



CHAMBER ACTION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Committee on Finance & Tax recommends the following:

Committee Substitute

Remove the entire bill and insert:

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



HB 1065

2003
CS

29 | used or new mobile home on a mobile home lot under certain
30 | circumstances; amending s. 723.061, F.S.; revising
31 | language to include reference to the eviction of a mobile
32 | home tenant or a mobile home occupant; amending s.
33 | 723.0611, F.S.; providing that persons who receive
34 | compensation from the Florida Mobile Home Relocation
35 | Corporation shall not have a claim or cause of action
36 | against the corporation or the park owner under certain
37 | circumstances; amending s. 723.06115, F.S.; revising
38 | language with respect to the Florida Mobile Home
39 | Relocation Trust Fund; providing reference to the deposit
40 | of certain surcharges into the trust fund; amending s.
41 | 723.06116, F.S.; increasing certain fees; providing an
42 | additional situation in which a mobile home park owner is
43 | not required to make certain payments and is not entitled
44 | to certain compensation from the Florida Mobile Home
45 | Relocation Corporation; amending s. 723.0612, F.S.;
46 | revising language with respect to compensation from the
47 | Florida Mobile Home Relocation Corporation; providing an
48 | effective date.

49

50 | Be It Enacted by the Legislature of the State of Florida:

51

52 | Section 1. Subsection (1) of section 48.183, Florida
53 | Statutes, is amended to read:

54 | 48.183 Service of process in action for possession of
55 | premises.--



HB 1065

2003
CS

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

68 Section 2. Section 320.08015, Florida Statutes, is created
69 to read:

70 320.08015 License tax surcharge.--

71 (1) Except as provided in subsection (2), there is levied
72 on each license tax imposed under s. 320.08(11), a surcharge in
73 the amount of \$1, which shall be collected in the same manner as
74 the license tax and shall be deposited in the Florida Mobile
75 Home Relocation Trust Fund as created in s. 723.06115. This
76 surcharge may not be imposed during the next registration and
77 renewal period if the balance of the Florida Mobile Home
78 Relocation Trust Fund exceeds \$10 million on June 30. The
79 surcharge shall be reinstated in the next registration and
80 renewal period if the balance of the Florida Mobile Home
81 Relocation Trust Fund is below \$6 million on June 30.

82 (2) Any mobile home which is not located in a mobile home
83 park regulated under chapter 723 is exempt from the surcharge.



HB 1065

2003
CS

84 Section 3. Subsections (3), (4), and (5) of section
85 320.081, Florida Statutes, are amended to read:

86 320.081 Collection and distribution of annual license tax
87 imposed on the following type units.--

88 (3) The owner shall make application for such sticker in
89 the manner provided in s. 320.02, and the tax collectors in the
90 several counties of the state shall collect the license taxes
91 imposed by s. 320.08(10) and (11) and the license tax surcharge
92 imposed by s. 320.08015 in the same manner and under the same
93 conditions and requirements as provided in s. 320.03.

94 (4) Each tax collector shall make prompt remittance of all
95 moneys collected by him or her to the department at such times
96 and in such manner as provided by law. Upon receipt of the
97 license taxes collected from the tax collectors of the several
98 counties, the department shall pay into the State Treasury for
99 deposit in the General Revenue Fund the sum of \$1.50 on each
100 such sticker issued, and shall pay into the State Treasury for
101 deposit in the Florida Mobile Home Relocation Trust Fund \$1 on
102 each sticker issued as provided in s. 320.08015. The balance
103 remaining shall be paid into a trust fund in the State Treasury
104 designated "License Tax Collection Trust Fund," and the moneys
105 so deposited shall be paid to the respective counties and cities
106 wherein such units governed by the provisions of this section
107 are located, regardless of where the license taxes are
108 collected, in the manner hereinafter provided.

109 (5) The department shall keep records showing the total
110 number of stickers issued to each type unit governed by this
111 section, the total amount of license taxes collected, and the



HB 1065

2003
CS

112 county or city wherein each such unit is located and shall from
 113 month to month certify to the Chief Financial Officer
 114 ~~Comptroller~~ the amount derived from license taxes in each county
 115 and each city within the county. Such amount, less the amount of
 116 \$1.50 collected on each license and the \$1 license tax surcharge
 117 imposed by s. 320.08015, shall be paid to the counties and
 118 cities within the counties wherein the unit or units are located
 119 as follows: one-half to the district school board and the
 120 remainder either to the board of county commissioners, for units
 121 which are located within the unincorporated areas of the county,
 122 or to any city within such county, for units which are located
 123 within its corporate limits. Payment shall be by warrant drawn
 124 by the Chief Financial Officer ~~Comptroller~~ upon the treasury,
 125 which amount is hereby appropriated monthly out of the License
 126 Tax Collection Trust Fund.

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

129 715.101 Application of ss. 715.10-715.111.--

130 (1) Sections 715.10-715.111 apply to all tenancies to
 131 which chapter 723 or part I or part II of chapter 83 are
 132 applicable.

133 Section 5. Section 723.007, Florida Statutes, is amended
 134 to read:

135 723.007 Annual fees; surcharge.--

136 (1) Each mobile home park owner shall pay to the division,
 137 on or before October 1 of each year, an annual fee of \$4 for
 138 each mobile home lot within a mobile home park which he or she
 139 owns. ~~The division may, after December 31, 1993, by rule,~~



HB 1065

2003
CS

140 ~~increase the amount of the annual fee to an amount not to exceed~~
141 ~~\$5 for each mobile home lot to fund operation of the division.~~
142 If the fee is not paid by December 31, the mobile home park
143 owner shall be assessed a penalty of 10 percent of the amount
144 due, and he or she shall not have standing to maintain or defend
145 any action in the courts of this state until the amount due,
146 plus any penalty, is paid.

147 (2) There is levied on each annual fee imposed under
148 subsection (1) a surcharge in the amount of \$1. The surcharge
149 shall be collected in the same manner as the annual fee and
150 shall be deposited in the Florida Mobile Home Relocation Trust
151 Fund. Collection of the surcharge shall begin during the first
152 calendar year after this subsection takes effect. This surcharge
153 may not be imposed during the next calendar year if the balance
154 in the trust fund exceeds \$10 million on June 30. The surcharge
155 shall be reinstated in the next calendar year if the balance in
156 the trust fund is below \$6 million on June 30. The surcharge
157 imposed by this subsection may not be imposed as a separate
158 charge, regardless of any disclosure in the prospectus.

159 Section 6. Section 723.023, Florida Statutes, is amended
160 to read:

161 723.023 Mobile home owner's general obligations.--

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

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

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



HB 1065

2003
CS

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

173 (2) Notwithstanding any other provision of this chapter, a
174 park owner may charge a fee for the cost of cleanup or repair of
175 the exterior of the mobile home, the appurtenances to the mobile
176 home, or any improvements to the mobile home lot, so long as
177 such obligation to maintain the exterior of the mobile home, the
178 appurtenances to the mobile home, or the mobile home lot is an
179 obligation imposed upon the mobile home owners by a promulgated
180 rule or regulation, the rental agreement, or the prospectus, and
181 notice has been mailed to the mobile home owner at least 14 days
182 prior to cleanup or repair of the exterior of the mobile home,
183 the appurtenances to the mobile home, or the mobile home lot.
184 The park owner's remedy for the home owner's failure to pay such
185 a charge shall be by an action in county court in an amount of
186 money up to the jurisdiction of small claims.

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

189 723.037 Lot rental increases; reduction in services or
190 utilities; change in rules and regulations; mediation.--

191 (6) If a party requests mediation and the opposing party
192 refuses to agree to mediate upon proper request, the party
193 refusing to mediate shall not be entitled to attorney's fees in
194 any action relating to a dispute described in this section. In
195 the event that mediation of a dispute concerning any matters



196 addressed in this section was not requested in accordance with
 197 this section, neither party shall have the right to file an
 198 action in circuit court, as provided in s. 723.0381, on such
 199 matters. This section is intended to require the resolution of
 200 disputes by mediation and to require that a timely request for
 201 mediation be made by any party who is disputing any of the
 202 matters addressed in this section.

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

205 723.041 Entrance fees; refunds; exit fees prohibited;
 206 replacement homes.--

207 (4) Except as expressly preempted by the requirements of
 208 the Department of Highway Safety and Motor Vehicles, a mobile
 209 home owner or the park owner shall be authorized pursuant to
 210 this section to site any size new or used mobile home and
 211 appurtenances on a mobile home lot in accordance with the lot
 212 sizes, separation and setback distances, and other requirements
 213 in effect at the time of the approval of the mobile home park.

214 Section 9. Subsections (1), (4), and (5) of section
 215 723.061, Florida Statutes, are amended to read:

216 723.061 Eviction; grounds, proceedings.--

217 (1) A mobile home park owner may evict a mobile home
 218 owner, a mobile home tenant, a mobile home occupant, or a mobile
 219 home only on one or more of the grounds provided in this
 220 section.

221 (a) Nonpayment of lot rental amount. If a mobile home
 222 owner or tenant, whoever is responsible, fails to pay the lot
 223 rental amount when due and if the default continues for 5 days



224 after delivery of a written demand by the mobile home park owner
 225 for payment of the lot rental amount, the park owner may
 226 terminate the tenancy. However, if the mobile home owner or
 227 tenant, whoever is responsible, pays the lot rental amount due,
 228 including any late charges, court costs, and attorney's fees,
 229 the court may, for good cause, deny the order of eviction,
 230 provided such nonpayment has not occurred more than twice.

231 (b) Conviction of a violation of a federal or state law or
 232 local ordinance, which violation may be deemed detrimental to
 233 the health, safety, or welfare of other residents of the mobile
 234 home park. The mobile home owner or mobile home tenant will have
 235 7 days from the date that notice to vacate is delivered to
 236 vacate the premises. This paragraph shall be grounds to deny an
 237 initial tenancy of a purchaser of a home pursuant to paragraph
 238 (e) or to evict an unapproved occupant of a home.

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

241 1. For the first violation of any properly promulgated
 242 rule or regulation, rental agreement provision, or this chapter
 243 which is found by any court having jurisdiction thereof to have
 244 been an act which endangered the life, health, safety, or
 245 property of the park residents or employees or the peaceful
 246 enjoyment of the mobile home park by its residents, the mobile
 247 home park owner may terminate the rental agreement, and the
 248 mobile home owner, tenant, or occupant will have 7 days from the
 249 date that the notice is delivered to vacate the premises.

250 2. For a second violation of the same properly promulgated
 251 rule or regulation, rental agreement provision, or this chapter



HB 1065

2003
CS

252 within 12 months, the mobile home park owner may terminate the
253 tenancy if she or he has given the mobile home owner, tenant, or
254 occupant written notice within 30 days of the first violation,
255 which notice specified the actions of the mobile home owner,
256 tenant, or occupant which caused the violation and gave the
257 mobile home owner, tenant, or occupant 7 days to correct the
258 noncompliance. The mobile home owner, tenant, or occupant must
259 have received written notice of the ground upon which she or he
260 is to be evicted at least 30 days prior to the date on which she
261 or he is required to vacate. A second violation of a properly
262 promulgated rule or regulation, rental agreement provision, or
263 this chapter within 12 months of the first violation is
264 unequivocally a ground for eviction, and it is not a defense to
265 any eviction proceeding that a violation has been cured after
266 the second violation. Violation of a rule or regulation, rental
267 agreement provision, or this chapter after the passage of 1 year
268 from the first violation of the same rule or regulation, rental
269 agreement provision, or this chapter does not constitute a
270 ground for eviction under this section.

271
272 No properly promulgated rule or regulation may be arbitrarily
273 applied and used as a ground for eviction.

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



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

282 (e) Failure of the purchaser, prospective tenant, or
283 occupant of a mobile home situated in the mobile home park to be
284 qualified as, and to obtain approval to become, a tenant or
285 occupant of the home, if such approval is required by a properly
286 promulgated rule. If a purchaser or prospective tenant of a
287 mobile home situated in the mobile home park occupies the mobile
288 home before approval is granted, the mobile home owner or mobile
289 home tenant will have 7 days from the date the notice of the
290 failure to be approved for tenancy is delivered to vacate the
291 premises.

292 (4) A mobile home park owner applying for the removal of a
293 mobile home owner, tenant, occupant, or a mobile home, ~~or both,~~
294 shall file, in the county court in the county where the mobile
295 home lot is situated, a complaint describing the lot and stating
296 the facts that authorize the removal of the mobile home owner,
297 tenant, occupant, or ~~and~~ the mobile home. The park owner is
298 entitled to the summary procedure provided in s. 51.011, and the
299 court shall advance the cause on the calendar.

300 (5) Any notice required by this section must be in
301 writing, and must be posted on the premises and sent to the
302 mobile home owner and tenant or occupant, as appropriate, by
303 certified or registered mail, return receipt requested,
304 addressed to the mobile home owner, tenant, or occupant, as
305 appropriate, at her or his last known address. Delivery of the
306 mailed notice shall be deemed given 5 days after the date of
307 postmark.



HB 1065

2003
CS

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

310 723.0611 Florida Mobile Home Relocation Corporation.--
311 (2)

312 (e) Any person who receives compensation from the
313 corporation or the park owner pursuant to ss. 723.061-723.0612
314 shall not have a cause of action against the corporation or the
315 park owner for any claim arising under the rights, duties, and
316 obligations of the corporation or park owner in ss. 723.061-
317 723.0612.

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

320 723.06115 Florida Mobile Home Relocation Trust Fund.--

321 (1) There is established within the Department of Business
322 and Professional Regulation the Florida Mobile Home Relocation
323 Trust Fund, to be used by the department for the purpose of
324 funding the administration and operations of the Florida Mobile
325 Home Relocation Corporation. All interest earned from the
326 investment or deposit of moneys in the trust fund shall be
327 deposited in the trust fund. The trust fund shall be funded from
328 the moneys collected by the department under s. 723.06116 from
329 mobile home park owners who change the use of their mobile home
330 parks; the surcharge collected by the department under s.
331 723.007(2); the surcharge collected by the Department of Highway
332 Safety and Motor Vehicles; and by other appropriated funds.

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



HB 1065

2003
CS

336 723.06116 Payments to the Florida Mobile Home Relocation
337 Corporation.--

338 (1) If a mobile home owner is required to move due to
339 a change in use of the land comprising a mobile home park as set
340 forth in s. 723.061(1)(d), the mobile home park owner shall,
341 upon such change in use, pay to the Florida Mobile Home
342 Relocation Corporation for deposit in the Florida Mobile Home
343 Relocation Trust Fund \$2,750 ~~\$2,000~~ for each single-section
344 mobile home and \$3,750 ~~\$2,500~~ for each multisection mobile home
345 for which a mobile home owner has made application for payment
346 of moving expenses. The mobile home park shall make the payments
347 required by this section and by s. 723.0612(7) to the
348 corporation within 30 days after receipt from the corporation of
349 the invoice for payment.

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

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

358 Section 13. Section 723.0612, Florida Statutes, is amended
359 to read:

360 723.0612 Change in use; relocation expenses; payments by
361 park owner.--

362 (1) If a mobile home owner is required to move due to a
363 change in use of the land comprising the mobile home park as set



364 forth in s. 723.061(1)(d) and complies with the requirements of
 365 this section, the mobile home owner is entitled to payment from
 366 the Florida Mobile Home Relocation Corporation of:

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

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

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

376 (a) The park owner moves a mobile home owner to another
 377 space in the mobile home park or to another mobile home park at
 378 the park owner's expense;

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

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

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

389 (3) Except as provided in subsection (7), in order to
 390 obtain payment from the Florida Mobile Home Relocation
 391 Corporation, the mobile home owner shall submit to the



HB 1065

2003
CS

392 corporation, with a copy to the park owner, an application for
393 payment which includes:

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

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

398 (4) The Florida Mobile Home Relocation Corporation must
399 approve payment within 45 days after receipt of the information
400 set forth in subsection (3), or payment is deemed approved. A
401 copy of the approval must be forwarded to the park owner with an
402 invoice for payment. Upon approval, the corporation shall issue
403 a voucher in the amount of the contract price for relocating the
404 mobile home. The moving contractor may redeem the voucher from
405 the corporation following completion of the relocation and upon
406 approval of the relocation by the mobile home owner.

407 (5) Actions of the Florida Mobile Home Relocation
408 Corporation under this section are not subject to the provisions
409 of chapter 120 but are reviewable only by writ of certiorari in
410 the circuit court in the county in which the claimant resides in
411 the manner and within the time provided by the Florida Rules of
412 Appellate Procedure.

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

415 (7) In lieu of collecting payment from the Florida Mobile
416 Home Relocation Corporation as set forth in subsection (1), a
417 mobile home owner may abandon the mobile home in the mobile home
418 park and collect \$1,375 for a single section and \$2,750 for a
419 multisection ~~an amount equal to one-fourth of the maximum~~



HB 1065

2003
CS

420 ~~allowable moving expenses~~ from the corporation as long as the
421 mobile home owner delivers to the park owner the current title
422 to the mobile home duly endorsed by the owner of record and
423 valid releases of all liens shown on the title. If a mobile home
424 owner chooses this option, the park owner shall make payment to
425 the corporation in an amount equal to one-fourth of the maximum
426 allowable moving expenses. The mobile home owner's application
427 for funds under this subsection shall require the submission of
428 a document signed by the park owner stating that the home has
429 been abandoned under this subsection and that the park owner
430 agrees to make payment to the corporation in the amount provided
431 to the home owner under this section. However, in the event
432 that the required documents are not submitted with the
433 application, the corporation may consider the facts and
434 circumstances surrounding the abandonment of the home to
435 determine whether the mobile home owner is entitled to payment
436 pursuant to this section.

437 (8) The Florida Mobile Home Relocation Corporation shall
438 not be liable to any person for recovery if funds are
439 insufficient to pay the amounts claimed. In any such event, the
440 corporation shall keep a record of the time and date of its
441 approval of payment to a claimant. If sufficient funds become
442 available, the corporation shall pay the claimant whose unpaid
443 claim is the earliest by time and date of approval.

444 (9) Any person whose application for funding pursuant to
445 subsection (1) or subsection (7) is approved for payment by the
446 corporation shall be barred from asserting any claim or cause of
447 action under this chapter directly relating to or arising out of



HB 1065

2003
CS

448 the change in use of the mobile home park against the
449 corporation, the park owner, or the park owner's successors in
450 interest. No application for funding pursuant to subsection (1)
451 or subsection (7) shall be approved by the corporation if the
452 applicant has either filed a claim or cause of action, is
453 actively pursuing a claim or cause of action, or has a judgment
454 against the corporation, the park owner, or the park owner's
455 successors in interest under this chapter directly relating to
456 or arising out of the change in use of the mobile home park,
457 unless such claim or cause of action is dismissed with
458 prejudice.

459 (10)~~(9)~~ It is unlawful for any person or his or her agent
460 to file any notice, statement, or other document required under
461 this section which is false or contains any material
462 misstatement of fact. Any person who violates this subsection
463 commits a misdemeanor of the second degree, punishable as
464 provided in s. 775.082 or s. 775.083.

465 Section 14. This act shall take effect upon becoming a
466 law.

467