

By Senator Bracy Davis

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A bill to be entitled

An act relating to mobile home park lot tenancies; amending s. 723.005, F.S.; revising the powers and duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes; amending ss. 723.022 and 723.023, F.S.; authorizing a person injured by a violation of state law to file a complaint with the Department of Legal Affairs; providing the department authority to enforce compliance with state law; authorizing the department to adopt rules; amending s. 723.033, F.S.; providing factors a court may consider when determining if a rent increase or resulting lot rental increase is unreasonable; creating s. 723.034, F.S.; prohibiting a mobile home park owner or such owner's employees or agents from engaging in certain actions relating to electronic billing or payment systems; providing for retroactive applicability; authorizing a person injured by a violation of state law to file a complaint with the Department of Legal Affairs; providing the department authority to enforce compliance with state law; authorizing the department to adopt rules; amending s. 723.037, F.S.; requiring certain proof of expenses or factors to be included in a notice for a proposed increase in lot rental amount; requiring a park owner or subdivision developer to disclose and explain all relevant invoices, evidence, or other proof that was used in the decision to increase the lot rental amount; requiring a park owner to reduce the lot rental amount under certain

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circumstances; authorizing a person to file a complaint with the Department of Legal Affairs if a park owner fails to provide certain information; providing the department authority to enforce compliance with state law; authorizing the department to adopt rules; amending s. 723.038, F.S.; authorizing a person to file a complaint with the Department of Legal Affairs if a party to a dispute refuses to mediate; requiring the department to appoint a mediator and mediation to begin within a specified timeframe; amending s. 723.061, F.S.; revising the circumstances under which, and the timeframe in which, a park owner may terminate a tenancy; authorizing specified persons or entities to pay a lot rental amount in a certain manner; requiring the park owner to accept such payment; providing when an amount due is paid when paying by check; prohibiting properly promulgated rules and regulations from being used by a mobile home park owner in a certain manner; amending s. 723.0611, F.S.; specifying the purpose of the Florida Mobile Home Relocation Corporation; amending s. 723.0612, F.S.; revising dollar amounts for certain expenses due to a change in use of the land on which a mobile home park is located; authorizing a moving contractor to redeem a voucher within a specified timeframe; amending s. 723.011, F.S.; conforming a cross-reference; providing an effective date.

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

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59
60 Section 1. Section 723.005, Florida Statutes, is amended to
61 read:

62 723.005 Regulation by division.—Except as provided in this
63 chapter, the division has the power and duty to enforce and
64 ensure compliance with the provisions of this chapter and rules
65 promulgated pursuant hereto relating to the rental, development,
66 and sale of mobile home parks. However, the division does not
67 have the power or duty to enforce mobile home park rules and
68 regulations or to enforce ~~the provisions of~~ ss. 723.022,
69 723.023, and 723.033.

70 Section 2. Section 723.022, Florida Statutes, is amended to
71 read:

72 723.022 Mobile home park owner's general obligations.—

73 (1) A mobile home park owner shall at all times:

74 (a)~~(1)~~ Comply with the requirements of applicable building,
75 housing, and health codes.

76 (b)~~(2)~~ Maintain buildings and improvements in common areas
77 in a good state of repair and maintenance and maintain the
78 common areas in a good state of appearance, safety, and
79 cleanliness.

80 (c)~~(3)~~ Provide access to the common areas, including
81 buildings and improvements thereto, at all reasonable times for
82 the benefit of the park residents and their guests.

83 (d)~~(4)~~ Maintain utility connections and systems for which
84 the park owner is responsible in proper operating condition.

85 (e)~~(5)~~ Comply with properly promulgated park rules and
86 regulations and require other persons on the premises with his
87 or her consent to comply therewith and conduct themselves in a

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manner that does not unreasonably disturb the park residents or constitute a breach of the peace.

(2) A person who is injured by a violation of this section may file a complaint with the Department of Legal Affairs. The Department of Legal Affairs has the authority to enforce compliance with this section. The Department of Legal Affairs may adopt rules to implement this subsection.

Section 3. Section 723.023, Florida Statutes, is amended to read:

723.023 Mobile home owner's general obligations.—

(1) A mobile home owner shall:

(a)~~(1)~~ At all times comply with all obligations imposed on mobile home owners by applicable provisions of building, housing, and health codes, including compliance with all building permits and construction requirements for construction on the mobile home and lot. The home owner is responsible for all fines imposed by the local government for noncompliance with any local codes.

(b)~~(2)~~ At all times keep the mobile home lot that he or she occupies clean, neat, and sanitary, and maintained in compliance with all local codes.

(c)~~(3)~~ At all times comply with properly promulgated park rules and regulations and require other persons on the premises with his or her consent to comply with such rules and to conduct themselves, and other persons on the premises with his or her consent, in a manner that does not unreasonably disturb other residents of the park or constitute a breach of the peace.

(d)~~(4)~~ Receive written approval from the mobile home park owner before making any exterior modification or addition to the

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home.

~~(e) (5)~~ When vacating the premises, remove any debris and other property of any kind which is left on the mobile home lot.

(2) A person who is injured by a violation of this section may file a complaint with the Department of Legal Affairs. The Department of Legal Affairs has the authority to enforce compliance with this section. The Department of Legal Affairs may adopt rules to implement this subsection.

Section 4. Subsection (6) of section 723.033, Florida Statutes, is amended to read:

723.033 Unreasonable lot rental agreements; increases, changes.—

(6) In determining whether a rent increase or resulting lot rental amount is unreasonable, the court may consider economic or other factors, including, but not limited to, all of the following:

(a) The number of active sales within the mobile home park at the time the notice of rent increase is issued.

(b) Incentives and other discounts being offered to new purchasers by the mobile home park owner or the mobile home owner.

(c) The number of mobile homes abandoned or the number of titles transferred by the mobile home owner to the mobile home park owner in the previous 12 months for the purpose of avoiding eviction or to otherwise not terminate an existing rental agreement.

(d) Increases or decreases in the consumer price index, published by the Bureau of Labor Statistics of the Department of Labor.~~†~~

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146 (e) Increases or decreases in operating costs or taxes.~~+~~
147 and

148 (f) Prior disclosures.

149 Section 5. Section 723.034, Florida Statutes, is created to
150 read:

151 723.034 Requirements for electronic billing or payment
152 systems.—

153 (1) A mobile home park owner may not engage, or permit an
154 employee or agent of the park owner to engage, in any of the
155 following acts or practices:

156 (a) Requiring a mobile home owner to use an electronic
157 billing or payment system as the only method to pay the lot
158 rental amount or user fees.

159 (b) Assessing a fee or other charge to a mobile home owner
160 for his or her refusal or inability to pay the lot rental amount
161 or user fees through an electronic billing or payment system
162 used by the mobile home park owner.

163 (c) Using an electronic billing or payment system that
164 requires a mobile home owner to waive individual or collective
165 rights or remedies otherwise provided by law.

166 (d) Using an electronic billing or payment system that
167 collects, or requires access to, a mobile home owner's personal
168 data or data that is stored on a mobile home owner's device
169 beyond that which is necessary to make a payment for the lot
170 rental amount or user fees.

171 (2) This section applies prospectively and retroactively to
172 all lot rental agreements existing on July 1, 2026.

173 (3) A person who is injured by a violation of this section
174 may file a complaint with the Department of Legal Affairs. The

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Department of Legal Affairs has the authority to enforce compliance with this section. The Department of Legal Affairs may adopt rules to implement this subsection.

Section 6. Subsection (2), paragraph (b) of subsection (4), and subsection (6) of section 723.037, Florida Statutes, are amended to read:

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

(2) Notice as required by this section ~~shall~~, in addition to the information required in subsection (1), must only be ~~required to~~ include the dollar amount of the relevant portions of the present lot rental amount that are being increased and the dollar amount of the proposed increases in lot rental amount if there is an increase in the lot rental amount, the reduction in services or utilities, or the change in rules and regulations and the effective date thereof. If there is a proposed increase in the lot rental amount, all relevant invoices, evidence, or proof that shows the expenses or material factors causing the increase in the lot rental amount must be included in such notice.

(4)

(b)1. At the meeting, the park owner or subdivision developer shall in good faith disclose and explain all expenses or material factors, including all relevant invoices, evidence, or other proof, resulting in the decision to increase the lot rental amount, reduce services or utilities, or change rules and regulations, including how those factors justify the specific change proposed. The park owner or subdivision developer may not limit the discussion of the reasons for the change to

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generalities only, such as, but not limited to, increases in operational costs, changes in economic conditions, or rents charged by comparable mobile home parks. ~~For example,~~

2. If the reason for an increase in lot rental amount is an increase in operational costs, the park owner must disclose and provide evidence of the item or items which have increased, the amount of the increase, any similar item or items which have decreased, and the amount of the decrease.

3. If an amenity, a service, or a utility is no longer available to mobile home owners, the park owner must reduce their lot rental amount.

4. If an increase is based upon the lot rental amount charged by comparable mobile home parks, the park owner shall disclose, and provide in writing to the committee at or before the meeting, the name, address, lot rental amount, and any other relevant factors relied upon by the park owner, such as facilities, services, and amenities, concerning the comparable mobile home parks. The information concerning comparable mobile home parks to be exchanged by the parties is to encourage a dialogue concerning the reasons used by the park owner for the increase in lot rental amount and to encourage the home owners to evaluate and discuss the reasons for those changes with the park owner. ~~The park owner shall prepare a written summary of the material factors and retain a copy for 3 years. The park owner shall provide the committee a copy of the summary at or before the meeting.~~

~~2.~~ The park owner shall not limit the comparable mobile home park disclosure to those mobile home parks that are owned or operated by the same owner or operator as the subject park,

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except in certain circumstances, which include, but are not limited to:

a. That the market area for comparable mobile home parks includes mobile home parks owned or operated by the same entity that have similar facilities, services, and amenities;

b. That the subject mobile home park has unique attributes that are shared with similar mobile home parks;

c. That the mobile home park is located in a geographic or market area that contains few comparable mobile home parks; or

d. That there are similar considerations or factors that would be considered in such a market analysis by a competent professional and would be considered in determining the valuation of the market rent.

5. The park owner shall prepare a written summary of the expenses and material factors required in this paragraph and retain a copy for 3 years. The park owner shall provide the committee a copy of the summary at or before the meeting.

This subsection is not intended to be enforced by civil or administrative action. Rather, the meetings and discussions are intended to be in the nature of settlement discussions prior to the parties proceeding to mediation of any dispute.

(6) If a party requests mediation and the opposing party refuses to agree to mediate upon proper request, the party refusing to mediate is shall not be entitled to attorney ~~attorney's~~ fees in any action relating to a dispute described in this section. Notwithstanding subsections (4) and (5), a person may file a complaint with the Department of Legal Affairs if the park owner fails to provide relevant invoices, evidence, or

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proof of the expenses or material factors causing a proposed increase in the lot rental amount. The Department of Legal Affairs has the authority to enforce compliance with this section. The Department of Legal Affairs may adopt rules to implement this subsection.

Section 7. Subsection (4) of section 723.038, Florida Statutes, is amended to read:

723.038 Dispute settlement; mediation.—

(4) (a) After the date of the last scheduled meeting held pursuant to s. 723.037(4), the parties to a dispute may agree to immediately select a mediator and initiate mediation proceedings pursuant to this section. The parties may accept the mediator appointed by the division or, within 30 days, select a mediator to mediate the dispute pursuant to subsection (2).

(b) The parties shall each pay a \$250 filing fee to the mediator appointed by the division or selected by the parties within 30 days after the division notifies the parties of the appointment of the mediator. The \$250 filing fee shall be used by the mediator to defray the hourly rate charged for mediation of the dispute. Any portion of the filing fee not used shall be refunded to the parties.

(c) If a party to the dispute refuses to mediate, the other party may file a complaint with the Department of Legal Affairs. Within 10 business days after receipt of the complaint, the Department of Legal Affairs must appoint a mediator and mediation must begin in accordance with this section.

Section 8. Paragraphs (a), (b), and (c) of subsection (1) of section 723.061, Florida Statutes, are amended to read:

723.061 Eviction; grounds, proceedings.—

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(1) A mobile home park owner may evict a mobile home owner, a mobile home tenant, a mobile home occupant, or a mobile home only on one or more of the following grounds:

(a) Nonpayment of the lot rental amount. If a mobile home owner, ~~or~~ tenant, or occupant, whoever ~~whichever~~ is responsible, fails to pay the lot rental amount when due and such failure to pay is not caused, directly or indirectly, by the mobile home park owner's refusal to accept payment for the lot rental amount or because the park owner has restricted the ability of the mobile home owner, tenant, or occupant to pay the lot rental amount when due, and if the default continues for 10 ~~5~~ days after delivery of a written demand by the ~~mobile home~~ park owner for payment of the lot rental amount, the park owner may terminate the tenancy. The mobile home owner, tenant, or occupant; a family member or friend of the mobile home owner, tenant, or occupant; or any other person, organization, or charity may pay the lot rental amount by check or an electronic transfer, and such payment must be accepted by the park owner, operator of the mobile home park, or other designee of the park owner. If payment is made by check, the amount due is considered paid at the time the check is delivered to the park owner, operator of the mobile home park, or other designee of the park owner. However, if the mobile home owner, ~~or~~ tenant, or occupant; a family member or friend of the mobile home owner, tenant, or occupant; or any other person, organization, or charity ~~whichever is responsible,~~ pays the lot rental amount due, including any late charges, court costs, and attorney ~~attorney's~~ fees, the court may, for good cause, deny the order of eviction, if such nonpayment has not occurred more than

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twice.

(b) Conviction of a violation of a federal or state law or local ordinance, if the violation is detrimental to the health, safety, or welfare of other residents of the mobile home park. The mobile home owner, ~~or~~ mobile home tenant, or mobile home occupant must vacate the premises within 7 days after the date the notice to vacate is delivered. This paragraph constitutes grounds to deny an initial tenancy of a purchaser of a home under paragraph (e) or to evict an unapproved occupant of a home.

(c) Violation of a park rule or regulation, the rental agreement, or this chapter.

1. For the first violation of any properly promulgated rule or regulation, rental agreement provision, or this chapter which is found by any court of competent jurisdiction to have been an act that endangered the life, health, safety, or property of the park residents or employees or the peaceful enjoyment of the mobile home park by its residents, the mobile home park owner may terminate the rental agreement, and the mobile home owner, tenant, or occupant must vacate the premises within 7 days after the notice to vacate is delivered.

2. For a second violation of the same properly promulgated rule or regulation, rental agreement provision, or this chapter within 12 months, the mobile home park owner may terminate the tenancy if she or he has given the mobile home owner, tenant, or occupant written notice, within 30 days after the first violation, which specified the actions of the mobile home owner, tenant, or occupant that caused the violation and gave the mobile home owner, tenant, or occupant 7 days to correct the

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349 noncompliance. The mobile home owner, tenant, or occupant must
350 have received written notice of the ground upon which she or he
351 is to be evicted at least 30 days before ~~prior to~~ the date on
352 which she or he is required to vacate. A second violation of a
353 properly promulgated rule or regulation, rental agreement
354 provision, or this chapter within 12 months after ~~of~~ the first
355 violation is unequivocally a ground for eviction, and it is not
356 a defense to any eviction proceeding that a violation has been
357 cured after the second violation. Violation of a rule or
358 regulation, rental agreement provision, or this chapter more
359 than 1 year after the first violation of the same rule or
360 regulation, rental agreement provision, or this chapter does not
361 constitute a ground for eviction under this section.

362
363 A properly promulgated rule or regulation may not be arbitrarily
364 applied and used as a ground for eviction or used as a basis for
365 a mobile home park owner to refuse to accept the payment of the
366 lot rental amount by any means, other than cash, or to otherwise
367 restrict the ability of a mobile home owner, a tenant, or an
368 occupant to pay the lot rental amount when due.

369 Section 9. Paragraph (a) of subsection (1) of section
370 723.0611, Florida Statutes, is amended to read:

371 723.0611 Florida Mobile Home Relocation Corporation.—

372 (1)(a) There is created the Florida Mobile Home Relocation
373 Corporation to address voluntary closures of mobile home parks
374 due to a change in the use of the land comprising the mobile
375 home park. The corporation shall be administered by a board of
376 directors made up of six members, three of whom shall be
377 appointed by the Secretary of Business and Professional

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Regulation from a list of nominees submitted by the largest nonprofit association representing mobile home owners in this state, and three of whom shall be appointed by the Secretary of Business and Professional Regulation from a list of nominees submitted by the largest nonprofit association representing the manufactured housing industry in this state. All members of the board of directors, including the chair, shall be appointed to serve for staggered 3-year terms.

Section 10. Subsection (1) and subsections (4) and (7) of section 723.0612, Florida Statutes, are amended to read:

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

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

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

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

(4) The Florida Mobile Home Relocation Corporation must approve payment within 45 days after receipt of the information set forth in subsection (3), or payment is deemed approved. A copy of the approval must be forwarded to the park owner with an invoice for payment. Upon approval, the corporation shall issue

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a voucher in the amount of the contract price for relocating the mobile home. The moving contractor may redeem the voucher within 2 years after the date of issuance from the corporation following completion of the relocation and upon approval of the relocation by the mobile home owner.

(7) In lieu of collecting payment from the Florida Mobile Home Relocation Corporation as set forth in subsection (1), a mobile home owner may abandon the mobile home in the mobile home park and collect \$5,000 ~~\$1,375~~ for a single section and \$7,000 ~~\$2,750~~ for a multisection from the corporation as long as the mobile home owner delivers to the park owner the current title to the mobile home duly endorsed by the owner of record and valid releases of all liens shown on the title. If a mobile home owner chooses this option, the park owner must pay ~~shall make payment to~~ the corporation \$1,375 for a single section mobile home and \$2,750 for a multisection mobile home ~~in an amount equal to the amount the mobile home owner is entitled to under this subsection~~. The mobile home owner's application for funds under this subsection requires ~~shall require~~ the submission of a document signed by the park owner stating that the home has been abandoned under this subsection and that the park owner agrees to make payment to the corporation in the amount provided herein ~~to the home owner under this subsection~~. However, in the event that the required documents are not submitted with the application, the corporation may consider the facts and circumstances surrounding the abandonment of the home to determine whether the mobile home owner is entitled to payment under ~~pursuant to~~ this subsection. The mobile home owner is not entitled to any compensation under this subsection if there is a

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pending eviction action for nonpayment of lot rental amount pursuant to s. 723.061(1)(a) which was filed against him or her before ~~prior to~~ the mailing date of the notice of change in the use of the mobile home park given pursuant to s. 723.061(1)(d).

Section 11. Paragraph (b) of subsection (6) of section 723.011, Florida Statutes, is amended to read:

723.011 Disclosure prior to rental of a mobile home lot; prospectus, filing, approval.—

(6)

(b) If a park owner violates this section and a lessee suffers a substantial loss or damage to the lessee's mobile home or personal property as a result of flooding, the lessee may terminate the rental agreement by giving a written notice of termination to the park owner no later than 30 days after the date of the damage or loss. Termination of a rental agreement under this section is effective when the requirements of s. 723.023(1)(e) ~~s. 723.023(5)~~ are met. For the purpose of this paragraph, the term "substantial loss or damage" means the total cost of repairs to or replacement of the mobile home and personal property is 50 percent or more of the mobile home and personal property's market value on the date the flooding occurred.

Section 12. This act shall take effect July 1, 2026.