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A bill to be entitled

An act relating to mobile home owners; amending s. 48.183, F.S.; providing for service of process in an action for possession of residential premises; creating s. 320.08015, F.S.; providing for a license tax surcharge for deposit in the Florida Mobile Home Relocation Trust Fund; amending s. 320.081, F.S.; conforming to the act; amending s. 715.101, F.S.; including a reference to chapter 723, F.S., in the Disposition of Personal Property Landlord and Tenant Act; amending s. 723.007, F.S.; providing a surcharge under the Florida Mobile Home Act on certain mobile home lots for deposit in the Florida Mobile Home Relocation Trust Fund; amending s. 723.023, F.S.; authorizing mobile home park owners to charge a fee for the cost of cleanup or repair of a mobile home or lot under certain circumstances; amending s. 723.037, F.S.; prohibiting the filing of certain actions in circuit court in the event that a request for mediation has not been filed; amending s. 723.041, F.S.; providing for the placement of any size used or new mobile home on a mobile home lot under certain circumstances; amending s. 723.061, F.S.; revising language to include reference to the eviction of a mobile home tenant or a mobile home occupant; amending s. 723.0611, F.S.; providing that persons who receive compensation from the Florida Mobile Home Relocation Corporation shall not have a claim or cause of action against the corporation or the park owner under certain circumstances; amending s. 723.06115, F.S.; revising language with respect to the Florida Mobile Home Relocation Trust Fund; providing reference to the deposit



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31 of certain surcharges into the trust fund; amending s.
 32 723.06116, F.S.; increasing certain fees; providing an
 33 additional situation in which a mobile home park owner is
 34 not required to make certain payments and is not entitled
 35 to certain compensation from the Florida Mobile Home
 36 Relocation Corporation; amending s. 723.0612, F.S.;
 37 revising language with respect to compensation from the
 38 Florida Mobile Home Relocation Corporation; providing an
 39 effective date.

40
 41 Be It Enacted by the Legislature of the State of Florida:

42
 43 Section 1. Subsection (1) of section 48.183, Florida
 44 Statutes, is amended to read:

45 48.183 Service of process in action for possession of
 46 premises.--

47 (1) In an action for possession of any residential
 48 premises, including those under chapters 83, 723, and 513, or
 49 nonresidential premises, if the tenant cannot be found in the
 50 county or there is no person 15 years of age or older residing
 51 at the tenant's usual place of abode in the county after at
 52 least two attempts to obtain service as provided above in this
 53 subsection, summons may be served by attaching a copy to a
 54 conspicuous place on the property described in the complaint or
 55 summons. The minimum time delay between the two attempts to
 56 obtain service shall be 6 hours. Nothing herein shall be
 57 construed as prohibiting service of process on a tenant as is
 58 otherwise provided on defendants in civil cases.

59 Section 2. Section 320.08015, Florida Statutes, is created
 60 to read:



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61 320.08015 License tax surcharge.--There is levied on each
 62 license tax imposed under s. 320.08(11), a surcharge in the
 63 amount of \$1, which shall be collected in the same manner as the
 64 license tax and shall be deposited in the Florida Mobile Home
 65 Relocation Trust Fund as created in s. 723.06115. The surcharge
 66 shall begin to be collected during the first year after this
 67 section takes effect. This surcharge may not be imposed during
 68 the next year if the balance in the Florida Mobile Home
 69 Relocation Trust Fund exceeds \$10 million. The surcharge shall
 70 be reinstated in the next year after the balance in the Florida
 71 Mobile Home Relocation Trust Fund drops below \$6 million.

72 Section 3. Subsections (3), (4), and (5) of section
 73 320.081, Florida Statutes, are amended to read:

74 320.081 Collection and distribution of annual license tax
 75 imposed on the following type units.--

76 (3) The owner shall make application for such sticker in
 77 the manner provided in s. 320.02, and the tax collectors in the
 78 several counties of the state shall collect the license taxes
 79 imposed by s. 320.08(10) and (11) and the license tax surcharge
 80 imposed by s. 320.08015 in the same manner and under the same
 81 conditions and requirements as provided in s. 320.03.

82 (4) Each tax collector shall make prompt remittance of all
 83 moneys collected by him or her to the department at such times
 84 and in such manner as provided by law. Upon receipt of the
 85 license taxes collected from the tax collectors of the several
 86 counties, the department shall pay into the State Treasury for
 87 deposit in the General Revenue Fund the sum of \$1.50 on each
 88 such sticker issued, and shall pay into the State Treasury for
 89 deposit in the Florida Mobile Home Relocation Trust Fund \$1 on
 90 each sticker issued as provided in s. 320.08015. The balance



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91 remaining shall be paid into a trust fund in the State Treasury
 92 designated "License Tax Collection Trust Fund," and the moneys
 93 so deposited shall be paid to the respective counties and cities
 94 wherein such units governed by the provisions of this section
 95 are located, regardless of where the license taxes are
 96 collected, in the manner hereinafter provided.

97 (5) The department shall keep records showing the total
 98 number of stickers issued to each type unit governed by this
 99 section, the total amount of license taxes collected, and the
 100 county or city wherein each such unit is located and shall from
 101 month to month certify to the Chief Financial Officer
 102 ~~Comptroller~~ the amount derived from license taxes in each county
 103 and each city within the county. Such amount, less the amount of
 104 \$1.50 collected on each license and the \$1 license tax surcharge
 105 imposed by s. 320.08015, shall be paid to the counties and
 106 cities within the counties wherein the unit or units are located
 107 as follows: one-half to the district school board and the
 108 remainder either to the board of county commissioners, for units
 109 which are located within the unincorporated areas of the county,
 110 or to any city within such county, for units which are located
 111 within its corporate limits. Payment shall be by warrant drawn
 112 by the Chief Financial Officer ~~Comptroller~~ upon the treasury,
 113 which amount is hereby appropriated monthly out of the License
 114 Tax Collection Trust Fund.

115 Section 4. Subsection (1) of section 715.101, Florida
 116 Statutes, is amended to read:

117 715.101 Application of ss. 715.10-715.111.--

118 (1) Sections 715.10-715.111 apply to all tenancies to
 119 which chapter 723 or part I or part II of chapter 83 are
 120 applicable.



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121 Section 5. Section 723.007, Florida Statutes, is amended
 122 to read:

123 723.007 Annual fees; surchage.--

124 (1) Each mobile home park owner shall pay to the division,
 125 on or before October 1 of each year, an annual fee of \$4 for
 126 each mobile home lot within a mobile home park which he or she
 127 owns. ~~The division may, after December 31, 1993, by rule,~~
 128 ~~increase the amount of the annual fee to an amount not to exceed~~
 129 ~~\$5 for each mobile home lot to fund operation of the division.~~
 130 If the fee is not paid by December 31, the mobile home park
 131 owner shall be assessed a penalty of 10 percent of the amount
 132 due, and he or she shall not have standing to maintain or defend
 133 any action in the courts of this state until the amount due,
 134 plus any penalty, is paid.

135 (2) There is levied on each annual fee imposed under
 136 subsection (1) a surcharge in the amount of \$1 upon each mobile
 137 home lot that is offered for lease within a mobile home park
 138 owned by a mobile home park owner. The surcharge shall be
 139 collected in the same manner as the annual fee and shall be
 140 deposited in the Florida Mobile Home Relocation Trust Fund.
 141 Collection of the surcharge shall begin during the first year
 142 after this subsection takes effect. This surcharge may not be
 143 imposed during the next year if the balance in the trust fund
 144 exceeds \$10 million. The surcharge shall be reinstated in the
 145 next year after the balance in the trust fund falls below \$6
 146 million. The surcharge imposed by this subsection may not be
 147 imposed as a separate charge regardless of any disclosure in the
 148 prospectus.

149 Section 6. Section 723.023, Florida Statutes, is amended
 150 to read:



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151 723.023 Mobile home owner's general obligations.--

152 (1) A mobile home owner shall at all times:

153 ~~(a)(1)~~ Comply with all obligations imposed on mobile home
154 owners by applicable provisions of building, housing, and health
155 codes.

156 ~~(b)(2)~~ Keep the mobile home lot which he or she occupies
157 clean and sanitary.

158 ~~(c)(3)~~ Comply with properly promulgated park rules and
159 regulations and require other persons on the premises with his
160 or her consent to comply therewith and to conduct themselves in
161 a manner that does not unreasonably disturb other residents of
162 the park or constitute a breach of the peace.

163 (2) Notwithstanding any other provision of this chapter, a
164 park owner may charge a fee for the cost of cleanup or repair of
165 the exterior of the mobile home, the appurtenances to the mobile
166 home, or any improvements to the mobile home lot, so long as
167 such obligation to maintain the exterior of the mobile home, the
168 appurtenances to the mobile home, or the mobile home lot is an
169 obligation imposed upon the mobile home owners by a promulgated
170 rule or regulation, the rental agreement, or the prospectus, and
171 notice has been mailed to the mobile home owner at least 14 days
172 prior to cleanup or repair of the exterior of the mobile home,
173 the appurtenances to the mobile home, or the mobile home lot.
174 The park owner's remedy for the home owner's failure to pay such
175 a charge shall be by an action in small claims court.

176 Section 7. Subsection (6) of section 723.037, Florida
177 Statutes, is amended to read:

178 723.037 Lot rental increases; reduction in services or
179 utilities; change in rules and regulations; mediation.--



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180 (6) If a party requests mediation and the opposing party
 181 refuses to agree to mediate upon proper request, the party
 182 refusing to mediate shall not be entitled to attorney's fees in
 183 any action relating to a dispute described in this section. In
 184 the event that mediation of a dispute concerning any matters
 185 addressed in this section was not requested in accordance with
 186 this section, neither party shall have the right to file an
 187 action in circuit court, as provided in s. 723.0381, on such
 188 matters. This section is intended to require the resolution of
 189 disputes by mediation and to require that a timely request for
 190 mediation be made by any party who is disputing any of the
 191 matters addressed in this section.

192 Section 8. Subsection (4) is added to section 723.041,
 193 Florida Statutes, to read:

194 723.041 Entrance fees; refunds; exit fees prohibited;
 195 replacement homes.--

196 (4) Except as expressly preempted by the requirements of
 197 the Department of Highway Safety and Motor Vehicles, a mobile
 198 home owner or the park owner shall be authorized pursuant to
 199 this section to site any size new or used mobile home and
 200 appurtenances on a mobile home lot in accordance with the lot
 201 sizes, separation and setback distances, and other requirements
 202 in effect at the time of the approval of the mobile home park.

203 Section 9. Subsections (1), (4), and (5) of section
 204 723.061, Florida Statutes, are amended to read:

205 723.061 Eviction; grounds, proceedings.--

206 (1) A mobile home park owner may evict a mobile home
 207 owner, a mobile home tenant, a mobile home occupant, or a mobile
 208 home only on one or more of the grounds provided in this
 209 section.



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210 (a) Nonpayment of lot rental amount. If a mobile home
211 owner or tenant, whoever is responsible fails to pay the lot
212 rental amount when due and if the default continues for 5 days
213 after delivery of a written demand by the mobile home park owner
214 for payment of the lot rental amount, the park owner may
215 terminate the tenancy. However, if the mobile home owner or
216 tenant, whoever is responsible pays the lot rental amount due,
217 including any late charges, court costs, and attorney's fees,
218 the court may, for good cause, deny the order of eviction,
219 provided such nonpayment has not occurred more than twice.

220 (b) Conviction of a violation of a federal or state law or
221 local ordinance, which violation may be deemed detrimental to the
222 health, safety, or welfare of other residents of the mobile home
223 park. The mobile home owner or mobile home tenant will have 7 days
224 from the date that notice to vacate is delivered to vacate the
225 premises. This paragraph shall be grounds to deny an initial
226 tenancy of a purchaser of a home pursuant to s. 723.061(1)(e) or to
227 evict an unapproved occupant of a home.

228 (c) Violation of a park rule or regulation, the rental
229 agreement, or this chapter.

230 1. For the first violation of any properly promulgated
231 rule or regulation, rental agreement provision, or this chapter
232 which is found by any court having jurisdiction thereof to have
233 been an act which endangered the life, health, safety, or
234 property of the park residents or employees or the peaceful
235 enjoyment of the mobile home park by its residents, the mobile
236 home park owner may terminate the rental agreement, and the
237 mobile home owner or tenant will have 7 days from the date that
238 the notice is delivered to vacate the premises.



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239 2. For a second violation of the same properly promulgated
 240 rule or regulation, rental agreement provision, or this chapter
 241 within 12 months, the mobile home park owner may terminate the
 242 tenancy if she or he has given the mobile home owner or tenant
 243 written notice within 30 days of the first violation, which
 244 notice specified the actions of the mobile home owner or tenant
 245 which caused the violation and gave the mobile home owner or
 246 tenant 7 days to correct the noncompliance. The mobile home
 247 owner or tenant must have received written notice of the ground
 248 upon which she or he is to be evicted at least 30 days prior to
 249 the date on which she or he is required to vacate. A second
 250 violation of a properly promulgated rule or regulation, rental
 251 agreement provision, or this chapter within 12 months of the
 252 first violation is unequivocally a ground for eviction, and it
 253 is not a defense to any eviction proceeding that a violation has
 254 been cured after the second violation. Violation of a rule or
 255 regulation, rental agreement provision, or this chapter after
 256 the passage of 1 year from the first violation of the same rule
 257 or regulation, rental agreement provision, or this chapter does
 258 not constitute a ground for eviction under this section.

259
 260 No properly promulgated rule or regulation may be arbitrarily
 261 applied and used as a ground for eviction.

262 (d) Change in use of the land comprising the mobile home
 263 park, or the portion thereof from which mobile homes are to be
 264 evicted, from mobile home lot rentals to some other use,
 265 provided all tenants affected are given at least 6 months'
 266 notice of the projected change of use and of their need to
 267 secure other accommodations. The park owner may not give a



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268 notice of increase in lot rental amount within 90 days before
269 giving notice of a change in use.

270 (e) Failure of the purchaser, prospective tenant, or
271 occupant of a mobile home situated in the mobile home park to be
272 qualified as, and to obtain approval to become, a tenant or
273 occupant of the home, if such approval is required by a properly
274 promulgated rule. If a purchaser or prospective tenant of a
275 mobile home situated in the mobile home park occupies the mobile
276 home before approval is granted, the mobile home owner or mobile
277 home tenant shall have 7 days from the date the notice of the
278 failure to be approved for tenancy is delivered to vacate the
279 premises.

280 (4) A mobile home park owner applying for the removal of a
281 mobile home owner, tenant, occupant, or a mobile home, ~~or both~~,
282 shall file, in the county court in the county where the mobile
283 home lot is situated, a complaint describing the lot and stating
284 the facts that authorize the removal of the mobile home owner,
285 tenant, occupant, or ~~and~~ the mobile home. The park owner is
286 entitled to the summary procedure provided in s. 51.011, and the
287 court shall advance the cause on the calendar.

288 (5) Any notice required by this section must be in
289 writing, and must be posted on the premises and sent to the
290 mobile home owner, tenant, or occupant, as appropriate, by
291 certified or registered mail, return receipt requested,
292 addressed to the mobile home owner, tenant, or occupant, as
293 appropriate, at her or his last known address. Delivery of the
294 mailed notice shall be deemed given 5 days after the date of
295 postmark.

296 Section 10. Paragraph (e) is added to subsection (2) of
297 section 723.0611, Florida Statutes, to read:



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298 723.0611 Florida Mobile Home Relocation Corporation.--

299 (2)

300 (e) Any person who receives compensation from the corporation
 301 or the park owner pursuant to ss. 723.061-723.0612 shall not have a
 302 cause of action against the corporation or the park owner for any
 303 claim arising under the rights, duties, and obligations of the
 304 corporation or park owner in ss. 723.061-723.0612.

305 Section 11. Subsection (1) of section 723.06115, Florida
 306 Statutes, is amended to read:

307 723.06115 Florida Mobile Home Relocation Trust Fund.--

308 (1) There is established within the Department of Business
 309 and Professional Regulation the Florida Mobile Home Relocation
 310 Trust Fund, to be used by the department for the purpose of
 311 funding the administration and operations of the Florida Mobile
 312 Home Relocation Corporation. All interest earned from the
 313 investment or deposit of moneys in the trust fund shall be
 314 deposited in the trust fund. The trust fund shall be funded from
 315 the moneys collected by the department under s. 723.06116 from
 316 mobile home park owners who change the use of their mobile home
 317 parks; the surcharge collected by the department under s.
 318 723.007(2); the surcharge collected by the Department of Highway
 319 Safety and Motor Vehicles; and by other appropriated funds.

320 Section 12. Subsection (1) of section 723.06116, Florida
 321 Statutes, is amended and paragraph (d) is added to subsection
 322 (2) of said section, to read:

323 723.06116 Payments to the Florida Mobile Home Relocation
 324 Corporation.--

325 (1) If a mobile home owner is required to move due to
 326 a change in use of the land comprising a mobile home park as set
 327 forth in s. 723.061(1)(d), the mobile home park owner shall,



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328 upon such change in use, pay to the Florida Mobile Home
329 Relocation Corporation for deposit in the Florida Mobile Home
330 Relocation Trust Fund \$2,750 ~~\$2,000~~ for each single-section
331 mobile home and \$3,750 ~~\$2,500~~ for each multisection mobile home
332 for which a mobile home owner has made application for payment
333 of moving expenses. The mobile home park shall make the payments
334 required by this section and by s. 723.0612(7) to the
335 corporation within 30 days after receipt from the corporation of
336 the invoice for payment.

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

340 (d) The mobile home owner has a pending eviction action for
341 nonpayment of lot rental amount pursuant to s. 723.061(1)(a) which
342 was filed against him or her prior to the mailing date of the
343 notice of change in use of the mobile home park given pursuant to
344 s. 723.061(1)(d).

345 Section 13. Section 723.0612, Florida Statutes, is amended
346 to read:

347 723.0612 Change in use; relocation expenses; payments by
348 park owner.--

349 (1) If a mobile home owner is required to move due to a
350 change in use of the land comprising the mobile home park as set
351 forth in s. 723.061(1)(d) and complies with the requirements of
352 this section, the mobile home owner is entitled to payment from
353 the Florida Mobile Home Relocation Corporation of:

354 (a) The amount of actual moving expenses of relocating the
355 mobile home to a new location within a 50-mile radius of the
356 vacated park, or



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357 (b) The amount of \$3,000 ~~\$5,000~~ for a single-section
 358 mobile home or \$6,000 ~~\$10,000~~ for a multisection mobile home,
 359 whichever is less. Moving expenses include the cost of taking
 360 down, moving, and setting up the mobile home in a new location.

361 (2) A mobile home owner shall not be entitled to
 362 compensation under subsection (1) when:

363 (a) The park owner moves a mobile home owner to another
 364 space in the mobile home park or to another mobile home park at
 365 the park owner's expense;

366 (b) A mobile home owner is vacating the premises and has
 367 informed the park owner or manager before notice of the change
 368 in use has been given; ~~or~~

369 (c) A mobile home owner abandons the mobile home as set
 370 forth in subsection (7); or

371 (d) The mobile home owner has a pending eviction action
 372 for nonpayment of lot rental amount pursuant to s. 723.061(1)(a)
 373 which was filed against him or her prior to the mailing date of
 374 the notice of change in use of the mobile home park given
 375 pursuant to s. 723.061(1)(d).

376 (3) Except as provided in subsection (7), in order to
 377 obtain payment from the Florida Mobile Home Relocation
 378 Corporation, the mobile home owner shall submit to the
 379 corporation, with a copy to the park owner, an application for
 380 payment which includes:

381 (a) A copy of the notice of eviction due to change in use;
 382 and

383 (b) A contract with a moving or towing contractor for the
 384 moving expenses for the mobile home.

385 (4) The Florida Mobile Home Relocation Corporation must
 386 approve payment within 45 days after receipt of the information



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387 set forth in subsection (3), or payment is deemed approved. A
 388 copy of the approval must be forwarded to the park owner with an
 389 invoice for payment. Upon approval, the corporation shall issue
 390 a voucher in the amount of the contract price for relocating the
 391 mobile home. The moving contractor may redeem the voucher from
 392 the corporation following completion of the relocation and upon
 393 approval of the relocation by the mobile home owner.

394 (5) Actions of the Florida Mobile Home Relocation
 395 Corporation under this section are not subject to the provisions
 396 of chapter 120 but are reviewable only by writ of certiorari in
 397 the circuit court in the county in which the claimant resides in
 398 the manner and within the time provided by the Florida Rules of
 399 Appellate Procedure.

400 (6) This section does not apply to any proceeding in
 401 eminent domain under chapter 73 or chapter 74.

402 (7) In lieu of collecting payment from the Florida Mobile
 403 Home Relocation Corporation as set forth in subsection (1), a
 404 mobile home owner may abandon the mobile home in the mobile home
 405 park and collect \$1,375 for a single section and \$2,750 for a
 406 multi-section ~~an amount equal to one-fourth of the maximum~~
 407 ~~allowable moving expenses~~ from the corporation as long as the
 408 mobile home owner delivers to the park owner the current title
 409 to the mobile home duly endorsed by the owner of record and
 410 valid releases of all liens shown on the title. If a mobile home
 411 owner chooses this option, the park owner shall make payment to
 412 the corporation in an amount equal to one-fourth of the maximum
 413 allowable moving expenses. The mobile home owner's application
 414 for funds under this subsection shall require the submission of
 415 a document signed by the park owner stating that the home has
 416 been abandoned under this subsection and that the park owner



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417 agrees to make payment to the corporation in the amount provided
418 to the home owner under this section. However, in the event
419 that the required documents are not submitted with the
420 application, the corporation may consider the facts and
421 circumstances surrounding the abandonment of the home to
422 determine whether the mobile home owner is entitled to payment
423 pursuant to this section.

424 (8) The Florida Mobile Home Relocation Corporation shall
425 not be liable to any person for recovery if funds are
426 insufficient to pay the amounts claimed. In any such event, the
427 corporation shall keep a record of the time and date of its
428 approval of payment to a claimant. If sufficient funds become
429 available, the corporation shall pay the claimant whose unpaid
430 claim is the earliest by time and date of approval.

431 (9) Any person whose application for funding pursuant to
432 subsection (1) or subsection (7) is approved for payment by the
433 corporation shall be barred from asserting any claim or cause of
434 action under this chapter directly relating to or arising out of
435 the change in use of the mobile home park against the
436 corporation, the park owner, or the park owner's successors in
437 interest. No application for funding pursuant to subsection (1)
438 or subsection (7) shall be approved by the corporation if the
439 applicant has either filed a claim or cause of action, is
440 actively pursuing a claim or cause of action, or has a judgment
441 against the corporation, the park owner, or the park owner's
442 successors in interest under this chapter directly relating to
443 or arising out of the change in use of the mobile home park,
444 unless such claim or cause of action is dismissed with
445 prejudice.



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446 (10)~~(9)~~ It is unlawful for any person or his or her agent
447 to file any notice, statement, or other document required under
448 this section which is false or contains any material
449 misstatement of fact. Any person who violates this subsection
450 commits a misdemeanor of the second degree, punishable as
451 provided in s. 775.082 or s. 775.083.

452 Section 14. This act shall take effect upon becoming a
453 law.