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CS/CS/CS/HB 613

2024 Legislature

1
 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

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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

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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

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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 park owner's objection to the
 86 | petition.

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

95 | Section 2. Subsections (1), (2), (4), and (9) of section
 96 | 723.038, Florida Statutes, are amended to read:

97 | 723.038 Dispute settlement; mediation.—

98 | (1) Either party may petition the division to appoint a
 99 | mediator and initiate mediation proceedings or the parties may
 100 | agree to immediately select a mediator and initiate mediation

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101 proceedings pursuant to the criteria outlined in subsections (2)
 102 and (4).

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

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

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

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

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

140 723.0381 Civil actions; arbitration.—

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

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

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

150 (1) An invitee of a mobile home owner, or a live-in health

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

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

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