

By the Committees on Appropriations; Finance and Taxation; and
Senator Dockery

309-2541-03

1 A bill to be entitled
2 An act relating to mobile home owners; amending
3 s. 48.183, F.S.; providing for service of
4 process in an action for possession of
5 residential premises; creating s. 320.08015,
6 F.S.; providing for a license tax surcharge for
7 deposit in the Florida Mobile Home Relocation
8 Trust Fund; amending s. 320.081, F.S.;
9 conforming to the act; amending s. 715.101,
10 F.S.; including a reference to chapter 723,
11 F.S., in the Disposition of Personal Property
12 Landlord and Tenant Act; amending s. 723.007,
13 F.S.; providing a surcharge under the Florida
14 Mobile Home Act on certain mobile home lots for
15 deposit in the Florida Mobile Home Relocation
16 Trust Fund; amending s. 723.023, F.S.;
17 authorizing mobile home park owners to charge a
18 fee for the cost of cleanup or repair of a
19 mobile home or lot under certain circumstances;
20 amending s. 723.037, F.S.; prohibiting the
21 filing of certain actions in circuit court in
22 the event that a request for mediation has not
23 been filed; amending s. 723.041, F.S.;
24 providing for the placement of any size used or
25 new mobile home on a mobile home lot under
26 certain circumstances; amending s. 723.061,
27 F.S.; revising language to include reference to
28 the eviction of a mobile home tenant or a
29 mobile home occupant; amending s. 723.0611,
30 F.S.; providing that persons who receive
31 compensation from the Florida Mobile Home

1 Relocation Corporation shall not have a claim
2 or cause of action against the corporation or
3 the park owner under certain circumstances;
4 amending s. 723.06115, F.S.; revising language
5 with respect to the Florida Mobile Home
6 Relocation Trust Fund; providing reference to
7 the deposit of certain surcharges into the
8 trust fund; amending s. 723.06116, F.S.;
9 increasing certain fees; providing an
10 additional situation in which a mobile home
11 park owner is not required to make certain
12 payments and is not entitled to certain
13 compensation from the Florida Mobile Home
14 Relocation Corporation; amending s. 723.0612,
15 F.S.; revising language with respect to
16 compensation from the Florida Mobile Home
17 Relocation Corporation; providing an
18 appropriation; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsection (1) of section 48.183, Florida
23 Statutes, is amended to read:

24 48.183 Service of process in action for possession of
25 premises.--

26 (1) In an action for possession of any residential
27 premises, including those under chapters 83, 723, and 513,or
28 nonresidential premises, if the tenant cannot be found in the
29 county or there is no person 15 years of age or older residing
30 at the tenant's usual place of abode in the county after at
31 least two attempts to obtain service as provided above in this

1 subsection, summons may be served by attaching a copy to a
2 conspicuous place on the property described in the complaint
3 or summons. The minimum time delay between the two attempts to
4 obtain service shall be 6 hours. Nothing herein shall be
5 construed as prohibiting service of process on a tenant as is
6 otherwise provided on defendants in civil cases.

7 Section 2. Section 320.08015, Florida Statutes, is
8 created to read:

9 320.08015 License tax surcharge.--

10 (1) Except as provided in subsection (2), there is
11 levied on each license tax imposed under s. 320.08(11) a
12 surcharge in the amount of \$1, which shall be collected in the
13 same manner as the license tax and shall be deposited in the
14 Florida Mobile Home Relocation Trust Fund, as created in s.
15 723.06115. This surcharge may not be imposed during the next
16 registration and renewal period if the balance in the Florida
17 Mobile Home Relocation Trust Fund exceeds \$10 million on June
18 30. The surcharge shall be reinstated in the next registration
19 and renewal period if the balance in the Florida Mobile Home
20 Relocation Trust Fund is below \$6 million on June 30.

21 (2) Any mobile home that is not located in a mobile
22 home park regulated under chapter 723 is exempt from the
23 surcharge.

24 Section 3. Subsections (3), (4), and (5) of section
25 320.081, Florida Statutes, are amended to read:

26 320.081 Collection and distribution of annual license
27 tax imposed on the following type units.--

28 (3) The owner shall make application for such sticker
29 in the manner provided in s. 320.02, and the tax collectors in
30 the several counties of the state shall collect the license
31 taxes imposed by s. 320.08(10) and (11) and the license tax

1 surcharge imposed by s. 320.08015 in the same manner and under
2 the same conditions and requirements as provided in s. 320.03.

3 (4) Each tax collector shall make prompt remittance of
4 all moneys collected by him or her to the department at such
5 times and in such manner as provided by law. Upon receipt of
6 the license taxes collected from the tax collectors of the
7 several counties, the department shall pay into the State
8 Treasury for deposit in the General Revenue Fund the sum of
9 \$1.50 on each such sticker issued, and shall pay into the
10 State Treasury for deposit in the Florida Mobile Home
11 Relocation Trust Fund \$1 on each sticker issued as provided in
12 s. 320.08015. The balance remaining shall be paid into a trust
13 fund in the State Treasury designated "License Tax Collection
14 Trust Fund," and the moneys so deposited shall be paid to the
15 respective counties and cities wherein such units governed by
16 the provisions of this section are located, regardless of
17 where the license taxes are collected, in the manner
18 hereinafter provided.

19 (5) The department shall keep records showing the
20 total number of stickers issued to each type unit governed by
21 this section, the total amount of license taxes collected, and
22 the county or city wherein each such unit is located and shall
23 from month to month certify to the Chief Financial Officer
24 ~~Comptroller~~ the amount derived from license taxes in each
25 county and each city within the county. Such amount, less the
26 amount of \$1.50 collected on each license and the \$1 license
27 tax surcharge imposed by s. 320.08015, shall be paid to the
28 counties and cities within the counties wherein the unit or
29 units are located as follows: one-half to the district school
30 board and the remainder either to the board of county
31 commissioners, for units which are located within the

1 unincorporated areas of the county, or to any city within such
2 county, for units which are located within its corporate
3 limits. Payment shall be by warrant drawn by the Chief
4 Financial Officer ~~Comptroller~~ upon the treasury, which amount
5 is hereby appropriated monthly out of the License Tax
6 Collection Trust Fund.

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

9 715.101 Application of ss. 715.10-715.111.--

10 (1) Sections 715.10-715.111 apply to all tenancies to
11 which part I or part II of chapter 83 are applicable, and to
12 tenancies after a writ of possession has been issued pursuant
13 to s. 723.062.

14 Section 5. Section 723.007, Florida Statutes, is
15 amended to read:

16 723.007 Annual fees; surcharge--

17 (1) Each mobile home park owner shall pay to the
18 division, on or before October 1 of each year, an annual fee
19 of \$4 for each mobile home lot within a mobile home park which
20 he or she owns. ~~The division may, after December 31, 1993, by~~
21 ~~rule, increase the amount of the annual fee to an amount not~~
22 ~~to exceed \$5 for each mobile home lot to fund operation of the~~
23 ~~division.~~ If the fee is not paid by December 31, the mobile
24 home park owner shall be assessed a penalty of 10 percent of
25 the amount due, and he or she shall not have standing to
26 maintain or defend any action in the courts of this state
27 until the amount due, plus any penalty, is paid.

28 (2) There is levied on each annual fee imposed under
29 subsection (1) a surcharge in the amount of \$1. The surcharge
30 shall be collected in the same manner as the annual fee and
31 shall be deposited in the Florida Mobile Home Relocation Trust

1 Fund. Collection of the surcharge shall begin during the first
2 calendar year after this subsection takes effect. This
3 surcharge may not be imposed during the next calendar year if
4 the balance in the trust fund exceeds \$10 million on June 30.
5 The surcharge shall be reinstated in the next calendar year if
6 the balance in the trust fund is below \$6 million on June 30.
7 The surcharge imposed by this subsection may not be imposed as
8 a separate charge regardless of any disclosure in the
9 prospectus.

10 Section 6. Section 723.023, Florida Statutes, is
11 amended to read:

12 723.023 Mobile home owner's general obligations.--

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

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

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

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

24 (2) Notwithstanding any other provision of this
25 chapter, a park owner may charge a fee for the cost of cleanup
26 or repair of the exterior of the mobile home, the
27 appurtenances to the mobile home, or any improvements to the
28 mobile home lot, so long as such obligation to maintain the
29 exterior of the mobile home, the appurtenances to the mobile
30 home, or the mobile home lot is an obligation imposed upon the
31 mobile home owners by a promulgated rule or regulation, the

1 rental agreement, or the prospectus, and notice has been
2 mailed to the mobile home owner at least 14 days prior to
3 cleanup or repair of the exterior of the mobile home, the
4 appurtenances to the mobile home, or the mobile home lot. The
5 park owner's remedy for the home owner's failure to pay such a
6 charge shall be by an action in county court in an amount of
7 money up to the jurisdiction of small claims.

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

10 723.037 Lot rental increases; reduction in services or
11 utilities; change in rules and regulations; mediation.--

12 (6) If a party requests mediation and the opposing
13 party refuses to agree to mediate upon proper request, the
14 party refusing to mediate shall not be entitled to attorney's
15 fees in any action relating to a dispute described in this
16 section. In the event that mediation of a dispute concerning
17 any matters addressed in this section was not requested in
18 accordance with this section, neither party shall have the
19 right to file an action in circuit court, as provided in s.
20 723.0381, on such matters. This section is intended to
21 require the resolution of disputes by mediation and to require
22 that a timely request for mediation be made by any party who
23 is disputing any of the matters addressed in this section.

24 Section 8. Section 723.041, Florida Statutes, is
25 amended to read:

26 723.041 Entrance fees; refunds; exit fees prohibited;
27 replacement homes.--

28 (1)(a) Entrance fees on new mobile home placements
29 shall be specifically set forth in the prospectus or offering
30 circular. Any such fee shall be clearly identified in writing
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1 at the time that the rental agreement is signed or otherwise
2 concluded.

3 (b) The failure on the part of a mobile home park
4 owner or developer to disclose fully all fees, charges, or
5 assessments shall prevent the park owner or operator from
6 collecting such fees, charges, or assessments; and a refusal
7 by the mobile home owner to pay any undisclosed charge shall
8 not be used by the park owner or developer as a cause for
9 eviction in any court of law.

10 (c) It is unlawful for any mobile home park owner or
11 developer to make any agreement, written or oral, whereby the
12 fees authorized in this subsection will be split between such
13 mobile home park owner or developer and any mobile home
14 dealer, unless otherwise provided for in this chapter. Any
15 person who violates any of the provisions of this paragraph is
16 guilty of a misdemeanor of the second degree, punishable as
17 provided in s. 775.082 or s. 775.083.

18 (d) With respect to the first rental agreement for a
19 mobile home lot in a developing park, the park has the right
20 to condition such initial rental agreement upon the
21 prospective resident's purchasing the mobile home from a
22 dealer chosen by the park developer. A park developer may
23 also buy down rentals on the initial rental agreement of a
24 mobile home lot, and such buy-downs may be split between the
25 owner of a developing park and the dealer.

26 (e) Whenever an entrance fee is charged by a mobile
27 home park owner or developer for the entrance of a mobile home
28 into the park and such mobile home is moved from the park
29 before 2 years have passed from the date on which the fee was
30 charged, the fee shall be prorated and a portion returned as
31 follows:

1 1. The entrance fee shall be refunded at the rate of
2 one twenty-fourth of such fee for each month short of 2 years
3 that the mobile home owner maintained his or her mobile home
4 within the park.

5 2. The entrance fee shall be refunded within 15 days
6 after the mobile home has been physically moved from the park.

7
8 No new entrance fee may be charged for a move within the same
9 park. This paragraph does not apply in instances in which the
10 mobile home owner is evicted on the ground of nonpayment of
11 rent; violation of a federal, state, or local ordinance; or
12 violation of a properly promulgated park rule or regulation or
13 leaves before the expiration date of his or her rental
14 agreement. However, the sums due to the park by the mobile
15 home owner may be offset against the balance due on the
16 entrance fee.

17 (2) No person shall be required by a mobile home park
18 owner to pay an exit fee upon termination of his or her
19 residency.

20 (3) No entrance fee may be charged by the park owner
21 to the purchaser of a mobile home situated in the park that is
22 offered for sale by a resident of the park.

23 (4) Except as expressly preempted by the requirements
24 of the Department of Highway Safety and Motor Vehicles, a
25 mobile home owner or the park owner shall be authorized
26 pursuant to this section to site any size new or used mobile
27 home and appurtenances on a mobile home lot in accordance with
28 the lot sizes, separation and setback distances, and other
29 requirements in effect at the time of the approval of the
30 mobile home park.

31

1 Section 9. Subsections (1), (4), and (5) of section
2 723.061, Florida Statutes, are amended to read:

3 723.061 Eviction; grounds, proceedings.--

4 (1) A mobile home park owner may evict a mobile home
5 owner, a mobile home tenant, a mobile home occupant, or a
6 mobile home only on one or more of the grounds provided in
7 this section.

8 (a) Nonpayment of lot rental amount. If a mobile home
9 owner or tenant, whichever is responsible, fails to pay the
10 lot rental amount when due and if the default continues for 5
11 days after delivery of a written demand by the mobile home
12 park owner for payment of the lot rental amount, the park
13 owner may terminate the tenancy. However, if the mobile home
14 owner or tenant, whichever is responsible, pays the lot rental
15 amount due, including any late charges, court costs, and
16 attorney's fees, the court may, for good cause, deny the order
17 of eviction, provided such nonpayment has not occurred more
18 than twice.

19 (b) Conviction of a violation of a federal or state
20 law or local ordinance, which violation may be deemed
21 detrimental to the health, safety, or welfare of other
22 residents of the mobile home park. The mobile home owner or
23 mobile home tenant will have 7 days from the date that notice
24 to vacate is delivered to vacate the premises. This paragraph
25 shall be grounds to deny an initial tenancy of a purchaser of
26 a home pursuant to s. 723.061(1)(e) or to evict an unapproved
27 occupant of a home.

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

30 1. For the first violation of any properly promulgated
31 rule or regulation, rental agreement provision, or this

1 chapter which is found by any court having jurisdiction
2 thereof to have been an act which endangered the life, health,
3 safety, or property of the park residents or employees or the
4 peaceful enjoyment of the mobile home park by its residents,
5 the mobile home park owner may terminate the rental agreement,
6 and the mobile home owner, tenant, or occupant will have 7
7 days from the date that the notice is delivered to vacate the
8 premises.

9 2. For a second violation of the same properly
10 promulgated rule or regulation, rental agreement provision, or
11 this chapter within 12 months, the mobile home park owner may
12 terminate the tenancy if she or he has given the mobile home
13 owner, tenant, or occupant written notice within 30 days of
14 the first violation, which notice specified the actions of the
15 mobile home owner, tenant, or occupant which caused the
16 violation and gave the mobile home owner, tenant, or occupant
17 7 days to correct the noncompliance. The mobile home owner,
18 tenant, or occupant must have received written notice of the
19 ground upon which she or he is to be evicted at least 30 days
20 prior to the date on which she or he is required to vacate. A
21 second violation of a properly promulgated rule or regulation,
22 rental agreement provision, or this chapter within 12 months
23 of the first violation is unequivocally a ground for eviction,
24 and it is not a defense to any eviction proceeding that a
25 violation has been cured after the second violation. Violation
26 of a rule or regulation, rental agreement provision, or this
27 chapter after the passage of 1 year from the first violation
28 of the same rule or regulation, rental agreement provision, or
29 this chapter does not constitute a ground for eviction under
30 this section.

31

1 No properly promulgated rule or regulation may be arbitrarily
2 applied and used as a ground for eviction.

3 (d) Change in use of the land comprising the mobile
4 home park, or the portion thereof from which mobile homes are
5 to be evicted, from mobile home lot rentals to some other use,
6 provided all tenants affected are given at least 6 months'
7 notice of the projected change of use and of their need to
8 secure other accommodations. The park owner may not give a
9 notice of increase in lot rental amount within 90 days before
10 giving notice of a change in use.

11 (e) Failure of the purchaser, prospective tenant, or
12 occupant of a mobile home situated in the mobile home park to
13 be qualified as, and to obtain approval to become, a tenant or
14 occupant of the home, if such approval is required by a
15 properly promulgated rule. If a purchaser or prospective
16 tenant of a mobile home situated in the mobile home park
17 occupies the mobile home before approval is granted, the
18 mobile home owner or mobile home tenant shall have 7 days from
19 the date the notice of the failure to be approved for tenancy
20 is delivered to vacate the premises.

21 (4) A mobile home park owner applying for the removal
22 of a mobile home owner, tenant, occupant, or a mobile home, ~~or~~
23 ~~both,~~ shall file, in the county court in the county where the
24 mobile home lot is situated, a complaint describing the lot
25 and stating the facts that authorize the removal of the mobile
26 home owner, tenant, occupant, or ~~and~~ the mobile home. The park
27 owner is entitled to the summary procedure provided in s.
28 51.011, and the court shall advance the cause on the calendar.

29 (5) Any notice required by this section must be in
30 writing, and must be posted on the premises and sent to the
31 mobile home owner and tenant or occupant, as appropriate, by

1 certified or registered mail, return receipt requested,
2 addressed to the mobile home owner and tenant or occupant, as
3 appropriate,at her or his last known address. Delivery of the
4 mailed notice shall be deemed given 5 days after the date of
5 postmark.

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

8 723.0611 Florida Mobile Home Relocation Corporation.--

9 (2)

10 (e) Any person who receives compensation from the
11 corporation or the park owner pursuant to ss.

12 723.061-723.0612 shall not have a cause of action against the
13 corporation or the park owner for any claim arising under the
14 rights, duties, and obligations of the corporation or park
15 owner in ss. 723.061-723.0612.

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

18 723.06115 Florida Mobile Home Relocation Trust Fund.--

19 (1) There is established within the Department of
20 Business and Professional Regulation the Florida Mobile Home
21 Relocation Trust Fund, to be used by the department for the
22 purpose of funding the administration and operations of the
23 Florida Mobile Home Relocation Corporation. All interest
24 earned from the investment or deposit of moneys in the trust
25 fund shall be deposited in the trust fund. The trust fund
26 shall be funded from the moneys collected by the department
27 under s. 723.06116 from mobile home park owners who change the
28 use of their mobile home parks; the surcharge collected by the
29 department under s. 723.007(2); the surcharge collected by the
30 Department of Highway Safety and Motor Vehicles;and by other
31 appropriated funds.

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

4 723.06116 Payments to the Florida Mobile Home
5 Relocation Corporation.--

6 (1) If a mobile home owner is required to move due to
7 a change in use of the land comprising a mobile home park as
8 set forth in s. 723.061(1)(d), the mobile home park owner
9 shall, upon such change in use, pay to the Florida Mobile Home
10 Relocation Corporation for deposit in the Florida Mobile Home
11 Relocation Trust Fund ~~\$2,750~~~~\$2,000~~ for each single-section
12 mobile home and ~~\$3,750~~~~\$2,500~~ for each multisection mobile
13 home for which a mobile home owner has made application for
14 payment of moving expenses. The mobile home park shall make
15 the payments required by this section and by s. 723.0612(7) to
16 the corporation within 30 days after receipt from the
17 corporation of the invoice for payment.

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

22 (d) The mobile home owner has a pending eviction
23 action for nonpayment of lot rental amount pursuant to s.
24 723.061(1)(a) which was filed against him or her prior to the
25 mailing date of the notice of change in use of the mobile home
26 park given pursuant to s. 723.061(1)(d).

27 Section 13. Section 723.0612, Florida Statutes, is
28 amended to read:

29 723.0612 Change in use; relocation expenses; payments
30 by park owner.--

31

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

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

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

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

17 (a) The park owner moves a mobile home owner to
18 another space in the mobile home park or to another mobile
19 home park at the park owner's expense;

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

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

25 (d) The mobile home owner has a pending eviction
26 action for nonpayment of lot rental amount pursuant to s.
27 723.061(1)(a) which was filed against him or her prior to the
28 mailing date of the notice of change in use of the mobile home
29 park given pursuant to s. 723.061(1)(d).

30 (3) Except as provided in subsection (7), in order to
31 obtain payment from the Florida Mobile Home Relocation

1 Corporation, the mobile home owner shall submit to the
2 corporation, with a copy to the park owner, an application for
3 payment which includes:

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

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

8 (4) The Florida Mobile Home Relocation Corporation
9 must approve payment within 45 days after receipt of the
10 information set forth in subsection (3), or payment is deemed
11 approved. A copy of the approval must be forwarded to the park
12 owner with an invoice for payment. Upon approval, the
13 corporation shall issue a voucher in the amount of the
14 contract price for relocating the mobile home. The moving
15 contractor may redeem the voucher from the corporation
16 following completion of the relocation and upon approval of
17 the relocation by the mobile home owner.

18 (5) Actions of the Florida Mobile Home Relocation
19 Corporation under this section are not subject to the
20 provisions of chapter 120 but are reviewable only by writ of
21 certiorari in the circuit court in the county in which the
22 claimant resides in the manner and within the time provided by
23 the Florida Rules of Appellate Procedure.

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

26 (7) In lieu of collecting payment from the Florida
27 Mobile Home Relocation Corporation as set forth in subsection
28 (1), a mobile home owner may abandon the mobile home in the
29 mobile home park and collect \$1,375 for a single section and
30 \$2,750 for a multi-section ~~an amount equal to one-fourth of~~
31 ~~the maximum allowable moving expenses~~ from the corporation as

1 long as the mobile home owner delivers to the park owner the
2 current title to the mobile home duly endorsed by the owner of
3 record and valid releases of all liens shown on the title. If
4 a mobile home owner chooses this option, the park owner shall
5 make payment to the corporation in an amount equal to
6 one-fourth of the maximum allowable moving expenses. The
7 mobile home owner's application for funds under this
8 subsection shall require the submission of a document signed
9 by the park owner stating that the home has been abandoned
10 under this subsection and that the park owner agrees to make
11 payment to the corporation in the amount provided to the home
12 owner under this section. However, in the event that the
13 required documents are not submitted with the application, the
14 corporation may consider the facts and circumstances
15 surrounding the abandonment of the home to determine whether
16 the mobile home owner is entitled to payment pursuant to this
17 section.

18 (8) The Florida Mobile Home Relocation Corporation
19 shall not be liable to any person for recovery if funds are
20 insufficient to pay the amounts claimed. In any such event,
21 the corporation shall keep a record of the time and date of
22 its approval of payment to a claimant. If sufficient funds
23 become available, the corporation shall pay the claimant whose
24 unpaid claim is the earliest by time and date of approval.

25 (9) Any person whose application for funding pursuant
26 to subsection (1) or subsection (7) is approved for payment by
27 the corporation shall be barred from asserting any claim or
28 cause of action under this chapter directly relating to or
29 arising out of the change in use of the mobile home park
30 against the corporation, the park owner, or the park owner's
31 successors in interest. No application for funding pursuant

1 to subsection (1) or subsection (7) shall be approved by the
2 corporation if the applicant has either filed a claim or cause
3 of action, is actively pursuing a claim or cause of action, or
4 has a judgment against the corporation, the park owner, or the
5 park owner's successors in interest under this chapter
6 directly relating to or arising out of the change in use of
7 the mobile home park, unless such claim or cause of action is
8 dismissed with prejudice.

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

15 Section 14. For the 2003-204 fiscal year, the sum of
16 \$500,000 is appropriated from the Florida Mobile Home
17 Relocation Trust Fund to the Florida Mobile Home Relocation
18 Corporation.

19 Section 15. This act shall take effect upon becoming a
20 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for SB 1944

The committee substitute clarifies that a mobile home not located in a mobile home park, as defined in Chapter 723, F.S., is exempt from the Florida Mobile Home Relocation Trust Fund surcharges.

Clarifies that a writ of possession is required before a mobile home park owner may remove a tenant's personal property, as defined in Chapter 723, Part I and II, F.S., and Chapter 83, F.S.

Clarifies that the one dollar surcharge assessed on mobile home owners may not be imposed if the trust fund balance exceeds \$10 million on June 30. The surcharge may be reinstated if by the following year the trust fund balance falls below \$6 million on June 30.

Provides a \$500,000 appropriation from the Florida Mobile Home Relocation Trust Fund to the Florida Mobile Home Relocation Corporation.