

By the Committee on Regulated Industries and Senator Crist

315-1671-01

1                                   A bill to be entitled  
2           An act relating to the Florida Mobile Home  
3           Relocation Trust Fund; creating s. 320.0805,  
4           F.S.; creating the Florida Mobile Home  
5           Relocation Trust Fund within the Department of  
6           Business and Professional Regulation; providing  
7           for its purposes; providing for funding the  
8           trust fund; providing for legislative review  
9           and termination or re-creation of the trust  
10          fund; creating s. 320.08051, F.S.; providing  
11          for the levy of a surcharge on mobile home  
12          license taxes; amending s. 320.081, F.S.;  
13          providing for the collection and distribution  
14          of the license tax surcharge; amending s.  
15          723.007, F.S.; providing for imposition of a  
16          surcharge on annual fees paid by mobile home  
17          park owners; creating s. 723.06116, F.S.;  
18          requiring that a mobile home park owner make  
19          specified payments to the trust fund upon a  
20          change in use of the mobile home park in which  
21          the homeowner is required to move; providing  
22          certain exceptions; providing a contingent  
23          effective date.

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

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

29           723.06115 Florida Mobile Home Relocation Trust Fund.--

30           (1) There is established within the Department of  
31 Business and Professional Regulation the Florida Mobile Home

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

11 (2) Moneys in the trust fund may be expended only:

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

14 (b) To carry out the purposes and objectives of the  
15 corporation by making payments to mobile home owners under the  
16 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 section  
22 215.3206(1) 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. The surcharge shall begin to be  
31 collected during the first year after this section takes

1 effect. This surcharge may not be imposed during any year that  
2 the balance in the Florida Mobile Home Relocation Trust Fund  
3 exceeds \$10 million. The surcharge shall be reinstated in the  
4 next year after the balance in the Florida Mobile Home  
5 Relocation Trust Fund drops 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 into 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  
31

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 into the Florida Mobile Home Relocation Trust Fund.  
9 The surcharge shall begin to be collected during the first  
10 year after this subsection takes effect. This surcharge may  
11 not be imposed during the next year if the balance in the  
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) Upon the occurrence of a change in use of a mobile  
23 home park as set forth in s. 723.061(1)(d) and the mobile home  
24 owner is required to move due to the change in use, the park  
25 owner shall pay to the department, for deposit into the  
26 Florida Mobile Home Relocation Trust Fund, \$2,000 for each  
27 single-section home and \$2,500 for each multisection home for  
28 which a homeowner has made application for payment of moving  
29 expenses.

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

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

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

10           (c) A homeowner abandons the mobile home as set forth  
11 in s. 723.0612(7).

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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18                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19   COMMITTEE SUBSTITUTE FOR  
20   SB 1920

21 The Committee Substitute for SB 1920 creates all the sources  
22 of funding for the trust fund in this bill, as opposed to some  
23 sources being created in the related substantive bill, and  
deletes the creation of the Florida Mobile Home Relocation  
Corporation, leaving that to the substantive bill.