

By the Council for Smarter Government and Representative Greenstein

1 A bill to be entitled
 2 An act relating to the Florida Mobile Home
 3 Relocation Trust Fund; creating s. 723.06115,
 4 F.S.; creating the Florida Mobile Home
 5 Relocation Trust Fund within the Department of
 6 Business and Professional Regulation; providing
 7 purposes; providing funding; providing for
 8 legislative review and termination or
 9 re-creation of the trust fund; creating s.
 10 320.08051, F.S.; providing for the levy of a
 11 surcharge on mobile home license taxes;
 12 amending s. 320.081, F.S.; providing for the
 13 collection and distribution of the license tax
 14 surcharge; amending s. 723.007, F.S.; providing
 15 for imposition of a surcharge on annual fees
 16 paid by mobile home park owners; creating s.
 17 723.06116, F.S.; requiring that a mobile home
 18 park owner make specified payments to the trust
 19 fund upon a change in use of the mobile home
 20 park which requires a mobile home owner to
 21 move; providing exceptions; providing a
 22 contingent effective date.

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

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 26 Section 1. Section 723.06115, Florida Statutes, is
 27 created to read:

28 723.06115 Florida Mobile Home Relocation Trust Fund.--
 29 (1) There is established within the Department of
 30 Business and Professional Regulation the Florida Mobile Home
 31 Relocation Trust Fund, to be used by the department for the

1 purpose of funding the administration and operations of the
2 Florida Mobile Home Relocation Corporation. All interest
3 earned from the investment or deposit of moneys in the trust
4 fund shall be deposited in the trust fund. The trust fund
5 shall be funded from the surcharge collected under s.
6 320.08051, the surcharge collected under s. 723.007, and the
7 moneys collected by the department under s. 723.06116 from
8 mobile home park owners who change the use of their mobile
9 home parks.

10 (2) Moneys in the Florida Mobile Home Relocation Trust
11 Fund may be expended only:

12 (a) To pay the administration costs of the Florida
13 Mobile Home Relocation Corporation; and

14 (b) To carry out the purposes and objectives of the
15 Florida Mobile Home Relocation Corporation by making payments
16 to mobile home owners under the relocation program.

17 Section 2. In accordance with Section 19(f)(2),
18 Article III of the State Constitution, the Florida Mobile Home
19 Relocation Trust Fund shall, unless terminated sooner, be
20 terminated on July 1, 2005. Before its scheduled termination,
21 the trust fund shall be reviewed as provided in s. 215.3206(1)
22 and (2), Florida Statutes.

23 Section 3. Section 320.08051, Florida Statutes, is
24 created to read:

25 320.08051 Surcharge on license tax; Florida Mobile
26 Home Relocation Trust Fund.--There is levied on each license
27 tax imposed under s. 320.08(11) a surcharge in the amount of
28 \$2, which shall be collected in the same manner as the license
29 tax and shall be deposited into the Florida Mobile Home
30 Relocation Trust Fund. Collection of the surcharge shall begin
31 during the first year after this section takes effect. This

1 surcharge may not be imposed during any year that the balance
2 in the Florida Mobile Home Relocation Trust Fund exceeds \$10
3 million. The surcharge shall be reinstated in the next year
4 after the balance in the Florida Mobile Home Relocation Trust
5 Fund falls below \$6 million.

6 Section 4. Subsections (3), (4), and (5) of section
7 320.081, Florida Statutes, are amended to read:

8 320.081 Collection and distribution of annual license
9 tax imposed on the following type units.--

10 (3) The owner shall make application for such sticker
11 in the manner provided in s. 320.02, and the tax collectors in
12 the several counties of the state shall collect the license
13 taxes imposed by s. 320.08(10) and (11) and the license tax
14 surcharge imposed by s. 320.08051 in the same manner and under
15 the same conditions and requirements as provided in s. 320.03.

16 (4) Each tax collector shall make prompt remittance of
17 all moneys collected by him or her to the department at such
18 times and in such manner as provided by law. Upon receipt of
19 the license taxes collected from the tax collectors of the
20 several counties, the department shall pay into the State
21 Treasury for deposit in the General Revenue Fund the sum of
22 \$1.50 on each such sticker issued, and shall pay into the
23 State Treasury for deposit in the Florida Mobile Home
24 Relocation Trust Fund \$2 on each sticker issued as provided in
25 s. 320.08051. The balance remaining shall be paid into a trust
26 fund in the State Treasury designated "License Tax Collection
27 Trust Fund," and the moneys so deposited shall be paid to the
28 respective counties and cities wherein such units governed by
29 the provisions of this section are located, regardless of
30 where the license taxes are collected, in the manner
31 hereinafter provided.

1 (5) The department shall keep records showing the
2 total number of stickers issued to each type unit governed by
3 this section, the total amount of license taxes collected, and
4 the county or city wherein each such unit is located and shall
5 from month to month certify to the Comptroller the amount
6 derived from license taxes in each county and each city within
7 the county. Such amount, less the amount of \$1.50 collected on
8 each license and the \$2 license tax surcharge imposed by s.
9 320.08051, shall be paid to the counties and cities within the
10 counties wherein the unit or units are located as follows:
11 one-half to the district school board and the remainder either
12 to the board of county commissioners, for units which are
13 located within the unincorporated areas of the county, or to
14 any city within such county, for units which are located
15 within its corporate limits. Payment shall be by warrant drawn
16 by the Comptroller upon the treasury, which amount is hereby
17 appropriated monthly out of the License Tax Collection Trust
18 Fund.

19 Section 5. Section 723.007, Florida Statutes, is
20 amended to read:

21 723.007 Annual fees; surcharge.--

22 (1) Each mobile home park owner shall pay to the
23 division, on or before October 1 of each year, an annual fee
24 of \$4 for each mobile home lot within a mobile home park which
25 he or she owns. ~~The division may, after December 31, 1993, by~~
26 ~~rule, increase the amount of the annual fee to an amount not~~
27 ~~to exceed \$5 for each mobile home lot to fund operation of the~~
28 ~~division.~~ If the fee is not paid by December 31, the mobile
29 home park owner shall be assessed a penalty of 10 percent of
30 the amount due, and he or she shall not have standing to
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1 maintain or defend any action in the courts of this state
2 until the amount due, plus any penalty, is paid.
3 (2) There is levied on each annual fee imposed under
4 subsection (1) a surcharge in the amount of \$1 upon each
5 mobile home lot that is offered for lease within a mobile home
6 park owned by a mobile home park owner. The surcharge shall be
7 collected in the same manner as the annual fee and shall be
8 deposited in the Florida Mobile Home Relocation Trust Fund.
9 Collection of the surcharge shall begin during the first year
10 after this subsection takes effect. This surcharge may not be
11 imposed during the next year if the balance in the Florida
12 Mobile Home Relocation Trust Fund exceeds \$10 million. The
13 surcharge shall be reinstated in the next year after the
14 balance in the Florida Mobile Home Relocation Trust Fund falls
15 below \$6 million. The surcharge imposed by this subsection may
16 not be imposed as a separate charge regardless of any
17 disclosure in the prospectus.

18 Section 6. Section 723.06116, Florida Statutes, is
19 created to read:

20 723.06116 Payments to the Florida Mobile Home
21 Relocation Trust Fund.--

22 (1) If a mobile home owner is required to move due to
23 a change in use of the land comprising a mobile home park as
24 set forth in s. 723.061(1)(d), the mobile home park owner
25 shall, upon such change in use, pay to the department for
26 deposit in the Florida Mobile Home Relocation Trust Fund
27 \$2,000 for each single-section mobile home and \$2,500 for each
28 multisection mobile home for which a mobile home owner has
29 made application for payment of moving expenses.

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1 (2) A mobile home park owner is not required to make
2 the payment prescribed in subsection (1), nor is the mobile
3 home owner entitled to compensation under s. 723.0612, when:

4 (a) The mobile home park owner moves a mobile home
5 owner to another space in the mobile home park or to another
6 mobile home park at the park owner's expense;

7 (b) A mobile home owner is vacating the premises and
8 has informed the mobile home park owner or manager before the
9 change in use notice has been given; or

10 (c) A mobile home owner abandons the mobile home as
11 set forth in s. 723.0612(8).

12 Section 7. This act shall take effect on the effective
13 date of Committee Substitute for Committee Substitute for
14 Senate Bill 442, but it shall not take effect unless it is
15 enacted by a three-fifths vote of the membership of each house
16 of the Legislature.

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