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### Session Law 89-202

Florida Senate & House of Representatives

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**H 1064 GENERAL BILL/CS by Judiciary; Kelly and others (Similar S 772)**

~~Mobile Homes Study Commission~~; extends said study commission to 06/30/90; provides for reimbursement of expenses of study commission members; requires public meetings; provides for report of its findings & recommendations; provides for expiration. Appropriation: \$100,000. Effective Date: 06/28/89.

03/20/89 HOUSE Prefiled  
03/24/89 HOUSE Referred to Judiciary; Appropriations  
03/30/89 HOUSE Subreferred to Subcommittee on Real Property and Family Law  
04/04/89 HOUSE Introduced, referred to Judiciary; Appropriations -HJ 101; Subreferred to Subcommittee on Real Property and Family Law; On subcommittee agenda—Judiciary, 04/05/89, 1:15 pm, 415-HOB  
04/05/89 HOUSE Subcommittee Recommendation: Favorable with 1 amendment; On Committee agenda—Judiciary, 04/06/89, 3:30 pm, 413-C—For ratification of referral to subcommittee; On Committee agenda, pending subcommittee action—Judiciary, 04/06/89, 3:30 pm, 413-C  
04/06/89 HOUSE Preliminary Committee Action by Judiciary: Favorable as a CS  
04/14/89 HOUSE Comm. Report: CS by Judiciary -HJ 233; CS read first time -HJ 231; Now in Appropriations -HJ 233; Subreferred to Subcommittee on General Government  
05/08/89 HOUSE On Committee agenda—Appropriations, 05/10/89, 8:00 am, 21-HOB  
05/10/89 HOUSE Preliminary Committee Action by Appropriations: Favorable  
05/11/89 HOUSE Comm. Report: Favorable by Appropriations, placed on Calendar -HJ 480  
05/16/89 HOUSE Placed on Special Order Calendar  
05/22/89 HOUSE Read second time -HJ 558  
05/23/89 HOUSE Read third time; CS passed; YEAS 116 NAYS 0 -HJ 572  
05/23/89 SENATE In Messages  
05/29/89 SENATE Received, referred to Regulated Industries; Appropriations -SJ 496  
06/01/89 SENATE Withdrawn from Regulated Industries; Appropriations; Substituted for SB 772; CS passed; YEAS 37 NAYS 0 -SJ 766  
06/01/89 Ordered enrolled  
06/20/89 Signed by Officers and presented to Governor  
06/28/89 Approved by Governor; Chapter No. 89-202

**NOTES:** Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

**\*\*AS PASSED BY THE 1989 LEGISLATURE\*\***

STORAGE NAME: h1064f.jud

DATE: June 22, 1989

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON JUDICIARY  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 1064

RELATING TO: Mobile Home Study Commission

SPONSOR(S): Representatives Kelly, King

EFFECTIVE DATE: Upon becoming law

DATE BECAME LAW:

CHAPTER #: 89-, Laws of Florida

COMPANION BILL(S): SB 772

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2)

\*\*\*\*\*

**I. SUMMARY:****A. PRESENT SITUATION:**

Presently, chapter, 88-147, Laws of Florida provides for a study commission on mobile homes. The commission is comprised of 2 Senators appointed by the President of the Senate, 2 Representatives appointed by the Speaker of the House, 2 representatives of the mobile home owners and 2 representatives of the mobile home park industry, appointed by the governor. The Commission was established to examine the issues of alternative dispute resolution in conjunction with disputes "relating to rent paid by mobile home owners to mobile home park owners." The Commission report was due no later than March 15, 1989.

**B. EFFECT OF PROPOSED CHANGES:**

The proposed changes extend the operation of the study commission until June 30, 1990. The report of findings and recommendations would be submitted to the Governor, President of the Senate, Minority leader of the Senate, Speaker of the House, and the Minority Leader of the House, no later than March 1, 1990. If the study commission recommends statutory changes, proposed legislation shall be included in the report. The membership, and method of reimbursement of the commission remains the same. The commission would be required to hold at least three regular meetings during the year to consider the prescribed issues and to hold at least three public hearings.

HB 1064 also provides an appropriation of \$100,000 to the study

commission from the Division of Florida Land Sales, Condominiums and Mobile Homes Trust Fund, to fund two positions and to provide professional and support staff services and other expenses related to the operation of the commission.

#### C. SECTION-BY-SECTION ANALYSIS:

Section 1 provides that the Study Commission on Mobile Homes created by chapter 88-147, Laws of Florida, is extended until June 30, 1990. The membership of the study commission shall remain the same through its period of extension.

Section 2 provides that the study commission members shall serve without compensation but shall be reimbursed for all expenses necessary in the performance of their duties, including travel, in accordance with the provisions of s. 112.061, Florida Statutes.

Section 3 requires the commission to hold at least three public meetings during the year to consider the issues of alternative dispute resolution in conjunction with disputes as to rent paid by mobile home owners to mobile home park owners. The study commission shall also conduct at least three public hearings.

Section 4 provides that no later than March 1, 1990, the study commission shall submit a report of its findings and recommendations to the Governor, the President of the Senate, the Minority Leader of the senate, the Speaker of the House, and the Minority Leader of the House. If the study commission recommends statutory changes, it shall include proposed legislation in its final report.

Section 5 provides an appropriation of \$100,000 to the study commission from the Division of Florida Land Sales, Condominiums and Mobile Homes Trust Fund, and two positions are authorized. The funds shall be used to provide professional and staff support services to the study commission and for all other related expenses associated with operation of the commission.

Section 6 provides that this act shall expire June 30, 1990.

Section 7 provides that this act shall take effect upon becoming law.

#### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

##### A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

###### 1. Non-recurring or First Year Start-Up Effects:

Study Commission on Mobile Homes - \$100,000

###### 2. Recurring or Annualized Continuation Effects:

none

3. Long Run Effects Other Than Normal Growth:

none

4. Appropriations Consequences:

A \$100,000 appropriation from the Division of Florida Land Sales, Condominiums and Mobile Homes Trust Fund would be needed for the Study Commission on Mobile Homes.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

none

2. Recurring or Annualized Continuation Effects:

none

3. Long Run Effects Other Than Normal Growth:

none

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

none

2. Direct Private Sector Benefits:

none

3. Effects on Competition, Private Enterprise, and Employment Markets:

none

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

The bill is consistent with the Housing policies of the State Comprehensive plan in furthering the goal of obtaining affordable housing for mobile home residents.

IV. COMMENTS:

The Study Commission was first constituted and met on January 25, 1989, and met two subsequent times (Feb. 6th and March 29, 1989) to discuss the issue of alternative dispute resolution in conjunction with disputes as to rents paid by mobile home owners to mobile home park owners. The issues proved to be too complex to resolve in the

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short time allotted and in order to file a fully researched report the commission requires an extended period.

The bill furthers the policy statement goal of attempting to resolve the mobile home rent controversy, and provide affordable housing.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Debby Kearney 

Staff Director:

Richard Hixson 

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

REVISED: \_\_\_\_\_

BILL NO. SB 772DATE: May 9, 1989Page 1

## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>George <i>LM</i></u>	<u>Skelton <i>(SIS)</i></u>	1. <u>CA</u>	<u>Withdrawn</u>
2. _____	_____	2. <u>AP</u>	<u>Withdrawn</u>
3. _____	_____	3. <u>RI</u>	<u>Favorable</u>
4. _____	_____	4. <u>AP</u>	_____

SUBJECT: Mobile Homes Study Commission

BILL NO. AND SPONSOR: SB 772 by Senator Kiser

I. SUMMARY:

## A. Present Situation:

Chapter 88-147, Laws of Florida, provides for a legislative study commission to examine the issue of alternative dispute resolution as applied to mobile home rent cases, and to formulate implementing legislation for its recommendations. The commission is composed of eight members: two Senators appointed by the President of the Senate, two Representatives appointed by the Speaker of the House of Representatives, two representatives of the mobile home park industry and two representatives of mobile home owners to be appointed by the Governor. The commission is to submit a final report no later than March 15, 1989, and is scheduled to dissolve June 30, 1989.

Two members of the mobile home study commission were not appointed until January of 1989. For this reason, the commission was unable to hold its first meeting until January 25, 1989. Subsequent meetings were held on February 6, 1989, and March 29, 1989. At these meetings, the commission heard testimony from representatives of mobile home owners, mobile home park owners, the Department of Business Regulation, and individuals with experience in various types of dispute resolution. Due to the short time period the commission was actually given to study this complex issue, members agreed unanimously to seek a one year extension so that they may better evaluate present problems and possible solutions.

## B. Effect of Proposed Changes:

This bill would extend the mobile home study commission for one year, until June 30, 1990. The membership is to remain the same, and a final report will be due March 1, 1990. An appropriation of \$100,000 is to be provided by the Division of Florida Land Sales, Condominiums and Mobile Homes Trust Fund, and two positions are authorized. The commission is to hold at least three regular meetings and three public meetings.

II. ECONOMIC IMPACT AND FISCAL NOTE:

## A. Public:

Minimal, if any.

## B. Government:

An appropriation of \$100,000 from the Division of Florida Land Sales, Condominiums and Mobile Homes Trust Fund to the Study Commission on Mobile Homes is required. This money will be used to provide professional and staff support services, and to fund other related expenses necessary for the commission to complete its charge.

**III. COMMENTS:**

The resolution of rent disputes between mobile home owners and mobile home park owners has been an ongoing problem. The only method available for most mobile home owners prior to 1984 was to contest lot rental increases as an action on the contract to claim unconscionability. This route has often led to lengthy and expensive litigation. In 1984, the Florida Mobile Home Act was created which, among other items, also included a section providing for division conducted mediation or arbitration in certain situations. However, many mobile home owners believe that a better method to solve rent disputes is needed.

The study commission has expressed a desire to hold public hearings on the subject of mobile home rent increases and possible alternative forms of dispute resolution. Members have also expressed an interest in the possibility of contracting for an independent study on the issue. Due to the short time period the commission has existed, members agree that more time is required to fully research the issue in order to arrive at solutions.

**IV. AMENDMENTS:**

None.