

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1212

SPONSOR: Senator Webster

SUBJECT: Special Assessments/Mobile Home Park

DATE: April 9, 2001

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
2.	<u>Wiehle</u>	<u>Caldwell</u>	<u>RI</u>	<u>Favorable</u>
3.	<u>Fournier</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill requires a municipality or county levying a special assessment on a mobile home park or recreational vehicle park facility that is regulated by Chapter 513, F.S., to assess such facilities in the same manner as a hotel, motel, or similar facility.

This bill amends s. 189.420 of the Florida Statutes.

II. Present Situation:

Chapter 189, F.S., governs the creation, operation and dissolution of independent special districts. Section 189.420, F.S., was created last session. s. 9, Ch. 2000-355, Laws of Florida. It prohibits basing special assessments levied on facilities regulated by chapter 513 (mobile home and recreational vehicle park facilities) on the assertion that the facility is comprised of residential units. Instead, the facilities are to be assessed in the same manner as a hotel, motel, or other similar facility.

Chapter 513, F.S., regulates the operation of Mobile Home and Recreational Vehicle Parks. A “mobile home park” is defined as:

A place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more mobile homes.

A “recreational vehicle park” is defined as:

A place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and the term also includes buildings and sites set aside for group camping and similar recreational facilities.

Section 125.01(1)(q), F.S., authorizes counties to establish municipal service taxing or benefit units for any part or all of the unincorporated area of the county within which municipal services are provided. Section 125.01(1)(r), F.S., authorizes counties to levy special assessments for the purpose of providing municipal services within the unincorporated area of the county.

Chapter 170, F.S., authorizes municipalities to levy special assessments as a method of providing and financing municipal services.

Sections 197.3631, 197.3632, and 197.3635, F.S., provide for alternative methods of levying and collecting non-ad valorem assessments. Section 197.3632(1)(d), F.S., defines non-ad valorem assessments as only those assessments which are not based on millage and which can become a lien against homestead as permitted in s. 4, Art. X, State Constitution.

Under current law, when a municipality or county levies an assessment on a mobile home or recreational vehicle park facility, the municipality or county could treat the facility as being comprised of individual residential units, or as a hotel, motel, or similar facility.

III. Effect of Proposed Changes:

The bill amends s. 189.420, F.S., to prohibit municipalities and counties from levying an assessment on a mobile home park facility or recreational vehicle park facility based on the assertion that the facility consists of residential units. Instead, the facility must be assessed in the same manner as a hotel, motel, or similar facility.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Mobile home park facilities and recreational vehicle park facilities would be viewed, for the purpose of the application of special assessments, as one entity. Presumably the park owners would pass through the special assessments to individual lessees.

C. Government Sector Impact:

The bill may lessen the administrative costs associated with levying special assessments by municipalities and counties.

VI. Technical Deficiencies:

As chapter 189 addresses the power of special districts exclusively, a better location for the language of the bill would be in sections 197.3631 or 197.3632, F.S., dealing with the method of levying special assessments, or in section 125.01(1)(r), F.S., dealing with the authority of counties to levy special assessments, or in chapter 170, F.S., authorizing municipalities to levy special assessments.

VII. Related Issues:

None.

VIII. Amendments:

None.