$250 filing fee to
 128 the mediator appointed by the division or selected by the
 129 parties, within 30 days after the division notifies the parties
 130 of the appointment of the mediator. The \$250 filing fee shall be
 131 used by the mediator to defray the hourly rate charged for
 132 mediation of the dispute. Any portion of the filing fee not used
 133 shall be refunded to the parties.

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

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

139 723.0381 Civil actions; arbitration.—

140 (1) A civil action may not be initiated unless the dispute
 141 has been submitted to mediation pursuant to s. 723.037(5). After
 142 mediation of a dispute pursuant to s. 723.038 has failed to
 143 provide a resolution of the dispute, either party may file an
 144 action in the circuit court.

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

147 723.051 Invitees and live-in health care aides; rights and
 148 obligations.—

149 (1) An invitee of a mobile home owner, or a live-in health
 150 care aide as provided for in the federal Fair Housing Act, must

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

166 Section 5. The Division of Florida Condominiums,
 167 Timeshares, and Mobile Homes of the Department of Business and
 168 Professional Regulation shall adopt rules to implement and
 169 administer this act.

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