

CHAPTER 2024-123

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 613

An act relating to mobile home park lot tenancies; amending s. 723.037, F.S.; requiring that a petition for mediation be filed with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation to determine its adequacy and conformance to certain requirements; requiring mobile home owners to provide, in a specified manner, certain documents to a mobile home park owner; authorizing a mobile home park owner and the mobile home owners, by mutual agreement, to select a mediator; requiring the division to dismiss a petition for mediation under certain circumstances; authorizing a mobile home park owner to file objections to the petition for mediation within a specified timeframe; requiring the division to assign a mediator within a specified timeframe under certain circumstances; amending s. 723.038, F.S.; authorizing the parties to a dispute to agree to immediately select a mediator and initiate mediation proceedings; requiring the division to appoint a qualified mediator and notify the parties within a specified timeframe; conforming a provision to changes made by the act; amending s. 723.0381, F.S.; prohibiting the initiation of a civil action unless the dispute is first submitted to mediation; amending s. 723.051, F.S.; providing that a live-in health care aide must have ingress and egress to and from a mobile home owner's site without such owner or aide being required to pay additional rent, a fee, or any charge; requiring a mobile home owner to pay the cost of any necessary background check for the live-in health care aide; specifying that a live-in health care aide does not have any rights of tenancy in the mobile home park; requiring a mobile home owner to notify the park owner or park manager of certain information relating to the live-in aide; requiring the mobile home owner to remove the live-in health care aide and cover certain costs associated with such removal if necessary; requiring the division to adopt rules; providing an effective date.

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

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

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

(5)

(b) A petition for mediation must be filed with the division in all cases for a determination of adequacy and conformance of the petition with the

requirements in paragraph (a). Upon filing the petition with the division, the mobile home owners must provide to the park owner, by certified mail, return receipt requested, a copy of all of the following:

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

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

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

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

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

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

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

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

The purpose of this subsection is to encourage discussion and evaluation by the parties of the comparable mobile home parks in the competitive market area. The requirements of this subsection are 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 before ~~prior to~~ the parties proceed ~~proceeding~~ to litigation of any dispute.

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

723.038 Dispute settlement; mediation.—

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

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

(4) 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 Upon receiving a petition to mediate a dispute, the division shall, within 20 days, notify the parties that a mediator has been appointed by the division. 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). 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.

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

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

723.0381 Civil actions; arbitration.—

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

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

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

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

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

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

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

Approved by the Governor April 26, 2024.

Filed in Office Secretary of State April 26, 2024.