I. Goal of the Committee

The purpose of this negotiated rulemaking proceeding is to seek consensus among the members of the committee on what violations of chapter 723, Florida Statutes, or the rules promulgated thereto are categorized as minor, as intended by recently enacted legislation, chapter 97-291, Laws of Florida.

II. Participants

A. Interests Represented. The Agency will list committee members in its notice for proposed negotiated rulemaking representing the interests of park owners, home owners and the agency as the interests substantially affected by a new DBPR rule on minor violations. The members of the committee are:

• Robert Cohen, representing Federation of Mobile Home Owners of Florida Inc.
• Jack Skelding, representing Florida Manufactured Housing Association
• Richard Lee, representing interests of concerned mobile home park owners regulated by Chapter 723, Florida Statutes
• Lee Jay Colling, representing interests of concerned mobile home owners and mobile home owner associations regulated by Chapter 723, Florida Statutes.
• Robert Ellzey, representing DBPR, Division of Land Sales, Condominiums and Mobile Homes.

B. Additional parties. The Agency will respond to any requests by other parties to join the negotiation committee in view of whether their interests are adequately represented on the committee. After the negotiations have begun, additional parties may join the committee only with the consensus of the committee members.

C. Committee Members. The committee members must attend each negotiation session. Members are expected to represent the concerns and positions of the
interests of their constituents and ensure that any agreement developed by the Committee is acceptable to the interest they represent.

D. Other Participants and Observes. The member may be accompanied by such other individuals as the member believes is appropriate to represent his/her interest, but only the member will have the privilege of engaging from the floor in the negotiations and reaching agreements. Members may call upon a technical adviser at any time to elaborate on a relevant point. Any person attending and observing the Committee's meetings may file written statements with the Committee or address the committee if time permits.

E. Facilitator(s). The negotiating committee's sessions will be facilitated by a neutral third party who will work with all the members to ensure that the process runs smoothly. The facilitator(s) serve at the will of the Committee.

III. Decision Making

A. Consensus. The Committee will operate by consensus with the assistance of a neutral facilitator. Committee decisions will be made only with the concurrence of all members. The goal of the committee will be to reach a consensus in the form of a written statement signed by all the members that sets forth proposed rule language.

B. Agendas. The facilitator(s) will assist the parties in developing meeting agendas. The committee will determine if information requests are reasonable and relevant.

C. Impasse. If a deadlock or impasse is declared by any member, the facilitator(s) will seek ways to help the parties resolve the impasse.

D. Caucus. A caucus can be declared by any member at any time during the negotiations.

IV. DBPR Use of Agreement

The DBPR is committed to using any consensus reached in these negotiations as the basis of its proposed rulemaking.
V. Safeguards for the Parties

A. Good Faith. All members of the committee must act in good faith in all aspects of these negotiations. Specific offers, positions, statement made during the negotiations may not be used by other parties for any other purpose or as the basis for future litigation. Personal attacks will not be tolerated.

B. Right to Withdraw. Members may withdraw from the negotiations at any time without prejudice.

C. Others’ Positions. No party will characterize the position of any other party to the press or public if a party withdraws.

D. Information. All members agree to provide relevant non-proprietary information as much in advance of the meetings as is reasonably convenient. Information and data provided to the Committee is a matter of public record.

VI. Open Process

The negotiations will be conducted consistent with Section 286.011 F.S., the state's Sunshine law. The sessions will not be electronically recorded, but draft minutes of the sessions will be developed by the facilitator(s) and approved by the Committee. These minutes will be made available to the public upon request. The process will also be consistent with those provisions of Chapter 120 guiding the role of the Joint Administrative Procedures Committee of the Florida Legislature.

VII. Schedule

The negotiating sessions will be held in Tallahassee on the following dates: October 20, November 5, November 17 and November 24, if necessary.